

AMENDMENT NO. _____ Calendar No. _____

Purpose: To direct the Administrator of the Federal Aviation Administration to improve the process for establishing and revising flight paths and procedures.

IN THE SENATE OF THE UNITED STATES—114th Cong., 2d Sess.

H. R. 636

To amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Ms. WARREN to the amendment (No. _____) proposed by Mr. THUNE (for himself and Mr. NELSON)

Viz:

1 At the end of title IV, add the following:

2 **Subtitle C—Accountability to**
3 **Community**

4 **SEC. 4301. SHORT TITLE.**

5 This subtitle may be cited as the “FAA Community
6 Accountability Act of 2016”.

7 **SEC. 4302. FLIGHT PATHS AND PROCEDURES.**

8 Notwithstanding any other provision of law, in con-
9 sidering new or revised flight paths or procedures as part
10 of the implementation of the Next Generation Air Trans-

1 portation System, the Administrator of the Federal Avia-
2 tion Administration—

3 (1) shall take actions to limit negative impacts
4 on the human environment in the vicinity of an af-
5 fected airport; and

6 (2) may give preference to overlays of existing
7 flight paths or procedures to ensure compatibility
8 with land use in the vicinity of an affected airport.

9 **SEC. 4303. FEDERAL AVIATION ADMINISTRATION COMMU-
10 NITY OMBUDSMAN.**

11 (a) ESTABLISHMENT.—Not later than 180 days after
12 the date of enactment of this Act, the Administrator of
13 the Federal Aviation Administration shall appoint a Fed-
14 eral Aviation Administration Community Ombudsman for
15 each region of the Federal Aviation Administration.

16 (b) DUTIES.—The Ombudsmen appointed in accord-
17 ance with subsection (a) shall—

18 (1) act as a liaison between affected commu-
19 nities and the Administrator with respect to prob-
20 lems related to the impact of commercial aviation on
21 the human environment, including concerns regard-
22 ing aircraft noise, pollution, and safety;

23 (2) monitor the impact of the implementation of
24 the Next Generation Air Transportation System on
25 communities in the vicinity of affected airports;

1 (3) make recommendations to the Adminis-
2 trator—

3 (A) to address concerns raised by commu-
4 nities; and

5 (B) to improve the use of community com-
6 ments in Administration decisionmaking proc-
7 esses; and

8 (4) report to Congress periodically on issues re-
9 lated to the impact of commercial aviation on the
10 human environment and on Administration respon-
11 siveness to concerns raised by affected communities.

12 **SEC. 4304. COMMUNITY ENGAGEMENT.**

13 (a) IN GENERAL.—Notwithstanding any other provi-
14 sion of law, in implementing the Next Generation Air
15 Transportation System, the Administrator of the Federal
16 Aviation Administration may not treat the establishment
17 or revision of a flight path or procedure as covered by a
18 categorical exclusion (as defined in section 1508.4 of title
19 40, Code of Federal Regulations) if an Federal Aviation
20 Administration Community Ombudsman or the operator
21 of an airport affected by such establishment or revision
22 submits written notification to the Administrator that—

23 (1) extraordinary circumstances exist; or

1 (2) the establishment or revision will have a sig-
2 nificant adverse impact on the human environment
3 in the vicinity of such airport.

4 (b) NOTIFICATIONS.—At least 30 days before treat-
5 ing the establishment or revision of a flight path or proce-
6 dure as covered by a categorical exclusion, the Adminis-
7 trator shall provide notice and an opportunity for com-
8 ment to persons affected by such establishment or revi-
9 sion, including the operator of any affected airport.

10 **SEC. 4305. RECONSIDERATION OF CERTAIN FLIGHT PATHS**
11 **AND PROCEDURES.**

12 (a) IN GENERAL.—Notwithstanding any other provi-
13 sion of law, the Administrator of the Federal Aviation Ad-
14 ministration shall reconsider a flight path or procedure es-
15 tablished or revised after February 14, 2012, as part of
16 the implementation of the Next Generation Air Transpor-
17 tation System if a Federal Aviation Administration Com-
18 munity Ombudsman or the operator of an airport affected
19 by such establishment or revision submits written notifica-
20 tion to the Administrator that the establishment or revi-
21 sion is resulting in a significant adverse impact on the
22 human environment in the vicinity of such airport.

23 (b) PROCESS.—In reconsidering a flight path or pro-
24 cedure under subsection (a), the Administrator shall—

1 (1) provide notice of the reconsideration and an
2 opportunity for public comment;

3 (2) assess the impacts on the human environ-
4 ment of such flight path or procedure; and

5 (3) not later than 180 days after the date on
6 which the relevant notification was received, submit
7 to Congress and make available to the public a re-
8 port that—

9 (A) addresses comments received pursuant
10 to paragraph (1);

11 (B) describes the results of the assessment
12 carried out under paragraph (2); and

13 (C) describes any changes to be made to
14 such flight path or procedure or the justifica-
15 tion for not making any change.