

**Association for Airline Passenger Rights (AAPR)**

**PO Box 15275**

**Washington, DC 20003**

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## **FAA Reauthorization Act of 2011**

**Purpose:** To amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2009 through 2012, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

**Summary:** The FAA Reauthorization Act of 2011 was introduced in the House of Representatives (H.R.915) on February 11, 2011, by Rep. John L. Mica (R-FL). The legislation takes a comprehensive approach with respect to improving the numerous aspects of air travel, generally, and the airline industry specifically.

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

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

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

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

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

(Sec. 107) Makes certain funds available for FY2010-FY2011 for Airport Improvement Program (AIP) administrative expenses.

Requires the **FAA** Administrator to: (1) report to Congress and the Secretary on every U.S. airport that reported between 10,000 and 15,000 passenger enplanements during each of the two most recent years; and (2) document methods used by each airport to reach the 10,000 passenger enplanement threshold, including whether they subsidize commercial flights to reach such threshold.

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

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

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

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

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Declares that a lease of land acquired for a noise compatibility purpose using an AIP grant shall not be considered a disposal of such land at fair market value in the event the land is no longer needed for a noise compatibility purpose. Authorizes such owners or operators to use lease revenues for airport capital projects.

Requires the **FAA** Administrator to coordinate with airport owners or operators to ensure that such leases are consistent with noise buffering purposes.

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

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

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

(Sec. 206) Revises exceptions to the prohibition against use of local taxes on aviation fuel or the revenues generated by an airport that is the subject of federal assistance. Excepts from such prohibition any proceeds from the sale of a private airport to a public sponsor that meets specified criteria, including repayment to the Secretary of the remaining unamortized portion of the AIP grant.

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

(Sec. 207[b]) Revises eligibility requirements for airport-related projects to exclude projects for the construction of bicycle storage facilities.

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

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

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

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

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

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

Prescribes a special rule for FY2010-FY2011. Allows an airport sponsor apportionment in FY2010 or FY2011 equal to the amount apportioned to that sponsor in FY2009 for an airport: (1) that had more than 10,000 passenger boardings and

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scheduled passenger aircraft service in calendar year 2007; but (2) in either calendar years 2008 or 2009, or both years, the number of passenger boardings at the airport decreased to below 10,000 per year.

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

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

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

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

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

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

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

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

(Sec. 214) Allows AIP project costs if for airport development and: (1) is incurred before execution of the grant agreement (but in the same fiscal year) due to the short construction season in the airport's vicinity; (2) accords with an approved airport layout plan; and (3) the airport sponsor notifies the Secretary before commencing work on the project, has an alternative funding source, and any decision to proceed with the project in advance of execution of the agreement does not affect the priority assigned to the project for the allocation of discretionary funds.

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

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

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

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

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(Sec. 219) Authorizes the Secretary, subject to specified conditions, to release specified restrictions on the use of certain property conveyed to the city of St. George, Utah, for airport purposes.

(Sec. 220) Increases from one to three the number of general aviation airports that were closed or realigned former military installations that may be eligible for AIP grants as designated current or former military airports.

(Sec. 221) Directs the **FAA** Administrator to establish an airport sustainability working group to assist in the development of consensus-based best practices and metrics for the sustainable design, construction, planning, and operation of airports.

Directs the Working Group to submit to the **FAA** Administrator a report containing the best practices and standards.

Prohibits the authorization of funds for the Working Group.

(Sec. 222) Declares it is U.S. policy that measures to improve the efficiency of airport buildings should be included in AIP projects, such as measures designed to meet criteria for a high-performance green building, if increased upfront project costs from such measures are justified by expected savings over the lifecycle of the project.

(Sec. 223) Directs the **FAA** Administrator to study and report to Congress on the feasibility and advisability of apportioning AIP funds to primary airports in proportion to the number of passenger boardings at such an airport during the prior year bears to the aggregate of all passenger boardings at all primary airports during that year.

(Sec. 224) Authorizes the **FAA** Administrator to declare certain revenue derived from the mining of minerals at a general aviation airport to be revenue greater than that needed by the airport to carry out a five-year capital improvement program to comply with **FAA** design and safety standards.

Allows an airport sponsor who complies with specified conditions to allocate such revenues for federal, state, or local transportation infrastructure projects carried out by the airport sponsor.

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

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

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

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

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

(Sec. 306) Revises the **FAA** Administrator's authority to provide safety-related (air traffic) training and operational services to foreign aviation authorities to specify that such foreign authorities may be public or private. Allows such training and services to promote aviation efficiency or (as under current law) safety. Authorizes the **FAA** Administrator to bid competitively to provide such services.

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

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

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

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

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

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

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

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

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

(Sec. 314) Requires the **FAA** Administrator to: (1) report on navigation performance procedures and air traffic control operational changes required to maximize the efficiency and capacity of NextGen commercial operations at 137 Operational Evolution Partnership (OEP) airports, (2) establish a plan and schedule for implementing such procedures, and (3) submit to specified congressional committees a plan for deploying a nationwide data communications system.

(Sec. 315) Requires the **FAA** Administrator to report to specified congressional committees on the program and schedule for integrating automatic dependent surveillance-broadcast (ADS-B) technology into the National Airspace System.

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

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

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(Sec. 318) Requires the **FAA** Administrator to develop plans to accelerate the process for certification of NextGen technologies.

(Sec. 319) Directs the **FAA** Administrator to report to Congress on funding for NextGen technology.

(Sec. 320) Requires the **FAA** Administrator to: (1) develop plans to accelerate the integration of unmanned aerial systems into the National Airspace System, and (2) report to Congress on progress made in establishing special use airspace for the DOD to develop detection techniques for small unmanned aerial vehicles and to validate sensor integration and operation of unmanned aerial systems.

Directs the DOD Secretary to establish a process to develop certification and flight standards for military unmanned aerial systems at specified test sites.

(Sec. 321) Requires the Air Traffic Organization to: (1) evaluate the Airport Surface Detection Equipment-Model X program for its potential contribution to implementation of the NextGen initiative, (2) evaluate airport surveillance technologies and associated collaborative surface management software for potential contributions to implementation of NextGen surface management, and (3) accelerate implementation of the program.

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

(Sec. 322) Requires the **FAA** Administrator to establish a process for including qualified employees selected by each exclusive collective bargaining representative of **FAA** employees who are likely to be impacted by the planning, development, and deployment of air traffic control modernization projects (including the NextGen) in, and collaborating with, such employees in such planning, development, and deployment.

(Sec. 323) Directs the **FAA** Administrator to establish an **FAA** Task Force on Air Traffic Control Facility Conditions to study, and make recommendations with respect to, the conditions of all air traffic control facilities in the United States.

(Sec. 324) Authorizes the Secretary to enter into cooperative agreements with up to five states to establish state ADS-B equipage banks to provide loans to public entities to equip aircraft with ADS-B and related avionics. Authorizes appropriations for FY2010-FY2014.

(Sec. 325) Directs the **FAA** Administrator to implement certain DOT Inspector General air traffic control recommendations, including to provide the Los Angeles International Air Traffic Control Tower facility, the Southern California Terminal Radar Approach Control facility, and the Northern California Terminal Radar Approach Control facility with a sufficient number of contract instructors, classroom space, and simulators for a surge in the number of new air traffic controllers at such facilities.

(Sec. 326) Directs the **FAA** Administrator to report to Congress on the **FAA** strategy for implementing, on an accelerated basis, the NextGen operational capabilities produced by the Greener Skies project (reducing environmental impacts of aviation).

(Sec. 328) Authorizes the **FAA** Administrator to enter into agreements to fund, through grants or other instruments, the costs of equipping aircraft with NextGen communications, surveillance, navigation, and other avionics.

**Title IV: Airline Service and Small Community Air Service Improvements - Subtitle A: Consumer Protection -** (Sec. 401) Requires each air carrier and airport operator to submit for the Secretary's approval a proposed contingency plan for long onboard tarmac delays meeting minimum standards established by the Secretary.

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

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

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

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

Authorizes appropriations.

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

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

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

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

(Sec. 406) Treats as an unfair or deceptive trade practice for any ticket agent, air carrier, foreign air carrier, or other person to sell tickets for a flight on an air carrier without disclosing, before the purchase of the ticket, the name of the air carrier providing each flight segment.

(Sec. 407) Directs the DOT Office of Aviation Consumer Protection and Enforcement to establish rules to ensure that all consumers are able to compare airfares and charges, including taxes and fees, when purchasing airline tickets.

Treats as an unfair or deceptive trade practice for a domestic or foreign air carrier or ticket agent to sell an airline ticket on the Internet without displaying all applicable ticket taxes, fees, charges, and surcharges in reasonable proximity to the price of the ticket.

(Sec. 408) Directs the **FAA** Administrator to prescribe regulations to require each commercial air carrier to post on its website the maximum dimensions of a child safety seat that can be used on its aircraft.

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

(Sec. 412) Extends through FY2013 the effective period of final orders of the Secretary determining the eligibility of small communities for EAS subsidies after a requested review following elimination or termination of such a subsidy.

(Sec. 413) Revises requirements for certain guidelines for compensation for continued Essential Air Service (EAS) to small and rural communities. Requires such guidelines to permit the Secretary to: (1) incorporate financial incentives in

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EAS contracts based on specified performance goals, and (2) execute long-term EAS contracts when in the public interest to do so.

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

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

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

Extends the small community air service development program through FY2011.

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

(Sec. 418) Authorizes a state or local government to submit a proposal to the Secretary to: (1) compensate an air carrier for EAS to an eligible community above the \$200 per passenger subsidy cap, (2) compensate a preferred air carrier for providing such service (i.e., an air carrier preferred by the affected community although it is not the lowest bidder), and (3) restore the eligibility of a community to receive subsidized EAS.

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

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

(Sec. 419) Repeals the Essential Air Service Local Participation Program.

(Sec. 420) Revises EAS program eligibility requirements to limit such service to airports (except those in Alaska) that: (1) are located not less than 90 miles from the nearest medium or large hub airport, and (2) had an average of ten enplanements per day or more. Authorizes the Secretary and **FAA** Administrator to waive such requirements provided certain conditions are met.

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

(Sec. 432) Prescribes a special rule that, if the Secretary determines that a contract air traffic control tower already operating has a benefit to cost ratio of less than 1.0, the airport sponsor or state or local government having jurisdiction over the airport shall not be required to pay the portion of the costs that exceeds the benefit for a period of 18 months.

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

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

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

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

(Sec. 434) Authorizes Clark County, Nevada, to use certain lands in the Las Vegas McCarran International Airport Environs Overlay District for transient lodging and associated facilities, provided such structures do not pose a hazard to air navigation, result in an increase to minimum flight altitudes, or otherwise pose a significant adverse impact on airport or airport operations.

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

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

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

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

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

(Sec. 506) Requires the **FAA** Administrator to issue regulations to: (1) limit the number of flight and duty time hours allowed for pilots to address pilot fatigue problems, as well as (2) require commercial air carriers to develop for **FAA** approval fatigue risk management plans. Requires such plans be updated and approved biennially.

Requires each commercial air carrier to submit a fatigue risk management plan to the **FAA** Administrator for review and approval.

Provides civil penalties for violations of such regulations.

Requires the **FAA** Administrator to enter into appropriate arrangements with the National Academy of Sciences (NAS) to study the effects of commuting on pilot fatigue.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Sec. 523) Directs the **FAA** Administrator to report to Congress on the use of explosive pest control devices in mitigating bird strikes in flight operations in the United States.

**Subtitle B: Flight Safety** - (Sec. 551) Directs the **FAA** Administrator to establish an electronic pilot records database of pertinent information in **FAA**, air carrier, and other records (including the National Driver Register) that an air carrier shall access and evaluate before allowing an individual to begin service as a pilot. Prescribes requirements for: (1) records updating; (2) pilot access to records, and the right to review and correct inaccuracies found in them; (3) protection of, and electronic access to, records; and (4) air carrier refusal to hire if the pilot does not give consent to an air carrier to receive a record.

(Sec. 552) Directs the **FAA** Administrator to initiate a rulemaking to require air carriers to implement as part of their safety management systems: (1) an Aviation Safety Action Program (ASAP), (2) a Flight Operations Quality Assurance (FOQA) Program, (3) a Line Operational Safety Audit (LOSA) Program, and (4) a Flight Crew Fatigue Risk Management (FCFRM) Program. Declares that implementation of such programs neither limits nor invalidates the **FAA's** advanced qualification program.

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

(Sec. 553) Requires the Secretary to report annually to Congress and the NTSB on NTSB air carrier safety recommendations made to and adopted or refused by the Secretary.

Requires the **FAA** Administrator to: (1) require an annual inspection of each emergency locator transmitter (ELT) installed in general aviation aircraft operating in the United States to ensure that it is mounted and retained in accordance with manufacturer's specifications, (2) determine if the ELT mounting requirements and retention tests specified by Technical Standard Orders C91a and C126 are adequate, and (3) make any revisions to the requirements and tests based on the determination's results.

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

(Sec. 555) Requires the **FAA** Administrator to: (1) develop and implement a plan for reevaluation of flight crew training, testing, and certification regulations; and (2) conduct a rulemaking proceeding to require air carriers to establish remedial training programs for flight crewmembers who have demonstrated performance deficiencies or experienced failures in the training environment.

Requires the **FAA** Administrator to: (1) convene a multidisciplinary panel of specialists to study and report on methods to increase the familiarity of flight crewmembers with stick pusher systems, icing conditions, and microburst and windshear weather events; and (2) report panel findings to specified congressional committees, as well as implement panel recommendations with respect to stick pusher systems.

(Sec. 556) Directs the **FAA** Administrator to conduct rulemaking proceedings to develop procedures for commercial air carriers to: (1) establish flight crewmember mentoring programs and professional development committees, and (2) establish or modify training programs for newly employed flightcrew members and for second-in-command flightcrew members trying to qualify as pilot-in-command flightcrew members.

Requires the **FAA** Administrator to develop and implement means and methods for ensuring that flight crewmembers have proper qualifications and experience.

(Sec. 558) Directs the Secretary to initiate a rulemaking for regulations prohibiting commercial flight crew members from using personal wireless communications devices or laptop computers while on duty on the flight deck of an aircraft in operation, except for operational, emergency safety-related, or employment-related communications. Makes such practices unlawful.

Subjects persons to certain penalties for violations of the requirements of this Act.

Directs the **FAA** Administrator to review relevant air carrier data and to study and report to Congress on: (1) common sources of distraction for cockpit commercial flight crew members, and (2) the safety impacts of such distractions.

(Sec. 559) Requires the **FAA** Administrator to: (1) perform, at least annually, random, unannounced, onsite inspections of air carriers to ensure their compliance with **FAA** safety standards; (2) issue a final rule to establish safety standards for training programs for flight crew members and aircraft dispatchers; and (3) convene a multidisciplinary expert panel to assess and make recommendations to Congress on the best methods and optimal time needed for flight crewmembers of commercial and of commuter or on-demand air carriers to master aircraft systems and certain air maneuvers as well as length of time between training courses.

(Sec. 561) Requires the **FAA** Administrator to submit to Congress a plan for overseeing federally-certified pilot training schools.

Directs the Comptroller General to study and report to Congress on flight schools, flight education, and academic training requirements for certification of an individual as a pilot.

(Sec. 562) Requires air carriers to provide initial and annually recurring training for flight attendants and gate agents they employ or contract with regarding the serving of alcohol to passengers, as well as recognizing and dealing with intoxicated passengers.

(Sec. 564) Requires the **FAA** Administrator to initiate a study of air quality in aircraft cabins.

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

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

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

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

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

(Sec. 605) Directs the **FAA** Administrator to continue the program to consider awards to nonprofit concrete and asphalt pavement research foundations to improve the design, construction, rehabilitation, and repair of airfield pavements to aid in the development of safer, more cost effective, and more durable airfield pavements.

(Sec. 606) Requires the **FAA** Administrator to conduct aviation safety research to reduce the dangers of wake turbulence, volcanic ash, and weather on aircraft.

(Sec. 607) Authorizes the **FAA** Administrator to: (1) arrange with the NAS to assess unmanned aircraft systems; and (2) establish three two-year cost-shared pilot projects in sparsely populated, low-density Class G air traffic airspace new test sites to conduct developmental work and service testing to improve unmanned aircraft for safe integration into the National Airspace System. Authorizes appropriations for FY2010-FY2011.

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

Prohibits the **FAA** Administrator from promulgating rules or regulations on model aircraft flown strictly for recreational, sport, competition, or academic purposes, and meeting certain other criteria.

(Sec. 608) Amends the Vision 100--Century of Aviation **Reauthorization** Act to **reauthorize** through FY2012 the **FAA** Center for Excellence for Applied Research and Training in the Use of Advanced Materials in Transport Aircraft.

(Sec. 609) Directs the Secretary to establish a pilot program for the acquisition and use of zero emission vehicles, including the construction of infrastructure to deliver fuel and services to such vehicles, at public-use airports.

(Sec. 610) Directs the Secretary to establish a program to award grants to airport operators to assess airports energy needs and identify opportunities and take specified action to reduce harmful emissions and increase energy efficiency at the airports.

(Sec. 611) Directs the **FAA** Administrator to: (1) survey and assess leases for critical **FAA** facility sites; (2) list leases of **FAA** facilities located in or near areas suitable for the construction and operation of wind farms; and (3) report survey results, including recommendations, to specified congressional committees and the Comptroller General.

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Requires the Comptroller General to report to Congress on: (1) the impact wind farms have on the National Airspace System and the extent to which DOD and the **FAA** have guidance, processes, and procedures in place to evaluate that impact on implementation of the NextGen air traffic control system; and (2) potential mitigation strategies, if necessary, to ensure that wind farms do not have an adverse impact on the implementation of the NextGen air traffic control system, including the installation of associated navigational aides.

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

(Sec. 612) Directs the **FAA** Administrator to implement a research program for the development of air cleaning technology and sensor technology for the engine and auxiliary power unit (APU) bleed air supplied to passenger cabin and flight deck of all pressurized aircraft.

Authorizes appropriations.

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

Extends through FY2017 the program for war risk insurance and reinsurance against loss or damage arising out of any risk from the operation of a domestic or foreign aircraft.

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

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

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

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

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

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

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

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

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Directs the **FAA** Administrator, in conjunction with flight service station personnel, to analyze and report to Congress on the future of Alaska flight service stations.

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

Requires approval of air tour management plans by the **FAA** Administrator and the NPS Director. Permits the NPS Director, however, to deny an application to begin commercial air tour operations at Crater Lake National Park (Oregon) without the establishment of an air tour management plan if the Director determines that such operations would unacceptably impact park resources or visitor experiences.

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

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

Sets forth certain reporting requirements for commercial air tour operators.

Requires the Secretary of the Interior to assess fees on commercial air tour operators conducting operations over national parks. Requires the Secretary of the Interior to use such fees to develop air tour management plans for the parks.

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

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

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

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

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

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

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

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

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

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

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

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

(Sec. 720) Directs the **FAA** Administrator to study and report to Congress on aviation industry best practices for flightcrew member pairing, crew resource management techniques, and pilot commuting.

(Sec. 721) Directs the **FAA** Administrator to report biennially to Congress on the costs savings that would result from eliminating or consolidating any required **FAA** reports to Congress that are found to be obsolete or redundant.

Prohibits the **FAA**, with specified exceptions, from publishing any required **FAA** report in printed format. Requires the **FAA** to publish such reports in electronic form on its website.

(Sec. 722) Repeals a requirement that air carriers evaluate the performance of their pilots who have attained 60 years of age through a line check.

(Sec. 723) Directs the **FAA** Administrator to report to specified congressional committees on the **FAA's** negotiated staffing plan for the Newark Liberty Airport (New Jersey) air traffic control tower.

(Sec. 724) Directs the **FAA** Administrator, to the maximum extent practicable, to schedule the review as early as possible of construction projects which cannot be carried out in a state before May 1 because of weather during a typical calendar year.

(Sec. 725) Directs the Government Accountability Office (GAO) to study and report to Congress on: (1) the current airline and intercity passenger rail codeshare arrangements, and (2) the feasibility and costs to taxpayers and passengers of increasing intermodal connectivity of airline and intercity passenger rail facilities and systems to improve passenger travel.

(Sec. 726) Requires the **FAA** Administrator, in conjunction with the Port Authority of New York and New Jersey and the Philadelphia International Airport, before completion of the New York/New Jersey/Philadelphia Metropolitan Area Airspace Redesign, to monitor and report to Congress on the air noise impacts of the redesign.

(Sec. 727) Directs the Comptroller General to study and report to Congress on the impact of aviation fuel price increases on the Airport and Airway Trust Fund and on the aviation industry.

(Sec. 728) Directs the Secretary of the Interior to convey certain public lands to Clark County, Nevada, for the development of flood mitigation infrastructure for the Southern Nevada Supplemental Airport.

(Sec. 729) Directs the **FAA** Administrator, in administering federal aviation safety regulations, to allow an aircraft owner or operator who has volunteered for the transportation of an individual for medical purposes to accept reimbursement of operational fuel costs from a volunteer pilot organization.

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(Sec. 730) Exempts the transportation within Alaska of cylinders of compressed oxygen, nitrous oxide, or other oxidizing gases aboard aircraft from compliance with **FAA** and Pipeline and Hazardous Material Safety Administration (PHMSA) standards requiring that oxidizing gases aboard aircraft be enclosed in flame resistant outer packaging, without regard to their end use, if: (1) there is no other practical means of transporting the cylinders to their destination and ground or vessel transportation is unavailable; and (2) the transportation meets certain packaging, storage, and aircraft requirements.

(Sec. 731) Amends title I of division A of the Consolidated Appropriations Act, 2010, to require certain Amtrak guidance and procedures permitting Amtrak ticketed passengers for a specific Amtrak route to place unloaded firearms or starter pistols in checked bags on such route to include: (1) requiring the inspection of packages containing a firearm or ammunition, and (2) the temporary suspension of firearm carriage service if credible intelligence information indicates a threat to the national rail system or specific routes or trains.

(Sec. 732) Requires the Secretary and the Secretary of Commerce, for the purpose of taking measurements to improve weather forecasting, to develop a plan to allow federal agencies to fly scientific instruments on commercial flights with airlines which volunteer to do so.

(Sec. 733) Amends the federal criminal code to prohibit the aiming of the beam of a laser pointer at an aircraft or in its flight path. Imposes a fine and/or prison term of up to five years.

Exempts from such prohibition: (1) individuals conducting research and development or flight test operations for an aircraft manufacturer or the **FAA**; (2) DOD or Department of Homeland Security (DHS) personnel conducting research, development, operations, testing or training; or (3) an individual using a laser emergency signaling device to send a distress signal.

(Sec. 734) Establishes a fine and/or prison term of up to one year for: (1) photographing or otherwise recording an image produced using advanced imaging technology during the screening of an individual at an airport or upon entry into any building owned or operated by the federal government without express authorization pursuant to a federal law or regulation, or (2) knowingly distributing such image to any individual who is not so authorized to receive it.

Exempts from this prohibition individuals who, while engaged in the performance of official duties, distribute, photograph, or record an image during the course of authorized intelligence activities, a criminal federal, state, or local investigation or prosecution, or for training for intelligence or law enforcement purposes.

(Sec. 735) Authorizes the Under Secretary of Transportation for Security (Department of Transportation [DOT]) to approve within 30 days after receipt an application of an airport operator to have the screening of passengers and property at an airport be carried out by the screening personnel of a qualified private screening company (security screening opt-out program).

Requires the Under Secretary to: (1) reconsider and approve applications that are pending between January 1-February 3, 2011, and that demonstrate the level of screening of passengers and property by private personnel is equal to or greater than that provided by federal personnel; and (2) report to Congress the reasons for the denial of an application.

(Sec. 736) Directs the Secretary of the Interior, acting through the Bureau of Land Management, to convey to the city of Mesquite, Nevada, a certain parcel of land for airport purposes.

(Sec. 737) Requires the Secretary, within 95 days after enactment of this Act, to grant certain air carriers an additional 24 slot exemptions from specified requirements and prohibitions concerning operation of an aircraft nonstop between Ronald Reagan Washington National Airport and another airport more than 1,250 statute miles away (Perimeter Rule limit), or an airport located within such perimeter, provided the exemptions will achieve certain goals. Directs the Secretary to make 10

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such exemptions available to limited incumbent air carriers or new entrant air carriers and 14 available to other incumbent air carriers.

Requires an incumbent air carrier (other than a limited incumbent air carrier) to discontinue use of a slot for within-perimeter service between Ronald Reagan Washington National Airport and a large hub airport located within the perimeter rule limit upon receiving the additional slot exemption for service between that Airport and another airport located beyond the perimeter rule limit.

Prohibits an air carrier using such an exemption for beyond-perimeter flight operations from: (1) operating a multi-aisle or widebody aircraft in conducting such operations; or (2) selling, trading, leasing, or otherwise transferring the rights to its beyond-perimeter exemptions, except through an air carrier merger or acquisition.

Directs the Secretary to study the direct effects of the additional exemptions, including whether they have: (1) caused congestion problems at the airport; (2) had a negative effect on the Metropolitan Washington Airports Authority's financial condition; (3) affected the environment around the airport; (4) resulted in a loss of service to small and medium markets within the perimeter rule limit; and (5) had a substantial negative effect on Ronald Reagan Washington National Airport, Washington Dulles International Airport, or Baltimore/Washington Thurgood Marshall International Airport.

Authorizes the Secretary, beginning six months after the study is concluded, to grant up to 8 additional slot exemptions if all additional exemptions have not had a negative effect on those airports.

Increases from 3 to 4 the maximum number of additional per-hour operations for slot exemptions at Ronald Reagan Washington National Airport between 7:00 a.m. and 9:59 p.m.

(Sec. 738) Orphan Earmarks Act - Rescinds any earmark of funds provided for any federal agency with more than 90% of the appropriated amount remaining available for obligation at the end of the 9th fiscal year after it was first made available. Permits the agency head to delay any such rescission if an additional obligation of the earmark is likely to occur during the following 12-month period.

Requires each agency head to identify and report every project that is an earmark with an unobligated balance at the end of each fiscal year to the Director of the Office of Management and Budget (OMB), who shall report a listing and accounting for such earmarks to Congress and to the public via the OMB website.

(Sec. 739) Directs the Assistant Secretary of Homeland Security (Transportation Security Administration [TSA]) to ensure, beginning January 1, 2012, that all advanced imaging technology used as a primary screening method for air passengers be equipped with automatic target recognition software (software that produces a generic image of the screened individual).

(Sec. 740) Requires the **FAA** Administrator to prescribe: (1) standards to measure helicopter noise, and (2) regulations to control helicopter noise pollution in residential areas.

Directs the **FAA** Administrator to prescribe regulations to: (1) reduce helicopter noise pollution in the counties of Nassau and Suffolk, New York; and (2) penalize failure to comply with such regulations. Authorizes the **FAA** Administrator to make exceptions to such requirements for emergency, law enforcement, and military helicopters.

**Title VIII: Airport and Airway Trust Fund Provisions and Related Taxes** - (Sec. 801) Amends the Internal Revenue Code to extend through FY2013: (1) excise taxes on aviation fuels and air transportation of persons and property, and (2) authority for expenditures from the Airport and Airway Trust Fund.

(Sec. 803) Revises the excise tax on kerosene used in aviation to specify 35.9 cents per gallon for aviation-grade kerosene (4.3 cents per gallon if removed directly into the fuel tank of an airplane used in commercial aviation). Repeals

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the 21.8 cents per gallon excise tax for fuel removed directly into the fuel tank of an airplane used in noncommercial aviation.

Specifies aviation-grade kerosene with respect to the exemption from such excise taxes in certain cases of kerosene removed into an aircraft.

Imposes a floor stocks tax on any person that holds title to more than 2,000 gallons of aviation-grade kerosene fuel on April 1, 2011.

(Sec. 804) Establishes within the Airport and Airway Trust Fund a separate Air Traffic Control System Modernization Account, with deposits derived from taxes on aviation-grade kerosene, which shall be available for expenditures relating to the modernization of the air traffic control system.

(Sec. 805) Imposes through FY2013 a surtax of 14.1 cents per gallon on fuel used in aircraft which is part of a fractional ownership program.

(Sec. 806) Terminates the exemption from air transportation excise taxes for turbine engine powered aircraft (small jet aircraft) operated on nonestablished lines.

(Sec. 807) Prohibits inclusion in mandatory disclosures of passenger excise taxes on airline tickets of any amounts not attributable to such taxes.

(Sec. 808) Allows tax-exempt private activity bond financing for fixed-wing aircraft equipped for, and exclusively dedicated to providing, acute care emergency medical services.

(Sec. 809) Limits expenditures from the the Airport and Airway Trust Fund in FY2012 or FY2013 to 90% of Fund receipts plus interest credited to such Fund for such fiscal year.

(Sec. 810) Allows commercial airline employees who had participated in a commercial airline's tax-exempt defined benefit pension plan that was terminated or otherwise restricted to transfer to a traditional individual retirement account (IRA) any amount received from the airline (including a qualified rollover to a Roth IRA) resulting from a bankruptcy proceeding filed between September 11, 2001, and January 1, 2007. Allows exclusion from the gross income of such employees any such amount (including a qualified rollover to a Roth IRA) received from an airline that has been transferred under this Act to a traditional IRA.

(Sec. 811) Extends the continuous tax levy on up to 100% of payments to vendors for goods and services sold or leased to the federal government to include payments as well to vendors of property sold or leased to the federal government.

(Sec. 812) Revises the prohibition against allowing an income deduction to the issuing corporation for any premium paid upon the repurchase of a bond, debenture, note, or other evidence of indebtedness which is convertible into the stock of a corporation in control of, or controlled by, the issuing corporation, to the extent the repurchase price exceeds an amount equal to the adjusted issue price plus a normal call premium on bonds or other evidences of indebtedness which are not convertible. Replaces the specification of a corporation in control of, or controlled by, the issuing corporation with that of a corporation in the same parent-subsidiary controlled group as the issuing corporation.

**Title IX: Budgetary Effects** - (Sec. 901) Requires determination of the budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act.

**Title X: Rescission of Unused Transportation Earmarks and General Reporting Requirement** - (Sec. 1002) Rescinds DOT earmarks in cases where 90% of the earmark remains available for obligation at the end of the ninth fiscal

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year after the earmark was made available. Permits the Secretary to delay such rescission if an additional obligation of the earmark is likely to occur in the next 12-month period.

(Sec. 1003) Requires each federal agency to identify and report to the OMB Director every project that is an earmark with an unobligated balance. Requires the Director to report annually to Congress and publicly post on the OMB website: (1) a listing of earmarks with unobligated balances of every agency; and (2) the number of rescissions under this title, as well as DOT earmarks scheduled for rescission.

**Title XI: Repeal of Expansion of Information Reporting Requirements** - (Sec. 1101) Amends the Internal Revenue Code to repeal the provision of the Patient Protection and Affordable Care Act extending to corporations that are not tax-exempt the requirement to report payments of \$600 or more to persons engaged in a trade or business.

Rescinds \$44 billion of appropriated but unobligated discretionary funds. Exempts unobligated funds of DOD, the Department of Veterans Affairs (VA), or the Social Security Administration. Requires the OMB Director to determine and identify from which appropriation accounts such rescissions shall apply.

**Title XII: Emergency Medical Service Providers Protection and Liability Protection for Certain Volunteer Pilots - Subtitle A: Emergency Medical Service Providers Protection** - Dale Long Emergency Medical Service Providers Protection Act - (Sec. 1201) Amends the Omnibus Crime Control and Safe Streets Act of 1986 to include within the definitions of "member of a rescue squad or ambulance crew" and "public safety officer" for purposes of eligibility for public safety officers' benefits an officially recognized or designated employee or volunteer member of a rescue squad or ambulance crew that is: (1) a public agency; or (2) a nonprofit entity serving the public that is officially authorized or licensed to engage in rescue activity or to provide emergency medical services and that is officially designated as a prehospital emergency medical response agency.

Cancels \$13 million of unobligated balances available under the Department of Justice (DOJ) Assets Forfeiture Fund.

Makes this Act applicable to injuries sustained on or after June 1, 2009.

**Subtitle B: Liability Protection** - Volunteer Pilot Protection Act of 2011 - (Sec. 1212) Amends the Volunteer Protection Act of 1997 to exempt from liability a volunteer pilot that flies for public benefit an aircraft for which the volunteer was properly licensed and insured.

Source: Congressional Research Service