

**DRAFT -- FOR DISCUSSION PURPOSES ONLY**

**Federal Aviation Administration Reauthorization Act of [2018]**

**Proposed new Section [4119]**

**SEC. [4119]. RESTORING WELFARE OF RESIDENTS NEAR AIRPORTS ADVERSELY AFFECTED BY NEXTGEN AND FLIGHT PATH CHANGES BENEFITTING FROM CATEGORICAL EXCLUSIONS AND OTHER CHANGES SINCE 2000 FOR WHICH INSUFFICIENT NOTICE WAS GIVEN TO AFFECTED RESIDENTS.**

(a) Restoring Dispersion and Increasing Altitude of Arriving and Departing Aircraft.— Not later than 90 days after the date of enactment of this Act, the Administrator shall have taken the following actions:

(1) Restoration of dispersion of arriving and departing aircraft. The Administrator shall have implemented measures (including by utilizing air traffic control vectoring procedures in effect prior to 2012) to restore dispersion of aircraft flying over or in the proximate vicinity of residential areas which aircraft are approaching or arriving at or departing from airports at which NextGen has been implemented to the same level of dispersion existing at such airports during the years 2011 and 2012 or such earlier date (but not earlier than 2004) agreed between the Administrator and the airport owner after consultation with affected residents;

(2) Increasing and maintaining arriving aircraft at the highest safe altitude. The Administrator shall have implemented measures to require that all aircraft approaching and arriving at airports maintain at all times at distances within 20 miles from an airport an altitude no lower than that determined by [a 3% descent rate]; provided, however, that to the extent overflights from aircraft departing from an airport or crossing above or near the arrival paths at an airport prevent aircraft approaching and arriving at such airport from maintaining such altitude, the Administrator's failure to maintain aircraft at such altitude shall be excused, but solely to such extent and for no longer than the period practicable to move the flight paths of such departing or crossing aircraft and, in any event, no longer than 18 months after the enactment of this Act; and

(3) Increasing departing aircraft to the highest safe altitude. [to come].

(b) Report.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on the progress made toward implementing the requirements under subsection (a).