

**AMENDMENT TO**  
**RULES COMMITTEE PRINT 115-25**  
**OFFERED BY MR. DEFAZIO OF OREGON AND MR.**  
**LARSEN OF WASHINGTON**

Strike title II of the bill and insert the following:

1           **TITLE II—FINANCIAL AND**  
2           **MANAGEMENT REFORMS**

3   **SEC. 201. TRUST FUND OFF BUDGET.**

4           (a) TRUST FUND OFF BUDGET.—Section 48114 of  
5 title 49, United States Code, is amended to read as fol-  
6 lows:

7   **“§ 48114. Trust fund off budget**

8           “(a) AIRPORT AND AIRWAY TRUST FUND GUAR-  
9 ANTEE.—Beginning October 1, 2017, receipts and dis-  
10 bursements of the Airport and Airway Trust Fund estab-  
11 lished under section 9502 of the Internal Revenue Code  
12 of 1986 shall not be subject—

13           “(1) to any sequestration order issued under  
14 the Balanced Budget and Emergency Deficit Control  
15 Act of 1985 or any subsequent law requiring such  
16 sequestration;

17           “(2) to apportionment pursuant to section  
18 1513(b) of title 31, United States Code;

1           “(3) to appropriation and shall be authorized  
2           and made available immediately for obligation and  
3           expenditure; and

4           “(4) to any legal requirement, directive, or  
5           other provision of law of or related to the Office of  
6           Management and Budget.

7           “(b) GENERAL FUND SHARE.—In addition to  
8           amounts made available under subsection (a), there is fur-  
9           ther authorized to be appropriated from the general fund  
10          of the Treasury such sums as may be necessary for the  
11          Federal Aviation Administration Operations account.  
12          Such funds shall not be subject to any sequestration order  
13          issued under the Balanced Budget and Emergency Deficit  
14          Control Act of 1985 or any subsequent law requiring such  
15          sequestration.

16          “(c) AUTHORIZATION TO TRANSFER CERTAIN  
17          FUNDS TO PREVENT REDUCED OPERATIONS AND STAFF-  
18          ING.—Notwithstanding any other provision of law, within  
19          any fiscal year, the Administrator may transfer, to the ac-  
20          count funding Administration operations, up to 5 percent  
21          of funds available for any budget activity in any other ac-  
22          count of the Federal Aviation Administration to prevent  
23          reduced operations and staffing of the Federal Aviation  
24          Administration and to ensure a safe and efficient air  
25          transportation system.”.

1 (b) ESSENTIAL AIR SERVICE.—Section 41742 of title  
2 49, United States Code, is amended by striking paragraph  
3 (2) of subsection (a) and inserting the following:

4 “(2) ADDITIONAL FUNDS.—Beginning October  
5 1, 2017, from amounts deposited into the Airport  
6 and Airway Trust Fund, the sum of \$175,000,000  
7 for each fiscal year is authorized and shall be made  
8 available immediately, in addition to amounts made  
9 available under paragraph (1) and subsection (b),  
10 for obligation and expenditure to carry out the es-  
11 sential air service program under this subchapter.”.

12 **SEC. 202. FLEXIBILITY.**

13 (a) OFFICE OF MANAGEMENT AND BUDGET.—The  
14 Federal Aviation Administration shall be exempt from any  
15 order, directive, rule, or other requirement of the Office  
16 of Management and Budget.

17 (b) OFFICE OF THE SECRETARY OF TRANSPOR-  
18 TATION.—The revisions to the procurement and personnel  
19 systems of the Federal Aviation Administration under sec-  
20 tions 205(a) and 206(a) shall not be subject to approval,  
21 modification, or review by the Secretary of Transpor-  
22 tation.

1 **SEC. 203. MANAGEMENT ADVISORY COUNCIL INPUT.**

2 (a) AIR TRAFFIC CONTROL SYSTEM PERFORM-  
3 ANCE.—Chapter 401 of title 49, United States Code, is  
4 amended by adding at the end the following:

5 **“§ 40131. Air traffic control system performance**

6 “(a) IN GENERAL.—The Federal Aviation Manage-  
7 ment Advisory Council established under section 106(p)  
8 shall, in addition to performing the responsibilities under  
9 such section—

10 “(1) assess the performance of the air traffic  
11 control system and the Administrator’s policy and  
12 strategic decisions with respect to operation and  
13 modernization of the system; and

14 “(2) make recommendations to the Adminis-  
15 trator to improve the system.

16 “(b) PUBLIC RESPONSE.—The Administrator shall  
17 publicly respond in writing to each recommendation of the  
18 Council under subsection (a).

19 “(c) CONTENTS.—A response by the Administrator  
20 under subsection (b) shall include—

21 “(1) a restatement of the recommendation to  
22 which the response is directed;

23 “(2) the Administrator’s analysis of the rec-  
24 ommendation;



1 thORIZED to be appropriated from the uncommitted balance  
2 of the Airport and Airway Trust Fund such sums as are  
3 necessary to bring any air traffic control facility of the  
4 Federal Aviation Administration into acceptable condition.

5 “(b) CONSULTATION.—Before taking any action  
6 under subsection (a) to modernize or sustain air traffic  
7 control facilities of the Federal Aviation Administration,  
8 the Administrator shall consult with the exclusive bar-  
9 gaining representatives of air traffic controllers and air-  
10 way transportation system specialists certified under sec-  
11 tion 7111 of title 5, United States Code.”.

12 (b) CLERICAL AMENDMENT.—The analysis for chap-  
13 ter 481 of title 49, United States Code, is amended by  
14 inserting after the item relating to section 48114 the fol-  
15 lowing:

“48115. Air traffic control facility modernization and sustainment.”.

16 **SEC. 205. ACQUISITION REFORM.**

17 (a) IN GENERAL.—Not later than 1 year after the  
18 date of enactment of this Act, the Administrator shall de-  
19 velop and implement a revised system governing all of the  
20 Administration’s acquisitions, including services, facilities,  
21 equipment, and real, personal, and intellectual property.

22 (b) STREAMLINED PROCESS.—The system revised  
23 under subsection (a) shall take advantage of the independ-  
24 ence already provided by Congress from all acquisition and  
25 acquisition-related laws to further streamline processes for

1 acquisitions that substantially improve the flexibility and  
2 cost effectiveness of the Administration's acquisitions  
3 process. Notwithstanding any other provision of law, the  
4 only rules, policies, and procedures that shall govern or  
5 affect this system are those promulgated by the Adminis-  
6 trator.

7 (c) DESIGN OF SYSTEM.—The system revised under  
8 subsection (a) shall, at minimum—

9 (1) account for the complexity and multiple  
10 stages of acquisitions of interdependent systems that  
11 constitute the Next Generation Air Transportation  
12 System;

13 (2) include measures for appropriate program  
14 managers to verify the readiness of software-inten-  
15 sive programs prior to acceptance;

16 (3) include measures for the Administrator to  
17 identify and implement cost reductions across the  
18 Administration according to such timelines and  
19 metrics as the Administrator shall identify;

20 (4) include measures for the Administrator to  
21 reliably estimate the cost of each segment with re-  
22 spect to each acquisition, along with reliable esti-  
23 mates of all costs that are reasonably expected to be  
24 incurred as a result of such acquisition; and

1           (5) incorporate private-sector best practices for  
2           major capital investments in information technology,  
3           telecommunications, and other relevant systems.

4           (d) EVALUATION.—In carrying out subsection (a),  
5           the Administrator shall ensure that any requirement or  
6           provision of the acquisition management system of the Ad-  
7           ministration in effect on the day before the date of enact-  
8           ment of this Act—

9           (1) is necessary to promote transparency, ac-  
10          countability, and cost effectiveness;

11          (2) shall not materially affect the Administra-  
12          tion's ability to reduce costs associated with acquisi-  
13          tions programs;

14          (3) is necessary to protect the interests of the  
15          Administration in any potential claim or defense in  
16          litigation arising from an acquisition; or

17          (4) is necessary to provide for the continuity of  
18          one or more acquisition programs.

19          (e) ACQUISITION OF SERVICES.—In developing a re-  
20          vised system governing the Administration's acquisitions  
21          under subsection (a), the Administrator shall consult with  
22          the exclusive bargaining representative of airway transpor-  
23          tation system specialists certified under section 7111 of  
24          title 5, United States Code, before taking any action re-  
25          lated to services acquisition.



1 (f) REPORT TO CONGRESS.—Not later than 12  
2 months after revising the system required under sub-  
3 section (a), the Administrator shall submit to the Com-  
4 mittee on Transportation and Infrastructure of the House  
5 of Representatives and the Committee on Commerce,  
6 Science, and Transportation of the Senate a report on the  
7 revised process.

8 **SEC. 206. PERSONNEL REFORM.**

9 (a) REFORM OF PERSONNEL MANAGEMENT SYS-  
10 TEM.—Not later than 1 year after completion of the re-  
11 view required under subsection (b), the Administrator of  
12 the Federal Aviation Administration shall make changes  
13 to the personnel management system developed under sec-  
14 tion 40122(g) of title 49, United States Code, to improve  
15 the productivity, cost effectiveness, and technical pro-  
16 ficiency of that part of the Administration's workforce  
17 that is not represented by an exclusive bargaining rep-  
18 resentative recognized under section 7111 of title 5,  
19 United States Code, or eligible to be represented by such  
20 a labor organization. The changes required under this sub-  
21 section shall include new performance incentive policies,  
22 including awards for performance, and shall, notwith-  
23 standing any other provision of law, include procedures for  
24 the Administration to take expedited personnel actions  
25 with respect to employees not covered by valid collective

1 bargaining agreements. In no instance may the changes  
2 implemented under this sub-section alter or otherwise af-  
3 fect the terms and conditions of employment of any em-  
4 ployee represented or eligible to be represented by an ex-  
5 clusive bargaining representative recognized under section  
6 7111 of title 5, United States Code.

7 (b) REVIEW.—Not later than 6 months after the date  
8 of enactment of this Act, the Administrator shall conduct  
9 a comprehensive review of the legal requirements, includ-  
10 ing policies, standards, rules, and orders of the Adminis-  
11 tration, pertaining to the Administration’s personnel man-  
12 agement system, except to the extent that such require-  
13 ments may affect or relate to the terms and conditions  
14 of employment or dispute resolution processes governing  
15 employees who are represented or eligible to be rep-  
16 resented by an exclusive bargaining representative recog-  
17 nized under section 7111 of title 5, United States Code.  
18 This review shall identify—

19 (1) any requirements that do not substantially  
20 contribute to the system’s cost effectiveness, admin-  
21 istrative flexibility, and transparency;

22 (2) any requirement not related to maintaining  
23 collective bargaining and due process;

24 (3) any requirements not reasonably related to  
25 the Administration’s efforts to maintain a strong,

1 mutually beneficial relationship between employees  
2 and management of the Administration; and

3 (4) any requirements with respect to personnel  
4 management that the Administration applies  
5 through circulars, guidance, or other documents  
6 issued by the Office of Management and Budget or  
7 the Office of Personnel Management.

8 (c) REPORT.—Not later than 6 months after comple-  
9 tion of the review required in subsection (b), the Adminis-  
10 trator shall submit to the Committee on Transportation  
11 and Infrastructure of the House of Representatives and  
12 the Committee on Commerce, Science, and Transportation  
13 of the Senate a report on the results of the review.

14 (d) AIR TRAFFIC CONTROLLER STAFFING.—

15 (1) STAFFING REPORT.—Section 44506(e) of  
16 title 49, United States Code, is amended—

17 (A) by redesignating paragraphs (2) and  
18 (3) as paragraphs (3) and ( 4), respectively;  
19 and

20 (B) by inserting after paragraph (1) the  
21 following:

22 “(2) for each facility in the system, the current  
23 certified professional controller staffing levels, the  
24 operational staffing targets for certified professional

1 controllers, and the anticipated certified professional  
2 controller attrition for each of the next 3 years;”.

3 (2) STAFFING STANDARD.—Not later than 180  
4 days after the date of enactment of this Act, the Ad-  
5 ministrator of the Federal Aviation Administration  
6 and the exclusive bargaining representative of air  
7 traffic controllers certified under section 7111 of  
8 title 5, United States Code, shall jointly develop a  
9 staffing standard to determine the number of cer-  
10 tified professional controllers and trainees needed to  
11 operate each air traffic control facility operated by  
12 the Administration. Once developed, this standard  
13 shall be used for the staffing report referenced in  
14 section 44506(e) of title 49, United States Code.

15 (e) AIRWAY TRANSPORTATION SYSTEM SPECIALIST  
16 STAFFING MODELS.—

17 (1) IN GENERAL.—Not later than 1 year after  
18 the date of enactment of this Act, the Administrator  
19 shall implement, after consultation with the National  
20 Academy of Sciences, and notwithstanding section  
21 7106(b)(1) of title 5, United States Code, after nego-  
22 tiations with the exclusive bargaining representative  
23 of airway transportation system specialists certified  
24 under section 7111 of title 5, United States Code,  
25 appropriate airway transportation system specialists

1 staffing levels for each of the Administration's facili-  
2 ties that support the National Airspace System. If  
3 the Administrator and the exclusive bargaining rep-  
4 resentative are unable to reach agreement, they shall  
5 use the process set forth in clauses (i) through (v)  
6 and (vii) of section 40122(a) (2) (C) of title 49,  
7 United States Code, to resolve the dispute.

8 (2) AIRWAY TRANSPORTATION SYSTEM SPE-  
9 CIALISTS PLACEMENT.—Upon determination of  
10 staffing levels under paragraph (1), and notwith-  
11 standing section 7106(b)(1) of title 5, United States  
12 Code, the Administrator shall negotiate with the ex-  
13 clusive bargaining representative of airway transpor-  
14 tation system specialists certified under section 7111  
15 of title 5, United States Code, to develop and imple-  
16 ment measures to place airway transportation sys-  
17 tem specialists at all relevant facilities of the Admin-  
18 istration. If the Administrator and the exclusive bar-  
19 gaining representative are unable to reach agree-  
20 ment, they shall use the process set forth in clauses  
21 (i) through (v) and (vii) of section 40122(a)(2)(C) of  
22 title 49, United States Code, to resolve the dispute.

23 (3) AVIATION SAFETY INSPECTORS.—Notwith-  
24 standing section 7106(b)(1) of title 5, United States  
25 Code, the Administrator shall negotiate with the ex-

1 exclusive bargaining representative of aviation safety  
2 inspectors certified under section 7111 of title 5,  
3 United States Code, regarding appropriate total  
4 staffing levels for aviation inspectors and facilities  
5 that support inspection activities of the Administra-  
6 tion. If the Administrator and the exclusive bar-  
7 gaining representative are unable to reach agree-  
8 ment, they shall use the process set forth in clauses  
9 (i) through (v) and (vii) of section 40122(a)(2)(C) of  
10 title 49, United States Code, to resolve the dispute.  
11 Any agreement or award shall include a plan to im-  
12 plement such staffing levels.

13 **SEC. 207. ANTI-SILOS REQUIREMENT.**

14 (a) ORGANIZATIONAL STREAMLINING.—The Admin-  
15 istrator shall take appropriate measures, including devel-  
16 opment of internal policies and procedures, to organize the  
17 Administration’s assignments of personnel in a manner  
18 that facilitates open communication and collaboration  
19 among the Administration’s employees across the Admin-  
20 istration’s lines of business and offices. Such measures  
21 shall promote the cross-utilization of employees whenever  
22 feasible to leverage the employees’ knowledge and skill sets  
23 across disciplines.

24 (b) REPORT TO CONGRESS.—Not later than 1 year  
25 after the date of enactment of this Act, and annually

1 thereafter, the Administrator shall submit to the Com-  
2 mittee on Transportation and Infrastructure of the House  
3 of Representatives and the Committee on Commerce,  
4 Science, and Transportation of the Senate a report on the  
5 measures required under subsection (a) and the effective-  
6 ness of such measures in reducing organizational barriers  
7 and stovepipes.

8 **SEC. 208. AIR TRAFFIC EMPLOYEES ASSIGNED TO GUAM.**

9 (a) SERVICES FOR CERTAIN EMPLOYEES.—The Sec-  
10 retary of Defense shall provide military medical treatment  
11 facilities, commissary, and exchange access to employees  
12 of the Federal Aviation Administration assigned to Guam,  
13 their spouses, and their dependent children through the  
14 Defense Enrollment Eligibility Reporting System and the  
15 Real Time Automated Personnel Identification System.

16 (b) REIMBURSEMENT FOR EXPENSES.—The Admin-  
17 istrator of the Federal Aviation Administration shall reim-  
18 burse the Secretary of Defense for expenses incurred by  
19 the Department of Defense for enrollment of Federal  
20 Aviation Administration employees, their spouses, and  
21 their dependent children for services provided under sub-  
22 section (a).

23 **SEC. 209. TECHNICAL REVISIONS.**

24 Section 40122(g)(2) of title 49, United States Code,  
25 is amended—

- 1 (1) in subparagraph (A), by—
- 2 (A) striking “(b)” after “2302”; and
- 3 (B) inserting “prohibited personnel prac-
- 4 tices and” before “whistleblower protection”;
- 5 (2) in subparagraph (I)(iii) by striking “and”
- 6 at the end;
- 7 (3) in subparagraph (J) by striking “leave.”
- 8 and inserting “leave; and”; and
- 9 (4) by inserting at the end the following.
- 10 “(K) section 5596 relating to back pay due
- 11 to unjustified personnel action.”.

