

## S 1451

### FAA Air Transportation Modernization and Safety Improvement Act

**Congress:** 111 (2009–2011, Ended)

**Chamber:** Senate

**Policy Area:** Transportation and Public Works

**Introduced:** Jul 14, 2009

**Current Status:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 168.

**Latest Action:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 168. (Sep 29, 2009)

**Official Text:** <https://www.congress.gov/bill/111th-congress/senate-bill/1451>

## Sponsor

**Name:** Sen. Rockefeller, John D., IV [D-WV]

**Party:** Democratic • **State:** WV • **Chamber:** Senate

## Cosponsors (3 total)

Cosponsor	Party / State	Role	Date Joined
Sen. DeMint, Jim [R-SC]	R · SC		Jul 14, 2009
Sen. Dorgan, Byron L. [D-ND]	D · ND		Jul 14, 2009
Sen. Hutchison, Kay Bailey [R-TX]	R · TX		Jul 14, 2009

## Committee Activity

Committee	Chamber	Activity	Date
Commerce, Science, and Transportation Committee	Senate	Reported By	Sep 29, 2009

## Subjects & Policy Tags

### Policy Area:

Transportation and Public Works

## Related Bills

Bill	Relationship	Last Action
111 HR 1586	Related bill	Aug 10, 2010: Became Public Law No: 111-226.
111 S 1199	Related bill	Jun 8, 2009: Read twice and referred to the Committee on Commerce, Science, and Transportation.
111 HR 915	Related bill	Jun 1, 2009: Received in the Senate and Read twice and referred to the Committee on Commerce, Science, and Transportation.

FAA Air Transportation Modernization and Safety Improvement Act - **Title I: Authorizations** - (Sec. 101) Authorizes appropriations to the Federal Aviation Administration (FAA) for FY2010 and FY2011 for operations.

(Sec. 102) Authorizes appropriations to the Secretary of Transportation out of the Airport and Airway Trust Fund for FY2010-FY2011 for: (1) air navigation facilities and equipment; (2) civil aviation research and development (R&D); and (3) grants for airport planning and development and for noise compatibility planning programs; and (4) administrative expenses for certain airport programs.

(Sec. 103) Directs the FAA Administrator to establish a program to utilize undergraduate and technical colleges, including Historically Black Colleges and Universities, Hispanic Serving Institutions, tribally controlled colleges and universities, and Alaska Native and Native Hawaiian serving institutions in research on subjects of relevance to the FAA.

(Sec. 105) Authorizes additional appropriations from the Airport and Airway Trust Fund for the FAA Operations account for other aviation programs.

(Sec. 106) Requires the Airway Capital Investment Plan published by the FAA Administrator to include a list of the Next Generation (NextGen) Air Transportation System projects that do not have as a primary purpose to operate or maintain the current air traffic control system.

**Title II: Airport Improvements** - (Sec. 201) Revises procedural requirements for imposition of aircraft passenger facility charges (PFCs).

(Sec. 202) Directs the Secretary to establish an alternative PFC collection pilot program at up to six airports which does not involve collection by a domestic or foreign air carrier for the flight segment.

Requires the Comptroller General to study and report to Congress on alternative means of collecting PFCs without their being included in the airline ticket price.

(Sec. 203) Revises requirements for written assurances to allow: (1) as an airport improvement program (AIP) project cost the cost of relocating or replacing an airport due to a change in design standards beyond the control of an airport owner or operator; and (2) for reinvestment in specified other kinds of AIP projects, or transfer to another airport, of proceeds, in an AIP project for acquiring land, from disposition of the land proportional to the government's share of the cost of acquiring it.

(Sec. 204) Prescribes a special rule for the federal share of up to 95% of allowable costs for AIP projects for two years following transition of an airport's status from small hub to medium hub airport.

(Sec. 205) Replaces requirements for allowing as an AIP project cost the cost of terminal development in a nonrevenue-producing public-use area of a commercial service airport with requirements for allowing the cost of relocating or replacing an airport-owned facility as an AIP project cost.

Directs the FAA Administrator to analyze the conclusions of ongoing studies of commercially-available bird radar systems and, if they have no negative impact on existing navigational aids, permit their purchase as an allowable AIP project cost.

(Sec. 206) Revises exceptions to the prohibition against use of local taxes on aviation fuel or the revenues generated by an airport that is the subject of federal assistance. Exempts from such prohibition any proceeds from the sale of a private

airport to a public sponsor that meets specified criteria, including repayment to the Secretary of the remaining unamortized portion of the AIP grant.

(Sec. 207) Increases from 90% to 95% the federal share of costs for a grant made in FY2008, FY2009, FY2010, or FY2011 for certain AIP projects.

(Sec. 208) Adds Afghanistan-Iraq war veterans to veterans preference requirements for contracts involving labor on AIP projects. Requires that preference as well be given to the use of small business concerns owned and controlled by disabled veterans

Revises reporting requirements of the Secretary's annual AIP report to Congress, moving its deadline from April 1 to June 1.

Sunsets the airport security program as of September 30, 2008.

Revises requirements for special apportionments for airport noise compatibility planning and program grants to replace the 35% apportionment with a flat \$300 million. Applies the same apportionment, also, to water quality mitigation projects approved in an environmental record of decision for an AIP project.

Authorizes the Secretary to apportion to an airport sponsor in a fiscal year an amount equal to the amount apportioned to that sponsor in the previous fiscal year if: (1) the airport received scheduled or unscheduled air service from a large certified air carrier; and (2) the airport had more than 10,000 passenger boardings in the preceding calendar year.

Extends to FY2008-FY2011 the special rule for apportioning \$500,000 to an airport sponsor if the average annual passenger boardings at the airport for calendar years 2004 through 2006 were below 10,000 per year, and other requirements apply.

Prescribes a special rule for FY2010-FY2011. Allows an airport sponsor apportionment in FY2010 or FY2011 equal to the amount apportioned to that sponsor in FY2009 for an airport: (1) that had more than 10,000 passenger boardings and scheduled passenger aircraft service in calendar year 2007; but (2) in either calendar years 2008 or 2009, or both years, the number of passenger boardings at the airport decreased to below 10,000 per year.

Extends the meaning of "airport development," for AIP project grant purposes, to construction of mobile refueler parking within a fuel farm at a nonprimary airport meeting specified requirements.

Revises the minimum amount to be credited to the AIP discretionary fund from amounts made available for airport planning and development and noise compatibility planning and programs. Replaces the current formula for such minimum amount with a flat \$520 million. States that such amount does not include any amounts apportioned in a prior fiscal year that remain available for obligation.

(Sec. 209) Requires any federal agency that must approve, license, or permit a proposed action by a participating state to coordinate and consult with that state.

Directs the Secretary to establish a pilot program for up to three states to participate in the AIP state block grant program.

(Sec. 210) Authorizes the FAA Administrator to accept funds from an airport sponsor to conduct special environmental studies related to a federally funded airport project or for special studies or reviews to support approved noise compatibility measures in a Part 150 program or environmental mitigation in an FAA Record of Decision or Finding of No

Significant Impact.

(Sec. 211) Authorizes the Secretary to make AIP grants to airport operators to assist in completing environmental review and assessment activities for implementation of proposed flight procedures under the airport noise compatibility planning program.

(Sec. 212) Makes current or former military airports that are found to be critical to the safety of transoceanic air traffic eligible for certain discretionary grant funding used to develop current or former such airports.

(Sec. 213) Directs the Secretary to establish a pilot program to carry out up to six environmental mitigation demonstration projects at public-use airports that will measurably reduce or mitigate aviation impacts on noise, air quality, or water quality in the airport vicinity.

(Sec. 214) Allows AIP project costs incurred before the award of an AIP grant due to anticipation of severe weather to remain eligible for funding under the AIP.

(Sec. 215) Makes the acquisition of glycol recovery vehicles by an airport owner or operator an allowable AIP project cost.

(Sec. 216) Directs the FAA Administrator to conduct research to support programs that reduce aircraft emission of gases and particulates.

(Sec. 217) Establishes pursuant to a specified formula a minimum guaranteed apportionment of AIP grants to airports in the U.S. territories.

(Sec. 218) Releases certain Merrill Field Airport land, without monetary consideration, to the municipality of Anchorage, Alaska, for conveyance to or use by Department of Transportation and Public Facilities of the state of Alaska for construction or reconstruction of a federally subsidized highway project.

**Title III: Air Traffic Control Modernization and FAA Reform** - (Sec. 301) Establishes an Air Traffic Control Modernization Oversight Board, to be appointed by the Secretary, to provide specific oversight of FAA's modernization activities. (Effectively replaces the Federal Aviation Management Advisory Council, appointed by the FAA Administrator, and its Air Traffic Services Subcommittee).

(Sec. 302) Requires the FAA Administrator to appoint a Chief NextGen Officer, who shall implement all NextGen programs of the Department of Transportation (DOT).

(Sec. 303) Requires the FAA Administrator to consider whether the provision of NextGen air traffic services by nongovernment providers would promote safety and improve efficiency of the National Airspace System.

(Sec. 304) Revises the authority of an federal agency head to transfer to or to receive from the FAA non-administrative supplies, personnel, services, and equipment. Allows such a transfer with or (as under current law) without reimbursement

(Sec. 305) Repeals the restriction on the FAA's authority to use noncompetitive procurement of goods and services solely to the kind of situation when such property or services are available from only one responsible source or only from a limited number of responsible sources and no other type of property or services will satisfy the needs of the FAA.

(Sec. 306) Revises the FAA Administrator's authority to provide safety-related (air traffic) training and operational

services to foreign aviation authorities to specify that such foreign authorities may be public or private. Allows such training and services to promote aviation efficiency or (as under current law) safety. Authorizes the FAA Administrator to bid competitively to provide such services.

(Sec. 307) Allows senior FAA executives and employees to participate in the Presidential Rank Award Program.

(Sec. 308) Requires: (1) the FAA Administrator to make recommendations for the realignment of FAA services and facilities to assist in the transition to NextGen facilities; and (2) the Air Traffic Control Modernization Oversight Board to study the Administrator's recommendations and make its independent recommendations to the President and Congress for realignment of aviation services or facilities.

(Sec. 309) Amends the Vision 100-Century of Aviation Reauthorization Act to require the head of a participating department or federal agency to designate an office to coordinate its NextGen Air Transportation System activities with other departments or federal agencies.

(Sec. 310) Extends the meaning of air navigation facility to specify: (1) runway lighting and airport surface visual and other navigation aids; (2) aeronautical and meteorological information to air traffic control facilities or aircraft, supplying communication, navigation or surveillance equipment for air-to-ground or air-to-air applications; and (3) buildings, equipment, and systems dedicated to the National Airspace System.

(Sec. 311) Grants the FAA Administrator authority to retain as part of its appropriation any proceeds from the disposal of FAA property.

(Sec. 312) Directs the FAA Administrator to make payments to the Department of Defense (DOD) for the education of dependent children of those FAA employees in Puerto Rico and Guam as they are subject to transfer by policy and practice and meet specified eligibility requirements.

(Sec. 313) Revises requirements for dispute resolution between the FAA Administrator and its employees on implementation of proposed changes to the FAA personnel management system.

Allows the Administrator and employees by mutual agreement to adopt procedures for the resolution of disputes or impasses arising in the negotiation of a collective-bargaining agreement.

Requires the FAA Administrator and employee bargaining representatives, if their own negotiations and the services of the Federal Mediation and Conciliation Service (FMCS) have failed to lead to an agreement, to submit their controversy to the Federal Service Impasses Panel, subject to specified procedures, for binding arbitration. Subjects any voluntary agreement or binding arbitration decision to ratification by the exclusive bargaining representative, if the representative so requests, and approval of the agency head. (Under current law, if the services of the FMCS do not lead to an agreement, the Administrator's proposed change to the personnel management system shall not take effect until 60 days have elapsed after the Administrator has transmitted to Congress the proposed changes, along with the objections and reasoning of the exclusive bargaining employee representatives to the changes.)

(Sec. 314) Requires the FAA Administrator to: (1) report on navigation performance and area navigation operations and procedures required to maximize the efficiency and capacity of NextGen commercial operations at 35 Operational Evolution Partnership (OEP) airports; (2) establish a plan and schedule for implementing such procedures; and (3) submit to specified congressional committees a plan for deploying a nationwide data communications system.

(Sec. 315) Requires the FAA Administrator to report to specified congressional committees on the program and schedule

for integrating automatic dependent surveillance-broadcast (ADS-B) technology into the National Airspace System.

(Sec. 316) Directs the FAA Administrator to report on incentive options to encourage the equipage of aircraft with NextGen technologies, including ADS-B technology.

(Sec. 317) Directs the FAA Administrator to establish, track, and report to specified congressional committees on National Airspace System performance metrics.

(Sec. 318) Requires the FAA Administrator to develop plans to accelerate: (1) the process for certification of NextGen technologies; and (2) the integration of unmanned aerial systems into the National Airspace System.

(Sec. 320) Requires the Air Traffic Organization to: (1) evaluate the Airport Surface Detection Equipment-Model X program for its potential contribution to implementation of the NextGen initiative; (2) evaluate airport surveillance technologies and associated collaborative surface management software for potential contributions to implementation of NextGen surface management; and (3) accelerate implementation of the program.

Directs the FAA Administrator to: (1) consider options for expediting the certification of Ground Based Augmentation System technology; and (2) develop a plan to utilize such a system at the 35 Operational Evolution Partnership airports.

(Sec. 321) Requires the FAA Administrator to establish a process for including qualified employees selected by each exclusive collective bargaining representative of FAA employees who are likely to be impacted by the planning, development, and deployment of air traffic control modernization projects (including the NextGen) in, and collaborating with, such employees in such planning, development, and deployment.

(Sec. 322) Directs the FAA Administrator to establish an FAA Task Force on Air Traffic Control Facility Conditions to study, and make recommendations with respect to, the conditions of all air traffic control facilities in the United States.

(Sec. 323) Authorizes the Secretary to enter into cooperative agreements with up to five states to establish state ADS-B equipage banks to provide loans to public entities to equip aircraft with ADS-B and related avionics. Authorizes appropriations for FY2010-FY2014.

(Sec. 324) Directs the FAA Administrator to implement certain DOT Inspector General air traffic control recommendations, including to provide the Los Angeles International Air Traffic Control Tower facility, the Southern California Terminal Radar Approach Control facility, and the Northern California Terminal Radar Approach Control facility with a sufficient number of contract instructors, classroom space, and simulators for a surge in the number of new air traffic controllers at such facilities.

#### **Title IV: Airline Service and Small Community Air Service Improvements - Subtitle A: Consumer Protection -**

(Sec. 401) Requires each air carrier and airport operator to submit for the Secretary's approval a proposed contingency plan for long onboard tarmac delays meeting minimum standards established by the Secretary.

Requires an air carrier to provide passengers on a departure- or arrival-delayed grounded aircraft with: (1) adequate food, water, restrooms, ventilation, and medical services; as well as (2) a time frame under which passengers may deplane a delayed aircraft after three hours, except in specified circumstances.

Requires an airport operator plan to describe: (1) how passengers will be deplaned following a long tarmac delay; and (2) how facilities will be shared and gates made available to aircraft that experience such delays.

Authorizes the Secretary to assess a civil penalty against air carriers and airport operators that fail to submit, obtain approval of, or adhere to a contingency plan. Requires public access to such plans.

Directs the Secretary to establish a consumer hotline telephone number for air passenger complaints.

Authorizes appropriations.

(Sec. 402) Requires each air carrier conducting scheduled passenger air transportation to publish and update monthly on its website a list of chronically delayed and canceled flights and share it with booking agencies. Requires such air carriers and booking agencies to disclose such information to a customer before he or she purchases an airline ticket.

(Sec. 403) Expands the kinds of circumstances for mandatory DOT airline consumer complaint investigations.

(Sec. 404) Directs the Secretary to establish an advisory committee for aviation consumer protection.

(Sec. 405) Directs the Secretary to complete a rulemaking that requires each air carrier operating in the United States to make a list of passenger fees and other charges (except airfare) available to the public and to the Secretary.

**Subtitle B: Essential Air Service; Small Communities** - (Sec. 411) Amends the Vision 100-Century of Aviation Reauthorization Act to require that, under the code-sharing pilot program, the Secretary (who is currently authorized to do so) require air carriers providing small community essential air service (EAS) and major air carriers serving large hub airports to participate in multiple code-share arrangements consistent with normal industry practice whenever and wherever the Secretary determines that such multiple code-sharing arrangements would improve air transportation services.

(Sec. 412) Extends through FY2011 the effective period of final orders of the Secretary determining the eligibility of small communities for EAS subsidies after a requested review following elimination or termination of such a subsidy.

(Sec. 413) Revises requirements for certain guidelines for compensation for continued Essential Air Service (EAS) to small and rural communities. Requires such guidelines to permit the Secretary to: (1) incorporate financial incentives in EAS contracts based on specified performance goals; and (2) execute long-term EAS contracts when in the public interest to do so.

(Sec. 414) Directs the Secretary to establish a program to provide general aviation conversion funding grants for airports that serve places no longer eligible for a subsidy under the EAS program.

(Sec. 415) Increases additional funding for each fiscal year for the EAS program. Requires that any amount exceeding \$50 million credited for any fiscal year to the FAA account be obligated for the code-sharing pilot program and the alternate essential air service pilot program.

(Sec. 416) Revises certain priorities in the funding of communities under the small community air service development program to give funding priority to multiple communities that cooperate to submit a region or multistate application to improve air service under such program.

Extends the small community air service development program through FY2011.

(Sec. 417) Requires air carriers applying to provide EAS to submit a marketing plan.

(Sec. 418) Authorizes a state or local government to submit a proposal to the Secretary to: (1) compensate an air carrier

for EAS to an eligible community above the \$200 per passenger subsidy cap; (2) compensate a preferred air carrier for providing such service (i.e., an air carrier preferred by the affected community although it is not the lowest bidder); and (3) restore the eligibility of a community to receive subsidized EAS.

Establishes within the Office of the Secretary the Office of Rural Aviation to develop: (1) a uniform four-year contract for air carriers providing EAS; and (2) a mechanism for comparing air carrier applications to provide EAS to eligible communities.

Extends the Secretary's authority to make agreements with air carriers to provide EAS to underserved airports through FY2011.

**Subtitle C: Miscellaneous** - (Sec. 431) Applies requirements for resolution of airport fee disputes to foreign air carriers (under current law, applies only to domestic air carriers).

(Sec. 432) Prescribes a special rule that, if the Secretary determines that a contract air traffic control tower already operating 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.

Establishes funding levels for FY2010-FY2011 for the air traffic control contract tower program.

Increases the federal share of the cost of construction of a nonapproach control tower under the program.

Directs the Secretary to establish uniform standards and requirements for safety assessments of air traffic control towers that receive funding under such program.

(Sec. 433) Expresses the sense of Congress that each U.S. air carrier should: (1) establish reduced air fares for all members of the Armed Forces on active duty; and (2) offer flexible terms that allow such members to purchase, modify, or cancel air tickets without time restrictions, fees (including baggage fees), ancillary costs, or penalties.

**Title V: Safety - Subtitle A: Aviation Safety** - (Sec. 501) Directs the FAA Administrator to issue a plan to develop an installation and deployment schedule for systems that alert air traffic controllers and flights crews to potential runway incursions. Requires such plan to be integrated into the annual FAA NextGen Implementation Plan.

(Sec. 502) Authorizes a person who has been substantially affected by denial of an airman certificate by an order of the National Transportation Safety Board (NTSB), or the FAA Administrator when a NTSB order will have a significant adverse impact on FAA operations, to seek judicial review in the appropriate U.S. Court of Appeals.

(Sec. 503) Sets forth a process under which the FAA may release, without the consent of the aircraft owner of record, engineering data relating to abandoned aircraft type certificates and supplemental aircraft type certificates for an aircraft, engine, propeller, or appliance to a person seeking to maintain the airworthiness of such aircraft.

(Sec. 504) Extends by one year the authority of the FAA to issue a design organization certificate to authorize such an organization to certify compliance with certain requirements and minimum standards for the type certification of aircraft, aircraft engines, propellers, or appliances.

(Sec. 505) Authorizes the FAA Administrator to access criminal history records or data bases systems with regard to FAA employees.

(Sec. 506) Directs the FAA Administrator to: (1) conclude arrangements with the National Academy of Sciences (NAS) for

a study of pilot fatigue; and (2) initiate a process to carry out the recommendations of the Civil Aerospace Medical Institute (CAMI) study on flight attendant fatigue.

(Sec. 507) Requires helicopter and fixed-wing aircraft certificate holders providing emergency medical services, if there is a medical crew on board, without regard to whether there are also patients on board, to comply with federal safety operating requirements governing commuter and on demand operations as well as persons on board aircraft. Prescribes other requirements for such certificate holders when operating under instrument flight rules or carrying out training.

Requires the FAA Administrator to initiate a rulemaking to: (1) create a standardized checklist of risk evaluation factors for use by helicopter and fixed-wing aircraft emergency medical service operators to determine whether a mission should be accepted; (2) require such operators to implement and comply with performance-based flight dispatch and flight-following procedures; and (3) develop a method to assess and ensure that such operators comply with the latter requirements.

Requires helicopter or fixed-wing aircraft used for emergency medical service to have on board a terrain awareness and warning system device, and a means of displaying its information, that meet FAA requirements.

Requires the FAA Administrator to: (1) require certificate holders for helicopters and fixed-wing aircraft used for emergency medical service operations to report annually on the number of such aircraft used, the number of flights and hours flown, and the number of accidents involving helicopters while providing air ambulance services; (2) issue a report on the availability, survivability, and costs of devices that record voice communications and flight data information on existing and new helicopters and fixed-wing aircraft used for emergency medical service operations; and (3) issue regulations to require such devices on board such aircraft.

(Sec. 508) Prohibits an air carrier from using a person as a flight attendant, except one serving solely between points outside the United States, unless such person has the ability to read, speak, and write English.

(Sec. 509) Requires the FAA Administrator to establish milestones and a policy statement for the completion of certain work with Occupational Safety and Health Administration (OSHA) under a specified August 2000 memorandum regarding application of OSHA requirements to crewmembers while working in an aircraft.

(Sec. 510) Requires the FAA to set a target of achieving a minimum of 200 Required Navigation Performance approach procedures per fiscal year through FY2012, with 25% of that target number meeting the low visibility approach criteria consistent with the NextGen Implementation Plan.

Directs the DOT Inspector General to review and report to Congress on the effectiveness of the FAA's oversight of third party development of operational and flight approach procedures, including public use procedures, for the National Airspace System.

(Sec. 511) Requires the FAA Administrator to issue a final rule in docket No. FAA-2008-0188, Re-registration and Renewal of Aircraft Registration.

(Sec. 512) Directs the FAA Administrator to: (1) take appropriate action to ensure that the Voluntary Disclosure Reporting (VDR) Process requires inspectors to evaluate corrective action proposed by an air carrier to problems voluntarily disclosed by the air carrier and to verify that such action adequately corrects the problem within the proposed timeframe; and (2) establish a second level supervisory review of disclosures under the VDR Process before proposed disclosures are accepted and closed that will ensure that a matter disclosed by an air carrier has not been previously identified by an

FAA inspector, or previously disclosed by the carrier within the preceding five years.

Requires the Comptroller General to study and report to Congress on the VDR Program.

(Sec. 513) Prohibits any person holding an air carrier operating certificate from knowingly employing, or contracting with, an individual to act as an agent or representative in any matter before the FAA if, in the preceding three-year period, the individual: (1) served as, or was responsible for oversight of, an FAA flight standards inspector; and (2) had responsibility to inspect, or oversee inspection of, the operations of the certificate holder.

(Sec. 514) Directs the Comptroller General to review, investigate, and report to specified congressional committees on air safety issues identified and reported to the FAA Administrator by FAA employees.

(Sec. 515) Directs the FAA Administrator to: (1) establish within the FAA a national review team to conduct periodic, random reviews of FAA oversight of air carriers; (2) review and evaluate the FAA Academy and facility training programs; and (3) develop a plan for the reduction of runway incursions.

Authorizes the FAA Administrator to hire an additional 200 safety inspectors.

(Sec. 518) Establishes in the FAA an Aviation Safety Whistleblower Investigation Office to receive and assess complaints and information relating to possible violations of aviation safety laws and regulations.

(Sec. 519) Directs the FAA Administrator to modify the FAA customer service initiative, mission and vision, and other policy statements to: (1) remove any reference to air carriers and other entities regulated by the FAA as "customers"; (2) state that in regulating safety the only FAA customers are members of the traveling public; and (3) state that air carriers and other entities regulated by the FAA do not have the right to select the FAA employees who will inspect their operations.

(Sec. 520) Directs the FAA Administrator to establish and report quarterly to specified congressional committees on a process for the monthly review of the FAA air transportation oversight system database by FAA employees.

(Sec. 521) Directs the FAA Administrator to: (1) establish and implement a safety assessment system for foreign repair stations that perform maintenance on U.S. aircraft; and (2) require such stations to be inspected biannually by FAA inspectors.

Directs the Secretaries of State and of Transportation jointly to request foreign countries that are members of the International Civil Aviation Organization to establish standards for testing persons who perform safety-sensitive maintenance functions at their repair stations for use of alcohol and controlled substances.

Requires the FAA Administrator to promulgate a proposed rule to require testing of foreign repair station employees for use of alcohol and controlled substances.

(Sec. 522) Requires the FAA Administrator to issue regulations requiring maintenance work on passenger aircraft to be performed by authorized individuals meeting specified requirements.

**Subtitle B: Flight Safety** - (Sec. 551) Directs the FAA Administrator to establish and maintain a pilot employment, training, and testing database.

Requires an air carrier to obtain and review all FAA and air carrier records of a pilot before he or she is hired.

Prescribes requirements allowing pilots to review and make corrections to their records.

(Sec. 552) Directs the FAA Administrator to initiate a rulemaking to require air carriers to implement as part of their safety management systems: (1) an Aviation Safety Action Program (ASAP); (2) a Flight Operations Quality Assurance (FOQA) Program; (3) a Line Operational Safety Audit (LOSA) Program; and (4) a Flight Crew Fatigue Risk Management (FCFRM) Program.

Directs the FAA Administrator, acting in collaboration with the aviation industry, to consider the viability of incorporating cockpit voice recorder data in safety oversight practices.

(Sec. 553) Directs the FAA Administrator to report annually to specified congressional committees on whether the FAA shall implement National Transportation Safety Board (NTSB) safety recommendations made the preceding year, and if so, what actions it plans to implement such recommendations, and if not, its reasons for not implementing them.

(Sec. 554) Prescribes requirements limiting the disclosure and use of ASAP, FOQA, or LOSA data in a judicial proceeding.

(Sec. 555) Requires the FAA Administrator to: (1) develop and implement a plan for reevaluation of flight crew training, testing, and certification regulations; (2) perform, at least annually, random, unannounced, onsite inspections of air carriers to ensure their compliance with FAA safety standards; and (3) issue a final rule to establish safety standards for training programs for flight crew members and aircraft dispatchers.

(Sec. 558) Requires the FAA Administrator to submit to Congress a plan for overseeing federally-certified pilot training schools.

(Sec. 559) Requires air carriers to provide initial and annually recurring training for flight attendants and gate agents they employ or contract with regarding the serving of alcohol to passengers, as well as recognizing and dealing with intoxicated passengers.

**Title VI: Aviation Research** - (Sec. 601) Makes the airport cooperative research program permanent. Authorizes appropriations for FY2010-FY2011, earmarking an amount for certain research activities related to the airport environment, including reduction of community exposure to civil aircraft noise, reduction of civil aviation emissions, or addressing water quality issues.

(Sec. 602) Requires the FAA Administrator to establish a research grant program that accomplishes by January 1, 2016, certain performance objectives to reduce civilian aircraft energy use, emissions, and source noise.

Directs the Administrator to designate, using a competitive process, one or more educational and research institutions or private sector entities meeting certain criteria as a Consortium for Continuous Low Energy, Emissions, and Noise (CLEEN) to perform such research.

(Sec. 603) Directs the Secretary to establish a research grant program that includes participation of Centers of Excellence for Alternative Jet-Fuel Research in Civil Aircraft to develop technologies that produce jet fuel from natural gas, biomass, and other renewable sources.

(Sec. 604) Directs the Secretary to establish a research program that includes participation of Centers of Excellence for Coal-to-Jet-Fuel Research to develop technologies that produce jet fuel from clean coal.

(Sec. 605) Establishes the Advisory Committee on the Future of Aeronautics to make recommendations to Congress for consolidating civil aeronautics research and development (R&D) in the United States.

(Sec. 606) Directs the FAA Administrator to continue the program to consider awards to nonprofit concrete and asphalt pavement research foundations to improve the design, construction, rehabilitation, and repair of airfield pavements to aid in the development of safer, more cost effective, and more durable airfield pavements.

(Sec. 607) Requires the FAA Administrator to conduct aviation safety research to reduce the dangers of wake turbulence, volcanic ash, and weather on aircraft.

(Sec. 608) Authorizes the FAA Administrator to: (1) arrange with the NAS to assess unmanned aircraft systems; and (2) establish three two-year cost-shared pilot projects in sparsely populated, low-density Class G air traffic airspace new test sites to conduct developmental work and service testing to improve unmanned aircraft for safe integration into the National Airspace System. Authorizes appropriations for FY2010-FY2011.

Directs the FAA Administrator to make available on the FAA's website a five-year "roadmap" for introduction of unmanned aircraft systems into the National Airspace System.

(Sec. 609) Amends the Vision 100--Century of Aviation Reauthorization Act to reauthorize through FY2012 the FAA Center for Excellence for Applied Research and Training in the Use of Advanced Materials in Transport Aircraft.

(Sec. 610) Directs the Secretary to establish a pilot program for the acquisition and use of zero emission vehicles, including the construction of infrastructure to deliver fuel and services to such vehicles, at public-use airports.

(Sec. 611) Directs the Secretary to establish a program to award grants to airport operators to assess airports energy needs and identify opportunities and take specified action to reduce harmful emissions and increase energy efficiency at the airports.

(Sec. 612) Directs the FAA Administrator to: (1) survey and assess leases for critical FAA facility sites; (2) list leases of FAA facilities located in or near areas suitable for the construction and operation of wind farms; and (3) report survey results, including recommendations, to specified congressional committees and the Comptroller General.

Requires the Comptroller General to: (1) assess the impact wind farms have on the National Airspace System and on FAA navigational aides, including the NextGen air traffic control system; and (2) determine what resources and procedures are needed to mitigate the potential conflicts between FAA navigational aides and wind farms.

Requires the FAA Administrator to publish guidelines for the construction and operation of wind farms to be located near critical FAA facilities.

(Sec. 613) Directs the FAA Administrator to implement a research program for the development of air cleaning technology and sensor technology for the engine and auxiliary power unit (APU) bleed air supplied to passenger cabin and flight deck of all pressurized aircraft.

Authorizes appropriations.

**Title VII: Miscellaneous** - (Sec. 701) Extends through December 31, 2012, limited air carrier liability for third party claims arising out of acts of terrorism.

Extends through FY2017 the program for war risk insurance and reinsurance against loss or damage arising out of any

risk from the operation of a domestic or foreign aircraft.

Requires the Secretary to extend through FY2011 (currently, through FY2009), and allows the Secretary to extend through calendar year 2011 (currently, through calendar year 2009), the termination dates for existing war risk insurance and reinsurance policies.

(Sec. 702) Directs the FAA Administrator to develop a Human Intervention Management Study program for cabin crews employed by U.S. commercial air carriers.

(Sec. 703) Directs the FAA Administrator to establish a formal, structured certification training program for the airport concessions disadvantaged business enterprise program. Permits the appointment of three additional staff to implement the programs of the airport concessions disadvantaged business enterprise initiative.

(Sec. 704) Extends through FY2011 the eligibility for an AIP grant of the Marshall Islands, the Federated States of Micronesia, Palau, and Midway Island Airport.

(Sec. 705) Makes permanent the requirement that large or medium hub airports file competitive access reports with the Secretary before receiving approval for an AIP grant.

(Sec. 706) Revises requirements for overflight fees for: (1) air traffic control and related services; and (2) other services provided to a foreign government or to any entity obtaining services outside the United States. Requires the FAA to adjust such fees, by expedited rulemaking, to make them reasonably related to the FAA costs for operation, maintenance, debt service, and overhead expenses of the services provided and the facilities and equipment used.

(Sec. 708) Directs the Comptroller General to study and report to specified congressional committees on the training of FAA airway transportation systems specialists.

Directs the FAA Administrator to: (1) contract with the NAS to study FAA assumptions and methods used to estimate its staffing needs for air traffic controllers, system specialists, and engineers; and (2) develop a staffing model for aviation safety inspectors.

(Sec. 709) Shifts from the Director of the National Park Service to the Secretary of the Interior specified responsibilities regarding the overflight of national parks by commercial air tour operators.

Authorizes commercial air tour operations over a national park or tribal lands in cases where there is a voluntary agreement allowing such operations over such park or lands.

Allows modifications of interim operating authority without further environmental process if certain requirements are met.

Sets forth certain reporting requirements for commercial air tour operators.

Authorizes the Secretary of the Interior to assess fees on commercial air tour operators conducting operations over national parks.

Authorizes appropriations to the Secretary of the Interior for the development of air tour management plans for national parks or tribal lands.

Allows a commercial air tour operator to transfer to another commercial air tour operator at any time its authority to operate over a national park or tribal lands.

(Sec. 710) Prohibits the operation of any civil subsonic turbojet of 75,000 pounds or less operating out of airports in the continental United States unless it complies with stage 3 noise levels. Allows an opt-out of such requirement for any airport operator at an airport notifying the Secretary of intent to continue the operation of noncompliant aircraft. Requires notices of such opt-outs to be made accessible to the public.

(Sec. 711) Prohibits the FAA Administrator, except in an emergency, from eliminating weight restrictions or prior permission rules at Teterboro Airport in Teterboro, New Jersey.

(Sec. 712) Directs the FAA Administrator to establish a pilot program for redevelopment of airport property at up to four public-use airports with an approved noise compatibility program. Makes the federal share of allowable project costs 80%.

(Sec. 713) Requires an air carrier to permit an air passenger to carry a violin, guitar, or other musical instrument on a passenger aircraft without charge if it can be stowed safely in a suitable baggage compartment in the aircraft or under a passenger seat. Sets forth requirements for the carriage of musical instruments as checked baggage or as occupants of a purchased seat.

(Sec. 714) Requires an airport's master plan to address the feasibility of solid waste recycling and minimization of solid waste generation as a condition to the approval of an AIP project.

(Sec. 715) Directs the Secretary to establish a mandatory training program for airport owners and operators on how to certify a small business airport concession as one owned and operated by socially and economically disadvantaged individuals under the airport disadvantaged business program. Authorizes appropriations.

Requires the Secretary to issue final regulations to adjust the personal net worth cap used in determining whether an individual is economically disadvantaged.

(Sec. 716) Directs the FAA Administrator to study and report to specified congressional committees on front line manager staffing requirements in air traffic control facilities.

(Sec. 717) Directs the Comptroller General to study and report to the Secretary and appropriate congressional committees on the helicopter and fixed-wing air ambulance industry.

(Sec. 718) Repeals the March 31, 2010, sunset of the Secretary's authority to approve an application of the Metropolitan Washington Airports Authority (MWAA) for AIP grants and PFC imposition.

(Sec. 719) Directs the FAA Administrator to report to Congress on: (1) the anticipated need over the next 10 years for aeronautical mobile telemetry services by civil aviation; and (2) the potential impact to the aerospace industry of the introduction of a new radio service operating in the same spectrum as aeronautical mobile telemetry service.

## **Actions Timeline**

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- **Sep 29, 2009:** Committee on Commerce, Science, and Transportation. Reported by Senator Rockefeller with an amendment in the nature of a substitute. With written report No. 111-82.
- **Sep 29, 2009:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 168.
- **Jul 21, 2009:** Committee on Commerce, Science, and Transportation. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **Jul 14, 2009:** Introduced in Senate
- **Jul 14, 2009:** Read twice and referred to the Committee on Commerce, Science, and Transportation.