

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To require the Administrator of the Federal Aviation Administration to review certain decisions to grant categorical exclusions for Next Generation flight procedures and to consult with the airports at which such procedures will be implemented.

**IN THE SENATE OF THE UNITED STATES—114th Cong., 1st Sess.**

**H. R. 2577**

Making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, 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 Mr. MCCAIN (for  
himself and Mr. FLAKE)

Viz:

1 After section 119C, insert the following:

2 SEC. 119D. Section 213(c) of the FAA Modernization  
3 and Reform Act of 2012 (Public Law 112–95; 49 U.S.C.  
4 40101 note) is amended by adding at the end the fol-  
5 lowing:

6 “(3) NOTIFICATIONS AND CONSULTATIONS.—

7 Not less than 90 days before applying a categorical

1 exclusion under this subsection to a new procedure  
2 at an OEP airport, the Administrator shall—

3 “(A) notify and consult with the operator  
4 of the airport at which the procedure would be  
5 implemented; and

6 “(B) consider consultations or other en-  
7 gagement with the community in the which the  
8 airport is located to inform the public of the  
9 procedure.

10 “(4) REVIEW OF CERTAIN CATEGORICAL EX-  
11 CLUSIONS.—

12 “(A) IN GENERAL.—The Administrator  
13 shall review a decision of the Administrator  
14 made on or after February 14, 2012, and be-  
15 fore the date of the enactment of this para-  
16 graph to grant a categorical exclusion under  
17 this subsection with respect to a procedure to  
18 be implemented at an OEP airport that was a  
19 material change from procedures previously in  
20 effect at the airport to determine if the imple-  
21 mentation of the procedure had a significant ef-  
22 fect on the human environment in the commu-  
23 nity in which the airport is located if the oper-  
24 ator of that airport requests such a review and  
25 demonstrates that there is good cause to believe

1           that the implementation of the procedure had  
2           such an effect.

3           “(B) CONTENT OF REVIEW.—If, in con-  
4           ducting a review under subparagraph (A) with  
5           respect to a procedure implemented at an OEP  
6           airport, the Administrator, in consultation with  
7           the operator of the airport, determines that im-  
8           plementing the procedure had a significant ef-  
9           fect on the human environment in the commu-  
10          nity in which the airport is located, the Admin-  
11          istrator shall—

12                   “(i) consult with the operator of the  
13                   airport to identify measures to mitigate the  
14                   effect of the procedure on the human envi-  
15                   ronment; and

16                   “(ii) in conducting such consultations,  
17                   consider the use of alternative flight paths.

18          “(C) HUMAN ENVIRONMENT DEFINED.—  
19          In this paragraph, the term ‘human environ-  
20          ment’ has the meaning given that term in sec-  
21          tion 1508.14 of title 40, Code of Federal Regu-  
22          lations (as in effect on the day before the date  
23          of the enactment of this paragraph).”.