



## **Federal Aviation Administration (FAA) Reauthorization**

### **Chronology**

February 17, 2011– Senate passes S. 223, *FAA Air Transportation Modernization and Safety Improvement Act* (87-8)

April 1, 2011– House passes H.R. 658, the *FAA Reauthorization and Reform Act of 2011* (223-196)

### **Key Differences in House and Senate Bills**

- House version authorizes programs and funding through fiscal year 2014, at \$59.7 billion (representing a \$4 billion cut in FAA programs); Senate version authorizes programs and funding through fiscal year 2011, at \$35 billion.
- Senate version imposes tax on aviation grade kerosene at a rate of 35.9 cents per gallon; and House version extends all current taxes through fiscal year 2014.
- House version sunsets the Essential Air Service (EAS) program after 2013 (except for Hawaii and Alaska) and removes the general authorization of funds for the Small Community Air Service Development Program; Senate version continues EAS and makes several enhancements.
- House version contains language protecting the disclosure and use of information stemming from the development and implementation of a Safety Management System (SMS); it also provides liability protection for persons required by FAA to implement an SMS.
- Both versions establish research programs and direct studies and pilot programs relating to noise, air quality and other environmental issues.
- Both versions require the phase-out of Stage 2 aircraft.



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**Comparison of House and Senate Federal Aviation Administration  
(FAA) Reauthorization Bills**

	<b>H.R. 658</b>	<b>S. 223</b>
<b>Short Title</b>	<b>FAA Reauthorization and Reform Act of 2011</b>	<b>FAA Air Transportation Modernization and Safety Improvement Act</b>
<b>Operations Sec. 106(K)(1)</b>	<u>Sec. 103</u> <ul style="list-style-type: none"> <li>• Authorizes the following amounts to the Department of Transportation (DOT) for FAA operations:               <ul style="list-style-type: none"> <li>○ \$9.403 billion for fiscal year (FY) 2011</li> <li>○ \$9.168 billion for each of FYs 2012 through 2014</li> </ul> </li> <li>• Provides that if funds are insufficient to cover operating expenses of the FAA, the Secretary shall reduce non-safety-related activities as necessary to reduce expenses to a level that can be met by authorized funding levels</li> </ul>	<u>Sec. 101</u> <ul style="list-style-type: none"> <li>• Authorizes the following amounts to DOT for FAA operations:               <ul style="list-style-type: none"> <li>○ \$9.336 billion for FY 2010</li> <li>○ \$9.620 billion for FY 2011</li> </ul> </li> </ul>
<b>Airport Planning and Development and Noise Compatibility Planning &amp; Programs Sec. 48103</b>	<u>Sec. 101</u> <ul style="list-style-type: none"> <li>• Authorizes the following amounts from the Trust Fund for airport planning and development and noise compatibility planning and programs:               <ul style="list-style-type: none"> <li>○ \$3.176 billion for FY 2011</li> <li>○ \$3.0 billion for each of FYs 2012 through 2014</li> </ul> </li> <li>• Provides that none of the funds may be used for carrying out the Airport Cooperative Research Program or the Airports Technology Research Program.</li> <li>• Extends DOT's authority to issue grants from the Trust Fund to FY 2014</li> </ul>	<u>Sec. 104</u> <ul style="list-style-type: none"> <li>• Authorizes the following amounts from the Trust Fund for airport planning and development and noise compatibility planning and programs:               <ul style="list-style-type: none"> <li>○ \$4 billion for FY 2010</li> <li>○ \$4.1 billion for FY 2011</li> </ul> </li> </ul>
<b>Air Navigation Facilities and Equipment Sec. 48101</b>	<u>Sec. 102</u> <ul style="list-style-type: none"> <li>• Authorizes the following amounts from the Trust Fund for air navigation facilities:               <ul style="list-style-type: none"> <li>○ \$2.7 billion for FY 2011</li> </ul> </li> </ul>	<u>Sec. 102</u> <ul style="list-style-type: none"> <li>• Authorizes the following amounts from the Trust Fund for air navigation facilities:               <ul style="list-style-type: none"> <li>○ \$3.5 billion for FY 2010</li> </ul> </li> </ul>

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	<ul style="list-style-type: none"> <li>○ \$2.6 billion for each of FYs 2012 through 2014</li> </ul>	<ul style="list-style-type: none"> <li>○ \$3.6 billion for FY 2011</li> <li>● In each year, \$500 million must come from the Air Traffic Control System Modernization Account of the Trust Fund</li> </ul>
<b>Research and Development Sec. 48102</b>	<u>Sec. 1003</u> <ul style="list-style-type: none"> <li>● Authorizes the following amounts to DOT from the Trust Fund for civil aviation research and development:               <ul style="list-style-type: none"> <li>○ \$165.020 million for FY 2011</li> <li>○ \$146.827 million for each of FYs 2012 through 2014</li> </ul> </li> <li>● Includes authorizations for specific purposes, such as environment and energy, NextGen environmental research-aircraft technologies and fuels, fire research, fuel systems, structural safety, weather programs, unmanned aircraft systems, etc.</li> <li>● No funding amounts are tied to the specific authorizations</li> <li>● Identifies other research programs to be authorized if certain accounts in the National Aviation Research Plan are authorized for each of FYs 2011 through 2014</li> </ul>	<u>Sec. 103</u> <ul style="list-style-type: none"> <li>● Authorizes the following amounts to DOT from the Trust Fund for civil aviation research and development:               <ul style="list-style-type: none"> <li>○ \$200 million for FY 2010</li> <li>○ \$206 million for FY 2011</li> </ul> </li> <li>● Does not include specific earmarks, but indicates that funds should be used for aviation research and development, pertaining to aircraft improvements, systems and facilities, aeromedical, research grants, etc.</li> <li>● Removes restriction on transfers of funds among categories</li> <li>● Removes an earmark for research on systems and facilities (Sec. 44505)</li> <li>● Removes requirement to appropriate necessary amounts for air traffic controllers (Sec. 44506)</li> <li>● Removes provision making amounts available until expended</li> </ul>
<b>Trust Fund Funding Sec. 48114</b>	<u>Sec. 104</u> <ul style="list-style-type: none"> <li>● Extends DOT's authorization for appropriations from the Trust Fund and the general fund to FY 2014</li> <li>● Modifies the amounts available for appropriations from the Trust Fund:               <ul style="list-style-type: none"> <li>○ Makes available 90% of est. level of receipts + interest for use in 2011 (instead of the total receipts)</li> <li>○ Makes available 90% of est. level of receipts + interest +</li> </ul> </li> </ul>	<u>Sec. 105</u> <ul style="list-style-type: none"> <li>● Extends DOT's authorization for appropriations from the Trust Fund and the general fund to FY 2011</li> <li>● Extends to FY 2011 the restriction on Congress from appropriating for research and development or operations if the sum obligation limitation for Grants-in-Aid and appropriation for Facilities and Equipment for such FY is below the sum of the authorized levels</li> </ul>

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	<p>the difference between the actual level of receipts and the total amount made available from the Trust Fund in the second preceding year for use in FY 2012 and each FY thereafter</p> <ul style="list-style-type: none"> <li>• Restricts authority to appropriate such funds to the following investment programs: Grants-in-Aid, Facilities and Equipment, Research and Development, and Trust Fund Share of Operations.</li> <li>• Extends to 2014 the restriction on Congress from appropriating for research and development or operations if the sum obligation limitation for Grants-in-Aid and appropriation for Facilities and Equipment for such FY is below the sum of the authorized levels</li> </ul>	
<p><b>Funding for Administrative Expenses for Airport Programs</b> <b>Sec. 48105</b></p>	<p><u>Sec. 106</u></p> <ul style="list-style-type: none"> <li>• Appropriates the following amounts from the Trust Fund’s airport planning and development and noise compatibility planning and programs monies for administrative program expenses               <ul style="list-style-type: none"> <li>○ \$85.987 million for FY 2011</li> <li>○ \$80.676 million for each of FYs 2012 through 2014</li> </ul> </li> <li>• Eligible expenses include expenses related to the airport improvement program, passenger facility charge approval and oversight, national airport system planning, airport standards development and enforcement, airport certification, airport-related environmental activities (including legal services), and other airport activities.</li> <li>• Removes the existing (expired) provision regarding funds for reimbursing the National</li> </ul>	<p><u>Sec. 107</u></p> <ul style="list-style-type: none"> <li>• Appropriates the following amounts from the Trust Fund’s airport planning and development and noise compatibility planning and programs monies for administrative program expenses               <ul style="list-style-type: none"> <li>○ \$94 million for FY 2010</li> <li>○ \$98 million for FY 2011</li> </ul> </li> <li>• Requires the FAA to submit to Congress and DOT a report on every airport in the U.S. that reported 10,000 to 15,000 enplanements during the 2 most recent years with available data explaining the methods used by such airports to reach enplanement levels</li> <li>• Removes the existing (expired) provision regarding funds for reimbursing the National Oceanic and Atmospheric Administration (NOAA) for weather reporting services</li> </ul>



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	Oceanic and Atmospheric Administration (NOAA) for weather reporting services	
<b>Passenger Facility Charges Sec. 40117</b>	<p><u>Sec. 111</u></p> <ul style="list-style-type: none"> <li>• Substitutes the term passenger facility fee for passenger facility charge (PFC)</li> <li>• Extends the life of the pilot program for PFCs at non-hub airports indefinitely by striking the sunset provision</li> </ul> <p><u>Sec. 112</u></p> <ul style="list-style-type: none"> <li>• Establishes a pilot program for PFCs for intermodal ground access projects, allowing DOT to authorize PFCs to finance such projects at a maximum of 5 airports</li> <li>• Establishes a formula based on projected use of the project for access purposes and projected use of the facility for determining eligible costs of the intermodal ground access project at an airport</li> <li>• Requires the Secretary to determine projected use of a project at the time the project is approved</li> </ul> <p><u>Sec. 113</u></p> <ul style="list-style-type: none"> <li>• Requires the Government Accountability Office (GAO) to submit a study to Congress within 1 year of enactment on alternate means of collecting PFCs that do not require including charges in the ticket price</li> </ul> <p><u>Sec. 114</u></p> <ul style="list-style-type: none"> <li>• Describes the sense of Congress that airports should consider the use of qualifications-based selection (i.e., competitive</li> </ul>	<p><u>Sec. 201</u></p> <ul style="list-style-type: none"> <li>• Substitutes the term passenger facility fee for PFC</li> <li>• Modifies the procedural requirements for imposing PFCs</li> <li>• Requires eligible agencies to submit to DOT and certain air carriers with a significant business interest, and make publicly available, annual reports regarding the status of the PFC program, including revenue totals, expenditures, projects for which revenues were used, etc.</li> <li>• Requires an eligible agency proposing PFCs for a project that has not been previously approved or included in a report (described above) to provide written notice and opportunity for comment to air carriers with a significant business interest in the airport. Provides air carriers with 45 days to comment, unless a consultation meeting is held, in which case, carriers have within 30 days after the meeting to submit written comments</li> <li>• Requires an eligible agency proposing PFCs for a project that has not been previously approved or included in a report (described above) to provide reasonable notice and opportunity for comment to the public. Requires DOT to prescribe regulations determining what constitutes reasonable notice</li> <li>• Establishes a 30-day-period for filing objections or comments on a project described in an annual report and gives the eligible agency a minimum of 30 days to</li> </ul>

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	<p>processes) in carrying out capital improvement projects funded by PFCs</p>	<p>respond to filed objections</p> <ul style="list-style-type: none"> <li>○ Requires DOT to decide within 90 days whether to terminate the authority to collect PFCs for the project. Limits DOTs discretion to terminate authority by establishing conditions upon which authority may be terminated</li> <li>● Requires approval from DOT before increasing PFCs or charging PFCs to finance an intermodal ground access project, in addition to the notice and comment requirements described above             <ul style="list-style-type: none"> <li>○ Requires DOT to decide within 120 days whether to approve the PFCs</li> </ul> </li> <li>● Limits application of the limitations on approving applications provision (Sec. 40117(d)) to applications to finance intermodal ground access projects</li> <li>● Removes the requirements that projects preserve or enhance capacity or safety, reduce noise, or provide opportunity for enhanced competition, as to projects for intermodal ground access</li> <li>● Prohibits projects subject to PFCs from being subject to any exclusive (long-term or short-term) lease or use agreement (currently disallows only long term leases or agreements)</li> <li>● Allows DOT to investigate the collection and use of PFCs in response to complaints by interested persons. Requires DOT to prescribe regulations for implementation</li> <li>● Extends the life of the pilot program for PFCs at non-hub</li> </ul>

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		<ul style="list-style-type: none"> <li>• Expands prohibition on PFC collection and use at airports that have diverted airport revenue</li> </ul> <p><u>Sec. 202</u></p> <ul style="list-style-type: none"> <li>• Establishes an alternate PFC pilot program at 6 airports or less, through which an eligible agency may set a PFC at any amount notwithstanding the maximums prescribed by statute and must collect PFCs directly and not through carriers</li> <li>• Requires the GAO to complete a study within 1 year of enactment on alternate means of collecting PFCs that do not require including charges in the ticket price</li> </ul>
<p><b>AIP Definitions of Relevant Terms</b> <b>Sec. 47102</b></p>	<p><u>Sec. 133</u></p> <ul style="list-style-type: none"> <li>• Redefines several terms related to the Airport Improvement Program (AIP)</li> <li>• Expands the definition of “airport planning” to include “developing an environmental management system” and “developing a plan for recycling and minimizing the generation of airport solid waste”</li> <li>• Defines “general aviation airport” as an airport that does not have scheduled service or has scheduled service with less than 2,500 passenger boardings each year</li> </ul> <p>Adds the following as airport development activities:</p> <ul style="list-style-type: none"> <li>• “terminal development”</li> <li>• “acquisition of glycol recovery vehicles”</li> <li>• “construction of mobile refueler</li> </ul>	<p><u>Sec. 215</u></p> <ul style="list-style-type: none"> <li>• Adds the “acquisition of glycol recovery vehicles” as an airport development activity pursuant to the AIP</li> </ul> <p><u>Sec. 208</u></p> <ul style="list-style-type: none"> <li>• Adds the “construction of mobile refueler parking within a fuel farm at a nonprimary airport” as an airport development activity pursuant to the AIP</li> </ul>

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	<p>parking within a fuel farm at a nonprimary airport”</p> <ul style="list-style-type: none"> <li>• “acquiring and installing facilities and equipment to provide air conditioning, heating, or electric power from terminal-based, non-exclusive use facilities to aircraft parked at a public-use airport for the purpose of reducing energy use or harmful emissions as compared to the provision of such air conditioning, heating, or electric power from aircraft-based systems”</li> </ul>	
<p><b>Grant Assurances</b> <b>Sec. 47107</b></p>	<p><u>Sec. 136</u></p> <ul style="list-style-type: none"> <li>• Allows DOT to approve a grant application for acquiring land for a noise compatibility purpose if assured that part of the proceeds from disposing of the land which is proportionate to the government’s share of acquiring the land will be reinvested in another project at the airport or transferred to another airport</li> <li>• Establishes preferences for the reinvestment and transfer of grant funds, giving the highest priority to noise compatibility projects</li> </ul>	<p><u>Sec. 203</u></p> <ul style="list-style-type: none"> <li>• Allows DOT to approve a grant application for acquiring land for an airport purpose (other than a noise compatibility purpose) if assured that part of the proceeds from disposing of the land which is proportionate to the government’s share of acquiring the land will be reinvested in another project at the airport or transferred to another airport</li> <li>• Allows DOT to approve grant applications for acquiring land if assured that land acquired for noise compatibility purposes will be disposed of when it is no longer needed for noise compatibility purposes, including as noise buffer land</li> <li>• Provides that a lease by an airport owner or operator of land acquired for a noise compatibility purpose using grant money shall not be considered a disposal of the land, and that revenues from the lease may be used for capital purposes. Requires the FAA to coordinate with each airport owner or operator to ensure the leases are consistent with noise buffering purposes</li> </ul>

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		<ul style="list-style-type: none"> <li>Establishes preferences for the reinvestment and transfer of grant funds, giving the highest priority to noise compatibility projects</li> </ul>
<b>Government Share of Project Costs Sec. 47109</b>	<u>Sec. 138</u> <ul style="list-style-type: none"> <li>Adds a special rule providing that the government’s share of allowable project costs for transitioning from a small to medium hub airport may not exceed 90% for the first 2 FYs following the change in hub status</li> <li>Adds a special rule establishing the government’s maximum share of allowable project costs as 95% for projects at airports receiving subsidized air service and located in an area eligible for an economic development grant under the Public Works and Economic Development Act of 1965</li> </ul>	<u>Sec. 204</u> <ul style="list-style-type: none"> <li>Adds a special rule providing that the government’s share of allowable project costs for transitioning from a small to medium hub airport may not exceed 95% for the first 2 FYs following the change in hub status</li> <li>Extends the rule governing apportionments for transitioning airports to 2011</li> </ul> <u>Sec. 207</u> <ul style="list-style-type: none"> <li>Establishes that the government’s share of allowable costs for a project funded by a grant to a state, related to a state block grant program, or for a project at an airport not described in Sec. 47109(a), is 95% in FYs 2008 through 2011</li> </ul>
<b>Allowable Project Costs Sec. 47110</b>	<u>Sec. 139</u> Adds as allowable project costs: <ul style="list-style-type: none"> <li>Certain costs incurred on an airport development project prior to execution of a grant agreement</li> <li>Certain costs incurred on a measure to improve energy efficiency of an airport building</li> <li>Certain costs incurred on relocation of airport-owned facilities</li> </ul>	<u>Sec. 205</u> Adds as allowable project costs: <ul style="list-style-type: none"> <li>Certain costs incurred on relocation of airport-owned facilities</li> <li>The purchase of bird detecting-radar systems, if DOT determines, within 120 days of enactment, that such systems have no negative impact on existing navigational aids</li> </ul>
<b>Terminal Development Projects Sec. 47119 &amp; Sec. 47110</b>	<u>Sec. 153</u> <ul style="list-style-type: none"> <li>Allows DOT to approve projects for terminal development in a non-revenue-producing public-use area of a commercial service airport</li> <li>Allows DOT to approve as allowable costs the expenses for terminal development in a</li> </ul>	

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	<p>revenue-producing area and construction, repair, or improvement in a non-revenue-producing parking lot</p> <ul style="list-style-type: none"> <li>• Limits the amount that DOT may distribute from the discretionary fund (Sec. 47115) for terminal development projects at a non-hub or small hub airport to \$20 million</li> </ul>	
<p><b>Preference for Small Business Concerns Owned By Veterans</b> Sec. 47112</p>	<p><u>Sec. 140</u></p> <ul style="list-style-type: none"> <li>• Continues the veteran’s and service-disabled veteran’s preference for labor contracts for airport development projects</li> <li>• Redefines “veterans” as those that were discharged or released from active duty and to include, in addition to Vietnam-era veterans, Persian Gulf veterans, and Afghanistan-Iraq war veterans</li> </ul>	<p><u>Sec. 208</u></p> <ul style="list-style-type: none"> <li>• Requires that labor contracts for airport development projects be given to the use of small business concerns owned and controlled by disabled veterans</li> <li>• Redefines “veterans” as those that were discharged or released from active duty and to include Afghanistan-Iraq war veterans</li> </ul>
<p><b>Disadvantaged Business Enterprise Program</b> Sec. 47113 &amp; Sec. 47107</p>	<p><u>Sec. 141</u></p> <ul style="list-style-type: none"> <li>• Requires DOT to establish a mandatory training on whether a small business concern in airport concessions qualifies as a small business concern owned and controlled by a socially and economically disadvantaged individual</li> </ul> <p><u>Sec. 822</u></p> <ul style="list-style-type: none"> <li>• Requires the DOT Inspector General to report on the number of new small business concerns owned and controlled by socially and economically disadvantaged individuals, including veterans, that participated in the programs and activities funded by the Act</li> <li>• Provides that the report shall include the list of the top 25 and bottom 25 large and medium hub airports in terms of providing opportunities for DBEs,</li> </ul>	<p><u>Sec. 715</u></p> <ul style="list-style-type: none"> <li>• Indicates that the preference of the disadvantaged business enterprise (DBE) program is to ensure that minority and women-owned businesses have full and fair opportunity to compete in federally-assisted airport contracts</li> <li>• Requires DOT to establish a mandatory training program on whether a small business concern in airport concessions qualifies as a small business concern owned and controlled by a socially and economically disadvantaged individual</li> <li>• Requires DOT to issue regulations adjusting for inflation the personal net worth cap used to determine whether an individual is economically disadvantaged</li> <li>• Provides that when determining net worth, retirement benefit funds should be excluded</li> </ul>

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	<p>including an assessment of why the top airports have been successful, and recommendations to FAA</p>	<ul style="list-style-type: none"> <li>Requires DOT to issue regulations to prohibit excessive, unreasonable, or discriminatory bonding requirements for any project using grant funds or PFC revenues</li> </ul> <p><u>Sec. 703</u></p> <ul style="list-style-type: none"> <li>Requires DOT to establish a formal, structured certification training program for the airport concessions disadvantaged business enterprise program</li> <li>Allows DOT to hire 3 additional staff to implement the program</li> </ul>
<p><b>Special Apportionment Rules</b> <b>Sec. 47114</b></p> <p><b>Use of Apportionment Amounts</b> <b>Sec. 47117</b></p>	<p><u>Sec. 142</u></p> <ul style="list-style-type: none"> <li>Permits the Secretary to apportion to an airport sponsor in a FY an amount equal to the minimum apportionment available to the airport sponsor in the previous fiscal year, if the airport received scheduled or unscheduled air service from a large certificated air carrier in the calendar year used to calculate the apportionment, and the airport had more than 10,000 passenger boardings in the calendar year used to calculate the apportionment</li> <li>Removes the special apportionment for airports that remain affected by the decrease in passengers following the terrorist attacks of September 11, 2001</li> <li>Adds a special apportionment for an airport that had more than 10,000 passenger boardings and scheduled service in 2007, but had less than 10,000 passenger boardings in 2009 or 2010</li> </ul> <p><u>Sec. 144</u></p> <ul style="list-style-type: none"> <li>Resets the apportionment trigger</li> </ul>	<p><u>Sec. 204</u></p> <ul style="list-style-type: none"> <li>Makes Sec. 47114(f)(3)(A) (special rule for reducing apportionment for transitioning airports) applicable in FYs 2010 and 2011 (currently applies only in FY 2004)</li> </ul> <p><u>Sec. 208</u></p> <ul style="list-style-type: none"> <li>Adds as a prerequisite for the use of amounts apportioned in the previous year, the requirement that the airport received service from a large certified carrier and had more than 10,000 passenger boardings in the preceding year</li> <li>Continues for FYs 2008 through 2011 a special apportionment for airports that remain affected by the decrease in passengers following the terrorist attacks of September 11, 2001</li> <li>Requires that DOT use \$300 million (rather than 35%) of amounts available to the discretionary fund for carrying out noise compatibility programs, noise mitigation projects, land use planning and projects, and water quality mitigation projects to</li> </ul>

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	<p>from \$3.2 billion to \$3.0 billion</p> <p><u>Sec. 145</u></p> <ul style="list-style-type: none"> <li>Changes the formula under which Hawaii’s annual federal apportionments are reduced when the State’s large and medium hub airports collect PFCs from overseas travelers</li> </ul>	<p>comply with the Federal Water Pollution Control Act</p> <ul style="list-style-type: none"> <li>Makes use of funds on water quality control projects an eligible expenditure</li> </ul> <p><u>Sec. 223</u></p> <ul style="list-style-type: none"> <li>Requires DOT to conduct a study on the feasibility of apportioning amounts based on the amount of air traffic</li> </ul>
<b>Discretionary Fund Minimum Amount Sec. 47115(g)</b>		<p><u>Sec. 208</u></p> <ul style="list-style-type: none"> <li>Removes the formula used to calculate funds to be credited to the discretionary fund and provides that a minimum of \$520 million shall be credited.</li> </ul>
<b>Grants for Compatible Land Use Planning By State and Local Governments Sec. 47141</b>	<p><u>Sec. 154</u></p> <ul style="list-style-type: none"> <li>Extends DOT’s authority to issue grants to state and local governments for compatible land use planning and projects to Sept. 30, 2014</li> </ul>	
<b>Sale of Private Airport to Public Sponsor Sec. 47133</b>	<p><u>Sec. 150</u></p> <ul style="list-style-type: none"> <li>Provides that the prohibition on use of local tax revenues and revenues generated from federal assistance on airport capital or operating costs does not apply, if the airport is privately owned and other circumstances exist; requires a certain portion to be repaid to the Secretary</li> <li>This amendment applies to grants issued on or after Oct. 1, 1996</li> </ul>	<p><u>Sec. 206</u></p> <ul style="list-style-type: none"> <li>Provides that the prohibition on use of local tax revenues and revenues generated from federal assistance on airport capital or operating costs does not apply, if the airport is privately owned and other circumstances exist; requires a certain portion to be repaid to the Secretary</li> <li>This amendment applies to grants issued on or after Oct. 1, 1996</li> </ul>
<b>Airport Privatization Pilot Program Sec. 47134</b>	<p><u>Sec. 158</u></p> <ul style="list-style-type: none"> <li>Increases the number of airports that can apply for the program from 5 to 10 airports</li> <li>Authorizes the Secretary to exempt the selling airport sponsor from the revenue diversion prohibition after</li> </ul>	



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	<p>the Secretary has consulted each air carrier serving the primary airport and in the case of a nonprimary airport, consulted with at least 65 percent of owners of aircraft based at that airport</p> <ul style="list-style-type: none"> <li>• Removes requirements that the Secretary has to ensure that the airport fee imposed on an air carrier will not increase more than inflation, percent increase on fees in general aviation will not exceed percentage of fees increased imposed on air carriers, and collective bargaining agreements will not be abrogated by sale or lease</li> <li>• Prohibits an airport from imposing a fee on a domestic or foreign air carrier for a return on investment or recovery of principal with respect to consideration paid to a public agency for the lease unless the air carriers approve</li> <li>• Provides that the amendments made by this section apply to exemptions issued before, on, or after the date of enactment</li> </ul>	
<b>Annual Report Sec. 47131</b>	<p><u>Sec. 153</u></p> <ul style="list-style-type: none"> <li>• Modifies the deadline for annual reports from April 1 to June 1</li> <li>• Changes the required components of the report to include a summary of airport development and planning completed, summary of individual grants issued, accounting of discretionary and apportioned funds allocated, allocations paid, and list of airports that may not be in compliance with grant requirements</li> </ul>	<p><u>Sec. 208</u></p> <ul style="list-style-type: none"> <li>• Modifies the deadline for annual reports from April 1 to June 1</li> <li>• Changes the required components of the report to include a summary of airport development and planning completed, summary of individual grants issued, accounting of discretionary and apportioned funds allocated, allocations paid, and list of airports that may not be in compliance with grant requirements</li> </ul>
<b>Resolution of Airport Fee Disputes</b>	<p><u>Sec.149</u></p> <ul style="list-style-type: none"> <li>• Makes this section applicable to foreign air carriers, in addition to domestic air carriers</li> </ul>	<p><u>Sec. 431</u></p> <ul style="list-style-type: none"> <li>• Makes this section applicable to foreign air carriers, in addition to domestic air carriers</li> </ul>

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<b>Sec. 47129</b>  <b>Contract Tower Program Sec. 47124</b>	<u>Sec.148</u> <ul style="list-style-type: none"> <li>• Appropriates \$8.5 million to carry out the contract air traffic control tower program for each of FYs 2011 through 2014</li> <li>• Allows DOT to use funds that are not necessary in the FY in which they were awarded to carry out the program</li> <li>• Increases the cap on the federal share of the cost of construction of a non-approach control tower from \$1.5 million to \$2 million</li> <li>• Provides that for low activity Level I air traffic control tower programs:               <ul style="list-style-type: none"> <li>○ Where DOT determines that a tower operating under the program has a benefit to cost ratio of less than 1.0, the sponsor is exempt from paying the portion of the costs that exceeds the benefit for 18 months</li> <li>○ DOT may use funds not needed in a FY to carry out the program</li> </ul> </li> <li>• Requires sponsors to pay costs exceeding benefits, only where the costs exceed benefits with the maximum allowable local cost share for a FAA Part 139 certified airport, with fewer than 50,000 annual passenger enplanements, capped at 20 % of the cost of operating an air traffic tower under the program; sunsets this provision on Sept. 30, 2014</li> </ul>	<u>Sec. 432</u> <ul style="list-style-type: none"> <li>• Appropriates the following amounts to carry out the contract air traffic control tower program:               <ul style="list-style-type: none"> <li>○ \$9.5 million for FY 2010</li> <li>○ \$10 million for FY 2011</li> </ul> </li> <li>• Allows DOT to use funds that are not necessary in the FY in which they were awarded to carry out the program</li> <li>• Increases the cap on the federal share of the cost of construction of a non-approach control tower from \$1.5 million to \$2 million</li> <li>• Provides that for low activity Level I air traffic control tower programs:               <ul style="list-style-type: none"> <li>○ Where DOT determines that a tower operating under the program has a benefit to cost ratio of less than 1.0, the sponsor is exempt from paying the portion of the costs that exceeds the benefit for 18 months</li> <li>○ DOT may use funds not needed in a FY to carry out the program</li> </ul> </li> <li>• Requires sponsors to pay costs exceeding benefits, with the maximum allowable local cost share capped at 20%</li> </ul>
<b>Improvement of Airfield Pavements</b>		<u>Sec. 605</u> <ul style="list-style-type: none"> <li>• Provides for the continuation of the program to consider awards to nonprofit concrete and asphalt pavement research foundations to improve the design, construction,</li> </ul>

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		rehabilitation, and repair of airfield pavements
<b>Solid Waste Recycling Plans at Airports Sec. 47106 &amp; Sec. 47102</b>	<u>Sec. 134</u> <ul style="list-style-type: none"> <li>Allows DOT to issue grants from the Trust Fund for projects at airports with master plans that address solid waste recycling</li> </ul>	<u>Sec. 714</u> <ul style="list-style-type: none"> <li>Expands the definition of airport planning to include planning to recycle and to minimize generation of airport solid waste in a manner consistent with local and state recycling laws</li> <li>Allows DOT to issue grants from the Trust Fund for projects at airports with master plans that address solid waste recycling</li> </ul>
<b>State Block Grant Program, Environmental Compliance Sec. 47128</b>	<u>Sec. 502</u> <ul style="list-style-type: none"> <li>Requires DOT to issue guidance (instead of regulations) to carry out the state block grant program and designate a limited number of qualified states</li> <li>Adds a requirement that DOT select a state applicant only after determining that it has complied with the National Environmental Policy Act (NEPA), state and local environmental policy acts, executive orders, agency regulations and guidance, and other federal environmental requirements</li> <li>Adds a provision requiring the agency (other than FAA) which is responsible for issuing an approval, license, or permit ensuring compliance with a federal environmental requirement applicable to a project using state block grant funds to use the environmental analysis prepared by the state and supplement as necessary to comply with federal requirements</li> </ul>	<u>Sec. 209</u> <ul style="list-style-type: none"> <li>Requires DOT to issue guidance (instead of regulations) to carry out the state block grant program and designate a limited number of qualified states</li> <li>Adds a requirement that DOT select a state applicant only after determining that it has complied with federal environmental requirements or an agreed upon equivalent</li> <li>Adds a provision requiring any agency which is responsible for issuing an approval, license, or permit ensuring compliance with a federal environmental requirement applicable to a project using state block grant funds to use the environmental analysis prepared by the state and supplement as necessary to comply with federal requirements</li> <li>Establishes a pilot program for 3 states that do not participate in the state block grant program</li> </ul>
<b>Funding for Special Studies Relating to</b>	<u>Sec. 504</u> <ul style="list-style-type: none"> <li>Allows FAA to accept funds from airport sponsors to hire staff or consultants to facilitate the timely</li> </ul>	<u>Sec. 210</u> <ul style="list-style-type: none"> <li>Allows FAA to accept funds from airport sponsors to hire staff or consultants to conduct special</li> </ul>

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<b>Environmental and Noise Measures Sec. 47173</b>	processing, review, and completion of environmental activities associated with an airport development project; conduct special environmental studies related to federally funded projects; conduct special studies to support approved noise compatibility measures in Part 150; conduct special studies to support environmental mitigation in a FAA Record of Decision (ROD) or Finding of No Significant Impact (FONSI); and to facilitate the timely processing, review and completion of environmental activities associated with new or amended flight procedures	environmental studies related to federally funded projects, special studies to support approved noise compatibility measures in Part 150, or special studies to support environmental mitigation in a FAA ROD or FONSI
<b>Noise Compatibility Programs Sec. 47504</b>	<u>Sec. 505</u> <ul style="list-style-type: none"> <li>Requires operators applying for noise compatibility programs to include in their statement of measures to reduce existing noncompatible uses and prevent introducing additional noncompatible uses in the area, conducting land use planning jointly with neighboring local jurisdictions for community redevelopment of land or property interests of the airport operator to encourage and enhance redevelopment opportunities</li> </ul>	<u>Sec. 712</u> <ul style="list-style-type: none"> <li>Requires operators applying for noise compatibility programs to include in their statement of measures to reduce existing noncompatible uses and prevent introducing additional noncompatible uses in the area, conducting land use planning jointly with neighboring local jurisdictions for community redevelopment of land or property interests of the airport operator to encourage and enhance redevelopment opportunities</li> </ul>
<b>Redevelopment of Airport Properties</b>		<u>Sec. 712</u> <ul style="list-style-type: none"> <li>Requires FAA to establish a pilot program at no more than 4 public-use airports for local airport operators with approved noise compatibility programs, through which operators may use airport development grant funds to support joint planning, engineering design, and environmental permitting for the redevelopment</li> </ul>

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		<p>of property purchased with noise mitigation funds or PFC revenues to encourage airport-compatible land uses</p> <ul style="list-style-type: none"> <li>• Restricts circumstances in which the FAA may issue a grant under the pilot program</li> <li>• Requires that the federal government's share of allowable costs of projects carried out under the pilot program be 80%</li> <li>• Limits the amount available under the pilot program to \$5 million at any single airport</li> <li>• Sunsets the pilot program on Sept. 30, 2011</li> <li>• Requires FAA to report to Congress on the effectiveness of the pilot program on returning Part 150 lands to productive use</li> </ul>
<p><b>Emission Credits</b> <b>Sec. 47139</b></p>	<p><u>Sec. 153</u></p> <ul style="list-style-type: none"> <li>• Disallows emissions credit for airport development projects necessary for compliance with Americans with Disabilities Act and the Federal Water Pollution Control Act</li> </ul>	<p><u>Sec. 208</u></p> <ul style="list-style-type: none"> <li>• Disallows emissions credit for airport development projects necessary for compliance with Americans with Disabilities Act and the Federal Water Pollution Control Act</li> </ul>
<p><b>Pilot Program for Zero Emission Vehicles</b> <b>Sec. 47136A</b> <b>(New Section)</b></p>		<p><u>Sec. 609</u></p> <ul style="list-style-type: none"> <li>• Requires DOT to establish a pilot program through which the sponsor of a participating public-use airport may use funds from AIP grants, noise compatibility programs, or PFC revenue for acquiring and operating zero emission vehicles and for constructing infrastructure to facilitate the delivery of fuel and services necessary for the use of such vehicles</li> <li>• Restricts participation to airports located in nonattainment areas, unless there is a shortage of eligible applicants</li> <li>• Requires DOT to give priority to</li> </ul>

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		<p>applicant airports that will achieve the greatest air quality benefits measured by the amount of emissions reduced per-dollar-of-funds expended</p> <ul style="list-style-type: none"> <li>• Requires that the federal government's share of costs of a project carried out under this program be 50%</li> <li>• Requires DOT to submit a report to Congress within 18 months of enactment on the effectiveness of the program</li> </ul>
<p><b>Emissions from Airport Power Sources</b>  <b>Sec. 47140A</b>  <b>(New Section)</b></p>		<p><u>Sec. 610</u></p> <ul style="list-style-type: none"> <li>• Requires DOT to establish a program through which eligible airport sponsors can receive noise compatibility program grants to assess the airport's energy requirements to identify opportunities to reduce harmful emissions and increase energy efficiency</li> </ul>
<p><b>Airport Cooperative Research Program</b>  <b>Sec. 44511(f)</b></p>	<p><u>Sec. 1007</u></p> <ul style="list-style-type: none"> <li>• Removes the 4-year time limit on the Airport Cooperative Research Program, making it an ongoing program</li> <li>• Requires the Secretary to issue a report on the program no later than Sept. 30, 2012</li> </ul>	<p><u>Sec. 601</u></p> <ul style="list-style-type: none"> <li>• Removes the 4-year time limit on the Airport Cooperative Research Program, making it an ongoing program</li> <li>• Authorizes the use of \$15 million per year in FYs 2010 and 2011 of research grant funds, of which at least \$5 million must be used for research related to reduction of community exposure to civil aircraft noise, reduction of civil aviation emissions, or addressing water quality issues</li> </ul>
<p><b>Research on Aviation and the Environment</b></p> <p><b>Research on</b></p>	<p><u>Sec. 1010</u></p> <ul style="list-style-type: none"> <li>• Requires FAA, in coordination with National Aeronautics and Space Administration (NASA) and in consultation with relevant agencies, to maintain a research program to assess the potential effect of aviation on the</li> </ul>	<p><u>Sec. 602</u></p> <ul style="list-style-type: none"> <li>• Establishes a research program relating to reducing civilian aircraft energy use, emissions, and source noise with equivalent safety through grants or other measures</li> <li>• Requires FAA to designate one or more institutions or entities as a</li> </ul>

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<b>Alternative Fuel Technology for Civilian Aircraft</b>	<p>environment and, if warranted, to evaluate approaches to address any such effect</p> <ul style="list-style-type: none"> <li>• Requires FAA and NASA to jointly develop a plan to carry out the research within 1 year after enactment, and every 3 years thereafter</li> </ul>	<p>Consortium for Continuous Low Energy, Emissions, and Noise (CLEEN) to perform the research</p> <ul style="list-style-type: none"> <li>• Establishes certain environmental and noise objectives for the program to achieve by Jan. 1, 2016</li> </ul> <p><u>Sec. 603</u></p> <ul style="list-style-type: none"> <li>• Establishes a research program relating to developing jet fuel from natural gas, biomass, or other renewable sources through grants or other measures</li> <li>• Requires selecting members that have existing facilities and experience and requires that the Center for Excellence (established under this Act) be a member</li> <li>• Requires that the Center for Excellence (established under this Act) be a member of the CLEEN consortium</li> </ul>
<b>Siting Wind Farms Near FAA Facilities</b>	<p><u>Sec. 219</u></p> <ul style="list-style-type: none"> <li>• Requires FAA to conduct a study within 1 year of enactment on the feasibility of creating a publicly searchable internet database on guy wire and free standing obstructions</li> </ul>	<p><u>Sec. 611</u></p> <ul style="list-style-type: none"> <li>• Requires FAA to complete a survey and assessment of FAA facility leases, including leases for FAA facilities located near areas suitable for construction and operation of wind farms to address safety and operational concerns associated with the construction, alteration, establishment, or expansion of wind farms</li> <li>• Requires the GAO to issue a report to Congress regarding the impacts of wind farms on national airspace, mitigation strategies, etc.</li> <li>• Requires FAA to issue guidelines in response to the GAO's report, which may include zone systems, turbine height limitations, etc.</li> </ul>
<b>Environmental Mitigation Demonstration</b>		<p><u>Sec. 213</u></p> <ul style="list-style-type: none"> <li>• Establishes a pilot program of no more than 6 projects at public-use airports under which DOT may</li> </ul>

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<b>Pilot Program Sec. 47143 (New Section)</b>		<p>issue grants under Sec. 47117(e)(1)(A) (for noise compatibility, mitigation, or compliance with the Clean Air Act) for environmental mitigation demonstration projects that will measurably reduce or mitigate aviation impacts on noise, air quality or water quality in the vicinity of the airport</p> <ul style="list-style-type: none"> <li>• Defines “environmental mitigation demonstration project” as a project that introduces new conceptual environmental mitigation techniques that have already been approved in labs or new methods for efficient adaptation of new concepts to airport operations, which will demonstrate whether new technology for environmental mitigation are practical to implement at or near airports and are capable of reducing noise, emissions, or water quality impacts in significant amounts</li> <li>• Requires DOT to give priority to applicants whose projects will achieve the greatest reductions in impacts either on an absolute basis or per-dollar-of-funds expended basis</li> <li>• Requires that the federal government’s share of costs of a project under the program be 50%</li> <li>• Provides that the maximum amount of grant funding available per project is \$2.5 million</li> <li>• Provides that FAA may develop and publish information identifying best practices for reducing or mitigating aviation impacts on noise and air and water quality</li> </ul>
<b>Aircraft</b>	<p><u>Sec. 509</u></p> <ul style="list-style-type: none"> <li>• Establishes a pilot program at no</li> </ul>	



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<b>Departure Pilot Program</b>	<p>more than 5 public-use airports to test air traffic flow management tools, methodologies, and procedures that will allow air traffic controllers to reduce the length of ground holds and idling time for aircraft</p> <ul style="list-style-type: none"> <li>• Requires DOT to give priority to applicant airports at which improvements in ground control are likely to achieve the greatest fuel savings or air quality or other environmental benefits, as measured by the amount of reduced fuel, emissions, or other benefits per-dollar-of-funds expended</li> <li>• Sets a \$2.5 million expenditure cap at any one airport in the program</li> </ul>	
<b>Airport Sustainability Working Group</b>		<p><u>Sec. 221</u></p> <ul style="list-style-type: none"> <li>• Requires FAA to establish an airport sustainability working group to assist FAA with issues pertaining to airport sustainability</li> <li>• Requires the working group to develop consensus-based best practices and metrics for sustainable design, construction, planning, maintenance, and operation of an airport and to submit a report to FAA within 1 year of enactment on the best practices</li> <li>• Provides that membership in the group is an unpaid position, members serve at their own expense</li> </ul>
<b>Sustainable Air Traffic Control Facilities</b>	<p><u>Sec. 510</u></p> <ul style="list-style-type: none"> <li>• Allows FAA to implement, to the extent practicable, sustainable practices for energy-efficient design, equipment, systems, and other measures on the construction or major renovation</li> </ul>	

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	of air traffic control facilities	
<b>Measures to Improve Efficiency of Airport Buildings Sec. 47101</b>		<u>Sec. 222</u> <ul style="list-style-type: none"> <li>• Adds as a policy that the AIP be administered to allow measures to improve efficiency of airport buildings, such as for high-performance green building, so long as any significant increase in upfront project costs is justified by expected savings over the lifecycle of the project</li> </ul>
<b>Aviation Fuel Taxes Secs. 9502, 4081, 4261 &amp; 4271 of the Internal Revenue Code</b>	<u>Sec. 1102</u> <ul style="list-style-type: none"> <li>• Extends expenditures from the Trust Fund to Oct. 1, 2014</li> </ul> <u>Sec. 1103</u> <ul style="list-style-type: none"> <li>• Extends specified rates for aviation fuels to Sept. 30, 2014</li> </ul>	<u>Sec. 801</u> <ul style="list-style-type: none"> <li>• Extends specified rates for aviation fuels to Sept. 30, 2013</li> </ul> <u>Sec. 802</u> <ul style="list-style-type: none"> <li>• Extends expenditures from the Trust Fund to Oct. 1, 2013</li> </ul> <u>Sec. 803</u> <ul style="list-style-type: none"> <li>• Adds a new tax on aviation-grade kerosene, at the rate of 35.9 cents per gallon</li> </ul>
<b>Grant Eligibility for Flight Assessment Sec. 47504</b>	<u>Sec. 506</u> <ul style="list-style-type: none"> <li>• Adds a provision allowing DOT to make a grant to an airport operator for completing environmental review activities for proposals to implement flight procedures at airports that have been approved as part of a noise compatibility program</li> <li>• Allows FAA to accept funds from an airport operator provided to the operator through this grant program, to hire additional staff or consultants to facilitate in environmental activities associated with flight procedures</li> <li>• Provides that these grant funds shall be credited as offsetting collections to the account that finances the activities</li> </ul>	<u>Sec. 211</u> <ul style="list-style-type: none"> <li>• Adds a provision allowing DOT to make a grant to an airport operator for completing environmental review activities for proposals to implement flight procedures at airports that have been approved as part of a noise compatibility program</li> <li>• Allows FAA to accept funds from airport operator provided to the operator through this grant program, to hire additional staff or consultants to facilitate in environmental activities associated with flight procedures. Provides that such funds received by FAA are not subject to applicable gift receipts procedures</li> </ul>
<b>Fair Market</b>	<u>Sec. 507</u>	

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<b>Value (FMV) of Residential Properties Sec. 47504</b>	<ul style="list-style-type: none"> <li>• Requires DOT to ensure that appraisals for acquiring property for purposes of noise abatement do not account for any increase or decrease in property value that might be caused by the noise abatement project itself</li> </ul>	
<b>Aircraft Not Complying with Stage 3 Noise Levels Sec. 47534 (New Section)</b>	<u>Sec. 508</u> <ul style="list-style-type: none"> <li>• Prohibits the operation of a civil subsonic jet airplane weighing less than 75,000 lbs for which an airworthiness certificate has been issued, to or from a U.S. airport, unless it complies with stage 3 noise levels</li> <li>• Provides that the prohibition does not apply until after Dec. 31, 2016 and does not apply to aircraft operating outside of the 48 contiguous states</li> <li>• Allows DOT to grant exceptions in several circumstances, such as to deliver the aircraft for sale outside of the 48 contiguous states</li> </ul>	<u>Sec. 710</u> <ul style="list-style-type: none"> <li>• Prohibits the operation of a civil subsonic jet airplane weighing less than 75,000 lbs for which an airworthiness certificate has been issued, to or from a U.S. airport, unless it complies with stage 3 noise levels</li> <li>• Provides that the prohibition does not apply until after Dec. 15, 2014 and does not apply to aircraft operating outside of the 48 contiguous states</li> <li>• Waives the prohibition where airport operators choose to opt out and allow such aircraft</li> <li>• Allows DOT to grant exceptions in several circumstances, such as to deliver the aircraft for sale outside of the 48 contiguous states</li> </ul>
<b>Noise Complaint Hotlines at Large Hub Airports</b>	<u>Sec. 512</u> <ul style="list-style-type: none"> <li>• Requires operators of large hub airports to publish on the internet a telephone number to receive aviation noise complaints related to the airport within 3 months of enactment</li> <li>• Requires operators that receive complaints from at least 25 individuals during the proceeding year to submit reports to FAA on the nature of such complaints</li> </ul>	
<b>Consumer Complaint Hotlines Sec. 42302 (New Section –</b>	<u>Sec. 425</u> <ul style="list-style-type: none"> <li>• Requires DOT to establish a consumer complaints toll-free hotline for passengers and requires air carriers using aircraft with a capacity of 30 or more passenger</li> </ul>	<u>Sec. 401</u> <ul style="list-style-type: none"> <li>• Requires DOT to establish a consumer complaints toll-free hotline for passengers</li> </ul>



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	<p>and rural communities through financial incentives in EAS contracts based on specific performance goals, such as improving on-time performance, etc.</p> <ul style="list-style-type: none"> <li>○ Promote long-term contracts to encourage carriers to serve small and rural communities</li> <li>● Requires DOT to revise guidelines to incorporate the above goals within 18 months of enactment</li> <li>● Requires DOT to issue a report analyzing impacts of the guidelines on performance and satisfaction within 2 years of issuance of the guidelines</li> </ul> <p><u>Sec. 405</u></p> <ul style="list-style-type: none"> <li>● Eliminates a specific general fund authorization for the SCASDP</li> <li>● Adds as a priority for the SCASDP multiple communities that cooperate to submit a region or multistate application to improve air service</li> </ul> <p><u>Sec. 402</u></p> <ul style="list-style-type: none"> <li>● Requires DOT to give at least 45 days notice prior to issuing a final decision to end compensation due to costs exceeding the subsidy cap</li> <li>● Provides the community with an opportunity to submit a proposal explaining that it can provide service with an amount of compensation that would not exceed the cap</li> </ul> <p><u>Sec. 406</u></p> <ul style="list-style-type: none"> <li>● Authorizes DOT to make emergency adjustments to compensation amounts for fuel costs without regard to contracts</li> </ul>	<p><u>Sec. 414</u></p> <ul style="list-style-type: none"> <li>● Establishes a funding program to assist airports that DOT has determined no longer qualify for an EAS subsidy</li> <li>● Provides that funds may not exceed twice the amount of compensation received by the airport in the fiscal year prior to the ineligibility determination, and may be used for development, to defray expenses, or to develop innovative air service options (e.g., air taxi services)</li> <li>● Provides that an airport receiving funds under this section is not eligible for funds under Sec. 41736</li> </ul> <p><u>Sec. 416</u></p> <ul style="list-style-type: none"> <li>● Reauthorizes appropriations to the SCASDP through FY 2011</li> <li>● Adds as a priority for the SCASDP multiple communities that cooperate to submit a region or multistate application to improve air service</li> </ul> <p><u>Sec. 418</u></p> <ul style="list-style-type: none"> <li>● Extends DOT's authority to enter into EAS contracts to 2011</li> <li>● Allows the state or local government to apply for compensation to an otherwise eligible place that exceeds the per passenger subsidy cap</li> <li>● Requires DOT to approve the application if the state or locality agrees to pay the difference between the passenger subsidy and a certain amount (unspecified in the legislation)</li> <li>● Requires DOT to continue to pay subsidy for carriers in eligible places which exceed the cap, so long as DOT deems it necessary to</li> </ul>

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	<p>or notice requirements, pending availability of funds</p> <ul style="list-style-type: none"> <li>• Allows for a waiver of the \$200 per person subsidy cap on a case-by-case basis, subject to the availability of funds</li> </ul> <p><u>Sec. 407</u></p> <ul style="list-style-type: none"> <li>• Repeals the EAS Local Participation Program</li> </ul>	<p>maintain air transport to that place, and the state or locality continues to pay the difference in cost</p> <ul style="list-style-type: none"> <li>• Requires DOT to periodically review service exceeding the cap and to make adjustments based on consultation with the state and locality</li> <li>• Requires an air carrier to provide notice of intent to DOT, the affected community, and the state or local government at least 30 days prior to ending, suspending, or reducing air transportation to an eligible place</li> <li>• Allows a state or local government to submit a proposal to DOT to receive compensation for a “preferred air carrier,” which is a carrier that is not the lowest bid, but is preferred by the affected community over the lowest cost bid to provide service to an eligible place</li> <li>• Requires DOT to approve a proposal for a preferred air carrier if the state or local government is willing to pay the difference between the rate of compensation that DOT would provide to the lowest bid and the estimated rate of the preferred air carrier</li> <li>• Requires DOT to continue to pay subsidy for preferred air carriers in eligible places which exceed the cap, so long as DOT deems it necessary to maintain air transport to that place, and the state or locality continues to pay the difference in cost</li> <li>• Requires a preferred air carrier to provide notice of intent to DOT, the affected community, and the state or local government prior to ending, suspending, or reducing air</li> </ul>

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		<p>transportation to an eligible place. Notice must be provided at least 30 days in advance</p> <ul style="list-style-type: none"> <li>• Allows a state or locality to submit a proposal to DOT requesting that DOT restore the eligibility of place where eligibility was terminated.</li> <li>• Requires DOT to restore eligibility if the per passenger subsidy does not exceed the cap</li> <li>• Requires DOT to disregard any compensation adjustments for fuel costs when determining whether compensation exceeds the allowable per passenger subsidy</li> </ul> <p><u>Sec. 419</u></p> <ul style="list-style-type: none"> <li>• Repeals EAS Local Participation Program</li> </ul>
<b>Office of Rural Aviation</b>		<p><u>Sec. 418</u></p> <ul style="list-style-type: none"> <li>• Establishes the Office of Rural Aviation, which shall develop a uniform 4-year contract for EAS air carriers, develop a mechanism for comparing applications for basic EAS compensation, and select an air carrier to provide the EAS</li> </ul>
<p><b>Emergency Contingency Plans</b>  <b>Sec. 42301</b>            (New Section – House only)</p> <p><b>Sec. 41781</b>            (New Section – Senate only)</p>	<p><u>Sec. 425</u></p> <ul style="list-style-type: none"> <li>• Requires air carriers at, and airport operators of, a large or medium hub airport to submit an emergency contingency plan to DOT within 90 days of enactment</li> <li>• Requires DOT to review and approve or, if necessary, require modifications to the plan to provide for the health and safety of passengers</li> </ul>	<p><u>Sec. 401</u></p> <ul style="list-style-type: none"> <li>• Requires air carriers and airport operators to submit emergency contingency plans to DOT within 60 days of enactment</li> <li>• Requires a 3-hour deplaning option</li> <li>• Requires DOT to review and approve plans that closely adhere to minimum standards set forth in the Act, such as providing for the essential needs of passengers</li> </ul>
<b>Airport Master Plans</b> <b>Sec. 47101</b>	<p><u>Sec. 131</u></p> <ul style="list-style-type: none"> <li>• Adds an additional goal for airport master plans: encouraging airport sponsors and officials to consider customer convenience, airport</li> </ul>	

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	<p>ground access, and access to airport facilities in master plans</p> <p><u>Sec. 132</u></p> <ul style="list-style-type: none"> <li>• Encourages the development of aerotropolis transportation systems, which are planned and coordinated multimodal freight and passenger networks that provide efficient and cost effective connectivity to a defined region of economic significance</li> </ul>	
<p><b>Through-the-Fence Agreements</b> <b>Sec. 47107</b></p>	<p><u>Sec. 137</u></p> <ul style="list-style-type: none"> <li>• Declares that, subject to the requirements contained in a through-the-fence agreement between a general aviation airport sponsor and a private property owner, a sponsor of a general aviation airport shall not be considered in violation of a grant assurance or any other law as a condition for the receipt of federal financial assistance solely because the sponsor entered into an agreement to allow a person who owns residential real property adjacent to the airport access to the airfield of the airport</li> <li>• Requires that through-the-fence agreements contain, at a minimum, a requirement that the property owner: (1) pay airport access charges comparable to those charged to on-airport tenants and operators making similar use of the airport; (2) bear the cost of building and maintaining infrastructure necessary to provide aircraft located on the property adjacent to the airport access to the airfield; (3) maintain the property for residential use for the duration of the agreement; and (4) prohibit access to the airport from</li> </ul>	



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	<p>other properties through the property of the property owner</p> <ul style="list-style-type: none"> <li>• Makes this provision applicable to agreements entered into before, on, or after enactment</li> </ul>	
<b>Priority Review of Construction Projects in Cold Weather States</b>	<p><u>Sec. 155</u></p> <ul style="list-style-type: none"> <li>• Directs FAA, to the extent practicable, to give priority review of projects to be carried out in states in which the weather during a typical calendar year prevents major construction projects from being carried out before May 1</li> </ul>	<p><u>Sec. 724</u></p> <ul style="list-style-type: none"> <li>• Directs FAA, to the extent practicable, to give priority review of projects to be carried out in states in which the weather during a typical calendar year prevents major construction projects from being carried out before May 1</li> </ul>
<b>Controlling Helicopter Noise Pollution in Residential Areas</b> <b>Sec. 44715</b>		<p><u>Sec. 740</u></p> <ul style="list-style-type: none"> <li>• Requires FAA, within 1 year and 90 days after enactment, to prescribe standards to measure helicopter noise and regulations to control helicopter noise pollution in residential areas</li> <li>• Requires FAA, within 1 year after the date of enactment, but not before the regulations described above are issued, to prescribe regulations regarding helicopter noise in the counties of Nassau and Suffolk in the state of New York</li> </ul>
<b>Transfers of Terminal Area Air Navigation Equipment to Airport Sponsors</b> <b>Sec. 44518</b> <b>(New Section)</b>	<p><u>Sec 157</u></p> <ul style="list-style-type: none"> <li>• Establishes a pilot program to allow FAA to transfer terminal area air navigation equipment to air sponsors at no more than 10 airports (3 nonhub; 3 small hub; 3 medium hub; and 1 large hub)</li> <li>• Requires an airport sponsor to assure FAA that the sponsor will operate and maintain the equipment, permit inspections by FAA, and replace equipment as needed</li> <li>• Provides that the transfer includes all rights, title and interests to the sponsor at no cost to the sponsor</li> <li>• Provides that costs incurred by an</li> </ul>	

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	<p>airport sponsor for ownership and maintenance of equipment shall be considered a cost of providing airfield facilities and services and may be recovered in rates and charges</p> <ul style="list-style-type: none"> <li>• Directs FAA to issue guidelines for implementation</li> </ul>	
<p><b>Safety Management Systems (SMS) Disclosure and Use of Information</b>  <b>Sec. 44734</b>  <b>(New Section – House only)</b></p>	<p><u>Sec. 337</u></p> <ul style="list-style-type: none"> <li>• Provides that reports and data stemming from the development and implementation of a safety management system, as well as other reports, shall not be subject to discovery or subpoena or admitted into evidence</li> <li>• States that any reports or data that voluntarily provided to FAA shall not be disclosed pursuant to a Freedom Of Information Act request</li> <li>• Provides that FAA may release documents to the public that include summaries, aggregations, or statistical analyses of the reports or data</li> <li>• Allows NTSB to use such data in making safety recommendations</li> <li>• Provides that a person may waive the privileges afforded by this section in writing or by using such information in the presentation of a claim or defense</li> </ul>	<p><u>Sec. 554</u></p> <ul style="list-style-type: none"> <li>• Provides that discovery methods in a judicial proceeding may not be used to obtain Aviation Safety Action Program reports, Flight Operational Quality Assurance Program data, or Line Operations Safety Audit Programs reports, with certain exceptions, such as a finding of particularized need after an in camera review</li> <li>• Further provides that the reports and data described above are not subject to disclosure under the Freedom Of Information Act</li> <li>• Allows disclosure of reports and data described above when the withholding of information would be inconsistent with FAA’s safety responsibilities, such as to carry out a criminal investigation or provide summaries of information to explain the need for policy changes</li> <li>• Allows NTSB to use such data in making safety recommendations</li> <li>• Provides that a person may waive the privileges afforded by this section in writing or by using such information in the presentation of a claim or defense</li> </ul>
<p><b>Liability Protections for Persons Implementing SMS</b></p>	<p><u>Sec. 338</u></p> <ul style="list-style-type: none"> <li>• Provides liability protection for persons required by FAA to implement a SMS</li> <li>• States that liability protections do not apply for damages resulting</li> </ul>	

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<b>Sec. 44735 (New Section)</b>	<p>from a person’s own willful or reckless acts or omissions as demonstrated by clear and convincing evidence</p> <ul style="list-style-type: none"> <li>• Provides that a person employed by a person implementing a SMS and who is responsible for performing the functions of an accountable executive shall be deemed to be action in the person’s official capacity as an officer or employee of the person implementing the SMS, and may not be held personally liable for damages in connection with a claim filed, except for damages associated with the person’s own willful or reckless acts or omissions demonstrated by clear and convincing evidence</li> </ul>	
<b>Use of Mineral Revenue at Certain Airports</b>	<p><u>Sec. 815</u></p> <ul style="list-style-type: none"> <li>• Authorizes FAA to declare certain revenue derived from, or generated by, mineral extraction at a general aviation airport to be revenue greater than the long-term project, operation, maintenance, planning and capacity needs of the airport, subject to certain conditions</li> <li>• Allows an airport sponsor to allocate such revenue for federal, state or local transportation infrastructure projects</li> </ul>	<p><u>Sec. 224</u></p> <ul style="list-style-type: none"> <li>• Authorizes FAA to declare certain revenue derived from, or generated by, mineral extraction, production, lease or other means at any general aviation airport to be revenue greater than the amount needed to carry out the 5-year projected maintenance needs of the airport to comply with FAA safety and design standards, subject to certain conditions</li> <li>• Allows an airport sponsor to allocate such revenue for federal, state or local transportation infrastructure projects carried out by the airport or a governing body within the geographical limits of the airport sponsor’s jurisdiction</li> </ul>
<b>Flood Planning</b>	<p><u>Sec. 819</u></p> <ul style="list-style-type: none"> <li>• Requires FAA, in consultation with the Federal Emergency Management Agency, to conduct a study on the state of preparedness and response capability for</li> </ul>	

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	airports located in flood plains to respond to and seek assistance in rebuilding after catastrophic flooding	
<b>Approval of Applications for the Security Screening Opt Out Program Sec. 44920</b>		<u>Sec. 735</u> <ul style="list-style-type: none"> <li>• Authorizes the Under Secretary of the Department of Homeland Security to approve an opt out application no later than 30 days after receiving one</li> <li>• Provides that, within 30 days after enactment, the Under Secretary shall reconsider and approve any application for the opt out program that was pending between Jan. 1, 2011 and Feb. 3, 2011, if the Under Secretary determines that the screening undertaken by private screeners will be equal to or greater than the federal workforce</li> <li>• Requires the Under Secretary to report denials of applications to Congress</li> </ul>
<b>Southern Nevada Land Transfer</b>		<u>Sec. 728</u> <ul style="list-style-type: none"> <li>• Requires the Department of Interior (DOI) to convey land to Clark County as soon as practicable after FAA approves an airport layout plan and issues a ROD after an Environmental Impact Statement</li> <li>• Requires that the land be used for flood mitigation infrastructure</li> <li>• Exempts the land from mining and geothermal leasing laws</li> </ul>
<b>Authorization of Use of Lands in Las Vegas (McCarran Int'l Airport)</b>		<u>Sec. 434</u> <ul style="list-style-type: none"> <li>• Authorizes Clark County to permit transient lodging (hotels, sports arenas, etc.) on lands in the Las Vegas McCarran Int'l Airport Environs Overlay District that fall below certain noise levels, and excludes structures that would be hazards to air navigation</li> </ul>

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<b>Conveyance of Land to the City of Mesquite, Nevada</b>		<u>Sec. 736</u> <ul style="list-style-type: none"> <li>Requires DOI to convey land to the City of Mesquite as soon as practicable after the date of enactment for airport purposes</li> <li>Provides that the land shall revert to the U.S. if and when it ceases to be used by the City for airport purposes</li> </ul>
<b>Grants for Certain Airports Sec. 47115(J)</b>	<u>Sec. 146</u> <ul style="list-style-type: none"> <li>Extends the eligibility of a sponsor at an airport in the Republic of the Marshall Islands, Federated States of Micronesia, and Republic of Palau through FY 2014</li> </ul>	<u>Sec. 704</u> <ul style="list-style-type: none"> <li>Extends the eligibility of a sponsor at an airport in the Republic of the Marshall Islands, Federated States of Micronesia, and Republic of Palau to 2011</li> </ul>
<b>Metropolitan Washington Airports Authority (MWAA) Sec. 49108</b>	<u>Sec. 151</u> <ul style="list-style-type: none"> <li>Repeals the limitation on DOT from approving an application of MWAA for an airport development project grant or to impose a PFC</li> </ul>	<u>Sec. 718</u> <ul style="list-style-type: none"> <li>Repeals the limitation on DOT from approving an application of MWAA for an airport development project grant or to impose a PFC</li> </ul>
<b>Midway Island Airport</b>	<u>Sec. 152</u> <ul style="list-style-type: none"> <li>Extends DOT's authority to provide funding to DOI for funding airport development at Midway Island Airport through FY 2014</li> </ul>	<u>Sec. 704</u> <ul style="list-style-type: none"> <li>Extends DOT's authority to provide funding to DOI for funding airport development at Midway Island Airport to 2011</li> </ul>
<b>Apportionment to U.S. Territories Sec. 47114</b>	<u>Sec. 143</u> <ul style="list-style-type: none"> <li>Requires apportionments for airports in Puerto Rico in accordance with Sec. 47114</li> <li>Provides that such airports remain eligible for discretionary grants</li> </ul>	<u>Sec. 217</u> <ul style="list-style-type: none"> <li>Adds a supplemental minimum apportionment to airports in "any United States territory"</li> <li>Allows for additional apportionment to U.S. Territories if the total apportionment is less than 1.5% of total apportioned under Secs.47114(c) and (d).</li> </ul>
<b>Reagan Nat'l Airport Sec. 41718</b>	<u>Sec. 423</u> <ul style="list-style-type: none"> <li>Increases the number of beyond perimeter exemptions that DOT shall grant from 24 to 34</li> <li>Increases the number of operations at Reagan between any</li> </ul>	<u>Sec. 737</u> <ul style="list-style-type: none"> <li>Requires DOT, within 95 days of enactment, to grant 24 additional slot exemptions, of which 10 shall go to limited incumbent carriers or new entrant carriers</li> </ul>

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	<p>1-hour period between 7 a.m. to 9:59 p.m. that DOT may grant from 3 to 5 operations</p> <ul style="list-style-type: none"> <li>• Requires DOT to reduce the hourly air carrier slot quota for certain times at Reagan by a total of 10 slots that are available for allocation</li> <li>• Rearranges scheduling priorities for new entrant carriers and limited incumbent carriers</li> </ul>	<ul style="list-style-type: none"> <li>• Provides that the remaining 14 slots go to other incumbent carriers and those carriers would be able to convert existing within the perimeter slots to beyond the perimeter slots, for a total of seven new beyond the perimeter flights (but not adding to the overall flight total)</li> <li>• Requires DOT to study the effects of these changes at Reagan National Airport, as well as a supplemental study of all Washington area airports</li> <li>• Allows DOT to grant up to 8 additional slot exemptions to incumbent carriers for conversion if the studies find that this provision has not had a substantial negative effect on Reagan National, BWI or Dulles</li> <li>• Revises scheduling priorities for new entrant carriers and limited incumbent carriers</li> </ul>
<b>Teterboro Airport, New Jersey</b>		<p><u>Sec. 711</u></p> <ul style="list-style-type: none"> <li>• Prohibits FAA from challenging or influencing weight restrictions on prior permission rules at Teterboro Airport, except in an emergency</li> </ul>
<b>Merrill Field Airport, Anchorage, Alaska</b>		<p><u>Sec. 218</u></p> <ul style="list-style-type: none"> <li>• States that the U.S. releases all restrictions, conditions, and limitations on the use, encumbrance, or conveyance of lands located in Anchorage, Alaska</li> <li>• Releases Anchorage from outstanding grant obligations owed to FAA for land that is subsequently conveyed or used by the State transportation department for a federally-subsidized highway project</li> </ul>
<b>LaGuardia, Newark</b>		<p><u>Sec. 726</u></p> <ul style="list-style-type: none"> <li>• Requires FAA to work with the Port Authority of New York and</li> </ul>

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<b>Liberty, and JFK Airports</b>		New Jersey and the Philadelphia Int'l Airport to monitor the air noise impacts of the airspace redesign and to submit a report to Congress
<b>Newark Liberty Airport</b>		<u>Sec. 723</u> <ul style="list-style-type: none"> <li>Requires FAA to report to Congress on its plan to staff the Newark Liberty Airport air traffic control tower at negotiated staffing levels within 1 year of enactment</li> </ul>
<b>Washington, DC Zone</b>	<u>Sec. 811</u> <ul style="list-style-type: none"> <li>Requires the FAA, Homeland Security, and the Department of Defense to submit to Congress a plan for a Washington, DC Metropolitan Area Special Flight Rules Area that will decrease operational impacts and improve aviation access to airports in the National Capital Region</li> </ul>	
<b>Deed Restriction Releases</b>	<u>Sec. 824</u> <ul style="list-style-type: none"> <li>Authorizes the Secretary to release any terms, conditions, reservations, or restrictions on deeds conveying property to an airport, city, or county for airport purposes</li> <li>Requires the airport, city or county to receive FMV for any conveyance</li> <li>Restricts the airport, city or county's use of proceeds from the sale to development, improvement, operation, or maintenance of a public airport</li> </ul>	<u>Sec. 219</u> <ul style="list-style-type: none"> <li>Authorizes the Secretary to grant releases from terms, conditions, reservations, or restrictions contained in the deed conveying property in St. George, Utah for airport purposes</li> <li>Requires the City to receive FMV for any conveyance</li> <li>Restricts the City's use of proceeds from the sale to development or improvement of a replacement public airport</li> </ul> <u>Sec. 219</u> <ul style="list-style-type: none"> <li>Authorizes the Secretary to grant releases from terms, conditions, reservations, and restrictions contained in the deed conveying property in Dona Ana County, New Mexico for airport purposes</li> <li>Requires the County to receive FMV for any conveyance</li> <li>Restricts the County's use of</li> </ul>

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		proceeds from the sale to development, improvement, operation, or maintenance of the airport
<b>Los Angeles International Airport, CA</b>	<u>Sec. 825</u> <ul style="list-style-type: none"> <li>Describes the sense of Congress stating that the operator of Los Angeles International Airport should consult on a regular basis with representatives of the community surrounding the airport regarding its ongoing operations and plans to expand, modify, or realign the facility, as well as a certain organizations residing within 10 miles of the airport</li> </ul>	
<b>Santa Monica Airport, CA</b>	<u>Sec. 821</u> <ul style="list-style-type: none"> <li>Describes the sense of Congress encouraging the FAA to enter into good faith discussions with the City of Santa Monica, California, to achieve runway safety area solutions at Santa Monica Airport</li> </ul>	