

**AMENDMENT TO H.R. 4441**  
**OFFERED BY MR. DEFAZIO OF OREGON**

Page 10, strike lines 1 through 6.

Strike title II 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 **“SEC. 48114. TRUST FUND OFF BUDGET.**

8           “(a) AIRPORT AND AIRWAY TRUST FUND GUAR-  
9 ANTEE.—Beginning October 1, 2016, funds deposited into  
10 the Airport and Airway Trust Fund established under sec-  
11 tion 9502 of the Internal Revenue Code of 1986—

12                   “(1) shall not be subject to any sequestration  
13 order issued under the Balanced Budget and Emer-  
14 gency Deficit Control Act of 1985 or any subsequent  
15 law requiring such sequestration;

16                   “(2) shall not be subject to apportionment pur-  
17 suant to section 1513(b) of title 31, United States  
18 Code;

1           “(3) shall not be subject to appropriation and  
2           shall be authorized and made available immediately  
3           for obligation and expenditure; and

4           “(4) shall not be subject to any legal require-  
5           ment, directive, or other provision of law of or re-  
6           lated to the Office of Management and Budget.

7           “(b) AIRPORT AND AIRWAY TRUST FUND BALANCE  
8 AVAILABILITY.—Beginning October 1, 2016, in addition  
9 to amounts made available under subsection (a), such  
10 sums as necessary of the uncommitted cash balance of the  
11 Airport and Airway Trust Fund shall be authorized to be  
12 made available for obligation and expenditure. Such sums  
13 shall not be subject to—

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

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

20           “(3) appropriation; and

21           “(4) any legal requirement, directive, or other  
22           provision of law of or related to the Office of Man-  
23           agement and Budget.

24           “(c) GENERAL FUND.—In addition to amounts made  
25 available under subsection (a), there is further authorized

1 to be appropriated from the general fund of the Treasury  
2 such sums as may be necessary for the Federal Aviation  
3 Administration Operations account.”.

4 (b) ESSENTIAL AIR SERVICE.—Section 41742 of title  
5 49, United States Code, is amended by striking paragraph  
6 (2) of subsection (a) and inserting the following:

7 “(2) ADDITIONAL FUNDS.—Beginning October  
8 1, 2016, from amounts deposited into the Airport  
9 and Airway Trust Fund, the sum of \$175,000,000  
10 for fiscal year 2016, \$178,000,000 for fiscal year  
11 2017, \$181,000,000 for fiscal year 2018,  
12 \$185,000,000 for fiscal year 2019 and each year  
13 thereafter is authorized and shall be made available  
14 immediately, in addition to amounts made available  
15 under paragraph (1) and subsection (b), for obliga-  
16 tion and expenditure to carry out the essential air  
17 service program under this subchapter.”.

18 **SEC. 202. FLEXIBILITY.**

19 The Federal Aviation Administration shall be exempt  
20 from any order, directive, rule, or other requirement of  
21 the Office of Management and Budget.

22 **SEC. 203. ACQUISITION REFORM.**

23 (a) IN GENERAL.—Not later than 1 year after the  
24 date of enactment of this Act, the Administrator shall de-  
25 velop and implement a revised system governing all of the

1 Administration's acquisitions, including, without limita-  
2 tion, services, facilities, equipment, real, personal, and in-  
3 tellectual property.

4 (b) STREAMLINED PROCESS.—The system revised  
5 under subsection (a) shall take advantage of the independ-  
6 ence already provided by Congress from all acquisition and  
7 acquisition-related laws to further streamline processes for  
8 acquisitions that substantially improve the flexibility and  
9 cost-effectiveness of the Administration's acquisitions  
10 process. Notwithstanding any other provision of law, the  
11 only rules, policies, and procedures that shall govern or  
12 affect this system are those promulgated by the Adminis-  
13 trator.

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

16 (1) account for the complexity and multiple  
17 stages of acquisitions of interdependent systems that  
18 constitute the Next Generation Air Transportation  
19 System;

20 (2) include measures for appropriate program  
21 managers to verify the readiness of software-inten-  
22 sive programs prior to acceptance;

23 (3) include measures for the Administrator to  
24 identify and implement cost reductions across the

1 Administration according to such timelines and  
2 metrics as the Administrator shall identify;

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

8 (5) incorporate private-sector best practices for  
9 major capital investments in information technology,  
10 telecommunications, and other relevant systems.

11 (d) PRIOR RULES.—In carrying out subsection (a),  
12 the Administrator shall ensure that any requirement or  
13 provision of the acquisition management system of the Ad-  
14 ministration in effect on the day before the date of enact-  
15 ment of this Act —

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

18 (2) would not materially affect the Administra-  
19 tion's ability to reduce costs associated with acquisi-  
20 tions programs;

21 (3) is necessary to protect the interests of the  
22 Administration in any potential claim or defense in  
23 litigation arising from an acquisition; or

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

1 (e) REPORT TO CONGRESS.—Not later than 12  
2 months after revising the system required under sub-  
3 section (a), the Administrator shall report 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 regarding the  
7 revised process.

8 **SEC. 204. 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 substan-  
13 tial changes to the personnel management system devel-  
14 oped under section 40122(g) of title 49, United States  
15 Code, to improve the productivity, cost-effectiveness, and  
16 technical proficiency of that part of the Administration's  
17 workforce that is not represented by an exclusive 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 subsection 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 representative recognized under section 7111 of  
6 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 and shall identify—

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

16 (2) any requirement not related to maintaining  
17 labor peace and industrial due process;

18 (3) any requirements not reasonably related to  
19 the Administration’s efforts to maintain a strong,  
20 mutually-beneficial relationship between employees  
21 and management of the Administration; and

22 (4) any requirements with respect to personnel  
23 management that the Administration applies by vir-  
24 tue of circulars, guidance, or other documents issued  
25 by the Office of Management and Budget or the Of-

1        fice of Personnel Management, except to the extent  
2        that those documents may affect or relate to the  
3        terms and conditions of employment or dispute reso-  
4        lution processes governing employees who are rep-  
5        resented or are eligible to be represented by an ex-  
6        clusive representative recognized under section 7111  
7        of title 5, United States Code.

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) STAFFING MODELS.—

15            (1) IN GENERAL.—Not later than 1 year after  
16        the date of enactment of this Act, the Administrator  
17        shall implement, after consultation with the National  
18        Academy of Sciences, and notwithstanding section  
19        7106(b)(1) of title 5, United States Code, after ne-  
20        gotiations with the exclusive bargaining representa-  
21        tive of air traffic controllers certified under section  
22        7111 of title 5, United States Code, appropriate  
23        total combined controller staffing levels for all air  
24        traffic control facilities of the Administration and  
25        certified professional controller staffing levels for



1 each air traffic control facility of the Administration.  
2 If the Administrator and the exclusive bargaining  
3 representative are unable to reach agreement, they  
4 shall use the process in section 40122(a)(2)(C)(i)-(v)  
5 and (vii) of title 49, United States Code, to resolve  
6 the dispute.

7 (2) CONTROLLER PLACEMENT.—Upon deter-  
8 mination of air traffic control total controller staff-  
9 ing levels and certified professional controller staff-  
10 ing levels under paragraph (1), and notwithstanding  
11 section 7106(b)(1) of title 5, United States Code,  
12 the Administrator shall negotiate with the exclusive  
13 bargaining representative of air traffic controllers  
14 certified under section 7111 of title 5, United States  
15 Code, to develop and implement measures to place  
16 controllers at all air traffic control facilities of the  
17 Administration. If the Administrator and the exclu-  
18 sive bargaining representative are unable to reach  
19 agreement, they shall use the process in section  
20 40122(a)(2)(C)(i)-(v) and (vii) of title 49, United  
21 States Code, to resolve the dispute.

22 **SEC. 205. ANTI-SILOS REQUIREMENT.**

23 (a) ORGANIZATIONAL STREAMLINING.—The Admin-  
24 istrator shall take appropriate measures, including devel-  
25 opment of internal policies and procedures, to organize the

1 Administration’s assignments of personnel in a manner  
2 that facilitates open communication and collaboration  
3 among the Administration’s employees across the Admin-  
4 istration’s lines of business and offices. Such measures  
5 shall promote the cross-utilization of employees whenever  
6 feasible to leverage the employees’ knowledge and skill sets  
7 across disciplines.

8 (b) REPORT TO CONGRESS.—Not later than 1 year  
9 after the date of enactment of this Act, and annually  
10 thereafter, the Administrator shall submit to the Com-  
11 mittee on Transportation and Infrastructure of the House  
12 of Representatives and the Committee on Commerce,  
13 Science, and Transportation of the Senate a report on the  
14 measures required under subsection (a) and the effective-  
15 ness of such measures in reducing organizational barriers  
16 and stovepipes.

17 **SEC. 206. TECHNICAL REVISIONS.**

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

20 (1) in subparagraph (A), by striking “(b)” after  
21 “2302” and inserting “prohibited personnel prac-  
22 tices and” before “whistleblower protection”; and

23 (2) in subparagraph (B), by—

24 (A) inserting “3304” before “3308–3320,”

25 and

1 (B) inserting “3330a, 3330b, 3330c, and  
2 3330d” before “relating to veterans pref-  
3 erence.”.

