

104TH CONGRESS
2D SESSION

H. R. 3539

To amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 29, 1996

Mr. SHUSTER (for himself, Mr. DUNCAN, Mr. OBERSTAR, and Mr. LIPINSKI) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Ways and Means, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Federal Aviation Authorization Act of 1996”.

6 (b) **TABLE OF CONTENTS.**—

Sec. 1. Short title; table of contents.

Sec. 2. Amendments to title 49, United States Code.

Sec. 3. Applicability.

TITLE I—REAUTHORIZATION OF FAA PROGRAMS

- Sec. 101. Airport improvement program.
- Sec. 102. Airway facilities improvement program.
- Sec. 103. Operations of FAA.

TITLE II—AIRPORT DEVELOPMENT FINANCING

- Sec. 201. Apportionments.
- Sec. 202. Discretionary fund.
- Sec. 203. Use of apportioned amounts.
- Sec. 204. Designating current and former military airports.
- Sec. 205. Select Panel on Airport and Agency Financing.

TITLE III—AIRPORT IMPROVEMENT PROGRAM MODIFICATIONS

- Sec. 301. Intermodal planning.
- Sec. 302. Compliance with Federal mandates.
- Sec. 303. Runway maintenance program.
- Sec. 304. Access to airports by intercity buses.
- Sec. 305. Cost reimbursement for projects commenced prior to grant award.
- Sec. 306. Selection of projects for grants from discretionary fund.
- Sec. 307. State block grant program.
- Sec. 308. Private ownership of airports.
- Sec. 309. Use of noise set-aside funds by nonairport sponsors.

TITLE IV—MISCELLANEOUS PROVISIONS

- Sec. 401. Purchase of housing units.
- Sec. 402. Technical correction relating to State taxation.
- Sec. 403. Protection of voluntary submission of information.
- Sec. 404. Supplemental type certificates.
- Sec. 405. Restriction on use of revenues.
- Sec. 406. Discretionary authority for criminal history records checks.
- Sec. 407. Authority to close airport located near closed or realigned military base.
- Sec. 408. Construction of runways.

TITLE V—METROPOLITAN WASHINGTON AIRPORTS

- Sec. 501. Short title.
- Sec. 502. Amendment of Metropolitan Washington Airports Act of 1986.
- Sec. 503. Use of leased property.
- Sec. 504. Board of directors.
- Sec. 505. Federal Advisory Commission.
- Sec. 506. Review procedure.
- Sec. 507. Congressional disapproval procedures.
- Sec. 508. Other matters relating to Federal Advisory Commission.
- Sec. 509. Effect of judicial orders.
- Sec. 510. Federal Advisory Committee Act.
- Sec. 511. Use of Dulles Access Highway.
- Sec. 512. Amendment of lease.
- Sec. 513. Availability of slots.

TITLE VI—EXTENSION OF AIRPORT AND AIRWAY TRUST FUND
TAXES AND EXPENDITURE AUTHORITY

Sec. 601. Extension of Airport and Airway Trust Fund excise taxes.

Sec. 602. Extension of Airport and Airway Trust Fund expenditures.

1 SEC. 2. AMENDMENTS TO TITLE 49, UNITED STATES CODE.

2 Except as otherwise specifically provided, whenever in
3 titles I, II, III, and IV of this Act an amendment or repeal
4 is expressed in terms of an amendment to, or repeal of,
5 a section or other provision of law, the reference shall be
6 considered to be made to a section or other provision of
7 title 49, United States Code.

8 SEC. 3. APPLICABILITY.

9 (a) IN GENERAL.—Except as otherwise specifically
10 provided, titles I, II, III, and IV of this Act and the
11 amendments made by such titles shall apply only to fiscal
12 years beginning after September 30, 1996.

13 (b) LIMITATION ON STATUTORY CONSTRUCTION.—
14 Nothing in this Act or any amendment made by this Act
15 shall be construed as affecting funds made available for
16 a fiscal year ending before October 1, 1996.

17 TITLE I—REAUTHORIZATION OF
18 FAA PROGRAMS

19 SEC. 101. AIRPORT IMPROVEMENT PROGRAM.

20 (a) AUTHORIZATION OF APPROPRIATIONS.—Section
21 48103 is amended—

22 (1) by striking “September 30, 1981” and in-
23 serting “September 30, 1996”; and

1 (2) by striking “\$17,583,500,000” and all that
 2 follows through the period at the end and inserting
 3 the following: “\$2,280,000,000 for fiscal years end-
 4 ing before October 1, 1997, \$4,627,000,000 for fis-
 5 cal years ending before October 1, 1998, and
 6 \$7,039,000,000 for fiscal years ending before Octo-
 7 ber 1, 1999.”.

8 (b) OBLIGATIONAL AUTHORITY.—Section 47104(c)
 9 is amended by striking “1996” and inserting “1999”.

10 **SEC. 102. AIRWAY FACILITIES IMPROVEMENT PROGRAM.**

11 (a) AUTHORIZATION OF APPROPRIATIONS.—Section
 12 48101(a) is amended by striking paragraphs (1) through
 13 (4) and inserting the following:

14 “(1) \$2,068,000,000 for fiscal year 1997.

15 “(2) \$2,129,000,000 for fiscal year 1998.

16 “(3) \$2,191,000,000 for fiscal year 1999.”.

17 (b) CLERICAL AMENDMENTS.—Chapter 481 is
 18 amended—

19 (1) by striking the heading for section 48101
 20 and inserting the following:

21 **“§ 48101. Air navigation facilities and equipment”**; and

22 (2) in the table of sections by striking the item
 23 relating to section 48101 and inserting the follow-
 24 ing:

“48101. Air navigation facilities and equipment.”.

1 **SEC. 103. OPERATIONS OF FAA.**

2 (a) AUTHORIZATION OF APPROPRIATIONS FROM
3 GENERAL FUND.—Section 106(k) is amended by striking
4 “\$4,088,000,000” and all that follows through the period
5 at the end and inserting the following: “\$5,158,000,000
6 for fiscal year 1997, \$5,344,000,000 for fiscal year 1998,
7 and \$5,538,000,000 for fiscal year 1999.”.

8 (b) AUTHORIZATION OF APPROPRIATIONS FROM
9 TRUST FUND.—Section 48104(c) is amended—

10 (1) in the subsection heading by striking
11 “1996” and inserting “1999”; and

12 (2) by striking “1994, 1995, and 1996” and in-
13 serting “1994 through 1999”.

14 (c) LIMITATION ON OBLIGATING OR EXPENDING
15 AMOUNTS.—Section 48108(c) is amended by striking
16 “1996” and inserting “1999”.

17 (d) CLERICAL AMENDMENTS.—Chapter 481 is
18 amended—

19 (1) by striking the heading for section 48104
20 and inserting the following:

21 “§ 48104. Operations and maintenance”; and

22 (2) in the table of sections for such chapter by
23 striking the item relating to section 48104 and in-
24 serting the following:

“48104. Operations and maintenance.”.

TITLE II—AIRPORT DEVELOPMENT FINANCING

SEC. 201. APPORTIONMENTS.

(a) AMOUNTS APPORTIONED TO SPONSORS.—

(1) PRIMARY AIRPORTS.—Section 47114(c)(1)(A) is amended—

(A) by striking “and” at the end of clause (iii);

(B) in clause (iv) by striking “additional” and inserting “of the next 500,000”;

(C) by striking the period at the end of clause (iv) and inserting “; and”; and

(D) by adding at the end the following:

“(v) \$.50 for each additional passenger boarding at the airport during the prior calendar year.”.

(2) CARGO SERVICE AIRPORTS.—Section 47114(c)(2)(A) is amended by striking “3.5” and inserting “2.5”.

(3) REPEAL OF LIMITATION.—Section 47114(c)(3) is repealed.

(b) AMOUNTS APPORTIONED TO STATES.—Section 47114(d)(2) of such title is amended—

(1) by striking “12” and inserting “18.5”;

(2) in subparagraph (A) by striking “one” and inserting “0.66”;

1 (3) in each of subparagraphs (B) and (C) by
2 striking “49.5” and inserting “49.67”; and

3 (4) in each of subparagraphs (B) and (C) by
4 striking “except” the second place it appears and all
5 that follows through “title,” and inserting “exclud-
6 ing primary airports but including reliever and non-
7 primary commercial service airports,”.

8 **SEC. 202. DISCRETIONARY FUND.**

9 Section 47115 is amended by striking the second sub-
10 section (f), relating to minimum amounts to be credited,
11 and inserting the following:

12 “(g) MINIMUM AMOUNT TO BE CREDITED.—

13 “(1) GENERAL RULE.—In a fiscal year, there
14 shall be credited to the fund, out of amounts made
15 available under section 48103 of this title, an
16 amount that is equal to or greater than the total
17 amount required from the fund to carry out in the
18 fiscal year letters of intent issued before January 1,
19 1996, under section 47110(e) of this title or the Air-
20 port and Airway Improvement Act of 1982. The
21 amount credited is exclusive of amounts that have
22 been apportioned in a prior fiscal year under section
23 47114 of this title and that remain available for ob-
24 ligation.

1 “(2) REDUCTION OF APPORTIONMENTS.—In a
2 fiscal year in which the amount credited under sub-
3 section (a) is less than the minimum amount to be
4 credited under paragraph (1), the total amount cal-
5 culated under paragraph (3) shall be reduced by an
6 amount that, when credited to the fund, together
7 with the amount credited under subsection (a),
8 equals such minimum amount.

9 “(3) AMOUNT OF REDUCTION.—For a fiscal
10 year, the total amount available to make a reduction
11 to carry out paragraph (2) is the total of the
12 amounts determined under sections 47114(c)(1)(A),
13 47114(c)(2), 47114(d), and 47117(e) of this title.
14 Each amount shall be reduced by an equal percent-
15 age to achieve the reduction.”.

16 **SEC. 203. USE OF APPORTIONED AMOUNTS.**

17 (a) PERIOD OF AVAILABILITY.—Section 47117(b) is
18 amended by inserting before the period at the end of the
19 first sentence the following: “or the 3 fiscal years imme-
20 diately following that year in the case of a primary airport
21 that had less than .05 percent of the total boardings in
22 the United States in the preceding calendar year”.

23 (b) SPECIAL APPORTIONMENT CATEGORIES.—Sec-
24 tion 47117(e)(1) is amended—

1 (1) by striking “made available under section
2 48103” and inserting “available to the discretionary
3 fund under section 47115”;

4 (2) by striking subparagraphs (A), (C), and
5 (D);

6 (3) by redesignating subparagraphs (B) and
7 (E) as subparagraphs (A) and (B), respectively;

8 (4) in subparagraph (A), as so redesignated, by
9 striking “at least 12.5” and inserting “At least 31”;

10 (5) by adding at the end of subparagraph (A),
11 as so redesignated, the following: “The Secretary
12 may count the amount of grants made for such plan-
13 ning and programs with funds apportioned under
14 section 47114 in that fiscal year in determining
15 whether or not such 25 percent requirement is being
16 met in that fiscal year.”;

17 (6) in subparagraph (B), as so redesignated, by
18 striking “at least 2.25” and all that follows through
19 “1996,” and inserting “At least 4 percent for each
20 fiscal year thereafter”; and

21 (7) by inserting before the period at the end of
22 subparagraph (B), as so redesignated, the following:
23 “and to sponsors of noncommercial service airports
24 for grants for operational and maintenance expenses
25 at any such airport if the amount of such grants to

1 the sponsor of the airport does not exceed \$30,000
2 in that fiscal year, if the Secretary determines that
3 the airport is adversely affected by the closure or re-
4 alignment of a military base, and if the sponsor of
5 the airport certifies that the airport would otherwise
6 close if the airport does not receive the grant”.

7 **SEC. 204. DESIGNATING CURRENT AND FORMER MILITARY**
8 **AIRPORTS.**

9 (a) GENERAL REQUIREMENTS.—Section 47118(a) is
10 amended—

11 (1) by striking “not more than 15”;

12 (2) by inserting after the first sentence the fol-
13 lowing: “The maximum number of airports which
14 may be designated by the Secretary under this sec-
15 tion at any time is 10.”; and

16 (3) by striking “reduce delays” and all that fol-
17 lows through “landings” and inserting the following:
18 “enhance airport and air traffic control system ca-
19 pacity in major metropolitan areas and reduce cur-
20 rent and projected flight delays”.

21 (b) SURVEY AND CONSIDERATIONS.—Section 47118
22 is amended—

23 (1) in subsections (a) and (d) by striking “sec-
24 tion 47117(e)(1)(E)” and inserting “section
25 47117(e)(1)(B)”;

1 (2) by striking subsections (b) and (c) and re-
2 designating subsections (d), (e), and (f) as sub-
3 sections (b), (c), and (d), respectively.

4 (c) **PARKING LOTS, FUEL FARMS, AND UTILITIES.**—
5 Subsection (d) of section 47118, as redesignated by sub-
6 section (b) of this section, is amended by striking “the
7 fiscal years ending September 30, 1993–1996,” and in-
8 serting “for fiscal years beginning after September 30,
9 1992,”.

10 **SEC. 205. SELECT PANEL ON AIRPORT AND AGENCY FI-**
11 **NANCING.**

12 (a) **ESTABLISHMENT.**—There is established an advi-
13 sory committee which shall be known as the Select Panel
14 on Airport and Agency Financing (hereinafter in this sec-
15 tion referred to as the “panel”).

16 (b) **FUNCTIONS.**—The panel shall evaluate and rec-
17 ommend innovative financing mechanisms for ensuring
18 adequate funding for airport capital needs and Federal
19 Aviation Administration capital and operating needs.

20 (c) **MEMBERSHIP.**—The panel shall consist of 15
21 members as follows:

22 (1) 7 members appointed by the Secretary of
23 Transportation, in consultation with the Secretary of
24 the Treasury, of whom—

25 (A) 3 shall have expertise in aviation; and

1 (B) 3 shall have expertise in financing, in-
2 cluding at least 1 with expertise in airport fi-
3 nancing.

4 (2) 8 members appointed by Congress as fol-
5 lows:

6 (A) 1 member appointed by each of the
7 chairman and ranking minority member of the
8 Committee on Transportation and Infrastruc-
9 ture of the House of Representatives.

10 (B) 1 member appointed by each of the
11 chairman and ranking minority member of the
12 Committee on Appropriations of the House of
13 Representatives.

14 (C) 1 member appointed by each of the
15 chairman and ranking minority member of the
16 Committee on Commerce, Science, and Trans-
17 portation of the Senate.

18 (D) 1 member appointed by each of the
19 chairman and ranking minority member of the
20 Committee on Appropriations of the Senate.

21 (d) RESTRICTION ON APPOINTMENT OF CURRENT
22 AVIATION EMPLOYEES.—A member appointed under sub-
23 section (c)(1) may not be an employee of an airline, air-
24 port, or aviation trade association at the time of appoint-
25 ment or while serving on the panel.

1 (e) CHAIRMAN.—The Secretary of Transportation, in
2 consultation with the Secretary of the Treasury, shall des-
3 ignate a chairman of the panel from among the members
4 appointed under subsection (c)(1).

5 (f) CHARTER.—The Secretary of Transportation, in
6 consultation with the Secretary of the Treasury, shall pro-
7 vide the panel with a charter of the matters to be evalu-
8 ated and addressed by the panel. The charter, at a mini-
9 mum, shall direct the panel to undertake the following:

10 (1) Evaluate and identify current and expected
11 airport capital needs and Federal Aviation Adminis-
12 tration capital and operating needs.

13 (2) Assess the ability of various financing mech-
14 anisms to meet airport capital requirements by type
15 and size of airport. The financing mechanisms to be
16 assessed under this paragraph include the airport
17 improvement program, passenger facility charges,
18 tax-exempt bonds, State and local assistance, airport
19 privatization, infrastructure banks, government-
20 sponsored enterprises, and leveraging of Federal air-
21 port funding. In conducting the assessment under
22 this paragraph, the panel shall consider the special
23 problems of non-hub airports and general aviation
24 airports.

1 (3) Based on alternative funding scenarios for
2 the airport improvement program ranging from
3 elimination of funding to full funding to current
4 amounts made available, assess and recommend al-
5 ternative financing approaches that will address air-
6 port capital requirements.

7 (4) Assess the ability of various financing mech-
8 anisms to fund the operations of the Federal Avia-
9 tion Administration in a manner that will provide
10 for future growth in the Nation's air traffic system,
11 improve the management and performance of the air
12 traffic control system, and make the Administration
13 more efficient and effective. The financing mecha-
14 nisms to be assessed under this paragraph include
15 loan guarantees, financial partnerships with for-prof-
16 it private sector entities, multi-year appropriations,
17 revolving loan funds, mandatory spending authority,
18 authority to borrow, restructured grant programs,
19 and user fees.

20 (g) INDEPENDENT AUDIT.—

21 (1) CONTRACTS.—Immediately following the
22 appointment of the panel, the panel shall contract
23 with an entity independent of the Federal Aviation
24 Administration and the Department of Transpor-
25 tation to conduct a complete audit of the financial

1 requirements of the Administration, including antici-
2 pated air traffic forecasts, other workload measures,
3 and estimated productivity gains which lead to budg-
4 etary requirements.

5 (2) DEADLINE.—The independent audit shall
6 be completed no later than 180 days after the date
7 of the contract award and shall be submitted to the
8 panel.

9 (3) FUNDING.—The Administrator of the Fed-
10 eral Aviation Administration shall make available to
11 the panel from funds appropriated to the Adminis-
12 tration for headquarters operations such sums as
13 may be necessary to enter into a contract under this
14 subsection.

15 (h) TRAVEL AND PER DIEM.—Each member of the
16 panel shall be paid actual travel expenses, and per diem
17 in lieu of subsistence expenses, when away from his or her
18 usual place of residence, in accordance with section 5703
19 of title 5, United States Code.

20 (i) UTILIZATION OF PERSONNEL FROM FAA.—The
21 Administrator shall make available to the panel such staff,
22 information, and administrative services and assistance as
23 may reasonably be required to enable the panel to carry
24 out its responsibilities under this section.

1 (j) REPORT.—Not later than 1 year after the date
 2 of the appointment of the last member to the panel under
 3 subsection (c), the panel shall submit to Congress and the
 4 Administrator a report on the results of the review con-
 5 ducted under this section.

6 (k) GAO ASSESSMENT.—Not later than 180 days
 7 after the date of the enactment of this Act, the Comptrol-
 8 ler General shall transmit to the panel and Congress an
 9 independent assessment of airport needs.

10 **TITLE III—AIRPORT IMPROVE-** 11 **MENT PROGRAM MODIFICA-** 12 **TIONS**

13 **SEC. 301. INTERMODAL PLANNING.**

14 (a) POLICIES.—Section 47101(g) is amended to read
 15 as follows:

16 “(g) INTERMODAL PLANNING.—To carry out the pol-
 17 icy of subsection (a)(5) of this section, the Secretary of
 18 Transportation shall take each of the following actions:

19 “(1) COORDINATION IN DEVELOPMENT OF AIR-
 20 PORT PLANS AND PROGRAMS.—Cooperate with State
 21 and local officials in developing airport plans and
 22 programs that are based on overall transportation
 23 needs. The airport plans and programs shall be de-
 24 veloped in coordination with other transportation
 25 planning and considering comprehensive long-range

1 land-use plans and overall social, economic, environ-
2 mental, system performance, and energy conserva-
3 tion objectives. The process of developing airport
4 plans and programs shall be continuing, cooperative,
5 and comprehensive to the degree appropriate to the
6 complexity of the transportation problems.

7 “(2) GOALS FOR AIRPORT MASTER AND SYSTEM
8 PLANS.—Encourage airport sponsors and State and
9 local officials to develop airport master plans and
10 airport system plans that—

11 “(A) foster effective coordination between
12 aviation planning and metropolitan planning;

13 “(B) include an evaluation of aviation
14 needs within the context of multimodal plan-
15 ning; and

16 “(C) are integrated with metropolitan
17 plans to ensure that airport development pro-
18 posals include adequate consideration of land
19 use and ground transportation access.

20 “(3) REPRESENTATION OF AIRPORT OPERA-
21 TORS ON MPO’S.—Encourage metropolitan planning
22 organizations, particularly in areas with populations
23 greater than 200,000, to establish membership posi-
24 tions for airport operators.”.

1 (b) REQUIREMENTS FOR PROJECT GRANT APPLICA-
2 TIONS.—Section 47106(a) is amended—

3 (1) by inserting “, including transportation and
4 land use plans” before the semicolon at the end of
5 paragraph (1);

6 (2) by striking “and” at the end of paragraph
7 (4);

8 (3) by striking the period at the end of para-
9 graph (5) and inserting “; and”; and

10 (4) by adding at the end the following:

11 “(6) with respect to a project for the location
12 of an airport, the sponsor has—

13 “(A) provided the metropolitan planning
14 organization authorized to conduct metropolitan
15 planning for the area in which the airport is to
16 be located with not less than 30 days (i) to re-
17 view the airport master plan or the airport lay-
18 out plan in which the project is described and
19 depicted, and (ii) to submit comments on such
20 plans to the sponsor; and

21 “(B) included in the sponsor’s application
22 to the Secretary the sponsor’s written responses
23 to any comments made by the metropolitan
24 planning organization.”.

1 **SEC. 302. COMPLIANCE WITH FEDERAL MANDATES.**

2 (a) USE OF AIP GRANTS.—Section 47102(3) is
3 amended—

4 (1) in subparagraph (E) by inserting “or under
5 section 40117” before the period at the end; and

6 (2) in subparagraph (F) by striking “paid for
7 by a grant under this subchapter and”.

8 (b) USE OF PASSENGER FACILITY CHARGES.—Sec-
9 tion 40117(a)(3) is amended—

10 (1) by inserting “and” at the end of subpara-
11 graph (D);

12 (2) by striking “; and” at the end of subpara-
13 graph (E) and inserting a period; and

14 (3) by striking subparagraph (F).

15 **SEC. 303. RUNWAY MAINTENANCE PROGRAM.**

16 (a) AUTHORITY.—Section 47105 is amended by add-
17 ing at the end the following:

18 “(g) RUNWAY MAINTENANCE PROGRAM.—The Sec-
19 retary may carry out a pilot program in each of fiscal
20 years 1997, 1998, and 1999 under which the Secretary
21 may approve applications under this subchapter for not
22 more than 10 projects in each of such fiscal years to pre-
23 serve and extend the useful life of runways and taxiways
24 at any airport for which an amount is apportioned under
25 section 47114(d).”.

1 (b) INCLUSION IN AIRPORT DEVELOPMENT ACTIVI-
 2 TIES.—Section 47102(3) is amended by adding at the end
 3 the following:

4 “(H) preserving and extending the useful
 5 life of runways and taxiways at a public-use air-
 6 port under the pilot program authorized by sec-
 7 tion 47105(g) of this title.”.

8 **SEC. 304. ACCESS TO AIRPORTS BY INTERCITY BUSES.**

9 Section 47107(a) is amended—

10 (1) by striking “and” at the end of paragraph
 11 (18);

12 (2) by striking the period at the end of para-
 13 graph (19) and inserting “; and”; and

14 (3) by adding at the end the following:

15 “(20) the airport owner or operator will permit,
 16 to the maximum extent practicable, intercity buses
 17 to have access to the airport.”.

18 **SEC. 305. COST REIMBURSEMENT FOR PROJECTS COM-**
 19 **MENCED PRIOR TO GRANT AWARD.**

20 (a) COST REIMBURSEMENT.—Section
 21 47110(b)(2)(C) is amended to read as follows:

22 “(C) if the Government’s share is paid only
 23 with amounts apportioned under section 47114(c)(1)
 24 and (2) of this title and if the cost is incurred—

25 “(i) after September 30, 1996;

1 “(ii) before a grant agreement is executed
2 for the project; and

3 “(iii) in accordance with an airport layout
4 plan approved by the Secretary and with all
5 statutory and administrative requirements that
6 would have been applicable to the project if the
7 project had been carried out after the grant
8 agreement had been executed.”.

9 (b) USE OF DISCRETIONARY FUNDS.—Section 47110
10 is amended by adding at the end the following:

11 “(g) USE OF DISCRETIONARY FUNDS.—A project for
12 which cost reimbursement is provided under subsection
13 (b)(2)(C) shall not receive priority consideration with re-
14 spect to the use of discretionary funds made available
15 under section 47115 of this title even if the amounts made
16 available under sections 47114(c)(1) and 47114(c)(2) are
17 not sufficient to cover the Government’s share of the cost
18 of project.”.

19 **SEC. 306. SELECTION OF PROJECTS FOR GRANTS FROM**
20 **DISCRETIONARY FUND.**

21 Section 47115(d) is amended—

22 (1) by striking “and” at the end of paragraph
23 (2);

24 (2) by striking the period at the end of para-
25 graph (3) and inserting a semicolon; and

1 (3) by adding at the end the following:

2 “(4) the priority that the State gives to the
3 project; and

4 “(5) the projected growth in the number of pas-
5 sengers that will be using the airport at which the
6 project will be carried out.”.

7 **SEC. 307. STATE BLOCK GRANT PROGRAM.**

8 (a) PARTICIPATING STATES.—Section 47128 is
9 amended—

10 (1) in subsection (a) by striking “7” and insert-
11 ing “10”;

12 (2) in subsection (b)(1)—

13 (A) by striking “(1)”; and

14 (B) by redesignating subparagraphs (A)
15 through (E) as paragraphs (1) through (5), re-
16 spectively; and

17 (3) by striking subsection (b)(2).

18 (b) USE OF STATE PRIORITY SYSTEM.—Section
19 47128(c) is amended—

20 (1) by striking “(b)(1) (B) or (C)” and insert-
21 ing “(b)(2) or (b)(3)”; and

22 (2) by adding at the end the following: “In car-
23 rying out this subsection, the Secretary shall permit
24 a State to use the priority system of the State if

1 such system is not inconsistent with the national pri-
 2 ority system.”.

3 (c) REPEAL OF EXPIRATION DATE.—

4 (1) IN GENERAL.—Section 47128 is amended—

5 (A) by striking “**pilot**” in the section
 6 heading;

7 (B) by striking “pilot” in subsection (a);
 8 and

9 (C) by striking subsection (d).

10 (2) CONFORMING AMENDMENT.—The table of
 11 sections for part 471 is amended by striking the
 12 item relating to section 47128 and inserting the fol-
 13 lowing:

“47128. State block grant program.”.

14 **SEC. 308. PRIVATE OWNERSHIP OF AIRPORTS.**

15 (a) ESTABLISHMENT OF PROGRAM.—

16 (1) IN GENERAL.—Chapter 471 is further
 17 amended by adding at the end the following:

18 **“§ 47133. Private ownership of airports**

19 “(a) SUBMISSION OF APPLICATIONS.—If a sponsor
 20 intends to sell an airport or lease an airport for a long
 21 term to a person (other than a public agency), the sponsor
 22 and purchaser or lessee may apply to the Secretary of
 23 Transportation for exemptions under this section.

24 “(b) APPROVAL OF APPLICATIONS.—The Secretary
 25 may approve, with respect to not more than 6 airports,

1 applications submitted under subsection (a) granting ex-
2 emptions from the following provisions:

3 “(1) USE OF REVENUES.—

4 “(A) IN GENERAL.—The Secretary may
5 grant an exemption to a sponsor from the pro-
6 visions of sections 44706(d) and 47107(b) of
7 this title (and any other law, regulation, or
8 grant assurance) to the extent necessary to per-
9 mit the sponsor to recover from the sale or
10 lease of the airport such amount as may be ap-
11 proved—

12 “(i) by at least 60 percent of the air
13 carriers serving the airport; and

14 “(ii) by the air carrier or air carriers
15 whose aircraft landing at the airport dur-
16 ing the preceding calendar year had a total
17 landed weight during the preceding cal-
18 endar year of at least 60 percent of the
19 total landed weight of all aircraft landing
20 at the airport during such year.

21 “(B) LANDED WEIGHT DEFINED.—In this
22 paragraph, the term ‘landed weight’ means the
23 weight of aircraft transporting passengers or
24 cargo, or both, in intrastate, interstate, and for-
25 eign air transportation, as the Secretary deter-

1 mines under regulations the Secretary pre-
2 scribes.

3 “(2) REPAYMENT REQUIREMENTS.—The Sec-
4 retary may grant an exemption to a sponsor from
5 the provisions of sections 44706(d) and 47107(b) of
6 this title (and any other law, regulation, or grant as-
7 surance) to the extent necessary to waive any obliga-
8 tion of the sponsor to repay to the Federal Govern-
9 ment any grants, or to return to the Federal Gov-
10 ernment of any property, received for the airport
11 under this title, the Airport and Airway Improve-
12 ment Act of 1982, or any other law.

13 “(3) COMPENSATION FROM AIRPORT OPER-
14 ATIONS.—The Secretary may grant an exemption to
15 a purchaser or lessee from the provisions of sections
16 44706(d) and 47107(b) of this title (and any other
17 law, regulation, or grant assurance) to the extent
18 necessary to permit the purchaser or lessee to earn
19 compensation from the operations of the airport.

20 “(c) TERMS AND CONDITIONS.—The Secretary may
21 approve an application under subsection (b) only if the
22 Secretary finds that the sale or lease agreement includes
23 provisions satisfactory to the Secretary to ensure the fol-
24 lowing:

1 “(1) The airport will continue to be available
2 for public use on reasonable terms and conditions
3 and without unjust discrimination.

4 “(2) The operation of the airport will not be in-
5 terrupted in the event that the purchaser or lessee
6 becomes insolvent or seeks or becomes subject to any
7 State or Federal bankruptcy, reorganization, insol-
8 vency, liquidation, or dissolution proceeding or any
9 petition or similar law seeking the dissolution or re-
10 organization of the purchaser or lessee or the ap-
11 pointment of a receiver, trustee, custodian, or liq-
12 uidator for the purchaser or lessee or a substantial
13 part of the purchaser or lessee’s property, assets, or
14 business.

15 “(3) The purchaser or lessee will maintain and
16 improve the facilities of the airport.

17 “(4) Every fee of the airport imposed on an air
18 carrier on the day before the date of the sale or
19 lease of the airport will not increase faster than the
20 rate of inflation unless a higher amount is agreed to
21 by the air carrier or air carriers that carried more
22 than 50 percent of the total passenger boardings at
23 the airport in the preceding calendar year.

24 “(5) Safety and security at the airport will be
25 maintained at the highest possible levels.

1 “(6) The adverse effects of noise from oper-
 2 ations at the airport will be mitigated to the same
 3 extent as at a public airport.

4 “(7) Any adverse effects on the environment
 5 from airport operations will be mitigated to the same
 6 extent as at a public airport.

7 “(d) PARTICIPATION OF CERTAIN AIRPORTS.—If the
 8 Secretary approves under subsection (b) applications with
 9 respect to 6 airports, at least one of the airports must
 10 be an airport that is not a commercial service airport.

11 “(e) PASSENGER FACILITY FEES; APPORTION-
 12 MENTS.—An airport receiving an exemption under sub-
 13 section (b) shall not be prohibited from imposing a pas-
 14 senger facility fee under section 40117 of this title or re-
 15 ceiving apportionments under section 47114 notwithstand-
 16 ing that the sponsor of the airport is not a public agency.

17 “(f) EFFECTIVENESS OF EXEMPTIONS.—An exemp-
 18 tion granted under subsection (b) shall continue in effect
 19 only so long as the facilities sold or leased continue to be
 20 used for airport purposes.”.

21 (2) CONFORMING AMENDMENT.—The table of
 22 sections for such chapter is further amended by add-
 23 ing at the end the following:

“47133. Private ownership of airports.”.

24 (b) TAXATION.—Section 40116(b) is amended—

1 (1) by striking “a State or” and inserting “a
2 State, a”; and

3 (2) by inserting after “of a State” the follow-
4 ing: “, and any person that has purchased or leased
5 an airport under section 47133 of this title”.

6 (c) RESOLUTION OF AIRPORT-AIR CARRIER DIS-
7 PUTES CONCERNING AIRPORT FEES.—Section 47129(a)
8 is amended by adding at the end the following:

9 “(4) FEES IMPOSED BY PRIVATELY-OWNED AIR-
10 PORTS.—In evaluating the reasonableness of a fee
11 imposed by an airport receiving an exemption under
12 section 47133 of this title, the Secretary shall con-
13 sider whether the airport has complied with section
14 47133(c)(4).”.

15 **SEC. 309. USE OF NOISE SET-ASIDE FUNDS BY NON-AIR-**
16 **PORT SPONSORS.**

17 Section 47505 is amended—

18 (1) by redesignating subsection (b) as sub-
19 section (c);

20 (2) in subsection (c), as so redesignated, by
21 striking “subsection (a) of” and inserting “sub-
22 section (a) or (b) of”; and

23 (3) by inserting after subsection (a) the follow-
24 ing:

25 “(b) GRANTS TO NON-AIRPORT SPONSORS.—

1 “(1) AUTHORITY.—The Secretary may make a
2 grant under this subsection to a State or unit of
3 local government that is not the owner or operator
4 of the airport for preparation of an airport land use
5 compatibility plan or implementation of an airport
6 land use compatibility project.

7 “(2) PLANNING AUTHORITY.—In order to be el-
8 igible to receive a grant under this subsection for
9 preparation of an airport land use compatibility
10 plan, the State or unit of local government must
11 have authority to plan and adopt land use control
12 measures, including zoning, in the planning area.

13 “(3) COORDINATION OF PLANNING ACTIVI-
14 TIES.—

15 “(A) CONSISTENCY WITH OTHER PLAN-
16 NING.—An airport land use compatibility plan
17 prepared by a State or unit of local government
18 under this subsection may not duplicate or be
19 inconsistent with an airport noise compatibility
20 program prepared by an airport operator under
21 this chapter or with other planning carried out
22 by the airport operator.

23 “(B) CONSULTATION WITH AIRPORT OWN-
24 ERS AND OPERATORS.—A State or unit of local
25 government receiving a grant under this sub-

1 section for preparation of an airport land use
2 compatibility plan shall consult with the owner
3 or operator of the airport for which the plan is
4 being prepared regarding any recommended air-
5 port land use compatibility measure identified
6 in the plan and any aviation data on which such
7 recommendation is made.

8 “(4) APPROVAL OF AIRPORT OWNER OR OPERA-
9 TOR REQUIRED.—The Administrator may make a
10 grant to a State or unit of local government under
11 this subsection for preparation of an airport land
12 use compatibility plan or implementation of an air-
13 port land use compatibility project only after receiv-
14 ing the approval of the owner or operator of the air-
15 port for which the plan or project is being prepared
16 or implemented. Such approval shall be based on
17 whether the plan or program, including the use of
18 any noise exposure contours on which the plan or
19 project is based, has been coordinated with the air-
20 port and is consistent with airport operation and
21 planning.

22 “(5) WRITTEN ASSURANCES.—The Adminis-
23 trator may make a grant to a State or unit of local
24 government under this subsection only after receiv-
25 ing from the State or unit of local government such

1 written assurances as the Administrator determines
2 necessary to achieve the purposes of this subsection.

3 “(6) GUIDELINES.—The Administrator may es-
4 tablish guidelines in carrying out this subsection.

5 “(7) DEFINITIONS.—In this subsection, the fol-
6 lowing definitions apply:

7 “(A) AIRPORT COMPATIBLE LAND USE.—
8 The term ‘airport compatible land use’ means
9 any land use that is usually compatible with—

10 “(i) the noise levels associated with an
11 airport, as established under this chapter;

12 “(ii) airport design standards issued
13 by the Administrator; and

14 “(iii) regulations issued to carry out
15 section 44718 of this title.

16 “(B) AIRPORT LAND USE COMPATIBILITY
17 PLAN.—The term ‘airport land use compatibil-
18 ity plan’ means the product of a process to de-
19 termine the extent, type, nature, location, and
20 timing of measures to improve the compatibility
21 of land use with the existing forecast level of
22 aviation activity at an airport.

23 “(C) AIRPORT LAND USE COMPATIBILITY
24 PROJECT.—The term ‘airport land use compat-
25 ibility project’ means a project that is contained

1 in an airport land use compatibility plan and
2 determined by the Administrator to enhance
3 airport compatible land use.”.

4 **TITLE IV—MISCELLANEOUS**
5 **PROVISIONS**

6 **SEC. 401. PURCHASE OF HOUSING UNITS.**

7 Section 40110 is amended—

8 (1) by redesignating subsection (b) as sub-
9 section (c); and

10 (2) by inserting after subsection (a) the follow-
11 ing:

12 “(b) PURCHASE OF HOUSING UNITS.—

13 “(1) AUTHORITY.—In carrying out this part,
14 the Administrator may purchase a housing unit (in-
15 cluding a condominium or a housing unit in a build-
16 ing owned by a cooperative) that is located outside
17 the contiguous United States if the cost of the unit
18 is \$200,000 or less.

19 “(2) CONTINUING OBLIGATIONS.—Notwith-
20 standing section 1341 of title 31, United States
21 Code, the Administrator may purchase a housing
22 unit under paragraph (1) even if there is an obliga-
23 tion thereafter to pay necessary and reasonable fees
24 duly assessed upon such unit, including fees related
25 to operation, maintenance, taxes, and insurance.

1 “(3) CERTIFICATION TO CONGRESS.—The Ad-
 2 ministrator may purchase a housing unit under
 3 paragraph (1) only if, at least 30 days before com-
 4 pleting the purchase, the Administrator transmits to
 5 the Committee on Transportation and Infrastructure
 6 of the House of Representatives and the Committee
 7 on Commerce, Science, and Transportation of the
 8 Senate a report containing—

9 “(A) a description of the housing unit and
 10 its price;

11 “(B) a certification that the price does not
 12 exceed the median price of housing units in the
 13 area; and

14 “(C) a certification that purchasing the
 15 housing unit is the most cost-beneficial means
 16 of providing necessary accommodations in car-
 17 rying out this part.

18 “(4) PAYMENT OF FEES.—The Administrator
 19 may pay, when due, fees resulting from the purchase
 20 of a housing unit under this subsection from any
 21 amounts made available to the Administrator.”.

22 **SEC. 402. TECHNICAL CORRECTION RELATING TO STATE**
 23 **TAXATION.**

24 Section 40116(b) of title 49, United States Code, is
 25 amended by striking “subsection (c) of this section and”.

1 **SEC. 403. PROTECTION OF VOLUNTARY SUBMISSION OF IN-**
2 **FORMATION.**

3 (a) IN GENERAL.—Chapter 401 is amended by redes-
4 ignating section 40120 as section 40121 and by inserting
5 after section 40119 the following:

6 **“§ 40120. Protection of voluntary submission of infor-**
7 **mation**

8 “(a) GENERAL RULE.—Notwithstanding any other
9 provision of law, neither the Administrator of the Federal
10 Aviation Administration, nor any agency receiving infor-
11 mation from the Administrator, may disclose voluntarily
12 provided safety or security related information if the Ad-
13 ministrator finds that—

14 “(1) the disclosure of the information would in-
15 hibit the voluntary provision of that type of informa-
16 tion;

17 “(2) the receipt of that type of information
18 would aid in fulfilling the Administrator’s safety and
19 security responsibilities; and

20 “(3) the information was provided to the Ad-
21 ministrator for a purpose other than to avoid an en-
22 forcement action.

23 “(b) REGULATIONS.—The Administrator may issue
24 regulations to carry out this section.”.

1 (b) CONFORMING AMENDMENT.—The table of sec-
 2 tions for chapter 401 is amended by striking the item re-
 3 lating to section 40120 and inserting the following:

“40120. Protection of voluntary submission of information.

“40121. Relationship to other laws.”.

4 **SEC. 404. SUPPLEMENTAL TYPE CERTIFICATES.**

5 Section 44704 is amended—

6 (1) by redesignating subsections (b) and (c) as
 7 subsections (c) and (d), respectively; and

8 (2) by inserting after subsection (a) the follow-
 9 ing:

10 “(b) SUPPLEMENTAL TYPE CERTIFICATES.—

11 “(1) ISSUANCE.—The Administrator may issue
 12 a type certificate designated as a supplemental type
 13 certificate for a change to an aircraft, aircraft en-
 14 gine, propeller, or appliance.

15 “(2) CONTENTS.—A supplemental type certifi-
 16 cate issued under paragraph (1) shall consist of the
 17 change to the aircraft, aircraft engine, propeller, or
 18 appliance with respect to the previously issued type
 19 certificate for the aircraft, aircraft engine, propeller,
 20 or appliance.

21 “(3) REQUIREMENT.—If the holder of a supple-
 22 mental type certificate agrees to permit another per-
 23 son to use the certificate to modify an aircraft, air-
 24 craft engine, propeller, or appliance, the holder shall

1 provide the other person with written evidence, in
 2 a form acceptable to the Administrator, of that
 3 agreement. A person may change an aircraft, air-
 4 craft engine, propeller, or appliance based on a sup-
 5 plemental type certificate only if the person request-
 6 ing the change is the holder of the supplemental
 7 type certificate or has permission from the holder
 8 to make the change.”.

9 **SEC. 405. RESTRICTION ON USE OF REVENUES.**

10 (a) IN GENERAL.—Section 44706 is amended by
 11 adding at the end the following:

12 “(d) USE OF REVENUES.—

13 “(1) PROHIBITION.—A person holding an air-
 14 port operating certificate under this section may not
 15 expend local taxes on aviation fuel (except taxes in
 16 effect on December 30, 1987) or the revenues gen-
 17 erated by the airport for any purpose other than the
 18 capital or operating costs of—

19 “(A) the airport;

20 “(B) the local airport system; or

21 “(C) other local facilities owned or oper-
 22 ated by the person and directly and substan-
 23 tially related to the air transportation of pas-
 24 sengers or property.

1 “(2) EXCEPTIONS.—Paragraph (1) does not
2 apply if a provision enacted not later than Septem-
3 ber 2, 1982, in a law controlling financing by the
4 owner or operator, or a covenant or assurance in a
5 debt obligation issued not later than September 2,
6 1982, by the owner or operator, provides that the
7 revenues, including local taxes on aviation fuel at
8 public airports, from any of the facilities of the
9 owner or operator, including the airport, be used to
10 support not only the airport but also the general
11 debt obligations or other facilities of the owner or
12 operator.

13 “(3) AUTHORITY TO ISSUE WAIVERS TO AIR-
14 PORTS NOT RECEIVING GRANT ASSISTANCE.—The
15 Administrator may waive the application of para-
16 graph (1) with respect to any airport that has not
17 received grant assistance under chapter 471 of this
18 title or the Airport and Airway Improvement Act of
19 1982 in the 10-year period ending on the date of the
20 enactment of this subsection.

21 “(4) LIMITATION ON STATUTORY CONSTRUC-
22 TION.—This subsection does not prevent the use of
23 a State tax on aviation fuel to support a State avia-
24 tion program or the use of airport revenue on or off
25 the airport for a noise mitigation purpose.”.

1 (b) PENALTIES.—Section 46301(a)(5) is amended to
 2 read as follows:

3 “(5) PENALTY FOR DIVERSION OF AVIATION
 4 REVENUES.—The amount of a civil penalty assessed
 5 under this section for a violation of section 47107(b)
 6 of this title (or any assurance made under such sec-
 7 tion) or section 44706(d) of this title may be in-
 8 creased above the otherwise applicable maximum
 9 amount under this section to an amount not to ex-
 10 ceed 3 times the amount of revenues that are used
 11 in violation of such section.”.

12 **SEC. 406. DISCRETIONARY AUTHORITY FOR CRIMINAL HIS-**
 13 **TORY RECORDS CHECKS.**

14 (a) IN GENERAL.—Section 44936(a)(1) is amend-
 15 ed—

16 (1) by striking “(1) The Administrator” and in-
 17 serting the following:

18 “(1) EMPLOYEES.—

19 “(A) PERSONS WITH ACCESS TO AIRCRAFT
 20 AND OTHER SECURED AREAS.—The Adminis-
 21 trator”;

22 (2) by moving the remainder of the text of sub-
 23 paragraph (A), as designated by paragraph (1) of
 24 this subsection, 2 ems to the right;

1 (3) by redesignating subparagraphs (A) and
2 (B) as clauses (i) and (ii), respectively; and

3 (4) by adding at the end the following:

4 “(B) PERSONS RESPONSIBLE FOR SCREEN-
5 ING PASSENGERS AND PROPERTY.—

6 “(i) IN GENERAL.—The Administrator
7 may require by regulation that an employ-
8 ment investigation (including a criminal
9 history record check in cases in which the
10 employment investigation reveals a gap in
11 employment of 12 months or more that the
12 individual does not satisfactorily account
13 for) be conducted for individuals who will
14 be responsible for screening passengers
15 and property under section 44901 of this
16 title and their supervisors.

17 “(ii) SPECIAL RULE.—If an individual
18 requires a criminal history record check
19 under clause (i), the individual may be em-
20 ployed as a screener until the check is
21 completed if the individual is subject to su-
22 pervision.”.

23 (b) APPLICABILITY.—The amendments made by sub-
24 section (a) shall not apply to an individual employed as

1 a screener, or a supervisor of screeners, on the day before
2 the date of the enactment of this Act.

3 **SEC. 407. AUTHORITY TO CLOSE AIRPORT LOCATED NEAR**
4 **CLOSED OR REALIGNED MILITARY BASE.**

5 Notwithstanding any other provision of a law, rule,
6 or grant assurance, an airport that is not a commercial
7 service airport may be closed by its sponsor without any
8 obligation to repay grants made under chapter 471 of title
9 49, United States Code, the Airport and Airway Improve-
10 ment Act of 1982, or any other law if the airport is located
11 within 3 miles of a military base which has been closed
12 or realigned.

13 **SEC. 408. CONSTRUCTION OF RUNWAYS.**

14 Notwithstanding section 332 of the Department of
15 Transportation and Related Agencies Appropriations Act,
16 1996 (109 Stat. 457) or any other provision of law that
17 specifically restricts the number of runways at a single
18 international airport, the Secretary of Transportation may
19 obligate funds under chapters 471 and 481 of title 49,
20 United States Code, for any project to construct a new
21 runway at such airport, unless this section is expressly re-
22 pealed.

1 **TITLE V—METROPOLITAN**
2 **WASHINGTON AIRPORTS**

3 **SEC. 501. SHORT TITLE.**

4 This title may be cited as the “Metropolitan Wash-
5 ington Airports Amendments Act of 1996”.

6 **SEC. 502. AMENDMENT OF METROPOLITAN WASHINGTON**
7 **AIRPORTS ACT OF 1986.**

8 Except as otherwise expressly provided, whenever in
9 this title an amendment or repeal is expressed in terms
10 of an amendment to, or repeal of, a section or other provi-
11 sion, the reference shall be considered to be made to a
12 section or other provision of the Metropolitan Washington
13 Airports Act of 1986 (100 Stat. 3341–376 et seq.).

14 **SEC. 503. USE OF LEASED PROPERTY.**

15 Section 6005(c)(2) is amended by inserting before the
16 period at the end of the second sentence the following:
17 “which are not inconsistent with the needs of aviation”.

18 **SEC. 504. BOARD OF DIRECTORS.**

19 (a) APPOINTMENT OF ADDITIONAL MEMBERS.—Sec-
20 tion 6007(e)(1) is amended—

21 (1) in the matter preceding subparagraph (A)
22 by striking “11” and inserting “15”;

23 (2) in subparagraph (D) by striking “one mem-
24 ber” and inserting “five members”.

1 (b) RESTRICTIONS.—Section 6007(e)(2) is amended
2 by striking “except that” and all that follows through the
3 period and inserting “except that the members appointed
4 by the President shall be registered voters of States other
5 than Maryland, Virginia, or the District of Columbia.”.

6 (c) TERMS.—Section 6007(e)(3) is amended—

7 (1) in subparagraph (B) by striking “and” at
8 the end;

9 (2) in subparagraph (C) by striking the period
10 at the end and inserting “; and”; and

11 (3) by adding at the end the following:

12 “(D) by the President after the date of the
13 enactment of this subparagraph, 2 shall be ap-
14 pointed for 4 years.

15 A member may serve after the expiration of that
16 member’s term until a successor has taken office.”.

17 (d) VACANCIES.—Section 6007(e) is further amended
18 by redesignating paragraphs (4) and (5) as paragraphs
19 (7) and (8), respectively, and by inserting after paragraph
20 (3) the following:

21 “(4) VACANCIES.—A vacancy in the board of
22 directors shall be filled in the manner in which the
23 original appointment was made. Any member ap-
24 pointed to fill a vacancy occurring before the expira-
25 tion of the term for which the member’s predecessor

1 was appointed shall be appointed only for the re-
2 mainder of such term.”.

3 (e) POLITICAL PARTIES OF PRESIDENTIAL AP-
4 POINTEES.—Section 6007(e) is further amended by in-
5 serting after paragraph (4), as inserted by subsection (d)
6 of this section, the following:

7 “(5) POLITICAL PARTIES OF PRESIDENTIAL AP-
8 POINTEES.—Not more than 3 of the members of the
9 board appointed by the President may be of the
10 same political party.”.

11 (f) DUTIES OF PRESIDENTIAL APPOINTEES.—Sec-
12 tion 6007(e) is further amended by inserting after para-
13 graph (5), as inserted by subsection (e) of this section,
14 the following:

15 “(6) DUTIES OF PRESIDENTIAL APPOINTEES.—
16 In carrying out their duties on the board, members
17 of the board appointed by the President shall ensure
18 that adequate consideration is given to the national
19 interest.”.

20 (g) REQUIRED NUMBER OF VOTES.—Section
21 6007(e)(8), as redesignated by subsection (d) of this sec-
22 tion, is amended by striking “Seven” and inserting
23 “Nine”.

1 **SEC. 505. FEDERAL ADVISORY COMMISSION.**

2 (a) IN GENERAL.—Section 6007(f) is amended by
3 striking the subsection designation, heading, and para-
4 graph (1) and inserting the following:

5 “(f) FEDERAL ADVISORY COMMISSION.—

6 “(1) COMPOSITION.—There is established a
7 Federal Advisory Commission of the Airports Au-
8 thority which shall represent the interests of users of
9 the Metropolitan Washington Airports and shall be
10 composed of 9 members appointed by the Secretary
11 of Transportation.”.

12 (b) REFERENCES TO BOARD OF REVIEW.—The Act
13 is amended—

14 (1) in section 6007(f) by striking “Board of Re-
15 view” each place it appears and inserting “Federal
16 Advisory Commission”;

17 (2) in section 6007(f)(3)—

18 (A) in the third sentence by striking
19 “Board” each place it appears and inserting
20 “Commission”; and

21 (B) in the fourth sentence by striking
22 “Board” the second place it appears and insert-
23 ing “Commission”;

24 (3) in the second sentence of section
25 6007(f)(6), as redesignated by section 8(a) of this

1 Act, by striking “Board” and inserting “Commis-
2 sion”;

3 (4) in section 6007(f)(7), as redesignated by
4 section 8(a) of this Act, by striking “Board” the sec-
5 ond place it appears and inserting “Commission”;
6 and

7 (5) in section 6009(b) by striking “Board of
8 Review” and inserting “Federal Advisory Commis-
9 sion”.

10 (c) OTHER CONFORMING AMENDMENTS.—Section
11 6007(f)(2) is amended—

12 (1) in subparagraph (A)—

13 (A) by striking “paragraphs (1)(A) and
14 (1)(B)” and inserting “paragraph (1)”; and

15 (B) by striking the second sentence; and

16 (2) in subparagraph (D) by striking “and lists
17 have been provided for appointments to fill such va-
18 cancies”.

19 **SEC. 506. REVIEW PROCEDURE.**

20 (a) SUBMISSION OF ACTIONS.—Section
21 6007(f)(4)(A) is amended to read as follows:

22 “(A) SUBMISSION REQUIRED.—

23 “(i) IN GENERAL.—An action of the
24 Airports Authority described in subpara-
25 graph (B) shall be submitted to the Fed-

1 eral Advisory Commission, the Speaker of
2 the House of Representatives, and the
3 President Pro Tempore of the Senate at
4 least 60 days before the action is to be-
5 come effective.

6 “(ii) URGENT AND COMPELLING CIR-
7 CUMSTANCES.—An action submitted to the
8 Federal Advisory Commission and Con-
9 gress in accordance with clause (i) may be-
10 come effective before the expiration of the
11 60-day period referred to in clause (i) if
12 the board of directors certifies, in writing,
13 to the Secretary and Congress that urgent
14 and compelling circumstances exist that
15 significantly affect the interests of the
16 traveling public and will not permit waiting
17 for the expiration of such 60-day period.”.

18 (b) RECOMMENDATIONS.—Section 6007(f)(4)(C) is
19 amended to read as follows:

20 “(C) RECOMMENDATIONS.—The Federal
21 Advisory Commission may make to the board of
22 directors and Congress recommendations re-
23 garding an action within 30 calendar days of its
24 submission under this paragraph. Such rec-

1 ommendations may include a recommendation
2 that the action not take effect.”.

3 (c) EFFECT OF RECOMMENDATIONS.—

4 (1) REPEAL.—Section 6007(f)(4) is amended
5 by striking subparagraph (D) and by redesignating
6 subparagraph (E) as subparagraph (D).

7 (2) CONFORMING AMENDMENT.—Section
8 6007(f)(5)(B) is amended by striking “paragraph
9 (4)(D)(ii)” and inserting “paragraph (4)”.

10 (d) EXPIRATION OF AUTHORITY.—Section
11 6007(f)(4) is amended by adding at the end the following:

12 “(E) EXPIRATION OF AUTHORITY.—

13 “(i) IN GENERAL.—Except as pro-
14 vided in clause (ii), the authority of the
15 Airports Authority to take any of the ac-
16 tions described in subparagraph (B) shall
17 expire on April 30, 1997.

18 “(ii) SPECIAL RULE.—If on any day
19 after April 29, 1997, all of the members to
20 be appointed to the board of directors by
21 the President under section 6007(e)(1)(D)
22 are serving on the board, the authority of
23 the board referred to in clause (i) shall be
24 effective beginning on such day and shall
25 expire on September 30, 1998.”.

1 (e) PROTECTION OF CERTAIN ACTIONS.—Actions
 2 taken by the Metropolitan Washington Airports Authority
 3 and submitted to the Board of Review pursuant to section
 4 6007(f)(4) of the Metropolitan Washington Airports Act
 5 of 1986 before the date of the enactment of this Act shall
 6 remain in effect and shall not be set aside solely by reason
 7 of a judicial order invalidating certain functions of the
 8 Board of Review.

9 **SEC. 507. CONGRESSIONAL DISAPPROVAL PROCEDURES.**

10 (a) COMMITTEE REFERRAL.—Section 6007(f)(5)(C)
 11 is amended—

12 (1) by striking “Public Works and Transpor-
 13 tation” and inserting “Transportation and Infra-
 14 structure”; and

15 (2) by striking “Commerce, Science and Tech-
 16 nology” and inserting “Commerce, Science, and
 17 Transportation”.

18 (b) HOUSE PROCEDURE.—Section 6007(f)(5) is
 19 amended—

20 (1) by striking subparagraphs (D), (E), and
 21 (F);

22 (2) by redesignating subparagraphs (G) and
 23 (H) as subparagraphs (E) and (F), respectively; and

24 (3) by inserting after subparagraph (C) the fol-
 25 lowing:

1 “(D) HOUSE PROCEDURE.—When the
2 committee of the House has reported a resolu-
3 tion, it is at any time (consistent with clause
4 2(l)(6) of rule 11 of the Rules of the House of
5 Representatives) in order for the chairman of
6 the committee or his or her designee to move
7 that the House proceed to the consideration of
8 the resolution in the House. All points of order
9 against the resolution and against consideration
10 of the resolution are waived. The motion is
11 highly privileged. The previous question shall be
12 considered as ordered on that motion to its
13 adoption without intervening motion. A motion
14 to reconsider the vote by which the motion is
15 agreed to or disagreed to shall not be in order.
16 During consideration of the resolution, the first
17 reading of the resolution shall be dispensed
18 with. Debate shall proceed without intervening
19 motion, shall be confined to the resolution, and
20 shall not exceed 2 hours equally divided and
21 controlled by the chairman and ranking minor-
22 ity member of the committee. The previous
23 question shall be considered as ordered on the
24 resolution to final passage without intervening

1 motion. A motion to reconsider the vote on pas-
2 sage of the resolution shall not be in order.”.

3 **SEC. 508. OTHER MATTERS RELATING TO FEDERAL ADVI-**
4 **SORY COMMISSION.**

5 (a) REQUEST FOR CONSIDERATION OF OTHER MAT-
6 TERS; PARTICIPATION IN MEETINGS.—Section 6007(f) is
7 amended by striking paragraphs (6) and (7) and by redес-
8 ignating paragraphs (8), (9), (10), and (11) as paragraphs
9 (6), (7), (8), and (9), respectively.

10 (b) REMOVAL OF FEDERAL ADVISORY COMMISSION
11 MEMBERS.—Section 6007(f)(9), as redesignated by sub-
12 section (a) of this section, is amended by striking “by a
13 two-thirds vote of the board of directors” and inserting
14 “by the Secretary of Transportation”.

15 **SEC. 509. EFFECT OF JUDICIAL ORDERS.**

16 (a) IN GENERAL.—Section 6007 is amended by strik-
17 ing subsection (h) and by redesignating subsection (i) as
18 subsection (h).

19 (b) CONFORMING AMENDMENT.—Section 6011 is
20 amended by striking “Except as provided in section
21 6007(h), if” and inserting “If”.

22 **SEC. 510. FEDERAL ADVISORY COMMITTEE ACT.**

23 Section 6007 is further amended by inserting after
24 subsection (h), as redesignated by section 9(a) of this Act,
25 the following:

1 “(i) FEDERAL ADVISORY COMMITTEE ACT.—The
2 Federal Advisory Committee Act (5 U.S.C. App.) shall not
3 apply to the Federal Advisory Commission.”.

4 **SEC. 511. USE OF DULLES ACCESS HIGHWAY.**

5 The Act is further amended by adding at the end the
6 following:

7 **“SEC. 6013. USE OF DULLES ACCESS HIGHWAY.**

8 “(a) RESTRICTIONS.—The Airports Authority shall
9 continue in effect and enforce paragraphs (1) and (2) of
10 section 4.2 of the Metropolitan Washington Airports Reg-
11 ulations, as in effect on February 1, 1995.

12 “(b) ENFORCEMENT.—The district courts of the
13 United States shall have jurisdiction to compel the Air-
14 ports Authority and its officers and employees to comply
15 with the requirements of this section. An action may be
16 brought on behalf of the United States by the Attorney
17 General, or by any aggrieved party.”.

18 **SEC. 512. AMENDMENT OF LEASE.**

19 The Secretary of Transportation shall amend the
20 lease entered into with the Metropolitan Washington Air-
21 ports Authority under section 6005(a) of the Metropolitan
22 Washington Airports Authority Act of 1986 to secure the
23 Airports Authority’s consent to the amendments made to
24 such Act by this Act.

1 **SEC. 513. AVAILABILITY OF SLOTS.**

2 (a) IN GENERAL.—Section 41714 of title 49, United
3 States Code, is amended—

4 (1) in subsections (a)(1), (b)(1), and (c)(1) by
5 striking “(other than Washington National Air-
6 port)”; and

7 (2) by redesignating subsection (h) as sub-
8 section (i) and by inserting after subsection (g) the
9 following:

10 “(h) LIMITATION ON AUTHORITY TO GRANT EXEMP-
11 TIONS.—The Secretary shall not issue an exemption under
12 this section to the requirements of subparts K and S of
13 part 93 of title 14 of the Code of Federal Regulations
14 (pertaining to slots at high density airports) if the grant
15 of such exemption would adversely affect safety.”.

16 (b) CONFORMING AMENDMENT.—Section 6009(e)(1)
17 is amended by striking “The Administrator” and inserting
18 “Except as provided by section 41714 of title 49, United
19 States Code, the Administrator”.

20 **TITLE VI—EXTENSION OF AIR-**
21 **PORT AND AIRWAY TRUST**
22 **FUND TAXES AND EXPENDI-**
23 **TURE AUTHORITY**

24 **SEC. 601. EXTENSION OF AIRPORT AND AIRWAY TRUST**
25 **FUND EXCISE TAXES.**

26 (a) FUEL TAXES.—

1 (1) Subparagraph (A) of section 4091(b)(3) of
2 the Internal Revenue Code of 1986 is amended to
3 read as follows:

4 “(A) The rate of tax specified in para-
5 graph (1) shall be 4.3 cents per gallon—

6 “(i) after December 31, 1995, and be-
7 fore the date which is 30 days after the
8 date of the enactment of the Federal Avia-
9 tion Authorization Act of 1996, and

10 “(ii) after December 31, 1999.”

11 (2) Section 4081(d) of such Code is amended—

12 (A) by adding at the end the following new
13 paragraph:

14 “(3) AVIATION GASOLINE.—After December 31,
15 1999, the rate of tax specified in subsection
16 (a)(2)(A)(i) on aviation gasoline shall be 4.3 cents
17 per gallon.”, and

18 (B) by inserting “(other than the tax on
19 aviation gasoline)” after “subsection
20 (a)(2)(A)”.

21 (3) Section 4041(c)(5) of such Code is amended
22 by inserting “, and during the period beginning on
23 the date which is 30 days after the date of the en-
24 actment of the Federal Aviation Authorization Act

1 of 1996 and ending on December 31, 1999” after
2 “December 31, 1995”.

3 (b) TICKET TAXES.—Sections 4261(g) and 4271(d)
4 of such Code are each amended by striking “January 1,
5 1996” and inserting “January 1, 1996, and to transpor-
6 tation beginning on or after the date which is 30 days
7 after the date of the enactment of the Federal Aviation
8 Authorization Act of 1996 and before January 1, 2000”.

9 (c) TRANSFERS TO AIRPORT AND AIRWAY TRUST
10 FUND.—

11 (1) Subsection (b) of section 9502 of such Code
12 is amended by striking “January 1, 1996” each
13 place it appears and inserting “January 1, 2000”.

14 (2) Paragraph (3) of section 9502(f) of such
15 Code is amended to read as follows:

16 “(3) TERMINATION.—Notwithstanding the pre-
17 ceding provisions of this subsection, the Airport and
18 Airway Trust Fund financing rate shall be zero with
19 respect to—

20 “(A) taxes imposed after December 31,
21 1995, and before the date which is 30 days
22 after the date of the enactment of the Federal
23 Aviation Authorization Act of 1996, and

24 “(B) taxes received after December 31,
25 1999.”

1 (3) Subsection (d) of section 9502 of such Code
2 is amended by adding at the end the following new
3 paragraph:

4 “(5) TRANSFERS FROM AIRPORT AND AIRWAY
5 TRUST FUND ON ACCOUNT OF REFUNDS OF TAXES
6 ON TRANSPORTATION BY AIR.—The Secretary of the
7 Treasury shall pay from time to time from the Air-
8 port and Airway Trust Fund into the general fund
9 of the Treasury amounts equivalent to the amounts
10 paid after December 31, 1995, under section 6402
11 (relating to authority to make credits or refunds) or
12 section 6415 (relating to credits or refunds to per-
13 sons who collected certain taxes) in respect of taxes
14 under sections 4261 and 4271.”

15 (d) EFFECTIVE DATES.—

16 (1) IN GENERAL.—The amendments made by
17 this section shall take effect on the date of the en-
18 actment of this Act, except that the amendment
19 made by subsection (b) shall not apply to any
20 amount paid on or before such date.

21 (2) TRANSFERS.—The amendments made by
22 subsection (c) shall take effect on January 1, 1996.

1 **SEC. 602. EXTENSION OF AIRPORT AND AIRWAY TRUST**
2 **FUND EXPENDITURES.**

3 (a) EXTENSION OF EXPENDITURE AUTHORITY.—
4 Paragraph (1) of section 9502(d) of the Internal Revenue
5 Code of 1986 is amended by striking “October 1, 1996”
6 and inserting “October 1, 1999”.

7 (b) EXTENSION OF TRUST FUND PURPOSES.—Sub-
8 paragraph (A) of section 9502(d)(1) of such Code is
9 amended by adding at the end “or the Federal Aviation
10 Authorization Act of 1996”.

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