

HR 915

FAA Reauthorization Act of 2009

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Sponsor

Name: Rep. Oberstar, James L. [D-MN-8]

Party: Democratic • **State:** MN • **Chamber:** House

Cosponsors (1 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Costello, Jerry F. [D-IL-12]	D · IL		Feb 9, 2009

Committee Activity

Committee	Chamber	Activity	Date
Commerce, Science, and Transportation Committee	Senate	Referred To	Jun 1, 2009
Homeland Security Committee	House	Bills of Interest - Exchange of Letters	Sep 22, 2010
Science, Space, and Technology Committee	House	Referred to	Feb 11, 2009
Transportation and Infrastructure Committee	House	Discharged from	Mar 5, 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 1451	Related bill	Sep 29, 2009: Placed on Senate Legislative Calendar under General Orders. Calendar No. 168.
111 HRES 464	Procedurally related	May 21, 2009: Motion to reconsider laid on the table Agreed to without objection.

FAA Reauthorization Act of 2009 - Title I: Authorizations - Subtitle A: Funding of FAA Programs - (Sec. 101)

Reauthorizes appropriations to the Federal Aviation Administration (FAA) for FY2010-FY2012 for: (1) airport planning and development and noise compatibility planning programs (with a rescission of certain unobligated amounts for FY2009 and prior fiscal years); (2) air navigation facilities and equipment; (3) FAA operations; and (4) FAA research, engineering, and development. Authorizes additional appropriations from the general fund of the Treasury for aviation programs through FY2012.

Subtitle B: Passenger Facility Charges - (Sec. 111) Amends the airport improvement program (AIP) to increase passenger facility charge (PFC) amounts that can be imposed by an eligible agency to finance an eligible airport-related project.

Repeals the termination date for the pilot program for PFC at nonhub airports to make it permanent.

(Sec. 112) Expands eligibility requirements for airport-related projects to include projects for: (1) construction of airport bicycle storage facilities; and (2) an intermodal ground access pilot project.

(Sec. 113) Authorizes the Secretary of Transportation (Secretary) to approve an eligible agency's application for authority to impose a PFC to finance airside projects for airports, provided the agency gives satisfactory written assurances that each contract and subcontract for program or construction management, architectural, engineering, and related services for such projects is awarded in the same way a contract for architectural and engineering services is negotiated with respect to federal property and administrative services requirements or an equivalent qualifications-based method prescribed for or by the agency.

(Sec. 114) Directs the Secretary to establish a pilot program to authorize, at up to five airports, a PFC to finance the eligible cost of an intermodal ground access project.

(Sec. 115) Requires the Secretary to issue regulations that: (1) set goals for an eligible agency to ensure that contracts, subcontracts, and business opportunities funded using passenger facility revenues 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; and (2) ensure that an eligible agency will not discriminate on the basis of race, color, national origin, or sex in the award and administration of contracts funded using such revenues.

(Sec. 116) Directs the Secretary to study and report to Congress on: (1) the impacts on airports of accommodating connecting passengers; and (2) the treatment of airports at which the majority of passengers are connecting passengers (and not originating and destination passengers) under the PFC program.

Subtitle C: Fees for FAA Services - (Sec. 121) Directs the FAA Administrator to: (1) provide for the adjustment of overflight fees by May 1, 2010; and (2) establish user fees for aircraft owners or operators for certain FAA services.

Subtitle D: AIP Modifications - (Sec. 131) Revises the definition of airport development.

(Sec. 132) Requires an airport's master plan to address the feasibility of solid waste recycling and minimization of waste generation as a condition to the approval of an airport development project (AIP).

(Sec. 133) Revises requirements for written assurances on AIPs for acquiring land for a noise compatibility purpose to allow for reinvestment in a specified other kind of AIP of proceeds from disposition of the land proportional to the

government's share of the cost of acquiring it.

(Sec. 134) Prescribes special rules for the federal share of allowable costs for AIP projects for: (1) transition from a small hub to medium hub airport status (90% share); and (2) economically depressed communities (95% share).

(Sec. 136) Creates a preference for the use of disabled veteran-owned small businesses in carrying out AIPs.

(Sec. 137) Directs the Secretary to: (1) issue final regulations to adjust the personal net worth cap used in determining whether an individual is economically disadvantaged for purposes for qualifying as a small business concern owned and operated by a socially and economically disadvantaged individual under the airport disadvantaged business program; and (2) establish a program to eliminate barriers to small business participation airport-related contracts and concessions by prohibiting excessive, unreasonable, or discriminatory bonding requirements for projects, especially those funded using passenger facility revenues.

(Sec. 138) 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 for FY2010-FY2012.

(Sec. 139) Reduces the amount of funds available for AIP state apportionments from 18.5% to 10% of the amount subject to apportionment for each fiscal year. Requires additional apportionments to states, however, for reliever and nonprimary commercial service airports (but not for primary airports).

Repeals the special apportionment rule for fiscal years in which the total amount made available for airport planning and development and noise compatibility planning and programs is \$3.2 billion or more.

Requires the Secretary to make an additional AIP state apportionment for each reliever and nonprimary commercial service airport (but not for primary airports), according to the same formula used now under the special apportionment rule. Requires a pro rata reduction in such additional apportionment in any fiscal year in which the total amount made available for regular apportionment is less than \$300 million.

(Sec. 140) Revises the formula for reducing the amount apportioned for an AIP in a fiscal year to the sponsor of an airport having at least .25% of the total number of boardings each year in the United States and for which a passenger facility fee is imposed. States that, in the case of a charge of more than \$4.50 imposed by the sponsor of an airport enplaning at least 1% of the total number of boardings each year in the United States, the reduction amount shall be 100% of the projected revenues from the charge in the fiscal year, but not more than 100% of the amount that otherwise would be apportioned.

(Sec. 141) 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.

(Sec. 142) Extends through FY2012 the eligibility of the Marshall Islands, Micronesia, and Palau to receive AIP discretionary grants and funding from the Small Airport Fund.

(Sec. 143) Revises requirements for special apportionments for grants for airport noise compatibility planning and programs to replace the 35% apportionment with a flat \$300 million. Applies such apportionment, also, to water quality mitigation projects to comply with the Federal Water Pollution Control Act.

(Sec. 144) Revises exceptions to restrictions on the use of local taxes on aviation fuel or the revenues generated by an airport that is the subject of federal assistance. Exempts from such restrictions 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 any AIP grant made for purposes other than land acquisition, plus the federal share of the current fair market value of any land acquired.

(Sec. 145) Revises certain requirements for approval of applications for exemption from specified revenue use requirements under the airport privatization pilot program.

(Sec. 146) Revises requirements for the airport security program, including to increase the allotment of discretionary funds in a fiscal year for such program.

Limits award of a grant, contract, or another agreement to a nonprofit consortium that: (1) is composed of public and private persons, including an airport sponsor; and (2) has at least 10 years of demonstrated experience in testing and evaluating anti-terrorist technologies at airports.

(Sec. 147) Sunsets the pilot program for the purchase of airport development rights on September 30, 2008.

(Sec. 148) Extends through FY2012 the grant authority for compatible land use planning and projects by state and local governments.

(Sec. 149) Repeals the September 30, 2009, sunset of the Secretary's authority to approve an application of the Metropolitan Washington Airports Authority (MWAA) for AIP grants and PFC imposition.

(Sec. 150) Amends the Vision 100--Century of Aviation Reauthorization Act to extend through FY2012 the Secretary's authority to fund airport development at the Midway Island Airport.

(Sec. 151) Requires minimum supplemental apportionments to Puerto Rico for airport development projects.

(Sec. 153) Directs the Secretary to encourage airport sponsors and state and local officials, in the development of their airport master plans, to consider as additional goals customer convenience, airport ground access, and access to airport facilities.

Title II: Next Generation Air Transportation System and Air Traffic Control Modernization - (Sec. 201) Expresses the sense of Congress that the modernizing of the U.S. air transportation system, through implementation of the Next Generation Air Transportation System (NextGen), is a national priority.

(Sec. 202) Amends the Vision 100-Century of Aviation Reauthorization Act to make the director of the NextGen Joint Planning and Development Office (JPDO) the Associate Administrator for the NextGen within the FAA, to be appointed by the FAA Administrator.

Specifies additional responsibilities for the JPDO.

Requires NextGen partner federal agencies to designate senior officials to carry out NextGen activities at their respective agencies.

Requires the integrated NextGen plan to include a multiagency integrated work plan containing certain elements, including an outline of the activities of partner federal agencies required to achieve the end-state architecture.

Requires the JPDO to coordinate NextGen activities with the Office of Management and Budget (OMB).

Authorizes appropriations to the JPDO through FY2012.

(Sec. 203) Requires the Next Generation Air Transportation Senior Policy Committee to meet at least twice each year. Directs the Secretary to report annually to Congress on progress made by NextGen partner federal agencies in implementing the NextGen integrated work plan.

(Sec. 204) Requires the FAA Administrator to report to Congress on the FAA program and the schedule for integrating automatic dependent surveillance-broadcast (ADS-B) technology into the national airspace system.

(Sec. 205) Requires the FAA Administrator to: (1) include certain stakeholders in the planning, development, and deployment of air traffic control modernization projects (including the NextGen); and (2) collaborate with qualified employees selected by each exclusive collective bargaining representative of FAA employees who are likely to be impacted by such planning, development, and deployment.

(Sec. 206) Requires the Comptroller General to review and report to Congress on the progress and challenges: (1) associated with transforming the U.S. Air traffic control system into the NextGen; and (2) related to the acquisition of designated technologies and the development of procedures for the NextGen System.

(Sec. 208) Requires the Inspector General of the Department of Transportation (DOT) to assess and report to specified congressional committees on the effectiveness of FAA oversight of, and reliance on, third party development of flight procedures (including public use procedures) for the national airspace system.

(Sec. 209) Directs the FAA Administrator to arrange with the National Research Council to review and report to Congress on the enterprise architecture for the NextGen System.

(Sec. 210) Directs the FAA Administrator to use funds for FY2010-FY2012 to contribute to the establishment by a public-private partnership of an airport-based testing site for existing NextGen technologies.

(Sec. 213) Grants the FAA Administrator authority to retain as part of its appropriation proceeds from the disposal of FAA property.

(Sec. 215) Authorizes the FAA Administrator to bid competitively to provide air traffic services to aviation authorities abroad, both public and private. (Current law authorizes the FAA to provide such services with or without reimbursement if it determines that providing such services promotes aviation safety.)

(Sec. 216) Directs the FAA Administrator to: (1) initiate a study on front line manager staffing requirements in air traffic control facilities; and (2) establish a monitoring system for flight service specialist staffing and training under service contracts for flight service stations.

(Sec. 218) Directs the FAA Administrator to use funds for FY2010-FY2012 to contribute to the establishment of a NextGen research and development (R&D) center of excellence.

(Sec. 219) Authorizes additional appropriations for FY2010-FY2012 to carry out airspace redesign initiatives.

Title III: Safety - Subtitle A: General Provisions - (Sec. 301) Authorizes a person who has been denied an airman certificate by an order of the National Transportation Safety Board (NTSB), or the FAA Administrator if a NTSB order will have a significant adverse impact on the issuance or renewal of airman certificates, to seek judicial review in the

appropriate U.S. Court of Appeals.

(Sec 302) Sets forth a process under which the FAA may release to a person seeking to maintain an aircraft's airworthiness, without the consent of an aircraft's owner of record, any data in FAA possession relating to abandoned aircraft type certificates and supplemental aircraft type certificates for an aircraft, engine, propeller, or appliance.

Postpones until January 1, 2014, FAA authority to issue a design organization certificate authorizing a design organization to certify compliance with certain requirements and minimum standards for the type certification of aircraft, aircraft engines, propellers, or appliances.

(Sec. 303) Requires the FAA to: (1) certify to Congress that it has inspected each foreign repair station that has performed work on U.S. Air carrier aircraft or components at least twice in the preceding year, as well as tested persons who perform safety-sensitive functions at such stations for use of alcohol or controlled substances; and (2) continue to hold discussions with foreign countries where such stations are located to ensure harmonization of their safety standards with those of the United States.

(Sec. 304) Requires: (1) the FAA Administrator to report to Congress a plan for the installation and deployment of systems to alert controllers and/or flight crews to potential runway incursions; and (2) the plan to be integrated into the NextGen Implementation Plan document.

(Sec. 305) Requires the FAA Administrator to: (1) issue improved, tamper-resistant pilot licenses that include a photograph and are capable of accommodating a digital photograph, a biometric identifier, or other unique identifier; and (2) develop methods to determine whether a license has been tampered with, altered, or counterfeited.

(Sec. 306) Directs the FAA Administrator to: (1) conclude arrangements with the National Academy of Sciences (NAS) for a study of pilot fatigue; and (2) study flight attendant fatigue, acting through the Civil Aerospace Medical Institute (CAMI). Authorizes appropriations.

(Sec. 307) Requires the FAA Administrator to: (1) prescribe and enforce occupational safety and health standards for flight attendants on board aircraft; and (2) establish within the FAA the position of Cabin Occupational Safety and Health Inspector. Authorizes appropriations.

(Sec. 308) Requires the FAA Administrator to establish a pilot program to provide surveillance for aircraft flying outside of radar coverage in mountainous areas. Authorizes appropriations.

(Sec. 309) Requires the FAA Administrator to review and report to Congress on off-airport, low-altitude weather observation technologies.

(Sec. 310) Requires the FAA Administrator to: (1) issue regulations requiring all covered maintenance work on passenger aircraft to be performed by certain authorized individuals; and (2) develop a plan to identify all noncertified providers that have performed maintenance work on such aircraft. Authorizes appropriations.

(Sec. 311) Requires the FAA Administrator to issue a final rule revising certain federal aircraft rescue and firefighting standards (ARFF) to improve the protection of the traveling public, other persons, aircraft, buildings, and the environment from fires and hazardous materials incidents.

(Sec. 312) Directs the Comptroller General to study and report to Congress on the effectiveness of FAA oversight activities to prevent or mitigate the effects of dense continuous smoke in the cockpit of a commercial aircraft.

(Sec. 313) Directs the FAA to: (1) conduct a rulemaking proceeding to improve the safety of flight crewmembers, medical personnel, and passengers onboard helicopters providing helicopter air ambulance services; (2) require a part 135 certificate holder providing such services to report certain data; and (3) study and report to Congress on the feasibility of requiring helicopter pilots providing such services to use night vision goggles during nighttime operations.

(Sec. 315) Directs the Comptroller General to study and report to the Secretary and appropriate congressional committees on the helicopter and fixed-wing air ambulance industry.

Subtitle B: Unmanned Aircraft Systems - (Sec. 321) Requires the Secretary to develop a plan for the safe integration of commercial unmanned aircraft systems (UAS) into the national airspace system by September 30, 2013. Authorizes appropriations.

(Sec. 322) Requires the Secretary to determine if certain unmanned aircraft systems may operate safely in the national airspace system before completion of the plan.

(Sec. 323) Requires the Secretary to issue guidance regarding the operation of public unmanned aircraft systems to expedite the issuance of a certificate of authorization process, and for other specified reasons.

Subtitle C: Safety and Protections - (Sec. 331) Establishes in the FAA an Aviation Safety Whistleblower Investigation Office, which shall receive and assess complaints and information relating to possible violations of aviation safety laws and regulations.

(Sec. 332) Directs the FAA Administrator to modify the FAA customer service initiative, mission and vision statements, as well as other policy statements to: (1) remove any reference to air carriers or other entities regulated by the FAA as "customers"; (2) state that in regulating safety the only FAA customers are individuals traveling on aircraft; 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. 333) Prohibits any person holding an air carrier operating certificate from knowingly employing, or contracting with, an individual to act as an agent or representative of the certificate holder in any matter before the FAA if, in the preceding two-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. 334) Prohibits any individual serving as a principal FAA supervisory inspector from being responsible for overseeing the operations of a single air carrier for a continuous period of more than five years. Authorizes appropriations.

(Sec. 335) Directs the FAA Administrator to establish a process for the monthly review of the FAA air transportation oversight system database by FAA employees.

(Sec. 336) Requires the FAA Administrator to 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 they have voluntarily disclosed; and (2) confirm, before approving a final report of a disclosed violation, that the violation, or another one occurring under the same circumstances, has not previously been discovered by an inspector or self-disclosed by the air carrier.

Requires the FAA Administrator to establish a process for the review and approval of voluntary self-disclosures received from air carriers.

Requires the DOT Inspector General to study and report to Congress on the Voluntary Disclosure Reporting Program.

Title IV: Air Service Improvements - (Sec. 401) Prohibits an individual from smoking in an aircraft: (1) in scheduled interstate, intrastate, or foreign air passenger transportation; and (2) in nonscheduled intrastate, interstate, or foreign commercial air passenger transportation, if a flight attendant is a required crewmember onboard the aircraft.

(Sec. 402) Requires the Secretary to collect, and publish on the DOT website, data regarding canceled and diverted flights of air carriers.

(Sec. 403) Increases from 24 to 34 the number of slots exempted from certain requirements and regulations prohibiting an air carrier's operation of an aircraft nonstop in air transportation between Ronald Reagan Washington National Airport and another airport more than 1,250 statute miles away (Perimeter Rule limit).

Increases from three to five the maximum number by which operations at such airport in any one-hour period may be increased under exemptions from the Perimeter Rule and other limits.

Requires the FAA Administrator to reduce the hourly air carrier slot quota for such airport by a total of 10 slots that are available for allocation.

Declares that 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, with the highest scheduling priority to be afforded to beyond-perimeter operations conducted by new entrant air carriers and limited incumbent air carriers.

(Sec. 404) Revises 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.

Requires the Secretary within 90 days after enactment of this Act to: (1) issue revised guidelines governing the rate of compensation paid to an air carrier for EAS; and (2) report to Congress on the extent such guidelines have been implemented and the impact, if any, their implementation has had on air carrier performance.

(Sec. 405) Authorizes additional funding out of the Airport and Airway Trust Fund for each fiscal year for the EAS program.

(Sec. 406) Revises certain priorities in the funding of communities under the small community air service development program to give priority in funding to multiple communities that cooperate to submit a regional or multistate application to improve air service under such program. Extends the small community air service development program through FY2012.

(Sec. 407) Requires certain air carriers and airport operators to submit for the Secretary's approval emergency contingency plans for: (1) how food, water, restroom facilities, and access to medical treatment will be provided to passengers who are grounded on aircraft for extended periods without access to the terminal; (2) allowed deplanement of passengers following excessive delays; (3) the sharing of facilities and gates during an airport emergency; and (4) the use of an airport terminal for the processing of passengers arriving on a foreign flight in the case of an excessive tarmac delay.

Requires: (1) the Secretary to establish a consumer complaints hotline telephone number for use by air passengers; and

(2) certain air carriers to include on their websites, and on any flight ticket and boarding pass issued to a passenger, such hotline number and other air carrier information, including contact information for the Aviation Consumer Protection Division of the DOT for service complaints. Authorizes appropriations.

Requires: (1) the Secretary to make available to the public a website listing countries that may require an air carrier or foreign air carrier to treat an aircraft passenger cabin with insecticides prior to a flight to the country or to apply an aerosol insecticide when the cabin is occupied with passengers; and (2) an air carrier, foreign air carrier, or ticket agent selling a ticket in the United States for foreign air transportation to a country on the list to disclose on its website or through other means that such country may require the use of insecticides prior or during such flight.

Directs the Secretary to issue regulations to require each air carrier that has at least 1% of the total domestic scheduled-service passenger revenue to provide each air passenger the option to receive from an air carrier a text message or e-mail notification of any change in the flight status before boarding an aircraft.

Sets forth certain penalties.

(Sec. 408) Repeals the requirements that competition plans include patterns of air service and airfare levels.

(Sec. 409) Extends competitive access report requirements for certain airports through FY2012.

(Sec. 410) 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-FY2012 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. 411) 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, and penalties, and waive baggage fees for a minimum of three bags.

(Sec. 412) Repeals the EAS local participation program.

(Sec. 413) Requires an increase in the \$200 per passenger EAS subsidy cap to reflect any increase in the cost of aviation fuel. Makes any community that has been determined ineligible for EAS ineligible for such increase.

(Sec. 414) Requires the Secretary to: (1) notify communities before their termination of eligibility for EAS; and (2) establish procedures by which each community notified of an impending loss of subsidy may work directly with an air carrier to ensure that the carrier is able to submit a proposal to the Secretary for EAS to such community for an amount of compensation not exceeding the subsidy cap.

(Sec. 415) Authorizes a state or local government to submit to the Secretary a proposal for restoring EAS subsidies to an air carrier providing EAS to a small community.

(Sec. 416) Establishes within the DOT the Office of Rural Aviation to monitor the status of air service to small

communities and develop proposals to improve it.

(Sec. 417) Authorizes the Secretary, subject to the availability of funds, to increase EAS subsidies to air carriers on an expedited basis paid to compensate for increased aviation fuel costs.

(Sec. 418) Requires the Inspector General of DOT to conduct a review of air carrier flight delays, cancellations, and associated causes to update its 2000 report entitled "Audit of Air Carrier Flight Delays and Cancellations."

(Sec. 419) Requires the Comptroller General to evaluate and compare, for a report to Congress, European Union (EU) and U.S. rules on compensation offered to air passengers who are denied boarding or whose flights are canceled or delayed.

(Sec. 420) Establishes an advisory committee for aviation consumer protection.

(Sec. 421) Directs the Secretary evaluate the amount provided for denied boarding compensation and issue a regulation to adjust it as necessary.

(Sec. 422) Directs the Comptroller General to study and report to Congress on compensation for delayed baggage.

(Sec. 423) Directs the FAA Administrator to convene a conference of air carriers to reduce, on a voluntary basis, the number of their aircraft operations during any hour at an airport to less than the maximum departure and arrival rate if: (1) such operations exceed the hourly maximum departure and arrival rate established by the FAA; and (2) such excess operations are likely to have a significant adverse effect on the national or regional airspace system.

(Sec. 424) Expands the kinds of circumstances for mandatory DOT airline consumer complaint investigations.

(Sec. 425) Prohibits voice communications by individuals using mobile communications devices on scheduled air flights, unless they are flight crew members, flight attendants, or federal law enforcement officers.

(Sec. 426) Directs the Comptroller General to study and report to Congress on DOT legal requirements and policies for deciding whether to approve cooperative agreements between an air carrier and a foreign air carrier (international alliances) to provide foreign air transportation, as well as exempt such alliances from the U.S. antitrust laws.

(Sec. 427) Requires an air carrier to permit an air passenger to carry a musical instrument on a passenger aircraft without charge if it can be stowed in accordance with FAA requirements for carry-on baggage or cargo. Sets forth requirements for the carriage of musical instruments as checked baggage or as occupants of a purchased seat.

Title V: Environmental Stewardship and Streamlining - (Sec. 501) Amends air tour management program requirements to exempt from them a national park that has 50 or fewer commercial air tour flights a year.

Authorizes the Director of the National Park Service and the FAA Administrator, as an alternative to an air tour management plan, to enter into a voluntary agreement with a commercial air tour operator to manage commercial air tour operations over a national park.

(Sec. 502) Requires federal agencies (except the FAA) that issue approvals, licenses, or permits to states for projects under the AIP State Block Grant Program to use adequate state environmental review analyses.

(Sec. 503) Authorizes the FAA Administrator to accept funds from an airport sponsor to hire additional staff or obtain the services of consultants to conduct: (1) special environmental studies related to an airport project; (2) special studies or

reviews to support approved noise compatibility measures; or (3) special studies or reviews to support environmental mitigation in an FAA record of decision or finding of no significant impact.

(Sec. 504) Authorizes the Secretary to make a grant to an airport operator to assist in completing environmental review and assessment activities for proposals to implement flight procedures at an airport that has been approved as part of an airport noise compatibility program.

(Sec. 505) Sets forth requirements with respect to the determination of the fair market value of residential properties acquired for soundproofing purposes under an airport development project.

(Sec. 506) Authorizes the Secretary to make airport planning and development and noise compatibility planning and development program grants to an airport operator and unit of local government to carry out noise mitigation projects for certain residential buildings in the noise impacted area surrounding an airport if: (1) the buildings are adversely affected by airport noise; and (2) certain other requirements are met.

Directs the Secretary to establish criteria to determine which residences in the 65 DNL (Noise Contour) area (near O'Hare Airport, Chicago, Illinois) suffer the greatest noise impact.

(Sec. 507) Directs the FAA Administrator to enter into a cooperative agreement with an institution, entity, or consortium to carry out a program to develop CLEEN (continuous lower energy, emissions, and noise) engine and airframe technology for aircraft over the next 10 years. Authorizes appropriations for FY2010-FY2012.

(Sec. 508) Prohibits, after December 31, 2013, the operation of any civil subsonic turbojet of 75,000 pounds or less operating out of airports in the continental United States unless such aircraft complies with stage three noise levels, with specified exceptions.

(Sec. 509) Directs the Secretary to: (1) establish a pilot program to carry out environmental mitigation demonstration projects at up to six public-use airports; and (2) carry out a pilot program at up to five public-use airports to design, develop, and test new air traffic flow management technology to better manage the flow of aircraft on the ground and reduce ground holds and idling times for aircraft.

(Sec. 511) Requires the FAA, to the maximum extent possible, to implement environmentally-beneficial practices for new construction and major renovation of FAA air traffic control facilities. Authorizes appropriations.

(Sec. 512) Directs the FAA Administrator to make arrangements for the National Academy of Public Administration or another qualified independent entity to review whether it is desirable to locate regulatory responsibility for establishment of engine noise and emissions standards for civil aircraft within the FAA or the Environmental Protection Agency (EPA).

(Sec. 513) Requires the FAA Administrator to initiate research and development (R&D) 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. Authorizes appropriations.

(Sec. 514) Expresses the sense of Congress that the EU should work with other contracting states of the International Civil Aviation Organization (ICAO) to develop a consensual approach to addressing aircraft greenhouse gas emissions through the ICAO.

(Sec. 515) Expresses 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 for airports it operates, with particular attention to the

impact of noise on neighborhoods surrounding LaGuardia Airport, Newark Liberty Airport, and JFK Airport.

(Sec. 516) Directs the Comptroller General to study and report to Congress on whether the FAA and the Massachusetts Port Authority are complying with the requirements of the FAA's record of decision dated August 2, 2002.

(Sec. 517) Directs the FAA Administrator to conduct a rulemaking proceeding to determine whether Westchester County Airport (New York) should be authorized to limit aircraft operations between the hours of 12 a.m. and 6:30 a.m.

(Sec. 518) Requires an owner or operator of a large hub airport to publish on its website a telephone number to receive aviation noise complaints related to the airport.

Title VI: FAA Employees and Organization - (Sec. 601) Declares that, in disputes arising between the FAA Administrator and its employees, in attempting to reach an agreement concerning the implementation of proposed changes to the FAA personnel management system: (1) the services of the Federal Mediation and Conciliation Service (FMCS) shall be used; and (2) the Administrator and employee bargaining representative may by mutual agreement adopt alternative procedures for the resolution of disputes or impasses arising in the negotiation of a collective-bargaining agreement.

Requires the negotiating parties, if the services of the FMCS do not lead to an agreement, to submit their controversy to the Federal Service Impasses Panel for binding arbitration. (Currently, the services of the FMCS shall be used and, 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 of the employees to the changes, and the reasons for such objections.)

Provides that any proposed changes implemented by the FAA on and after July 10, 2005, without the agreement of the exclusive bargaining representative of the FAA employees, shall be null and void, and the parties shall: (1) be governed by their last mutual agreement; and (2) resume negotiations until a new contract is adopted. States that, if an agreement is not reached within 45 days after negotiations resume, then the dispute shall be submitted to Federal Service Impasses Panel for binding arbitration.

Makes eligible for back pay any FAA employees subject to changes that have been declared null and void. Authorizes appropriations.

(Sec. 602) Applies to the FAA personnel management system certain federal civil service merit system principles, prohibited personnel practices, and requirements for back pay due to an unjustified personnel actions.

(Sec. 604) Requires: (1) the Comptroller General to study and report to specified congressional committees on the training of FAA airway transportation systems specialists; and (2) the FAA Administrator to make arrangements with the NAS to assess FAA assumptions and methods used to determine FAA systems specialist staffing needs.

(Sec. 605) Requires the Comptroller General to report to Congress on the status of GAO recommendations in its October 2004 report entitled "Aviation Safety: FAA Needs to Strengthen Management of Its Designee Programs."

(Sec. 606) Requires the FAA Administrator to: (1) develop by October 31, 2009, a staffing model, following specified recommendations, for aviation safety inspectors; and (2) increase the number of safety critical positions (aviation safety inspectors, safety technical specialists, and operations support positions) in the FAA's Flight Standards Service and Aircraft Certification Service. Authorizes appropriations for both requirements, indefinitely for the first, through FY2012 for the second.

(Sec. 608) Requires the FAA Administrator to: (1) arrange with the NAS to study and report to specified congressional committees on the assumptions and methods used by the FAA to estimate staffing needs for FAA air traffic controllers; (2) assess and report to specified congressional committees on the adequacy of FAA air traffic controller training programs; and (3) study and report to specified congressional committees on training options for graduates of the Collegiate Training Initiative (CTI) program.

(Sec. 611) Establishes the FAA Task Force on Air Traffic Control Facility Conditions to study and report to certain congressional committees on specified matters relating to air traffic control facilities. Authorizes appropriations.

Title VII: Aviation Insurance - (Sec. 701) Extends the termination dates for existing policies of insurance and reinsurance against loss or damage arising out of any risk from the operation of a domestic or foreign aircraft. Extends from FY2009 through FY2012 the requirement that the Secretary provide such insurance and reinsurance, and extends from December 31, 2009, through December 31, 2019, the Secretary's authority to provide such insurance.

Establishes a successor aviation insurance program. Requires, after December 31, 2019, that aviation insurance be provided in an airline industry sponsored risk retention or other risk-sharing arrangement. Requires transfer to such a successor program of any premiums collected under the current program.

(Sec. 702) Extends through December 31, 2012, the authority to certify that an air carrier is a victim of an act of terrorism and is liable for damages only as specified.

(Sec. 704) Authorizes the Secretary to use a claims adjuster independent of the underwriting agent to adjust aviation insurance claims.

(Sec. 705) Extends through December 31, 2019, the Secretary's authority to provide aviation insurance.

Title VIII: Miscellaneous - (Sec. 801) Declares that an air carrier shall not be deemed to be under the actual control of U.S. citizens unless U.S. citizens 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) Exempts from Freedom of Information Act (FOIA) requirements regarding government records on individuals any FAA disclosures 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) Permits the FAA to access criminal justice information 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. Prohibits using such access to conduct criminal investigations.

(Sec. 805) Directs the Secretary to evaluate and report to Congress on the formulation of the National Plan of Integrated Airport Systems.

(Sec. 806) Amends the Railway Labor Act to extend coverage only to certain express carrier employees who are in positions eligible for certification under FAA rules and perform duties for such a carrier that are also eligible for such certification. Subjects all other express carrier employees to the National Labor Relations Act.

(Sec. 807) Establishes within the FAA a working group to make recommendations for the realignment of FAA services and facilities to: (1) assist in the transition to next generation facilities; and (2) help reduce costs in instances in which cost reductions can be implemented without adversely affecting safety.

(Sec. 808) Authorizes the National Transportation Safety Board (NTSB) to procure accidental death and dismemberment insurance for its employees who travel for accident investigations under hazardous circumstances.

(Sec. 809) Requires the Comptroller General to study and report to Congress on how the FAA can better ensure the cooperation of air carriers and foreign air carriers to develop and enforce child safety control for adults traveling internationally with children.

(Sec. 810) Authorizes the Secretary to: (1) approve the sale of Lost Nation Airport from the city of Willoughby, Ohio, to Lake County, Ohio, provided certain conditions are met; and (2) make a grant to Lake County to assist in its purchase.

(Sec. 811) Directs the FAA Administrator to: (1) approve the request of the town of Pollock, Louisiana, to close the Pollock Municipal Airport as a public airport; and (2) release the town from any condition contained in a surplus property conveyance or transfer document.

(Sec. 812) Requires the FAA Administrator to develop a human intervention and motivation study program to help combat chemical dependency of pilots and flight attendants involved in air carrier operations. Authorizes appropriations for FY2010-FY2012.

(Sec. 813) Requires the FAA Administrator to submit to Congress a plan that outlines changes to the Washington, D.C., Air Defense Identification Zone that will decrease operational impacts and improve general aviation access to airports in the region.

(Sec. 814) Releases certain Merrill Field Airport land, without monetary consideration, to the town of Anchorage, Alaska, for construction or reconstruction of a federally subsidized highway project.

(Sec. 815) Expresses 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, Houston, Texas; and (2) congratulates the city of Houston and the 1940 Air Terminal Museum on the 80-year history of William P. Hobby Airport and the role the airport plays in Houston and the nation's transportation system.

(Sec. 816) Directs the FAA Administrator to initiate a rulemaking proceeding regarding flight time and duty limitations for flight crewmembers.

(Sec. 817) Establishes a pilot program at up to four public-use airports with an approved noise compatibility program for redevelopment of airport property. Makes the federal share of allowable project costs 80%.

(Sec. 818) Requires the FAA Administrator to study and report to Congress on: (1) helicopter operations over Long Island and Staten Island, New York; and (2) whether onboard temperature standards are necessary to protect cabin and cockpit crew members and passengers on an aircraft from excessive heat during standard operations or during an excessive flight delay.

(Sec. 821) Directs the Comptroller General to study and report to Congress on effective strategies to alleviate congestion at airports during peak travel times.

(Sec. 822) Requires the Secretary to issue regulations to require air carriers to provide training for flight attendants and gate attendants about serving alcohol, dealing with disruptive passengers, and recognizing intoxicated persons.

(Sec. 823) Requires the FAA Administrator to study and report to specified congressional committees on the feasibility of

developing a public website on wind turbine installation and the level of obstruction such turbines may present to aviation sites.

(Sec. 824) Directs the FAA Administrator to study and report to Congress on: (1) the locations of FAA radar signals in the United States, including their impact on the development and installation of renewable energy technologies, such as wind turbines; (2) wind turbine lighting systems; and (3) a physical means, or combination of physical and procedural means, to limit access to flight decks of all-cargo aircraft to authorized flight crew members.

(Sec. 826) Prohibits the Secretary from using funds to name, rename, designate, or redesignate any project or program under this Act for a serving Member, Delegate, Resident Commissioner, or Senator of Congress.

(Sec. 828) Expresses the sense of Congress that FAA whistleblowers be granted the full protection of the law.

(Sec. 829) Directs the FAA Administrator to designate the proposed College Point Marine Transfer Station in New York City, New York, as a hazard to air navigation.

(Sec. 830) Directs the Comptroller General to study and report to Congress on commercial airline pilot training and certification programs.

(Sec. 831) Authorizes the Secretary, subject to specified conditions, to release restrictions on the use of certain property conveyed to the city of St. George, Utah, for airport purposes.

(Sec. 832) Directs the FAA Administrator to take action to ensure that any subsequent air traffic control tower or facility that replaces an existing tower or facility placed into operation before September 30, 2009, at Palm Beach International Airport includes an operating terminal radar approach control.

(Sec. 833) Expresses the sense of Congress that the FAA Administrator should enter into good faith discussions with the city of Santa Monica, California, to achieve runway safety area solutions to safety concerns at Santa Monica Airport that are consistent with FAA design guidelines.

Title IX: Federal Aviation Research and Development - Federal Aviation Research and Development Reauthorization Act of 2009 - (Sec. 903) Directs the FAA Administrator to establish: (1) a research initiative to assess the impact of aviation on the climate and to evaluate approaches to mitigate such impact; (2) a program of research grants to universities and nonprofit research foundations for research and technology demonstrations to improve runway surfaces (with an authorization of appropriations for FY2010-FY2012); (3) a research program on methods to improve certification of new technologies for introduction into the national airspace system; (4) a permanent airport cooperative research program; and (5) a research grant program involving colleges and universities to conduct research by undergraduate students on subjects of relevance to the FAA (with an authorization of appropriations for FY2010-FY2012).

(Sec. 906) Increases the federal share of costs of establishing and operating regional centers of air transportation excellence and related research activities. Sets the federal share of costs for an individual grant to an institution of higher education to establish and operate such a center at no more than 90%.

(Sec. 908) Requires the FAA Administrator to conduct or supervise specified research to develop technologies and methods to assess the risk of and prevent defects, failures, and malfunctions in all classes of unmanned aircraft systems.

(Sec. 910) Requires the FAA Administrator to continue R&D into technologies to modify aviation piston engines to operate with unleaded aviation fuel. Authorizes appropriations for FY2010-FY2012.

(Sec. 911) Requires the FAA Administrator to arrange for the National Research Council to review FAA energy- and environment-related research programs and FAA aviation safety-related research programs. Authorizes additional FY2010 appropriations for the latter program.

(Sec. 913) Directs the Secretary to establish a research grant program to develop technologies that produce jet fuel from alternative sources. Requires the FAA Administrator to designate one of the participating educational or research institutions a Center of Excellence for Alternative Jet Fuel Research.

(Sec. 914) Directs the FAA Administrator to establish a Center for Excellence in Aviation Employment. Authorizes appropriations.

Title X: Airport and Airway Trust Fund Financing - Airport and Airway Trust Fund Financing Act of 2009 - (Sec. 1002) Amends the Internal Revenue Code to (1) impose an excise tax on aviation-grade kerosene of 35.9 cents per gallon (4.3 cents per gallon for commercial aviation uses); (2) increase to 24.1 cents per gallon the tax rate for aviation gasoline; and (3) extend through FY2012 the excise tax on the transportation by air of persons and property and the excise tax on aviation gasoline and aviation-grade kerosene.

Extends through FY2012 the expenditure authority for the Airport and Airway Trust Fund.

Dedicates revenues from the taxes imposed on aviation gasoline and aviation-grade kerosene to carry out air traffic control modernization.

Actions Timeline

- **Jun 1, 2009:** Received in the Senate and Read twice and referred to the Committee on Commerce, Science, and Transportation.
- **May 21, 2009:** Rule H. Res. 464 passed House.
- **May 21, 2009:** Supplemental report filed by the Committee on Transportation, H. Rept. 111-119, Part II.
- **May 21, 2009:** Considered under the provisions of rule H. Res. 464. (consideration: CR H5913-5981)
- **May 21, 2009:** Rule provides for consideration of H.R. 915 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Specified amendments are in order. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. In lieu of the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill, the amendment in the nature of a substitute printed in part A of the report, modified by the amendment printed in part B, shall be considered as adopted. The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule.
- **May 21, 2009:** House resolved itself into the Committee of the Whole House on the state of the Union pursuant to H. Res. 464 and Rule XVIII.
- **May 21, 2009:** The Speaker designated the Honorable Dennis A. Cardoza to act as Chairman of the Committee.
- **May 21, 2009:** GENERAL DEBATE - The Committee of the Whole proceeded with one hour of general debate on H.R. 915.
- **May 21, 2009:** DEBATE - Pursuant to the provisions of H. Res. 464, the Committee of the Whole proceeded with 20 minutes of debate on the Oberstar amendment.
- **May 21, 2009:** DEBATE - Pursuant to the provisions of H. Res. 464, the Committee of the Whole proceeded with 10 minutes of debate on the Lee (NY) amendment.
- **May 21, 2009:** DEBATE - Pursuant to the provisions of H. Res. 464, the Committee of the Whole proceeded with 10 minutes of debate on the Richardson amendment.
- **May 21, 2009:** DEBATE - Pursuant to the provisions of H. Res. 464, the Committee of the Whole proceeded with 10 minutes of debate on the Burgess amendment.
- **May 21, 2009:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Burgess amendment, the Chair put the question on adoption of the amendment and by voice vote announced the ayes had prevailed. Mr. Oberstar demanded a recorded vote and the Chair postponed further proceedings until later in the legislative day.
- **May 21, 2009:** DEBATE - Pursuant to the provisions of H. Res. 464, the Committee of the Whole proceeded with 10 minutes of debate on the Cuellar amendment, as modified.
- **May 21, 2009:** DEBATE - Pursuant to the provisions of H. Res. 464, the Committee of the Whole proceeded with 10 minutes of debate on the McCaul amendment.
- **May 21, 2009:** POSTPONED PROCEEDINGS - At the conclusion of debate on the McCaul amendment, the Chair put the question on the adoption of the amendment and by voice vote, announced the ayes had prevailed. Mr. McCaul demanded a recorded vote and the Chair postponed further proceedings until later in the legislative day.
- **May 21, 2009:** DEBATE - Pursuant to the provisions of H. Res. 464, the Committee of the Whole proceeded with 10 minutes of debate on the Murphy (CT) amendment.
- **May 21, 2009:** DEBATE - Pursuant to the provisions of H. Res. 464, the Committee of the Whole proceeded with 10 minutes of debate on the Cassidy amendment.
- **May 21, 2009:** DEBATE - Pursuant to the provisions of H. Res. 464, the Committee of the Whole proceeded with 10 minutes of debate on the Kilroy amendment.
- **May 21, 2009:** DEBATE - Pursuant to the provisions of H. Res. 464, the Committee of the Whole proceeded with 10 minutes of debate on the Frelinghuysen amendment.
- **May 21, 2009:** DEBATE - Pursuant to the provisions of H. Res. 464, the Committee of the Whole proceeded with 10 minutes of debate on the Lowey amendment.
- **May 21, 2009:** DEBATE - Pursuant to the provisions of H. Res. 464, the Committee of the Whole proceeded with 10 minutes of debate on the Ackerman amendment.
- **May 21, 2009:** UNFINISHED BUSINESS - The Chair announced that the unfinished business was the question of adoption of amendments which had been debated earlier and on which further proceedings had been postponed.
- **May 21, 2009:** The House rose from the Committee of the Whole House on the state of the Union to report H.R. 915.
- **May 21, 2009:** The previous question was ordered pursuant to the rule. (consideration: CR H5978)

May 21, 2009: The House adopted the amendment in the nature of a substitute, as modified, as agreed to by the Committee of the Whole House on the state of the Union. (text: CR H5928-5959)

- **May 21, 2009:** Mr. Campbell moved to recommit with instructions to Transportation. (consideration: CR H5978-5979; text: CR H5978-5979)
- **May 21, 2009:** DEBATE - The House proceeded with 10 minutes of debate on the Campbell (CA) motion to recommit with instructions. The instructions contained in the motion seek to require the bill to be reported back to the House forthwith with an amendment adding a new section to title IV.
- **May 21, 2009:** The previous question on the motion to recommit with instructions was ordered without objection. (consideration: CR H5979)
- **May 21, 2009:** On motion to recommit with instructions Failed by recorded vote: 154 - 263 (Roll no. 290). (consideration: CR H5979-5980)
- **May 21, 2009:** Passed/agreed to in House: On passage Passed by recorded vote: 277 - 136 (Roll no. 291).
- **May 21, 2009:** On passage Passed by recorded vote: 277 - 136 (Roll no. 291).
- **May 21, 2009:** Motion to reconsider laid on the table Agreed to without objection.
- **May 21, 2009:** The Clerk was authorized to correct section numbers, punctuation, and cross references, and to make other necessary technical and conforming corrections in the engrossment of H.R. 915.
- **May 21, 2009:** The title of the measure was amended. Agreed to without objection.
- **May 20, 2009:** Rules Committee Resolution H. Res. 464 Reported to House. Rule provides for consideration of H.R. 915 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Specified amendments are in order. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. In lieu of the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill, the amendment in the nature of a substitute printed in part A of the report, modified by the amendment printed in part B, shall be considered as adopted. The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule.
- **May 19, 2009:** Reported (Amended) by the Committee on Transportation. H. Rept. 111-119, Part I.
- **May 19, 2009:** Committee on Science and Technology discharged.
- **May 19, 2009:** Placed on the Union Calendar, Calendar No. 62.
- **Mar 5, 2009:** Subcommittee on Aviation Discharged.
- **Mar 5, 2009:** Committee Consideration and Mark-up Session Held.
- **Mar 5, 2009:** Ordered to be Reported (Amended) by Voice Vote.
- **Feb 11, 2009:** Referred to the Subcommittee on Space and Aeronautics.
- **Feb 10, 2009:** Referred to the Subcommittee on Aviation.
- **Feb 9, 2009:** Introduced in House
- **Feb 9, 2009:** Referred to House Transportation and Infrastructure
- **Feb 9, 2009:** Referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.
- **Feb 9, 2009:** Referred to House Science and Technology