AMENDMENT TO MR. OBERSTAR'S AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 2881 OFFERED BY MR. OBERSTAR OF MINNESOTA

In the item relating to section 104 of the table of contents on the first page of the amendment, insert ", engineering," after "Research".

Page 10, line 7, insert "**, ENGINEERING,**" after "**RESEARCH**".

Page 12, line 1, strike "$3,000,000" and insert "$5,000,000".

Page 37, line 24, strike "sections" and insert "section".

Page 47, line 21, insert "on or after October 1, 1996," after "that airport".

In subtitle D of title I of the amendment, redesignate, on page 50, section 149 as section 151 and insert after section 148 on page 50 the following:

1 **SEC. 149. PUERTO RICO MINIMUM GUARANTEE.**

2 Section 47114(e) is amended—

3 (1) in the subsection heading by inserting "AND

4 PUERTO RICO" after "ALASKA"; and

1 (2) by adding at the end the following:
2 "(5) PUERTO RICO MINIMUM GUARANTEE.—In
3 any fiscal year in which the total amount appor-
4 tioned to airports in Puerto Rico under subsections
5 (c) and (d) is less than 1.5 percent of the total
6 amount apportioned to all airports under subsections
7 (c) and (d), the Secretary shall apportion to the
8 Puerto Rico Ports Authority for airport development
9 projects in such fiscal year an amount equal to the
10 difference between 1.5 percent of the total amounts
11 apportioned under subsections (c) and (d) in such
12 fiscal year and the amount otherwise apportioned
13 under subsections (c) and (d) to airports in Puerto
14 Rico in such fiscal year.".

At the end of title II on page 89, insert the following:

15 **SEC. 218. NEXTGEN RESEARCH AND DEVELOPMENT CEN-**
16 **TER OF EXCELLENCE.**
17 (a) ESTABLISHMENT.—Of the amount appropriated
18 under section 48101(a) of title 49, United States Code,
19 the Administrator of the Federal Aviation Administration
20 shall use such sums as may be necessary for each of fiscal
21 years 2008 through 2011 to contribute to the establish-
22 ment of a center of excellence for the research and devel-

1 opment of Next Generation Air Transportation System
2 technologies.
3 (b) FUNCTIONS.—The center established under sub-
4 section (a) shall—
5 (1) leverage the centers of excellence program
6 of the Federal Aviation Administration, as well as
7 other resources and partnerships, to enhance the de-
8 velopment of Next Generation Air Transportation
9 System technologies within academia and industry;
10 and
11 (2) provide educational, technical, and analyt-
12 ical assistance to the Federal Aviation Administra-
13 tion and other Federal agencies with responsibilities
14 to research and develop Next Generation Air Trans-
15 portation System technologies.
16 **SEC. 219. AIRSPACE REDESIGN.**
17 (a) FINDINGS.—Congress finds the following:
18 (1) The airspace redesign efforts of the Federal
19 Aviation Administration will play a critical near-
20 term role in enhancing capacity, reducing delays,
21 transitioning to more flexible routing, and ultimately
22 saving money in fuel costs for airlines and airspace
23 users.
24 (2) The critical importance of airspace redesign
25 efforts is underscored by the fact that they are high-

1 lighted in strategic plans of the Administration, in-
2 cluding Flight Plan 2008–2012 and the document
3 known as the "Operational Evolution Partnership".
4 (3) Funding cuts have led to delays and defer-
5 rals of critical capacity enhancing airspace redesign
6 efforts.
7 (4) Several new runways planned for the period
8 of fiscal years 2008 to 2011 will not provide esti-
9 mated capacity benefits without additional funds.
10 (b) AUTHORIZATION OF APPROPRIATIONS.—In addi-
11 tion to amounts authorized by section 106(k) of title 49,
12 United States Code, there are authorized to be appro-
13 priated to the Administrator of the Federal Aviation Ad-
14 ministration $2,300,000 for fiscal year 2008, $14,500,000
15 for fiscal year 2009, $20,000,000 for fiscal year 2010, and
16 $20,000,000 for fiscal year 2011 to carry out such air-
17 space redesign initiatives as the Administrator determines
18 appropriate.
19 (c) ADDITIONAL AMOUNTS.—Of the amounts appro-
20 priated under section 48101(a) of such title, the Adminis-
21 trator may use $5,000,000 for fiscal year 2008,
22 $5,000,000 for fiscal year 2009, $5,000,000 for fiscal year
23 2010, and $5,000,000 for fiscal year 2011 to carry out
24 such airspace redesign initiatives as the Administrator de-
25 termines appropriate.

Page 97, strike line 3 and insert the following:

1 **SEC. 305. RUNWAY SAFETY.**

2 (a) STRATEGIC RUNWAY SAFETY PLAN.—

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

8 (2) CONTENTS OF PLAN.—The strategic run-
9 way safety plan—

10 (A) shall include, at a minimum—

11 (i) goals to improve runway safety;

12 (ii) near- and longer-term actions de-
13 signed to reduce the severity, number, and
14 rate of runway incursions;

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

17 (iv) a continuous evaluative process to
18 track performance toward the goals re-
19 ferred to in clause (i); and

20 (B) shall address the increased runway
21 safety risk associated with the expected in-
22 creased volume of air traffic.

Page 97, line 4, before "Not later than" insert the following:

1 (b) PLAN FOR INSTALLATION AND DEPLOYMENT OF
2 SYSTEMS TO PROVIDE ALERTS OF POTENTIAL RUNWAY
3 INCURSIONS.—

Pages 101 through 103, strike section 309 of the amendment and insert the following:

4 **SEC. 309. OCCUPATIONAL SAFETY AND HEALTH STAND-**
5 **ARDS FOR FLIGHT ATTENDANTS ON BOARD**
6 **AIRCRAFT.**

7 (a) IN GENERAL.—Chapter 447 (as amended by sec-
8 tion 304 of this Act) is further amended by adding at the
9 end the following:

10 **"§ 44731. Occupational safety and health standards**
11 **for flight attendants on board aircraft**

12 "(a) IN GENERAL.—The Administrator of the Fed-
13 eral Aviation Administration shall prescribe and enforce
14 standards and regulations to ensure the occupational safe-
15 ty and health of individuals serving as flight attendants
16 in the cabin of an aircraft of an air carrier.

17 "(b) STANDARDS AND REGULATIONS.—Standards
18 and regulations issued under this section shall require
19 each air carrier operating an aircraft in air transpor-
20 tation—

21 "(1) to provide for an environment in the cabin
22 of the aircraft that is free from hazards that could

1 cause physical harm to a flight attendant working in
2 the cabin; and
3 "(2) to meet minimum standards for the occu-
4 pational safety and health of flight attendants who
5 work in the cabin of the aircraft.
6 "(c) RULEMAKING.—In carrying out this section, the
7 Administrator shall conduct a rulemaking proceeding to
8 address, at a minimum, the following areas:
9 "(1) Record keeping.
10 "(2) Blood borne pathogens.
11 "(3) Noise.
12 "(4) Sanitation.
13 "(5) Hazard communication.
14 "(6) Anti-discrimination.
15 "(7) Access to employee exposure and medical
16 records.
17 "(8) Temperature standards for the aircraft
18 cabin.
19 "(d) REGULATIONS.—
20 "(1) DEADLINE.—Not later than 3 years after
21 the date of enactment of this section, the Adminis-
22 trator shall issue final regulations to carry out this
23 section.
24 "(2) CONTENTS.—Regulations issued under
25 this subsection shall address each of the issues iden-

1 tified in subsection (c) and others aspects of the en-
2 vironment of an aircraft cabin that may cause illness
3 or injury to a flight attendant working in the cabin.
4 "(3) EMPLOYER ACTIONS TO ADDRESS OCCUPA-
5 TIONAL SAFETY AND HEALTH HAZARDS.—Regula-
6 tions issued under this subsection shall set forth
7 clearly the circumstances under which an air carrier
8 is required to take action to address occupational
9 safety and health hazards.
10 "(e) ADDITIONAL RULEMAKING PROCEEDINGS.—
11 After issuing regulations under subsection (c), the Admin-
12 istrator may conduct additional rulemaking proceedings as
13 the Administrator determines appropriate to carry out this
14 section.
15 "(f) OVERSIGHT.—
16 "(1) CABIN OCCUPATIONAL SAFETY AND
17 HEALTH INSPECTORS.—The Administrator shall es-
18 tablish the position of Cabin Occupational Safety
19 and Health Inspector within the Federal Aviation
20 Administration and shall employ individuals with ap-
21 propriate qualifications and expertise to serve in the
22 position.
23 "(2) RESPONSIBILITIES.—Inspectors employed
24 under this subsection shall be solely responsible for

1 conducting proper oversight of air carrier programs
2 implemented under this section.
3 "(g) CONSULTATION.—In developing regulations
4 under this section, the Administrator shall consult with
5 the Administrator of the Occupational Safety and Health
6 Administration, labor organizations representing flight at-
7 tendants, air carriers, and other interested persons.
8 "(h) SAFETY PRIORITY.—In developing and imple-
9 menting regulations under this section, the Administrator
10 shall give priority to the safe operation and maintenance
11 of an aircraft.
12 "(i) FLIGHT ATTENDANT DEFINED.—In this section,
13 the term 'flight attendant' has the meaning given that
14 term by section 44728.
15 "(j) AUTHORIZATION OF APPROPRIATIONS.—There
16 is authorized to be appropriated such sums as may be nec-
17 essary to carry out this section. Such sums shall remain
18 available until expended.".
19 (b) CLERICAL AMENDMENT.—The analysis for chap-
20 ter 447 is amended by adding at the end the following:

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

Page 104, after line 14, insert the following:

1 **SEC. 312. NONCERTIFICATED MAINTENANCE PROVIDERS.**

2 (a) ISSUANCE OF REGULATIONS.—Not later than 3
3 years after the date of enactment of this Act, the Adminis-
4 trator of the Federal Aviation Administration shall issue
5 regulations requiring that all covered maintenance work
6 on aircraft used to provide air transportation under part
7 121 of title 14, Code of Federal Regulations, be performed
8 by individuals in accordance with subsection (b).

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

12 (1) an individual employed by the air carrier;

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

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

17 (4) an individual employed by a company that
18 provides contract maintenance workers to a part 145
19 repair station or part 121 air carrier, if the indi-
20 vidual—

21 (A) meets the requirements of the part
22 145 repair station or the part 121 air carrier;

23 (B) works under the direct supervision and
24 control of the part 145 repair station or part
25 121 air carrier; and

1 (C) carries out the work in accordance
2 with the part 121 air carrier's maintenance
3 manual and, if applicable, the part 145 certifi-
4 cate holder's repair station and quality control
5 manuals.
6 (c) PLAN.—
7 (1) DEVELOPMENT.—The Administrator shall
8 develop a plan to—
9 (A) require air carriers to identify and pro-
10 vide to the Administrator a complete listing of
11 all noncertificated maintenance providers that
12 perform, before the effective date of the regula-
13 tions to be issued under subsection (a), covered
14 maintenance work on aircraft used to provide
15 air transportation under part 121 of title 14,
16 Code of Federal Regulations;
17 (B) validate the lists that air carriers pro-
18 vide under subparagraph (A) by sampling air
19 carrier records, such as maintenance activity re-
20 ports and general vendor listings; and
21 (C) include surveillance and oversight by
22 field inspectors of the Federal Aviation Admin-
23 istration for all noncertificated maintenance
24 providers that perform covered maintenance

1 work on aircraft used to provide air transpor-
2 tation in accordance with such part 121.
3 (2) REPORT TO CONGRESS.—Not later than 6
4 months after the date of enactment of this Act, the
5 Administrator shall transmit to Congress a report
6 containing the plan developed under paragraph (1).
7 (d) DEFINITIONS.—In this section, the following defi-
8 nitions apply:
9 (1) COVERED MAINTENANCE WORK.—The term
10 "covered maintenance work" means maintenance
11 work that is substantial, regularly-scheduled, or a
12 required inspection item, as determined by the Ad-
13 ministrator.
14 (2) PART 121 AIR CARRIER.—The term "part
15 121 air carrier" means an air carrier that holds a
16 certificate issued under part 121 of title 14, Code of
17 Federal Regulations.
18 (3) PART 145 REPAIR STATION.—The term
19 "part 145 repair station" means a repair station
20 that holds a certificate issued under part 145 of title
21 14, Code of Federal Regulations.
22 (4) NONCERTIFICATED MAINTENANCE PRO-
23 VIDER.—The term "noncertificated maintenance
24 provider" means a maintenance provider that does

1 not hold a certificate issued under part 121 or part
2 145 of title 14 Code of Federal Regulations.
3 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated such sums as may be nec-
5 essary for the Administrator to hire additional field safety
6 inspectors to ensure adequate and timely inspection of
7 maintenance providers that perform covered maintenance
8 work.

9 **SEC. 313. AIRCRAFT RESCUE AND FIREFIGHTING STAND-**
10 **ARDS.**

11 (a) RULEMAKING PROCEEDING.—Not later than 180
12 days after the date of enactment of this Act, the Adminis-
13 trator of the Federal Aviation Administration shall initiate
14 a rulemaking proceeding for the purpose of issuing a pro-
15 posed and final rule that revises the aircraft rescue and
16 firefighting standards ("ARFF") under part 139 of title
17 14, Code of Federal Regulations, to improve the protection
18 of the traveling public, other persons, aircraft, buildings,
19 and the environment from fires and hazardous materials
20 incidents.
21 (b) CONTENTS OF PROPOSED AND FINAL RULE.—
22 The proposed and final rule to be issued under subsection
23 (a) shall address the following:
24 (1) The mission of aircraft rescue and fire-
25 fighting personnel, including responsibilities for pas-

1 senger egress in the context of other Administration
2 requirements.
3 (2) The proper level of staffing.
4 (3) The timeliness of a response.
5 (4) The handling of hazardous materials inci-
6 dents at airports.
7 (5) Proper vehicle deployment.
8 (6) The need for equipment modernization.
9 (c) CONSISTENCY WITH VOLUNTARY CONSENSUS
10 STANDARDS.—The proposed and final rule issued under
11 subsection (a) shall be, to the extent practical, consistent
12 with national voluntary consensus standards for aircraft
13 rescue and firefighting services at airports.
14 (d) ASSESSMENTS OF POTENTIAL IMPACTS.—In the
15 rulemaking proceeding initiated under subsection (a), the
16 Administrator shall assess the potential impact of any re-
17 visions to the firefighting standards on airports and air
18 transportation service.
19 (e) INCONSISTENCY WITH STANDARDS.—If the pro-
20 posed or final rule issued under subsection (a) is not con-
21 sistent with national voluntary consensus standards for
22 aircraft rescue and firefighting services at airports, the
23 Administrator shall submit to the Office of Management
24 and Budget an explanation of the reasons for such incon-
25 sistency in accordance with section 12(d) of the National

1 Technology Transfer and Advancement Act of 1995 (15
2 U.S.C. 272 note; 110 Stat. 783).
3 (f) FINAL RULE.—Not later than 24 months after
4 the date of enactment of this Act, the Administrator shall
5 issue the final rule required by subsection (a).

Page 118, line 3, after "water" insert "that meets the standards of the Safe Drinking Water Act (42 U.S.C. 300f et. seq)".

Page 118, line 8, strike "and".

Page 118, after line 8, insert the following:

6 "(B) allow passengers to deplane following
7 excessive delays; and".

Page 118, line 9, strike "(B)" and insert "(C)".

Page 118, line 14, after "for the" insert "deplanement of passengers following excessive delays and will provide for the".

Page 119, line 3, strike "The" and insert the following:

8 "(1) IN GENERAL.—Not later than 9 months
9 after the date of enactment of this section, the

Page 119, line 4, before "emergency" insert "or require modifications to".

Page 119, after line 8, insert the following:

1 "(2) CIVIL PENALTIES.—The Secretary may as-
2 sess a civil penalty under section 46301 against an
3 air carrier or airport that does not adhere to an
4 emergency contingency plan approved under this
5 subsection.
6 "(g) MINIMUM STANDARDS.—The Secretary may es-
7 tablish, as necessary or desirable, minimum standards for
8 elements in an emergency contingency plan required to be
9 submitted under this section.
10 "(h) PUBLIC ACCESS.—An air carrier or airport re-
11 quired to submit emergency contingency plans under this
12 section shall ensure public access to such plan after its
13 approval under this section on the Internet Web site of
14 the carrier or airport or by such other means as deter-
15 mined by the Secretary.".

Page 119, line 24, after "flight" insert "on which a insecticide has been applied in the aircraft within the last 60 days or".

Page 120, line 3, after "ticket of the" insert "application, application, or"

At the end of title IV on page 125, insert the following:

1 **SEC. 412. REPEAL OF ESSENTIAL AIR SERVICE LOCAL PAR-**
2 **TICIPATION PROGRAM.**

3 (a) REPEAL.—Section 41747, and the item relating
4 to such section in the analysis for chapter 417, are re-
5 pealed.

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

9 **SEC. 413. GAO STUDY OF ESSENTIAL AIR SERVICE SUBSIDY**
10 **CAP.**

11 (a) IN GENERAL.—The Comptroller General shall ex-
12 amine how the $200 per passenger subsidy cap, initially
13 established by Public Law 103–122 (107 Stat. 1198;
14 1201) and made permanent by section 332 of Public Law
15 106–69 (113 Stat. 1022) to restrict eligibility for funding
16 under the essential air service program, has impacted that
17 program and the access of small communities to air trans-
18 portation.

19 (b) STUDY.—The study shall include an analysis of
20 the following:

21 (1) The communities that have lost eligibility
22 for subsidized air service under the essential air
23 service program due to the $200 per passenger sub-
24 sidy cap and the impact, if any, such loss of subsidy
25 has had on the access of such communities to air
26 transportation.

1 (2) The likely effect on the essential air service
2 program if the $200 per passenger subsidy cap is in-
3 dexed for inflation beginning in 2009.
4 (3) Whether the $200 per passenger subsidy
5 cap has disproportionately impacted communities in
6 certain geographic areas.
7 (4) Alternative methods of measuring the sub-
8 sidy rate, including the subsidy per passenger per
9 mile.
10 (c) REPORT TO CONGRESS.—Not later than 18
11 months after the date of enactment of this Act, the Comp-
12 troller General shall submit to the Committee on Trans-
13 portation and Infrastructure of the House of Representa-
14 tives and the Committee on Commerce, Science, and
15 Transportation of the Senate a report on the results of
16 the study conducted under this section.

17 **SEC. 414. NOTICE TO COMMUNITIES PRIOR TO TERMI-**
18 **NATION OF ELIGIBILITY FOR SUBSIDIZED ES-**
19 **SENTIAL AIR SERVICE.**

20 Section 41733 is amended by adding at the end the
21 following:
22 "(f) NOTICE TO COMMUNITIES PRIOR TO TERMI-
23 NATION OF ELIGIBILITY.—
24 "(1) IN GENERAL.—The Secretary shall notify
25 each community receiving basic essential air service

1 for which compensation is being paid under this sub-
2 chapter not later than 45 days before issuing any
3 final decision to end the payment of such compensa-
4 tion due to a determination by the Secretary that
5 providing such service requires a rate of subsidy per
6 passenger in excess of the maximum amount speci-
7 fied in section 332 of Public Law 106–69 (113 Stat.
8 1022).

9 "(2) PROCEDURES TO AVOID TERMINATION.—
10 The Secretary shall establish, by order, procedures
11 by which each community notified of an impending
12 loss of subsidy under paragraph (1) may work di-
13 rectly with an air carrier to ensure that the air car-
14 rier is able to submit a proposal to the Secretary to
15 provide essential air service to such community for
16 an amount of compensation that would not exceed
17 the subsidy cap established by section 332 of Public
18 Law 106-69.

19 "(3) ASSISTANCE PROVIDED.—The Secretary
20 shall provide, by order, to each community notified
21 under paragraph (1) information regarding–

22 "(A) the procedures established pursuant
23 to paragraph (2); and

24 "(B) the maximum amount of compensa-
25 tion that could be provided under this sub-

1 chapter to an air carrier serving such commu-
2 nity that would comply with the subsidy cap es-
3 tablished by section 332 of Public Law 106-
4 69.".

5 **SEC. 415. RESTORATION OF ELIGIBILITY TO A PLACE DE-**
6 **TERMINED BY THE SECRETARY TO BE INELI-**
7 **GIBLE FOR SUBSIDIZED ESSENTIAL AIR**
8 **SERVICE.**

9 Section 41733 (as amended by section 414 of this
10 Act) is further amended by adding at the end the fol-
11 lowing:

12 "(g) PROPOSALS OF STATE AND LOCAL GOVERN-
13 MENTS TO RESTORE ELIGIBILITY.—

14 "(1) IN GENERAL.—If the Secretary ends pay-
15 ment of compensation to an air carrier for providing
16 basic essential air service to an eligible place because
17 the Secretary has determined that providing such
18 service requires a rate of subsidy per passenger in
19 excess of the maximum amount specified in section
20 332 of Public Law 106–69 (113 Stat. 1022), a
21 State or local government may submit to the Sec-
22 retary a proposal for restoring compensation for
23 such service. Such proposal shall be a joint proposal
24 of the State or local government and an air carrier.

1 "(2) DETERMINATION BY SECRETARY.—If a
2 State or local government submits to the Secretary
3 a proposal under paragraph (1) with respect to an
4 eligible place, and the Secretary determines that—
5 "(A) the rate of subsidy per passenger
6 under the proposal does not exceed the max-
7 imum amount specified in section 332 of Public
8 Law 106–69; and
9 "(B) the proposal is consistent with the
10 legal and regulatory requirements of the essen-
11 tial air service program,
12 the Secretary shall issue an order restoring the eligi-
13 bility of the otherwise eligible place to receive basic
14 essential air service by an air carrier for compensa-
15 tion under subsection (c).".

16 **SEC. 416. OFFICE OF RURAL AVIATION.**

17 (a) IN GENERAL.—Subchapter II of chapter 417 is
18 amended by adding at the end the following:

19 **"§ 41749. Office of Rural Aviation**

20 "(a) ESTABLISHMENT.—The Secretary of Transpor-
21 tation shall establish within the Department of Transpor-
22 tation an office to be known as the 'Office of Rural Avia-
23 tion' (in this section referred to as the 'Office').
24 "(b) FUNCTIONS.—The Office shall—

1 "(1) monitor the status of air service to small
2 communities;
3 "(2) develop proposals to improve air service to
4 small communities; and
5 "(3) carry out such other functions as the Sec-
6 retary considers appropriate.".
7 (b) CLERICAL AMENDMENT.—The analysis for sub-
8 chapter II of chapter 417 is amended by adding at the
9 end the following:

"41749. Office of Rural Aviation.".

10 **SEC. 417. ADJUSTMENTS TO COMPENSATION FOR SIGNIFI-**
11 **CANTLY INCREASED COSTS.**
12 (a) ADJUSTMENTS TO ACCOUNT FOR SIGNIFICANTLY
13 INCREASED NONFUEL COSTS.—Section 41737(e) is
14 amended—
15 (1) in the subsection heading by inserting
16 "NONFUEL" before "COSTS"; and
17 (2) in paragraph (1) by inserting "other than
18 fuel costs" before "in providing".
19 (b) ADJUSTMENTS TO ACCOUNT FOR SIGNIFICANTLY
20 INCREASED AVIATION FUEL COSTS.—Section 41737 is
21 amended by adding at the end the following:
22 "(f) ADJUSTMENTS TO ACCOUNT FOR SIGNIFI-
23 CANTLY INCREASED AVIATION FUEL COSTS.—
24 "(1) IN GENERAL.—If the Secretary determines
25 that air carriers are experiencing significantly in-

1 creased aviation fuel costs in providing air service or
2 air transportation for which compensation is being
3 paid under this subchapter, the Secretary, subject to
4 the availability of funds, shall increase the rates of
5 compensation payable to air carriers under this sub-
6 chapter without regard to any agreement or require-
7 ment relating to the renegotiation of contracts or
8 any notice requirement under section 41734.

9 "(2) READJUSTMENT IF COSTS SUBSEQUENTLY
10 DECLINE.—If an adjustment is made under para-
11 graph (1) with respect to the rates of compensation
12 payable to air carriers, and the Secretary subse-
13 quently determines that there is a significant de-
14 crease in aviation fuel costs, the Secretary shall re-
15 duce the adjustment previously made under para-
16 graph (1) without regard to any agreement or re-
17 quirement relating to the renegotiation of contracts
18 or any notice requirement under section 41734.

19 "(3) DEFINITIONS.—In this subsection, the fol-
20 lowing definitions apply:

21 "(A) AVIATION FUEL.—The term 'aviation
22 fuel' means fuel used by an air carrier in air-
23 craft providing air service or air transportation
24 for which compensation is being paid under this
25 subchapter.

1 "(B) SIGNIFICANT DECREASE IN AVIATION
2 FUEL COSTS.—The term 'significant decrease in
3 aviation fuel costs' means a decrease of 30 per-
4 cent or more in the price per gallon of aviation
5 fuel over a 6-month period, as determined by
6 the Secretary, based on fuel price information
7 derived from a commodities exchange or ex-
8 changes.
9 "(C) SIGNIFICANTLY INCREASED AVIATION
10 FUEL COSTS.—The term 'significantly increased
11 aviation fuel costs' means an increase of 30
12 percent or more in the price per gallon of avia-
13 tion fuel over a 6-month period, as determined
14 by the Secretary, based on fuel price informa-
15 tion derived from a commodities exchange or
16 exchanges.".

17 **SEC. 418. REVIEW OF AIR CARRIER FLIGHT DELAYS, CAN-**
18 **CELLATIONS, AND ASSOCIATED CAUSES.**

19 (a) REVIEW.—The Inspector General of the Depart-
20 ment of Transportation shall conduct a review regarding
21 air carrier flight delays, cancellations, and associated
22 causes to update its 2000 report numbered CR-2000-112
23 and entitled "Audit of Air Carrier Flight Delays and Can-
24 cellations".

1 (b) ASSESSMENTS.—In conducting the review under
2 subsection (a), the Inspector General shall assess—
3 (1) the need for an update on delay and can-
4 cellation statistics, such as number of chronically de-
5 layed flights and taxi-in and taxi-out times;
6 (2) air carriers' scheduling practices;
7 (3) the need for a re-examination of capacity
8 benchmarks at the Nation's busiest airports; and
9 (4) the impact of flight delays and cancellations
10 on air travelers, including recommendations for pro-
11 grams that could be implemented to address the im-
12 pact of flight delays on air travelers.
13 (c) REPORT.—Not later than one year after the date
14 of enactment of this Act, the Inspector General shall sub-
15 mit to the Committee on Transportation and Infrastruc-
16 ture of the House of Representatives and the Committee
17 on Commerce, Science, and Transportation of the Senate
18 a report on the results of the review conducted under this
19 section, including the assessments described in subsection
20 (b).
21 **SEC. 419. EUROPEAN UNION RULES FOR PASSENGER**
22 **RIGHTS.**
23 (a) IN GENERAL.—The Comptroller General shall
24 conduct a study to evaluate and compare the regulations
25 of the European Union and the United States on com-

1 pensation and other consideration offered to passengers
2 who are denied boarding or whose flights are cancelled or
3 delayed.

4 (b) SPECIFIC STUDY REQUIREMENTS.—The study
5 shall include an evaluation and comparison of the regula-
6 tions based on costs to the air carriers, preferences of pas-
7 sengers for compensation or other consideration, and
8 forms of compensation. In conducting the study, the
9 Comptroller General shall also take into account the dif-
10 ferences in structure and size of the aviation systems of
11 the European Union and the United States.

12 (c) REPORT.—Not later than one year after the date
13 of enactment of this Act, the Comptroller General shall
14 submit a report to Congress on the results of the study.

15 **SEC. 420. ESTABLISHMENT OF ADVISORY COMMITTEE FOR**
16 **AVIATION CONSUMER PROTECTION.**

17 (a) IN GENERAL.—The Secretary of Transportation
18 shall establish an advisory committee for aviation con-
19 sumer protection (in this section referred to as the "advi-
20 sory committee") to advise the Secretary in carrying out
21 air passenger service improvements, including those re-
22 quired by chapter 423 of title 49, United States Code.

23 (b) MEMBERSHIP.—The Secretary shall appoint 8
24 members to the advisory committee as follows:

1 (1) Two representatives of air carriers required
2 to submit emergency contingency plans pursuant to
3 section 42301 of title 49, United States Code.
4 (2) Two representatives of the airport operators
5 required to submit emergency contingency plans pur-
6 suant to section 42301 of such title.
7 (3) Two representatives of State and local gov-
8 ernments who have expertise in aviation consumer
9 protection matters.
10 (4) Two representatives of nonprofit public in-
11 terest groups who have expertise in aviation con-
12 sumer protection matters.
13 (c) VACANCIES.—A vacancy in the advisory com-
14 mittee shall be filled in the manner in which the original
15 appointment was made.
16 (d) TRAVEL EXPENSES.—Members of the advisory
17 committee shall serve without pay but shall receive travel
18 expenses, including per diem in lieu of subsistence, in ac-
19 cordance with subchapter I of chapter 57 of title 5, United
20 States Code.
21 (e) CHAIRPERSON.—The Secretary shall designate,
22 from among the individuals appointed under subsection
23 (b), an individual to serve as chairperson of the advisory
24 committee.

1 (f) DUTIES.—The duties of the advisory committee
2 shall include the following:
3 (1) Evaluating existing aviation consumer pro-
4 tection programs and providing recommendations for
5 the improvement of such programs, if needed.
6 (2) Providing recommendations to establish ad-
7 ditional aviation consumer protection programs, if
8 needed.
9 (g) REPORT.—Not later than February 1 of each of
10 the first 2 calendar years beginning after the date of en-
11 actment of this Act, the Secretary shall transmit to Con-
12 gress a report containing—
13 (1) each recommendation made by the advisory
14 committee during the preceding calendar year; and
15 (2) an explanation of how the Secretary has im-
16 plemented each recommendation and, for each rec-
17 ommendation not implemented, the Secretary's rea-
18 son for not implementing the recommendation.
19 **SEC. 421. DENIED BOARDING COMPENSATION.**
20 (a) IN GENERAL.—Not later than one year after the
21 date of enactment of this Act, the Secretary of Transpor-
22 tation shall issue a final regulation to modify section 250
23 of title 14, Code of Federal Regulations, regarding denied
24 boarding compensation, to appropriately adjust the

1 amount of such compensation for an aircraft with 30 or
2 more seats.

3 (b) EVALUATION.—Not later than 2 years after the
4 date of issuance of the final regulation under this section
5 and every 2 years thereafter, the Secretary shall evaluate
6 the amount provided for denied boarding compensation
7 and issue a regulation to adjust such compensation as nec-
8 essary.

9 **SEC. 422. SCHEDULE REDUCTION.**

10 (a) IN GENERAL.—If the Administrator of the Fed-
11 eral Aviation Administration determines that (1) the air-
12 craft operations of air carriers during any hour at an air-
13 port exceeds the hourly maximum departure and arrival
14 rate established by the Administrator for such operations,
15 and (2) the operations in excess of the maximum depar-
16 ture and arrival rate for such hour at such airport are
17 likely to have a significant adverse effect on the national
18 or regional airspace system, the Administrator shall con-
19 vene a conference of such carriers to reduce pursuant to
20 section 41722, on a voluntary basis, the number of such
21 operations to less than such maximum departure and ar-
22 rival rate.

23 (b) NO AGREEMENT.—If the air carriers partici-
24 pating in a conference with respect to an airport under
25 subsection (a) are not able to agree to a reduction in the

1 number of flights to and from the airport to less than the
2 maximum departure and arrival rate, the Administrator
3 shall take such action as is necessary to ensure such re-
4 duction is implemented.

5 (c) QUARTERLY REPORTS.—Beginning 3 months
6 after the date of enactment of this Act and every 3 months
7 thereafter, the Administrator shall submit to Congress a
8 report regarding scheduling at the 35 airports that have
9 the greatest number of passenger enplanements, including
10 each occurrence in which hourly scheduled aircraft oper-
11 ations of air carriers at such an airport exceed the hourly
12 maximum departure and arrival rate at any such airport.

At the end of title V on page 147, insert the following:

13 **SEC. 511. CONTINUATION OF AIR QUALITY SAMPLING.**

14 The Administrator of the Federal Aviation Adminis-
15 tration shall complete the air quality studies and analysis
16 started pursuant to section 815 of the Vision 100—Cen-
17 tury of Aviation Reauthorization Act (49 U.S.C. 40101
18 note; 117 Stat. 2592), including the collection of samples
19 of the air onboard passenger aircraft by flight attendants
20 and the testing and analyzation of such samples for con-
21 taminants.

22 **SEC. 512. SENSE OF CONGRESS.**

23 It is the sense of Congress that—

1 (1) the proposed European Union directive ex-
2 tending the European Union's emissions trading
3 proposal to international civil aviation without work-
4 ing through the International Civil Aviation Organi-
5 zation (in this section referred to as the "ICAO") in
6 a consensus-based fashion is inconsistent with the
7 Convention on International Civil Aviation, done at
8 Chicago on December 7, 1944 (TIAS 1591; com-
9 monly known as "Chicago Convention"), and other
10 relevant air services agreements and antithetical to
11 building international cooperation to address effec-
12 tively the problem of greenhouse gas emissions by
13 aircraft engaged in international civil aviation; and
14 (2) the European Union and its member states
15 should instead work with other contracting states of
16 the ICAO to develop a consensual approach to ad-
17 dressing aircraft greenhouse gas emissions through
18 the ICAO.

19 **SEC. 513. AIRPORT NOISE COMPATIBILITY PLANNING**
20 **STUDY, PORT AUTHORITY OF NEW YORK AND**
21 **NEW JERSEY.**

22 It is the sense of the House of Representatives that
23 the Port Authority of New York and New Jersey should
24 undertake an airport noise compatibility planning study
25 under part 150 of title 14, Code of Federal Regulations,

1 for the airports that the Port Authority operates as of No-
2 vember 2, 2007. In undertaking the study, the Port Au-
3 thority should pay particular attention to the impact of
4 noise on affected neighborhoods, including homes, busi-
5 nesses, and places of worship surrounding LaGuardia Air-
6 port.

Page 159, line 21, strike "in the" and all that follows through line 13 on page 160 and insert ", safety technical specialists, and operations support positions in the Flight Standard Service (as those terms are used in the Administration's fiscal year 2008 congressional budget justification) each fiscal year commensurate with the funding levels provided in subsection (b) for such fiscal year. Such increases shall be measured relative to the number of persons serving in positions of aviation safety inspectors and safety technical specialists and in operational support positions as of September 30, 2007.".

Page 160, line 17, strike "subsections (a) and (b)" and insert "subsection (a)".

Page 161, line 1, strike "pursuant to section 604" and insert "under section 605".

Page 164, after line 24, insert the following:

1 **SEC. 610. FAA TASK FORCE ON AIR TRAFFIC CONTROL FA-**
2 **CILITY CONDITIONS.**
3 (a) ESTABLISHMENT.—The Administrator of the
4 Federal Aviation Administration shall establish a special
5 task force to be known as the "FAA Task Force on Air
6 Traffic Control Facility Conditions" (in this section re-
7 ferred to as the "Task Force").
8 (b) MEMBERSHIP.—
9 (1) COMPOSITION.—The Task Force shall be
10 composed of 12 members of whom—
11 (A) 8 members shall be appointed by the
12 Administrator; and
13 (B) 4 members shall be appointed by labor
14 unions representing employees who work at
15 field facilities of the Administration.
16 (2) QUALIFICATIONS.—Of the members ap-
17 pointed by the Administrator under paragraph
18 (1)(A)—
19 (A) 4 members shall be specialists on toxic
20 mold abatement, "sick building syndrome," and
21 other hazardous building conditions that can
22 lead to employee health concerns and shall be
23 appointed by the Administrator in consultation
24 with the Director of the National Institute for
25 Occupational Safety and Health; and

1 (B) 2 members shall be specialists on the
2 rehabilitation of aging buildings.
3 (3) TERMS.—Members shall be appointed for
4 the life of the Task Force.
5 (4) VACANCIES.—A vacancy in the Task Force
6 shall be filled in the manner in which the original
7 appointment was made.
8 (5) TRAVEL EXPENSES.—Members shall serve
9 without pay but shall receive travel expenses, includ-
10 ing per diem in lieu of subsistence, in accordance
11 with subchapter I of chapter 57 of title 5, United
12 States Code.
13 (c) CHAIRPERSON.—The Administrator shall des-
14 ignate, from among the individuals appointed under sub-
15 section (b)(1), an individual to serve as chairperson of the
16 Task Force.
17 (d) TASK FORCE PERSONNEL MATTERS.—
18 (1) STAFF.—The Task Force may appoint and
19 fix the pay of such personnel as it considers appro-
20 priate.
21 (2) STAFF OF FEDERAL AGENCIES.—Upon re-
22 quest of the Chairperson of the Task Force, the
23 head of any department or agency of the United
24 States may detail, on a reimbursable basis, any of
25 the personnel of that department or agency to the

1 Task Force to assist it in carrying out its duties
2 under this section.
3 (3) OTHER STAFF AND SUPPORT.—Upon re-
4 quest of the Task Force or a panel of the Task
5 Force, the Administrator shall provide the Task
6 Force or panel with professional and administrative
7 staff and other support, on a reimbursable basis, to
8 the Task Force to assist it in carrying out its duties
9 under this section.
10 (e) OBTAINING OFFICIAL DATA.—The Task Force
11 may secure directly from any department or agency of the
12 United States information (other than information re-
13 quired by any statute of the United States to be kept con-
14 fidential by such department or agency) necessary for the
15 Task Force to carry out its duties under this section.
16 Upon request of the chairperson of the Task Force, the
17 head of that department or agency shall furnish such in-
18 formation to the Task Force.
19 (f) DUTIES.—
20 (1) STUDY.—The Task Force shall undertake a
21 study of—
22 (A) the conditions of all air traffic control
23 facilities across the Nation, including towers,
24 centers, and terminal radar air control;

1 (B) reports from employees of the Admin-
2 istration relating to respiratory ailments and
3 other health conditions resulting from exposure
4 to mold, asbestos, poor air quality, radiation
5 and facility-related hazards in facilities of the
6 Administration;
7 (C) conditions of such facilities that could
8 interfere with such employees' ability to effec-
9 tively and safely perform their duties;
10 (D) the ability of managers and super-
11 visors of such employees to promptly document
12 and seek remediation for unsafe facility condi-
13 tions;
14 (E) whether employees of the Administra-
15 tion who report facility-related illnesses are
16 treated fairly;
17 (F) utilization of scientifically-approved re-
18 mediation techniques in a timely fashion once
19 hazardous conditions are identified in a facility
20 of the Administration; and
21 (G) resources allocated to facility mainte-
22 nance and renovation by the Administration.
23 (2) FACILITY CONDITION INDICIES (FCI).—The
24 Task Force shall review the facility condition
25 indicies of the Administration (in this section re-

1 ferred to as the "FCI") for inclusion in the rec-
2 ommendations under subsection (g).
3 (g) RECOMMENDATIONS.—Based on the results of
4 the study and review of the FCI under subsection (f), the
5 Task Force shall make recommendations as it considers
6 necessary to—
7 (1) prioritize those facilities needing the most
8 immediate attention in order of the greatest risk to
9 employee health and safety;
10 (2) ensure that the Administration is using sci-
11 entifically approved remediation techniques in all fa-
12 cilities; and
13 (3) assist the Administration in making pro-
14 grammatic changes so that aging air traffic control
15 facilities do not deteriorate to unsafe levels.
16 (h) REPORT.—Not later than 6 months after the date
17 on which initial appointments of members to the Task
18 Force are completed, the Task Force shall submit to the
19 Administrator, the Committee on Transportation and In-
20 frastructure of the House of Representatives, and the
21 Committee on Commerce, Science, and Transportation of
22 the Senate a report on the activities of the Task Force,
23 including the recommendations of the Task Force under
24 subsection (g).

1 (i) IMPLEMENTATION.—Within 30 days of the receipt
2 of the Task Force report under subsection (h), the Admin-
3 istrator shall submit to the Committee on Transportation
4 and Infrastructure of the House of Representatives and
5 the Committee on Commerce, Science, and Transportation
6 of the Senate a report that includes a plan and timeline
7 to implement the recommendations of the Task Force and
8 to align future budgets and priorities of the Administra-
9 tion accordingly.
10 (j) TERMINATION.—The Task Force shall terminate
11 on the last day of the 30-day period beginning on the date
12 on which the report under subsection (h) was submitted.
13 (k) APPLICABILITY OF THE FEDERAL ADVISORY
14 COMMITTEE ACT.—The Federal Advisory Committee Act
15 (5 U.S.C. App.) shall not apply to the Task Force.
16 (l) AUTHORIZATION OF APPROPRIATIONS.—There
17 are authorized to be appropriated to the Secretary of
18 Transportation $250,000 to carry out this section.

Page 165, line 9, strike "September 30, 2017" and insert "December 31, 2017".

Page 167, line 12, strike "September 30, 2017" and insert "December 31, 2017".

Page 175, line 19, strike "FAA" and insert "Federal Aviation Administration (in this section referred to as the 'FAA').".

Page 176, line 23, strike "facility or service" and insert "service or facility".

Page 178, strike lines 3 through 22 and insert the following:

1 **SEC. 808. ACCIDENTAL DEATH AND DISMEMBERMENT IN-**
2 **SURANCE FOR NATIONAL TRANSPORTATION**
3 **SAFETY BOARD EMPLOYEES.**
4 Section 1113 is amended by adding at the end the
5 following:
6 "(i) ACCIDENTAL DEATH AND DISMEMBERMENT IN-
7 SURANCE.—
8 "(1) AUTHORITY TO PROVIDE INSURANCE.—
9 The Board may procure accidental death and dis-
10 memberment insurance for an employee of the
11 Board who travels for an accident investigation or
12 other activity of the Board outside the United States
13 or inside the United States under hazardous cir-
14 cumstances, as defined by the Board.
15 "(2) CREDITING OF INSURANCE BENEFITS TO
16 OFFSET UNITED STATES TORT LIABILITY.—Any
17 amounts paid to a person under insurance coverage

1 procured under this subsection shall be credited as
2 offsetting any liability of the United States to pay
3 damages to that person under section 1346(b) of
4 title 28, chapter 171 of title 28, chapter 163 of title
5 10, or any other provision of law authorizing recov-
6 ery based upon tort liability of the United States in
7 connection with the injury or death resulting in the
8 insurance payment.
9 "(3) TREATMENT OF INSURANCE BENEFITS.—
10 Any amounts paid under insurance coverage pro-
11 cured under this subsection shall not—
12 "(A) be considered additional pay or allow-
13 ances for purposes of section 5536 of title 5; or
14 "(B) offset any benefits an employee may
15 have as a result of government service, includ-
16 ing compensation under chapter 81 of title 5.
17 "(4) ENTITLEMENT TO OTHER INSURANCE.—
18 Nothing in this subsection shall be construed as af-
19 fecting the entitlement of an employee to insurance
20 under section 8704(b) of title 5.".

Page 184, line 8, after "Infrastructure" insert "and Committee on Homeland Security".

Page 185, strike line 12 and insert the following:

1 **SEC. 815. 1940 AIR TERMINAL MUSEUM AT WILLIAM P.**
2 **HOBBY AIRPORT, HOUSTON, TEXAS.**

At the end of title VIII on page 186, insert the following:

3 **SEC. 816. DUTY PERIODS AND FLIGHT TIME LIMITATIONS**
4 **APPLICABLE TO FLIGHT CREWMEMBERS.**

5 Not later than 180 days after the date of enactment
6 of this Act, the Administrator of the Federal Aviation Ad-
7 ministration shall initiate a rulemaking proceeding for the
8 following purposes:

9 (1) To require a flight crewmember who is em-
10 ployed by an air carrier conducting operations under
11 part 121 of title 14, Code of Federal Regulations,
12 and who accepts an additional assignment for flying
13 under part 91 of such title from the air carrier or
14 from any other air carrier conducting operations
15 under part 121 or 135 of such title, to apply the pe-
16 riod of the additional assignment (regardless of
17 whether the assignment is performed by the flight
18 crewmember before or after an assignment to fly
19 under part 121 of such title) toward any limitation
20 applicable to the flight crewmember relating to duty
21 periods or flight times under part 121 of such title.

22 (2) To require a flight crewmember who is em-
23 ployed by an air carrier conducting operations under

1 part 135 of title 14, Code of Federal Regulations,
2 and who accepts an additional assignment for flying
3 under part 91 of such title from the air carrier or
4 any other air carrier conducting operations under
5 part 121 or 135 of such title, to apply the period of
6 the additional assignment (regardless of whether the
7 assignment is performed by the flight crewmember
8 before or after an assignment to fly under part 135
9 of such title) toward any limitation applicable to the
10 flight crewmember relating to duty periods or flight
11 times under part 135 of such title.

12 **SEC. 817. LABOR INTEGRATION.**

13 (a) LABOR INTEGRATION.—With respect to any cov-
14 ered transaction involving a covered air carrier that results
15 in the combination of crafts or classes that are subject
16 to the Railway Labor Act (45 U.S.C. 151 et seq.), sections
17 3 and 13 of the labor protective provisions imposed by the
18 Civil Aeronautics Board in the Allegheny-Mohawk merger
19 (as published at 59 C.A.B. 45) shall apply to the integra-
20 tion of covered employees of the covered air carrier; except
21 that—

22 (1) if the same collective bargaining agent rep-
23 resents the combining crafts or classes at the cov-
24 ered air carrier, that collective bargaining agent's in-
25 ternal policies regarding integration, if any, will not

1 be affected by and will supercede the requirements
2 of this section; and
3 (2) the requirements of any collective bar-
4 gaining agreement that may be applicable to the
5 terms of integration involving covered employees of
6 the covered air carrier shall also not be affected by
7 and will supersede the requirements of this section,
8 so long as those provisions supply at least the pro-
9 tections afforded by sections 3 and 13 of the Alle-
10 gheny-Mohawk provisions.
11 (b) ENFORCEMENT.—Any labor organization that
12 represents individuals that are aggrieved as a result of a
13 violation of the labor protective provisions applied under
14 subsection (a) may bring an action to enforce this section,
15 or to enforce the terms of any award or agreement result-
16 ing from arbitration or a settlement relating to the re-
17 quirements of this section. An action under this subsection
18 shall be brought in an appropriate United States district
19 court determined in accordance with section 1391 of title
20 28, United States Code, without regard to the amount in
21 controversy.
22 (c) DEFINITIONS.—In this section, the following defi-
23 nitions apply:

1 (1) AIR CARRIER.—The term "air carrier"
2 means an air carrier that holds a certificate issued
3 under chapter 411 of title 49, United States Code.
4 (2) COVERED AIR CARRIER.—The term "cov-
5 ered air carrier" means an air carrier that is in-
6 volved in a covered transaction.
7 (3) COVERED EMPLOYEE.—The term "covered
8 employee" means an employee who—
9 (A) is not a temporary employee; and
10 (B) is a member of a craft or class that is
11 subject to the Railway Labor Act (45 U.S.C.
12 151 et seq.).
13 (4) COVERED TRANSACTION.—The term "cov-
14 ered transaction" means—
15 (A) a transaction for the combination of
16 multiple air carriers into a single air carrier;
17 and which
18 (B) involves the transfer of ownership or
19 control of—
20 (i) 50 percent or more of the equity
21 securities (as defined in section 101 of title
22 11, United States Code) of an air carrier;
23 or
24 (ii) 50 percent or more (by value) of
25 the assets of the air carrier.

1 (d) APPLICATION.—This section shall not apply to
2 any covered transaction involving a covered air carrier
3 that took place before the date of enactment of this Act.

4 **SEC. 818. PILOT PROGRAM FOR REDEVELOPMENT OF AIR-**
5 **PORT PROPERTIES.**

6 (a) IN GENERAL.—Not later than one year after the
7 date of enactment of this Act, the Administrator of the
8 Federal Aviation Administration shall establish a pilot
9 program at up to 4 public-use airports (as defined in sec-
10 tion 47102 of title 49, United States Code) that have a
11 noise compatibility program approved by the Adminis-
12 trator under section 47504 of such title.

13 (b) GRANTS.—Under the pilot program, the Adminis-
14 trator may make a grant in a fiscal year, from funds made
15 available under section 47117(e)(1)(A) of such title, to the
16 operator of an airport participating in the pilot program—

17 (1) to support joint planning (including plan-
18 ning described in section 47504(a)(2)(F) of such
19 title), engineering design, and environmental permit-
20 ting for the assembly and redevelopment of real
21 property purchased with noise mitigation funds
22 made available under section 48103 or passenger fa-
23 cility revenues collected for the airport under section
24 40117 of such title; and

1 (2) to encourage compatible land uses with the
2 airport and generate economic benefits to the airport
3 operator and an affected local jurisdiction.
4 (c) GRANT REQUIREMENTS.—The Administrator
5 may not make a grant under this section unless the grant
6 is made—
7 (1) to enable the airport operator and an af-
8 fected local jurisdiction to expedite their noise miti-
9 gation redevelopment efforts with respect to real
10 property described in subsection (b)(1); and
11 (2) subject to a requirement that the affected
12 local jurisdiction has adopted zoning regulations that
13 permit compatible redevelopment of real property de-
14 scribed in subsection (b)(1);
15 (3) subject to a requirement that funds made
16 available under section 47117(e)(1)(A) with respect
17 to real property assembled and redeveloped under
18 subsection (b)(1) plus the amount of any grants
19 made for acquisition of such property under section
20 47504 of such title are repaid to the Administrator
21 upon the sale of such property.
22 (d) COOPERATION WITH LOCAL AFFECTED JURIS-
23 DICTION.—An airport operator may use funds granted
24 under this section for a purpose described in subsection
25 (b) only in cooperation with an affected local jurisdiction.

1 (e) UNITED STATES GOVERNMENT SHARE.—
2 (1) IN GENERAL.—The United States Govern-
3 ment share of the allowable costs of a project carried
4 out under the pilot program shall be 80 percent.
5 (2) DETERMINATION.—In determining the al-
6 lowable project costs of a project carried out under
7 the pilot program for purposes of this subsection,
8 the Administrator shall deduct from the total costs
9 of the project that portion of the total costs of the
10 project that are incurred with respect to real prop-
11 erty that is not owned or to be acquired by the air-
12 port operator pursuant to the noise compatibility
13 program for the airport or that is not owned by an
14 affected local jurisdiction or other public entity.
15 (3) MAXIMUM AMOUNT.—Not more than
16 $5,000,000 in funds made available under section
17 47117(e) of title 49, United States Code, may be ex-
18 pended under this pilot program at any single pub-
19 lic-use airport.
20 (f) SPECIAL RULES FOR REPAID FUNDS.—The
21 amounts repaid to the Administrator with respect to an
22 airport under subsection (c)(3)—
23 (1) shall be available to the Administrator for
24 the following actions giving preference to such ac-
25 tions in descending order:

1 (A) reinvestment in an approved noise
2 compatibility project at the airport;
3 (B) reinvestment in another project at the
4 airport that is available for funding under sec-
5 tion 47117(e) of title 49, United States Code;
6 (C) reinvestment in an approved airport
7 development project at the airport that is eligi-
8 ble for funding under section 47114, 47115, or
9 47117 of such title;
10 (D) reinvestment in approved noise com-
11 patibility project at any other public airport;
12 and
13 (E) deposit in the Airport and Airway
14 Trust Fund established under section 9502 of
15 the Internal Revenue Code of 1986 (26 U.S.C.
16 9502);
17 (2) shall be in addition to amounts authorized
18 under section 48103 of title 49, United States Code;
19 and
20 (3) shall remain available until expended.
21 (g) USE OF PASSENGER FACILITY REVENUE.—An
22 operator of an airport participating in the pilot program
23 may use passenger facility revenue collected for the airport
24 under section 40117 of title 49, United States Code, to
25 pay the portion of the total cost of a project carried out

1 by the operator under the pilot program that are not al-
2 lowable under subsection (e)(2).
3 (h) SUNSET.—The Administrator may not make a
4 grant under the pilot program after September 30, 2011.
5 (i) REPORT TO CONGRESS.—Not later than the last
6 day of the 30th month following the date on which the
7 first grant is made under this section, the Administrator
8 shall report to Congress on the effectiveness of the pilot
9 program on returning real property purchased with noise
10 mitigation funds made available under section
11 47117(e)(1)(A) or 47505 or passenger facility revenues to
12 productive use.
13 (j) NOISE COMPATIBILITY MEASURES.—Section
14 47504(a)(2) is amended—
15 (1) by striking "and" at the end of subpara-
16 graph (D);
17 (2) by striking the period at the end of sub-
18 paragraph (E) and inserting "; and"; and
19 (3) by adding at the end the following:
20 "(F) joint comprehensive land use plan-
21 ning, including master plans, traffic studies, en-
22 vironmental evaluation and economic and feasi-
23 bility studies, with neighboring local jurisdic-
24 tions undertaking community redevelopment in
25 the area where any land or other property in-

terest acquired by the airport operator under this subsection is located, to encourage and enhance redevelopment opportunities that reflect zoning and uses that will prevent the introduction of additional incompatible uses and enhance redevelopment potential.".

SEC. 819. HELICOPTER OPERATIONS OVER LONG ISLAND, NEW YORK.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall conduct a study on helicopter operations over Long Island, New York.

(b) CONTENTS.—In conducting the study, the Administrator shall examine, at a minimum, the following:

(1) The effect of helicopter operations on residential areas, including—

(A) safety issues relating to helicopter operations;

(B) noise levels relating to helicopter operations and ways to abate the noise levels; and

(C) any other issue relating to helicopter operations on residential areas.

(2) The feasibility of diverting helicopters from residential areas.

(3) The feasibility of creating specific air lanes for helicopter operations.

1 (4) The feasibility of establishing altitude limits
2 for helicopter operations.
3 (c) EXCEPTIONS.—Any determination under this sec-
4 tion on the feasibility of establishing limitations or restric-
5 tions for helicopter operations over Long Island, New
6 York, shall not apply to helicopters performing operations
7 for news organizations, the military, law enforcement, or
8 providers of emergency services.
9 (d) LIMITATION ON STATUTORY CONSTRUCTION.—
10 Nothing in this section shall be construed to interfere with
11 the Federal Aviation Administration's authority to ensure
12 the safe and efficient use of the national airspace system.
13 (e) REPORT.—Not later than 6 months after the date
14 of the enactment of this Act, the Administrator shall sub-
15 mit to Congress a report on the results of the study, in-
16 cluding information and recommendations concerning the
17 issues examined under subsection (b).
18 **SEC. 820. CABIN TEMPERATURE STANDARDS STUDY.**
19 (a) STUDY.—Not later than 6 months after the date
20 of enactment of this Act, the Administrator of the Federal
21 Aviation Administration shall conduct a study to deter-
22 mine whether onboard temperature standards are nec-
23 essary to protect cabin and cockpit crew members and pas-
24 sengers on an aircraft of an air carrier used to provide
25 air transportation from excessive heat onboard such air-

1 craft during standard operations or during an excessive
2 flight delay.
3 (b) TEMPERATURE REVIEW.—In conducting the
4 study under subsection (a), the Administrator shall—
5 (1) survey onboard cabin and cockpit tempera-
6 tures of a representative sampling of different air-
7 craft types and operations;
8 (2) address the appropriate placement of tem-
9 perature monitoring devices onboard the aircraft to
10 determine the most accurate measurement of on-
11 board temperature and develop a system for the re-
12 porting of excessive temperature onboard passenger
13 aircraft by cockpit and cabin crew members; and
14 (3) review the impact of implementing such on-
15 board temperature standards on the environment,
16 fuel economy, and avionics and determine the costs
17 associated with such implementation and the feasi-
18 bility of using ground equipment or other mitigation
19 measures to offset any such costs.
20 (c) REPORT TO CONGRESS.—Not later than 18
21 months after the date of enactment of this Act, the Ad-
22 ministrator shall submit to Congress a report on the find-
23 ings of the study.
24 **SEC. 821. CIVIL PENALTIES TECHNICAL AMENDMENTS.**
25 Section 46301 is amended—

1 (1) in subsection (a)(1)(A) by inserting "chap-
2 ter 451," before "section 47107(b)";
3 (2) in subsection (a)(5)(A)(i)—
4 (A) by striking "or chapter 449" and in-
5 serting "chapter 449"; and
6 (B) by inserting after "44909)" the fol-
7 lowing: ", or chapter 451"; and
8 (3) in subsection (d)(2)—
9 (A) by inserting after "44723)" the fol-
10 lowing: ", chapter 451 (except section 45107)";
11 and
12 (B) by inserting after "44909)," the fol-
13 lowing: "section 45107 or".

14 **SEC. 822. REALIGNMENT OF TERMINAL RADAR APPROACH**
15 **CONTROL AT PALM BEACH INTERNATIONAL**
16 **AIRPORT.**

17 (a) PROHIBITION.—The Administrator of the Federal
18 Aviation Administration may not carry out, or plan for,
19 the consolidation, deconsolidation, colocation, execution of
20 interfacility reorganization, or facility elimination of the
21 terminal radar approach control (TRACON) at Palm
22 Beach International Airport.

23 (b) REPLACEMENT OF TERMINAL RADAR APPROACH
24 CONTROL AT PALM BEACH INTERNATIONAL AIRPORT.—
25 The Administrator shall take such action as may be nec-

1 essary to ensure that any air traffic control tower or facil-
2 ity placed into operation at Palm Beach International Air-
3 port after September 30, 2007, to replace an air traffic
4 control tower or facility placed into operation before Sep-
5 tember 30, 2007, includes an operating terminal radar ap-
6 proach control.

Conform the table of contents of the amendment accordingly.