

106TH CONGRESS
1ST SESSION

H. R. 1000

AN ACT

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

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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,*

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

2 (a) **SHORT TITLE.**—This Act may be cited as the
 3 “Aviation Investment and Reform Act for the 21st Cen-
 4 tury”.

5 (b) **TABLE OF CONTENTS.**—

- Sec. 1. Short title; table of contents.
- Sec. 2. Amendments to title 49, United States Code.
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TITLE XI—EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY

- Sec. 1101. Extension of expenditure authority.

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

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

8 **SEC. 3. APPLICABILITY.**

9 Except as otherwise specifically provided, this Act
10 and the amendments made by this Act shall apply only
11 to fiscal years beginning after September 30, 1999.

1 **SEC. 4. ADMINISTRATOR DEFINED.**

2 In this Act, the term “Administrator” means the Ad-
3 ministrator of the Federal Aviation Administration.

4 **TITLE I—AIRPORT AND AIRWAY**
5 **IMPROVEMENTS**
6 **Subtitle A—Funding**

7 **SEC. 101. AIRPORT IMPROVEMENT PROGRAM.**

8 (a) AUTHORIZATION OF APPROPRIATIONS.—Section
9 48103 is amended by striking “shall be” the last place
10 it appears and all that follows through the period at the
11 end and inserting the following: “shall be—

12 “(1) \$2,410,000,000 for fiscal year 1999;

13 “(2) \$2,475,000,000 for fiscal year 2000;

14 “(3) \$4,000,000,000 for fiscal year 2001;

15 “(4) \$4,100,000,000 for fiscal year 2002;

16 “(5) \$4,250,000,000 for fiscal year 2003; and

17 “(6) \$4,350,000,000 for fiscal year 2004.”.

18 (b) OBLIGATIONAL AUTHORITY.—Section 47104(c)
19 is amended by striking “After” and all that follows
20 through “1999,” and inserting “After September 30,
21 2004.”.

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

23 (a) GENERAL AUTHORIZATION AND APPROPRIA-
24 TIONS.—Effective September 30, 1999, section 48101(a)
25 is amended by striking paragraphs (1), (2), and (3) and
26 inserting the following:

1 “(1) Such sums as may be necessary for fiscal
2 year 2000.

3 “(2) \$2,500,000,000 for fiscal year 2001.

4 “(3) \$3,000,000,000 for each of fiscal years
5 2002 through 2004.”.

6 (b) UNIVERSAL ACCESS SYSTEMS.—Section 48101 is
7 amended by adding at the end the following:

8 “(d) UNIVERSAL ACCESS SYSTEMS.—Of the amounts
9 appropriated under subsection (a) for fiscal year 2001,
10 \$8,000,000 may be used for the voluntary purchase and
11 installation of universal access systems.”.

12 (c) ALASKA NATIONAL AIR SPACE COMMUNICATIONS
13 SYSTEM.—Section 48101 is further amended by adding
14 at the end the following:

15 “(e) ALASKA NATIONAL AIR SPACE COMMUNICA-
16 TIONS SYSTEM.—Of the amounts appropriated under sub-
17 section (a) for fiscal year 2001, \$7,200,000 may be used
18 by the Administrator for the Alaska National Air Space
19 Interfacility Communications System if the Administrator
20 issues a report supporting the use of such funds for the
21 System.”.

22 (d) AUTOMATED SURFACE OBSERVATION SYSTEM/
23 AUTOMATED WEATHER OBSERVING SYSTEM UPGRADE.—
24 Section 48101 is further amended by adding at the end
25 the following:

1 “(f) AUTOMATED SURFACE OBSERVATION SYSTEM/
2 AUTOMATED WEATHER OBSERVING SYSTEM UPGRADE.—
3 Of the amounts appropriated under subsection (a) for fis-
4 cal years beginning after September 30, 2000, such sums
5 as may be necessary for the implementation and use of
6 upgrades to the current automated surface observation
7 system/automated weather observing system, if the up-
8 grade is successfully demonstrated.”.

9 **SEC. 103. FAA OPERATIONS.**

10 (a) AUTHORIZATION OF APPROPRIATIONS FROM
11 GENERAL FUND.—Effective September 30, 1999, section
12 106(k) is amended—

13 (1) by inserting “(1) IN GENERAL.—” before
14 “There”;

15 (2) in paragraph (1) (as designated by para-
16 graph (1) of this subsection) by striking “the Ad-
17 ministration” and all that follows through the period
18 at the end and inserting the following: “the
19 Administration—

20 “(A) such sums as may be necessary for
21 fiscal year 2000;

22 “(B) \$6,450,000,000 for fiscal year 2001;

23 “(C) \$6,886,000,000 for fiscal year 2002;

24 “(D) \$7,357,000,000 for fiscal year 2003;

25 and

1 “(E) \$7,860,000,000 for fiscal year
2 2004.”;

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

4 “(2) AUTHORIZED EXPENDITURES.—Of the
5 amounts appropriated under paragraph (1) for fiscal
6 years 2001 through 2004—

7 “(A) \$450,000 per fiscal year may be used
8 for wildlife hazard mitigation measures and
9 management of the wildlife strike database of
10 the Federal Aviation Administration;

11 “(B) such sums as may be necessary may
12 be used to fund an office within the Federal
13 Aviation Administration dedicated to supporting
14 infrastructure systems development for both
15 general aviation and the vertical flight industry;

16 “(C) such sums as may be necessary may
17 be used to revise existing terminal and en route
18 procedures and instrument flight rules to facili-
19 tate the takeoff, flight, and landing of tiltrotor
20 aircraft and to improve the national airspace
21 system by separating such aircraft from con-
22 gested flight paths of fixed-wing aircraft;

23 “(D) such sums as may be necessary may
24 be used to establish helicopter approach proce-
25 dures using current technologies (such as the

1 Global Positioning System) to support all-
2 weather, emergency medical service for trauma
3 patients;

4 “(E) \$3,000,000 per fiscal year may be
5 used to implement the 1998 airport surface op-
6 erations safety action plan of the Federal Avia-
7 tion Administration;

8 “(F) \$2,000,000 per fiscal year may be
9 used to support a university consortium estab-
10 lished to provide an air safety and security
11 management certificate program, working coop-
12 eratively with United States air carriers; except
13 that funds under this subparagraph—

14 “(i) may not be used for the construc-
15 tion of a building or other facility; and

16 “(ii) may only be awarded on the
17 basis of open competition;

18 “(G) such sums as may be necessary may
19 be used to develop or improve training pro-
20 grams (including model training programs and
21 curriculum) for security screeners at airports;
22 and

23 “(H) such sums as may be necessary for
24 the Secretary to hire additional inspectors in

1 order to enhance air cargo security programs.”;
2 and

3 (4) by indenting paragraph (1) (as designated
4 by paragraph (1) of this subsection) and aligning
5 such paragraph (1) with paragraph (2) (as added by
6 paragraph (2) of this subsection).

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

9 (1) by striking subsection (b) and redesignating
10 subsection (c) as subsection (b);

11 (2) in subsection (b) (as so redesignated)—

12 (A) by striking the subsection heading and
13 inserting “GENERAL RULE: LIMITATION ON
14 TRUST FUND AMOUNTS.—”; and

15 (B) in the matter preceding paragraph
16 (1)—

17 (i) by striking “The amount” and in-
18 serting “Except as provided in subsection
19 (c), the amount”; and

20 (ii) by striking “for each of fiscal
21 years 1994 through 1998” and inserting
22 “for fiscal year 2000 and each fiscal year
23 thereafter”; and

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

1 “(c) SPECIAL RULE FOR FISCAL YEARS 2000–
2 2004.—

3 “(1) IN GENERAL.—If the amount appropriated
4 under section 106(k) for any of fiscal years 2000
5 through 2004 less the amount that would be appro-
6 priated, but for this subsection, from the Trust
7 Fund for the purposes of paragraphs (1) and (2) of
8 subsection (a) for such fiscal year is greater than
9 the general fund cap, the amount appropriated from
10 the Trust Fund for the purposes of paragraphs (1)
11 and (2) of subsection (a) for such fiscal year shall
12 equal the amount appropriated under section 106(k)
13 for such fiscal year less the general fund cap.

14 “(2) GENERAL FUND CAP DEFINED.—In this
15 subsection, the term ‘general fund cap’ means that
16 portion of the amounts appropriated for programs of
17 the Federal Aviation Administration for fiscal year
18 1998 that was derived from the general fund of the
19 Treasury.

20 “(c) LIMITATION ON OBLIGATING OR EXPENDING
21 AMOUNTS.—Section 48108 is amended by striking sub-
22 section (c).

23 “(d) OFFICE OF AIRLINE INFORMATION.—There is
24 authorized to be appropriated from the Airport and Air-
25 way Trust Fund to the Secretary \$4,000,000 for fiscal

1 years beginning after September 30, 2000, to fund the ac-
2 tivities of the Office of Airline Information in the Bureau
3 of Transportation Statistics of the Department of Trans-
4 portation.

5 **SEC. 104. AIP FORMULA CHANGES.**

6 (a) DISCRETIONARY FUND.—Section 47115 is
7 amended by striking subsections (g) and (h) and inserting
8 the following:

9 “(g) PRIORITY FOR LETTERS OF INTENT.—

10 “(1) IN GENERAL.—Subject to paragraph (2),
11 the Secretary shall fulfill intentions to obligate under
12 section 47110(e) with amounts available in the fund
13 established by subsection (a) and, if such amounts
14 are not sufficient for a fiscal year, with amounts
15 made available to carry out sections 47114(c)(1)(A),
16 47114(c)(2), 47114(d), and 47117(e) on a pro rata
17 basis.

18 “(2) PROCEDURE.—Before apportioning funds
19 under sections 47114(c)(1)(A), 47114(c)(2),
20 47114(d), and 47117(e) of each fiscal year, the Sec-
21 retary shall determine the amount of funds that will
22 be necessary to fulfill intentions to obligate under
23 section 47110(e) in such fiscal year. If such amount
24 is greater than the amount of funds that will be
25 available in the fund established by subsection (a)

1 for such fiscal year, the Secretary shall reduce the
2 amount to be apportioned under such sections for
3 such fiscal year on a pro rata basis by an amount
4 equal to the difference.”.

5 (b) AMOUNTS APPORTIONED TO SPONSORS.—

6 (1) AMOUNTS TO BE APPORTIONED.—Effective
7 October 1, 2000, section 47114(c)(1) is amended—

8 (A) in subparagraph (A) by striking
9 clauses (i) through (v) and inserting the fol-
10 lowing:

11 “(i) \$23.40 for each of the first 50,000 pas-
12 senger boardings at the airport during the prior cal-
13 endar year;

14 “(ii) \$15.60 for each of the next 50,000 pas-
15 senger boardings at the airport during the prior cal-
16 endar year;

17 “(iii) \$7.80 for each of the next 400,000 pas-
18 senger boardings at the airport during the prior cal-
19 endar year;

20 “(iv) \$1.95 for each of the next 500,000 pas-
21 senger boardings at the airport during the prior cal-
22 endar year; and

23 “(v) \$1.50 for each additional passenger board-
24 ing at the airport during the prior calendar year.”;
25 and

1 (B) in subparagraph (B) by striking
2 “\$500,000 nor more than \$22,000,000” and in-
3 serting “\$1,500,000”.

4 (2) SPECIAL RULES.—Section 47114(c)(1) is
5 amended by adding at the end the following:

6 “(C) Notwithstanding subparagraph (A), the Sec-
7 retary shall apportion to an airport sponsor in a fiscal year
8 an amount equal to the amount apportioned to that spon-
9 sor in the previous fiscal year if the Secretary finds that—

10 “(i) passenger boardings at the airport were
11 less than 10,000 in the calendar year used to cal-
12 culate the apportionment;

13 “(ii) the airport had at least 10,000 passenger
14 boardings in the calendar year prior to the calendar
15 year used to calculate the apportionment; and

16 “(iii) the cause of the decrease in passenger
17 boardings was a temporary but significant interrup-
18 tion in service by an air carrier to that airport due
19 to an employment action, natural disaster, or other
20 event unrelated to the demand for air transportation
21 at the airport.

22 “(D) Notwithstanding subparagraph (A), the Sec-
23 retary shall apportion on the first day of the first fiscal
24 year following the official opening of a new airport with
25 scheduled passenger air transportation an amount equal

1 to the minimum amount set forth in subparagraph (B)
2 to the sponsor of such airport.”.

3 (c) CARGO ONLY AIRPORTS.—Section
4 47114(c)(2)(A) is amended by striking “2.5 percent” and
5 inserting “3 percent”.

6 (d) ENTITLEMENT FOR GENERAL AVIATION AIR-
7 PORTS.—Effective October 1, 2000, section 47114(d) is
8 amended—

9 (1) in the subsection heading by striking “TO
10 STATES” and inserting “FOR GENERAL AVIATION
11 AIRPORTS”;

12 (2) in paragraph (1) by striking “(1) In this”
13 and inserting “(1) DEFINITIONS.—In this”;

14 (3) by indenting paragraph (1) and aligning
15 paragraph (1) (and its subparagraphs) with para-
16 graph (2) (as amended by paragraph (2) of this sub-
17 section); and

18 (4) by striking paragraph (2) and inserting the
19 following:

20 “(2) APPORTIONMENTS.—The Secretary shall
21 apportion 20 percent of the amount subject to ap-
22 portionment for each fiscal year as follows:

23 “(A) To each airport, excluding primary
24 airports but including reliever and nonprimary

1 commercial service airports, in States the lesser
2 of—

3 “(i) \$200,000; or

4 “(ii) $\frac{1}{5}$ of the most recently published
5 estimate of the 5-year costs for airport im-
6 provement for the airport, as listed in the
7 national plan of integrated airport systems
8 developed by the Federal Aviation Admin-
9 istration under section 47103.

10 “(B) Any remaining amount to States as
11 follows:

12 “(i) 0.62 percent of the remaining
13 amount to Guam, American Samoa, the
14 Commonwealth of the Northern Mariana
15 Islands, and the Virgin Islands.

16 “(ii) Except as provided in paragraph
17 (3), 49.69 percent of the remaining
18 amount for airports, excluding primary air-
19 ports but including reliever and nonpri-
20 mary commercial service airports, in States
21 not named in clause (i) in the proportion
22 that the population of each of those States
23 bears to the total population of all of those
24 States.

1 “(iii) Except as provided in paragraph
2 (3), 49.69 percent of the remaining
3 amount for airports, excluding primary air-
4 ports but including reliever and nonpri-
5 mary commercial service airports, in States
6 not named in clause (i) in the proportion
7 that the area of each of those States bears
8 to the total area of all of those States.”.

9 (e) USE OF APPORTIONMENTS FOR ALASKA, PUERTO
10 RICO, AND HAWAII.—Section 47114(d)(3) is amended to
11 read as follows:

12 “(3) SPECIAL RULE.—An amount apportioned
13 under paragraph (2) to Alaska, Puerto Rico, or Ha-
14 waii for airports in such State may be made avail-
15 able by the Secretary for any public airport in those
16 respective jurisdictions.”.

17 (f) USE OF STATE-APPORTIONED FUNDS FOR SYS-
18 TEM PLANNING.—Section 47114(d) is amended by adding
19 at the end the following:

20 “(4) INTEGRATED AIRPORT SYSTEM PLAN-
21 NING.—Notwithstanding paragraph (2), funds made
22 available under this subsection may be used for inte-
23 grated airport system planning that encompasses
24 one or more primary airports.”.

1 (g) FLEXIBILITY IN PAVEMENT CONSTRUCTION
2 STANDARDS.—

3 Section 47114(d) is further amended by adding at
4 the end the following:

5 “(5) FLEXIBILITY IN PAVEMENT CONSTRUC-
6 TION STANDARDS.—The Secretary may permit the
7 use of State highway specifications for airfield pave-
8 ment construction using funds made available under
9 this subsection at nonprimary airports serving air-
10 craft that do not exceed 60,000 pounds gross weight
11 if the Secretary determines that—

12 “(A) safety will not be negatively affected;
13 and

14 “(B) the life of the pavement will not be
15 shorter than it would be if constructed using
16 Federal Aviation Administration standards.”.

17 (h) GRANTS FOR AIRPORT NOISE COMPATIBILITY
18 PLANNING.—Section 47117(e)(1) is amended—

19 (1) in subparagraph (A)—

20 (A) by striking “31 percent” each place it
21 appears and inserting “34 percent”;

22 (B) in the first sentence by striking “and
23 for carrying out” and inserting “, for carrying
24 out”; and

1 (C) by striking the period at the end of the
2 first sentence and inserting the following: “,
3 and for noise mitigation projects approved in
4 the environmental record of decision for an air-
5 port development project under this chapter.”;
6 and

7 (2) in subparagraph (B) by striking “At least”
8 and all that follows through “sponsors of current”
9 and inserting “At least 4 percent to sponsors of cur-
10 rent”.

11 (i) SUPPLEMENTAL APPORTIONMENT FOR ALAS-
12 KA.—Effective October 1, 2000, section 47114(e) is
13 amended—

14 (1) in the subsection heading by striking “AL-
15 TERNATIVE” and inserting “SUPPLEMENTAL”;

16 (2) in paragraph (1)—

17 (A) by striking “Instead of apportioning
18 amounts for airports in Alaska under” and in-
19 serting “IN GENERAL.—Notwithstanding”;

20 (B) by striking “those airports” and in-
21 serting “airports in Alaska”; and

22 (C) by inserting before the period at the
23 end of the first sentence “and by increasing the
24 amount so determined for each of those airports
25 by three times”;

1 (3) in paragraph (2) by inserting “AUTHORITY
2 FOR DISCRETIONARY GRANTS.—” before “This sub-
3 section”;

4 (4) by striking paragraph (3) and inserting the
5 following:

6 “(3) AIRPORTS ELIGIBLE FOR FUNDS.—An
7 amount apportioned under this subsection may be
8 used for any public airport in Alaska.”; and

9 (5) by indenting paragraph (1) and aligning
10 paragraph (1) (and its subparagraphs) and para-
11 graph (2) with paragraph (3) (as amended by para-
12 graph (4) of this subsection).

13 (j) REPEAL OF APPORTIONMENT LIMITATION ON
14 COMMERCIAL SERVICE AIRPORTS IN ALASKA.—Section
15 47117 is amended by striking subsection (f) and by redес-
16 ignating subsections (g) and (h) as subsections (f) and (g),
17 respectively.

18 **SEC. 105. PASSENGER FACILITY FEES.**

19 (a) AUTHORITY TO IMPOSE HIGHER FEE.—Section
20 40117(b) is amended by adding at the end the following:

21 “(4) Notwithstanding paragraph (1), the Secretary
22 may authorize under this section an eligible agency to im-
23 pose a passenger facility fee in whole dollar amounts of
24 more than \$3 on each paying passenger of an air carrier
25 or foreign air carrier boarding an aircraft at an airport

1 the agency controls to finance an eligible airport-related
2 project, including making payments for debt service on in-
3 debtedness incurred to carry out the project, if the Sec-
4 retary finds—

5 “(A) that the project will make a significant
6 contribution to improving air safety and security, in-
7 creasing competition among air carriers, reducing
8 current or anticipated congestion, or reducing the
9 impact of aviation noise on people living near the
10 airport;

11 “(B) that the project cannot be paid for from
12 funds reasonably expected to be available for the
13 programs referred to in section 48103; and

14 “(C) that the amount to be imposed is not more
15 than twice that which may be imposed under para-
16 graph (1).”.

17 (b) LIMITATION ON APPROVAL OF CERTAIN APPLI-
18 CATIONS.—Section 40117(d) is amended—

19 (1) by striking “and” at the end of paragraph
20 (2);

21 (2) by striking the period at the end of para-
22 graph (3) and inserting “; and”; and

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

24 “(4) in the case of an application to impose a
25 fee of more than \$3 for a surface transportation or

1 terminal project, the agency has made adequate pro-
2 vision for financing the airside needs of the airport,
3 including runways, taxiways, aprons, and aircraft
4 gates.”.

5 (c) REDUCING APPORTIONMENTS.—Section 47114(f)
6 is amended—

7 (1) by striking “An amount” and inserting the
8 following:

9 “(1) IN GENERAL.—An amount”;

10 (2) by striking “an amount equal to” and all
11 that follows through the period at the end and in-
12 serting the following: “an amount equal to—

13 “(A) in the case of a fee of \$3 or less, 50
14 percent of the projected revenues from the fee
15 in the fiscal year but not by more than 50 per-
16 cent of the amount that otherwise would be ap-
17 portioned under this section; and

18 “(B) in the case of a fee of more than \$3,
19 75 percent of the projected revenues from the
20 fee in the fiscal year but not by more than 75
21 percent of the amount that otherwise would be
22 apportioned under this section.”; and

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

24 “(2) EFFECTIVE DATE OF REDUCTION.—A re-
25 duction in an apportionment required by paragraph

1 (1) shall not take effect until the first fiscal year fol-
2 lowing the year in which the collection of the fee im-
3 posed under section 40117 is begun.”.

4 **SEC. 106. BUDGET SUBMISSION.**

5 The Administrator shall transmit to the Committee
6 on Commerce, Science, and Transportation of the Senate
7 and the Committee on Transportation and Infrastructure
8 of the House of Representatives a copy of the annual
9 budget estimates of the Federal Aviation Administration,
10 including line item justifications, at the same time the an-
11 nual budget estimates are submitted to the Committees
12 on Appropriations of the Senate and the House of Rep-
13 resentatives.

14 **Subtitle B—Airport Development**

15 **SEC. 121. RUNWAY INCURSION PREVENTION DEVICES;**

16 **EMERGENCY CALL BOXES.**

17 (a) POLICY.—Section 47101(a)(11) is amended by
18 inserting “(including integrated in-pavement lighting sys-
19 tems for runways and taxiways and other runway and
20 taxiway incursion prevention devices)” after “technology”.

21 (b) MAXIMUM USE OF SAFETY FACILITIES.—Section
22 47101(f) is amended—

23 (1) by striking “and” at the end of paragraph
24 (9); and

1 (2) by striking the period at the end of para-
2 graph (10) and inserting “; and”; and

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

4 “(11) runway and taxiway incursion prevention
5 devices, including integrated in-pavement lighting
6 systems for runways and taxiways.”.

7 (c) INCLUSION OF UNIVERSAL ACCESS SYSTEMS AND
8 EMERGENCY CALL BOXES AS AIRPORT DEVELOPMENT.—
9 Section 47102(3)(B) is amended—

10 (1) in clause (ii)—

11 (A) by striking “and universal access sys-
12 tems,” and inserting “, universal access sys-
13 tems, and emergency call boxes,”; and

14 (B) by inserting “and integrated in-pave-
15 ment lighting systems for runways and taxiways
16 and other runway and taxiway incursion pre-
17 vention devices” before the semicolon at the
18 end; and

19 (2) by inserting before the semicolon at the end
20 of clause (iii) the following: “, including closed cir-
21 cuit weather surveillance equipment”.

22 **SEC. 122. WINDSHEAR DETECTION EQUIPMENT.**

23 Section 47102(3)(B) is further amended—

24 (1) by striking “and” at the end of clause (v);

1 (2) by striking the period at the end of clause
2 (vi) and inserting a semicolon; and

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

4 “(vii) windshear detection equip-
5 ment;”.

6 **SEC. 123. ENHANCED VISION TECHNOLOGIES.**

7 (a) **STUDY.**—The Administrator shall conduct a
8 study of the feasibility of requiring United States airports
9 to install enhanced vision technologies to replace or en-
10 hance conventional landing light systems over the 10-year
11 period following the date of completion of such study.

12 (b) **REPORT.**—Not later than 180 days after the date
13 of the enactment of this Act, the Administrator shall
14 transmit to Congress a report on the results of the study
15 conducted under subsection (a), together with such rec-
16 ommendations as the Administrator considers appropriate.

17 (c) **INCLUSION OF INSTALLATION AS AIRPORT DE-**
18 **VELOPMENT.**—Section 47102 is amended—

19 (1) in paragraph (3)(B) (as amended by this
20 Act) by adding at the end the following:

21 “(viii) enhanced vision technologies
22 that are certified by the Administrator of
23 the Federal Aviation Administration and
24 that are intended to replace or enhance

1 conventional landing light systems; and”;

2 and

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

4 “(21) ENHANCED VISION TECHNOLOGIES.—The
5 term ‘enhanced vision technologies’ means laser
6 guidance, ultraviolet guidance, infrared, and cold
7 cathode technologies.”.

8 (d) CERTIFICATION.—Not later than 180 days after
9 the date of the enactment of this Act, the Administrator
10 shall transmit to Congress a schedule for deciding whether
11 or not to certify laser guidance equipment for use as ap-
12 proach lighting at United States airports and of cold cath-
13 ode lighting equipment for use as runway and taxiway
14 lighting at United States airports and as lighting at
15 United States heliports.

16 **SEC. 124. PAVEMENT MAINTENANCE.**

17 (a) REPEAL OF PILOT PROGRAM.—

18 (1) IN GENERAL.—Section 47132 is repealed.

19 (2) CONFORMING AMENDMENT.—The analysis
20 for chapter 471 is amended by striking the item re-
21 lating to section 47132.

22 (b) ELIGIBILITY AS AIRPORT DEVELOPMENT.—Sec-
23 tion 47102(3) is amended by adding at the end the fol-
24 lowing:

1 “(H) routine work to preserve and extend
2 the useful life of runways, taxiways, and aprons
3 at airports that are not primary airports, under
4 guidelines issued by the Administrator.”.

5 **SEC. 125. COMPETITION PLANS.**

6 (a) IN GENERAL.—Section 47106 is amended by
7 adding at the end the following:

8 “(f) COMPETITION PLANS.—

9 “(1) PROHIBITION.—Beginning in fiscal year
10 2001, no passenger facility fee may be approved for
11 a covered airport under section 40117 and no grant
12 may be made under this subchapter for a covered
13 airport unless the airport has submitted to the Sec-
14 retary a written competition plan in accordance with
15 this subsection.

16 “(2) CONTENTS.—A competition plan under
17 this subsection shall include information on the
18 availability of airport gates and related facilities,
19 leasing and sub-leasing arrangements, gate-use re-
20 quirements, patterns of air service, gate-assignment
21 policy, financial constraints, airport controls over
22 air- and ground-side capacity, whether the airport
23 intends to build or acquire gates that would be used
24 as common facilities, and airfare levels (as compiled

1 by the Department of Transportation) compared to
2 other large airports.

3 “(3) COVERED AIRPORT DEFINED.—In this
4 subsection, the term ‘covered airport’ means a com-
5 mercial service airport—

6 “(A) that has more than .25 percent of the
7 total number of passenger boardings each year
8 at all such airports; and

9 “(B) at which one or two air carriers con-
10 trol more than 50 percent of the passenger
11 boardings.”.

12 (b) CROSS REFERENCE.—Section 40117 is amended
13 by adding at the end the following:

14 “(j) COMPETITION PLANS.—Beginning in fiscal year
15 2001, no eligible agency may impose a passenger facility
16 fee under this section with respect to a covered airport
17 (as such term is defined in section 47106(f)) unless the
18 agency has submitted to the Secretary a written competi-
19 tion plan in accordance with such section. This subsection
20 does not apply to passenger facility fees in effect before
21 the date of the enactment of this subsection.”.

22 **SEC. 126. MATCHING SHARE.**

23 Section 47109(a) is amended—

24 (1) by redesignating paragraphs (2) and (3) as
25 paragraphs (3) and (4), respectively;

1 (2) by inserting after paragraph (1) the fol-
2 lowing:

3 “(2) not more than 90 percent for a project
4 funded by a grant issued to and administered by a
5 State under section 47128, relating to the State
6 block grant program;”;

7 (3) by striking “and” at the end of paragraph
8 (3) (as so redesignated);

9 (4) by striking the period at the end of para-
10 graph (4) (as so redesignated) and inserting “;
11 and”; and

12 (5) by adding at the end the following:

13 “(5) 100 percent in fiscal year 2001 for any
14 project—

15 “(A) at an airport other than a primary
16 airport; or

17 “(B) at a primary airport having less than
18 .05 percent of the total number of passenger
19 boardings each year at all commercial service
20 airports.”.

21 **SEC. 127. LETTERS OF INTENT.**

22 Section 47110(e) is amended—

23 (1) by striking paragraph (2)(C) and inserting
24 the following:

1 “(C) that meets the criteria of section 47115(d)
2 and, if for a project at a commercial service airport
3 having at least 0.25 percent of the boardings each
4 year at all such airports, the Secretary decides will
5 enhance system-wide airport capacity significantly.”;
6 and

7 (2) by striking paragraph (5) and inserting the
8 following:

9 “(5) LETTERS OF INTENT.—The Secretary may not
10 require an eligible agency to impose a passenger facility
11 fee under section 40117 in order to obtain a letter of in-
12 tent under this section.”.

13 **SEC. 128. GRANTS FROM SMALL AIRPORT FUND.**

14 (a) SET-ASIDE FOR MEETING SAFETY TERMS IN
15 AIRPORT OPERATING CERTIFICATES.—Section 47116 is
16 amended by adding at the end the following:

17 “(e) SET-ASIDE FOR MEETING SAFETY TERMS IN
18 AIRPORT OPERATING CERTIFICATES.—In the first fiscal
19 year beginning after the effective date of regulations
20 issued to carry out section 44706(b) with respect to air-
21 ports described in section 44706(a)(2), and in each of the
22 next 4 fiscal years, the lesser of \$15,000,000 or 20 percent
23 of the amounts that would otherwise be distributed to
24 sponsors of airports under subsection (b)(2) shall be used
25 to assist the airports in meeting the terms established by

1 the regulations. If the Secretary publishes in the Federal
2 Register a finding that all the terms established by the
3 regulations have been met, this subsection shall cease to
4 be effective as of the date of such publication.”.

5 (b) NOTIFICATION OF SOURCE OF GRANT.—Section
6 47116 is further amended by adding at the end the fol-
7 lowing:

8 “(f) NOTIFICATION OF SOURCE OF GRANT.—When-
9 ever the Secretary makes a grant under this section, the
10 Secretary shall notify the recipient of the grant, in writing,
11 that the source of the grant is from the small airport
12 fund.”.

13 (c) TECHNICAL AMENDMENTS.—Section 47116(d) is
14 amended—

15 (1) by striking “In making” and inserting the
16 following:

17 “(1) CONSTRUCTION OF NEW RUNWAYS.—In
18 making”;

19 (2) by adding at the end the following:

20 “(2) AIRPORT DEVELOPMENT FOR TURBINE
21 POWERED AIRCRAFT.—In making grants to sponsors
22 described in subsection (b)(1), the Secretary shall
23 give priority consideration to airport development
24 projects to support operations by turbine powered

1 aircraft, if the non-Federal share of the project is at
2 least 40 percent.”; and

3 (3) by aligning the remainder of paragraph (1)
4 (as designated by paragraph (1) of this subsection)
5 with paragraph (2) (as added by paragraph (2) of
6 this subsection).

7 **SEC. 129. DISCRETIONARY USE OF UNUSED APPORTION-**
8 **MENTS.**

9 Section 47117(f) (as redesignated by section 104(j))
10 of this Act) is amended to read as follows:

11 “(f) DISCRETIONARY USE OF APPORTIONMENTS.—

12 “(1) IN GENERAL.—Subject to paragraph (2),
13 if the Secretary finds that all or part of an amount
14 of an apportionment under section 47114 is not re-
15 quired during a fiscal year to fund a grant for which
16 the apportionment may be used, the Secretary may
17 use during such fiscal year the amount not so re-
18 quired to make grants for any purpose for which
19 grants may be made under section 48103. The find-
20 ing may be based on the notifications that the Sec-
21 retary receives under section 47105(f) or on other
22 information received from airport sponsors.

23 “(2) RESTORATION OF APPORTIONMENTS.—

24 “(A) IN GENERAL.—If the fiscal year for
25 which a finding is made under paragraph (1)

1 with respect to an apportionment is not the last
2 fiscal year of availability of the apportionment
3 under subsection (b), the Secretary shall restore
4 to the apportionment an amount equal to the
5 amount of the apportionment used under para-
6 graph (1) for a discretionary grant whenever a
7 sufficient amount is made available under sec-
8 tion 48103.

9 “(B) PERIOD OF AVAILABILITY.—If res-
10 toration under this paragraph is made in the
11 fiscal year for which the finding is made or the
12 succeeding fiscal year, the amount restored
13 shall be subject to the original period of avail-
14 ability of the apportionment under subsection
15 (b). If the restoration is made thereafter, the
16 amount restored shall remain available in ac-
17 cordance with subsection (b) for the original pe-
18 riod of availability of the apportionment, plus
19 the number of fiscal years during which a suffi-
20 cient amount was not available for the restora-
21 tion.

22 “(3) NEWLY AVAILABLE AMOUNTS.—

23 “(A) RESTORED AMOUNTS TO BE UN-
24 AVAILABLE FOR DISCRETIONARY GRANTS.—Of
25 an amount newly available under section 48103

1 of this title, an amount equal to the amounts
2 restored under paragraph (2) shall not be avail-
3 able for discretionary grant obligations under
4 section 47115.

5 “(B) USE OF REMAINING AMOUNTS.—Sub-
6 paragraph (A) does not impair the Secretary’s
7 authority under paragraph (1), after a restora-
8 tion under paragraph (2), to apply all or part
9 of a restored amount that is not required to
10 fund a grant under an apportionment to fund
11 discretionary grants.

12 “(4) LIMITATIONS ON OBLIGATIONS APPLY.—
13 Nothing in this subsection shall be construed to au-
14 thorize the Secretary to incur grant obligations
15 under section 47104 for a fiscal year in an amount
16 greater than the amount made available under sec-
17 tion 48103 for such obligations for such fiscal
18 year.”.

19 **SEC. 130. DESIGNATING CURRENT AND FORMER MILITARY**
20 **AIRPORTS.**

21 (a) IN GENERAL.—Section 47118 is amended—

22 (1) in subsection (a) by striking “12” and in-
23 sserting “15 for fiscal year 2000 and 20 for each fis-
24 cal year thereafter”;

1 (2) by striking subsection (c) and redesignating
2 subsections (d) through (f) as subsections (e)
3 through (e), respectively;

4 (3) in subsection (c) (as so redesignated)—

5 (A) by striking “47117(e)(1)(E)” and in-
6 serting “47117(e)(1)(B)”;

7 (B) by striking “5-fiscal-year periods” and
8 inserting “periods, each not to exceed 5 fiscal
9 years,”; and

10 (C) by striking “each such subsequent 5-
11 fiscal-year period” and inserting “each such
12 subsequent period”; and

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

14 “(f) DESIGNATION OF GENERAL AVIATION AIR-
15 PORT.—Notwithstanding any other provision of this sec-
16 tion, 1 airport of the airports designated under subsection
17 (a) for fiscal year 2000 and 3 airports for each fiscal year
18 thereafter shall be general aviation airports that were
19 former military installations closed or realigned under a
20 section referred to in subsection (a)(1).”.

21 (b) TERMINAL BUILDING FACILITIES.—Section
22 47118(d) (as redesignated by subsection (a)(2) of this sec-
23 tion) is amended by striking “\$5,000,000” and inserting
24 “\$7,000,000”.

1 (c) ELIGIBILITY OF AIR CARGO TERMINALS.—Sec-
2 tion 47118(e) (as redesignated by subsection (a)(2) of this
3 section) is amended—

4 (1) in subsection heading by striking “AND
5 HANGARS” and inserting “HANGARS, AND AIR
6 CARGO TERMINALS”;

7 (2) by striking “\$4,000,000” and inserting
8 “\$7,000,000”; and

9 (3) by inserting after “hangars” the following:
10 “and air cargo terminals of an area that is 50,000
11 square feet or less”.

12 **SEC. 131. CONTRACT TOWER COST-SHARING.**

13 Section 47124(b) is amended by adding at the end
14 the following:

15 “(3) CONTRACT AIR TRAFFIC CONTROL TOWER
16 PILOT PROGRAM.—

17 “(A) IN GENERAL.—The Secretary shall
18 establish a pilot program to contract for air
19 traffic control services at Level I air traffic con-
20 trol towers, as defined by the Administrator of
21 the Federal Aviation Administration, that do
22 not qualify for the Contract Tower program es-
23 tablished under subsection (a) and continued
24 under paragraph (1) (hereafter in this para-

1 graph referred to as the ‘Contract Tower Pro-
2 gram’).

3 “(B) PROGRAM COMPONENTS.—In car-
4 rying out the pilot program established under
5 subparagraph (A), the Administrator shall—

6 “(i) utilize for purposes of cost-benefit
7 analyses, current, actual, site-specific data,
8 forecast estimates, or airport master plan
9 data provided by a facility owner or oper-
10 ator and verified by the Administrator;

11 “(ii) approve for participation only fa-
12 cilities willing to fund a pro rata share of
13 the operating costs of the air traffic con-
14 trol tower to achieve a one-to-one benefit-
15 to-cost ratio, as required for eligibility
16 under the Contract Tower Program; and

17 “(iii) approve for participation no
18 more than two facilities willing to fund up
19 to 50 percent, but not less than 25 per-
20 cent, of construction costs for an air traffic
21 control tower built by the airport operator
22 and for each of such facilities the Federal
23 share of construction cost does not exceed
24 \$1,100,000.

1 “(C) PRIORITY.—In selecting facilities to
2 participate in the program under this para-
3 graph, the Administrator shall give priority to
4 the following:

5 “(i) Air traffic control towers that are
6 participating in the Contract Tower Pro-
7 gram but have been notified that they will
8 be terminated from such program because
9 the Administration has determined that
10 the benefit-to-cost ratio for their continu-
11 ation in such program is less than 1.0.

12 “(ii) Air traffic control towers that
13 the Administrator determines have a ben-
14 efit-to-cost ratio of at least .85.

15 “(iii) Air traffic control towers of the
16 Federal Aviation Administration that are
17 closed as a result of the air traffic control-
18 lers strike in 1981.

19 “(iv) Air traffic control towers that
20 are located at airports or points at which
21 an air carrier is receiving compensation
22 under the essential air service program
23 under this chapter.

24 “(v) Air traffic control towers located
25 at airports that are prepared to assume

1 partial responsibility for maintenance
2 costs.

3 “(vi) Air traffic control towers that
4 are located at airports with safety or oper-
5 ational problems related to topography,
6 weather, runway configuration, or mix of
7 aircraft.

8 “(D) COSTS EXCEEDING BENEFITS.—If
9 the costs of operating an air traffic tower under
10 the pilot program established under this para-
11 graph exceed the benefits, the airport sponsor
12 or State or local government having jurisdiction
13 over the airport shall pay the portion of the
14 costs that exceed such benefit.

15 “(E) FUNDING.—Of the amounts appro-
16 priated pursuant to section 106(k), not to ex-
17 ceed \$6,000,000 per fiscal year may be used to
18 carry out this paragraph.”.

19 **SEC. 132. INNOVATIVE USE OF AIRPORT GRANT FUNDS.**

20 (a) IN GENERAL.—Subchapter I of chapter 471 is
21 amended by adding at the end the following:

22 **“§ 47135. Innovative financing techniques**

23 “(a) IN GENERAL.—The Secretary of Transportation
24 may approve applications for not more than 25 airport
25 development projects for which grants received under this

1 subchapter may be used for innovative financing tech-
2 niques. Such projects shall be located at airports that each
3 year have less than .25 percent of the total number of
4 passenger boardings each year at all commercial service
5 airports.

6 “(b) PURPOSE.—The purpose of grants made under
7 this section shall be to provide information on the benefits
8 and difficulties of using innovative financing techniques
9 for airport development projects.

10 “(c) LIMITATIONS.—

11 “(1) NO GUARANTEES.—In no case shall the
12 implementation of an innovative financing technique
13 under this section be used in a manner giving rise
14 to a direct or indirect guarantee of any airport debt
15 instrument by the United States Government.

16 “(2) TYPES OF TECHNIQUES.—In this section,
17 innovative financing techniques are limited to—

18 “(A) payment of interest;

19 “(B) commercial bond insurance and other
20 credit enhancement associated with airport
21 bonds for eligible airport development; and

22 “(C) flexible non-Federal matching re-
23 quirements.”.

1 (b) CONFORMING AMENDMENT.—The analysis for
2 subchapter I of chapter 471 is amended by adding at the
3 end the following:

“47135. Innovative financing techniques.”.

4 **SEC. 133. AVIATION SECURITY PROGRAM.**

5 (a) IN GENERAL.—Subchapter I of chapter 471 is
6 further amended by adding the following new section:

7 **“§ 47136. Aviation security program**

8 “(a) GENERAL AUTHORITY.—To improve security at
9 public airports in the United States, the Secretary of
10 Transportation shall carry out not less than one project
11 to test and evaluate innovative aviation security systems
12 and related technology.

13 “(b) PRIORITY.—In carrying out this section, the
14 Secretary shall give the highest priority to a request from
15 an eligible sponsor for a grant to undertake a project
16 that—

17 “(1) evaluates and tests the benefits of innova-
18 tive aviation security systems or related technology,
19 including explosives detection systems, for the pur-
20 pose of improving aviation security, including air-
21 craft physical security, access control, and passenger
22 and baggage screening; and

23 “(2) provides testing and evaluation of airport
24 security systems and technology in an operational,
25 test bed environment.

1 “(c) MATCHING SHARE.—Notwithstanding section
2 47109, the United States Government’s share of allowable
3 project costs for a project under this section shall be 100
4 percent.

5 “(d) TERMS AND CONDITIONS.—The Secretary may
6 establish such terms and conditions as the Secretary de-
7 termines appropriate for carrying out a project under this
8 section, including terms and conditions relating to the
9 form and content of a proposal for a project, project assur-
10 ances, and schedule of payments.

11 “(e) ELIGIBLE SPONSOR DEFINED.—In this section,
12 the term ‘eligible sponsor’ means a nonprofit corporation
13 composed of a consortium of public and private persons,
14 including a sponsor of a primary airport, with the nec-
15 essary engineering and technical expertise to successfully
16 conduct the testing and evaluation of airport and aircraft
17 related security systems.

18 “(f) AUTHORIZATION OF APPROPRIATIONS.—Of the
19 amounts made available to the Secretary under section
20 47115 in a fiscal year, the Secretary shall make available
21 not less than \$5,000,000 for the purpose of carrying out
22 this section.”.

23 (b) CONFORMING AMENDMENT.—The analysis for
24 subchapter I of chapter 471 is further amended by adding
25 at the end the following:

“47136. Aviation security program.”.

1 **SEC. 134. INHERENTLY LOW-EMISSION AIRPORT VEHICLE**
2 **PILOT PROGRAM.**

3 (a) IN GENERAL.—Subchapter I of chapter 471 is
4 further amended by adding at the end the following:

5 **“§ 47137. Inherently low-emission airport vehicle**
6 **pilot program**

7 “(a) IN GENERAL.—The Secretary of Transportation
8 shall carry out a pilot program at not more than 10 public-
9 use airports under which the sponsors of such airports
10 may use funds made available under section 48103 for use
11 at such airports to carry out inherently low-emission vehi-
12 cle activities. Notwithstanding any other provision of this
13 subchapter, inherently low-emission vehicle activities shall
14 for purposes of the pilot program be treated as eligible
15 for assistance under this subchapter.

16 “(b) LOCATION IN AIR QUALITY NONATTAINMENT
17 AREAS.—A public-use airport shall be eligible for partici-
18 pation in the pilot program only if the airport is located
19 in an air quality nonattainment area (as defined in section
20 171(2) of the Clean Air Act (42 U.S.C. 7501(d)).

21 “(c) SELECTION CRITERIA.—In selecting from
22 among applicants for participation in the pilot program,
23 the Secretary shall give priority consideration to appli-
24 cants that will achieve the greatest air quality benefits
25 measured by the amount of emissions reduced per dollar
26 of funds expended under the pilot program.

1 “(d) TECHNICAL ASSISTANCE.—

2 “(1) IN GENERAL.—The sponsor of a public-use
3 airport carrying out inherently low-emission vehicle
4 activities under the pilot program may use not to ex-
5 ceed 10 percent of the amounts made available for
6 expenditure at the airport in a fiscal year under the
7 pilot program to receive technical assistance in car-
8 rying out such activities.

9 “(2) ELIGIBLE CONSORTIUM.—To the max-
10 imum extent practicable, a sponsor shall use an eli-
11 gible consortium (as defined in section 5506 of this
12 title) in the region of the airport to receive technical
13 assistance described in paragraph (1).

14 “(e) UNITED STATES GOVERNMENT’S SHARE.—Not-
15 withstanding any other provision of this subchapter, the
16 United States Government’s share of the costs of a project
17 carried out under the pilot program shall be 50 percent.

18 “(f) MAXIMUM AMOUNT.—Not more than
19 \$2,000,000 may be expended under the pilot program at
20 any single public-use airport.

21 “(g) REPORT TO CONGRESS.—Not later than 18
22 months after the date of the enactment of this section,
23 the Secretary shall transmit to the Committee on Trans-
24 portation and Infrastructure of the House of Representa-
25 tives and the Committee on Commerce, Science, and

1 Transportation of the Senate a report containing an eval-
 2 uation of the effectiveness of the pilot program.

3 “(h) INHERENTLY LOW-EMISSION VEHICLE ACTIV-
 4 ITY DEFINED.—In this section, the term ‘inherently low-
 5 emission vehicle activity’ means—

6 “(1) the construction of infrastructure facilities
 7 necessary for the use of vehicles that are certified as
 8 inherently low-emission vehicles under title 40 of the
 9 Code of Federal Regulations, that are labeled in ac-
 10 cordance with section 88.312–93(c) of such title,
 11 and that are located or primarily used at public-use
 12 airports;

13 “(2) the payment of that portion of the cost of
 14 acquiring such vehicles that exceeds the cost of ac-
 15 quiring other vehicles that would be used for the
 16 same purpose; or

17 “(3) the acquisition of technological equipment
 18 necessary for the use of vehicles described in para-
 19 graph (1).”.

20 (b) CONFORMING AMENDMENT.—The analysis for
 21 subchapter I of chapter 471 is further amended by adding
 22 at the end the following:

“47137. Inherently low-emission airport vehicle pilot program.”.

23 **SEC. 135. TECHNICAL AMENDMENTS.**

24 (a) CONTINUATION OF PROJECT FUNDING.—Section
 25 47108 is amended by adding at the end the following:

1 “(e) CHANGE IN AIRPORT STATUS.—In the event
2 that the status of a primary airport changes to a nonpri-
3 mary airport at a time when a terminal development
4 project under a multiyear agreement under subsection (a)
5 is not yet completed, the project shall remain eligible for
6 funding from discretionary funds under section 47115 at
7 the funding level and under the terms provided by the
8 agreement, subject to the availability of funds.”.

9 (b) PASSENGER FACILITY FEE WAIVER FOR CER-
10 TAIN CLASS OF CARRIERS OR FOR SERVICE TO AIRPORTS
11 IN ISOLATED COMMUNITIES.—Section 40117(i) is
12 amended—

13 (1) by striking “and” at the end of paragraph
14 (1);

15 (2) by striking the period at the end of para-
16 graph (2) and inserting “; and”; and

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

18 “(3) may permit a public agency to request that
19 collection of a passenger facility fee be waived for—

20 “(A) passengers enplaned by any class of
21 air carrier or foreign air carrier if the number
22 of passengers enplaned by the carrier in the
23 class constitutes not more than 1 percent of the
24 total number of passengers enplaned annually
25 at the airport at which the fee is imposed; or

1 “(B) passengers traveling to an airport—
2 “(i) that has fewer than 2,500 pas-
3 senger boardings each year and receives
4 scheduled passenger service; and
5 “(ii) in a community which has a pop-
6 ulation of less than 10,000 and is not con-
7 nected by a land highway to the land-con-
8 nected National Highway System within a
9 State.”.

10 **SEC. 136. CONVEYANCES OF AIRPORT PROPERTY FOR PUB-**
11 **LIC AIRPORTS.**

12 (a) PROJECT GRANT ASSURANCES.—Section
13 47107(h) is amended by inserting “(including an assur-
14 ance with respect to disposal of land by an airport owner
15 or operator under subsection (c)(2)(B) without regard to
16 whether or not the assurance or grant was made before
17 December 29, 1987)” after “1987”.

18 (b) CONVEYANCES OF UNITED STATES GOVERN-
19 MENT LAND.—Section 47125(a) is amended by adding at
20 the end the following: “The Secretary may only release
21 an option of the United States for a reversionary interest
22 under this subsection after providing notice and an oppor-
23 tunity for public comment. The Secretary shall publish in
24 the Federal Register any decision of the Secretary to re-

1 lease a reversionary interest and the reasons for the deci-
2 sion.”.

3 (c) REQUESTS BY PUBLIC AGENCIES.—Section
4 47151 is amended by adding at the end the following:

5 “(d) REQUESTS BY PUBLIC AGENCIES.—Except with
6 respect to a request made by another department, agency,
7 or instrumentality of the executive branch of the United
8 States Government, such a department, agency, or instru-
9 mentality shall give priority consideration to a request
10 made by a public agency (as defined in section 47102)
11 for surplus property described in subsection (a) for use
12 at a public airport.”.

13 (d) NOTICE AND PUBLIC COMMENT; PUBLICATION
14 OF DECISIONS.—Section 47153(a) is amended—

15 (1) in paragraph (1) by inserting “, after pro-
16 viding notice and an opportunity for public com-
17 ment,” after “if the Secretary decides”; and

18 (2) by adding at the end the following:

19 “(3) PUBLICATION OF DECISIONS.—The Sec-
20 retary shall publish in the Federal Register any deci-
21 sion to waive a term under paragraph (1) and the
22 reasons for the decision.”.

23 (e) CONSIDERATIONS.—Section 47153 is amended by
24 adding at the end the following:

1 “(c) CONSIDERATIONS.—In deciding whether to
2 waive a term required by section 47152 or add another
3 term, the Secretary shall consider the current and future
4 needs of the users of the airport.”.

5 (f) REFERENCES TO GIFTS.—Chapter 471 is
6 amended—

7 (1) in section 47151—

8 (A) in subsection (a)—

9 (i) in the matter preceding paragraph
10 (1) by striking “give” and inserting “con-
11 vey to”; and

12 (ii) in paragraph (2) by striking
13 “gift” and inserting “conveyance”;

14 (B) in subsection (b)—

15 (i) by striking “giving” and inserting
16 “conveying”; and

17 (ii) by striking “gift” and inserting
18 “conveyance”; and

19 (C) in subsection (c)—

20 (i) in the subsection heading by strik-
21 ing “GIVEN” and inserting “CONVEYED”;
22 and

23 (ii) by striking “given” and inserting
24 “conveyed”;

25 (2) in section 47152—

1 (A) in the section heading by striking
2 “**gifts**” and inserting “**conveyances**”; and

3 (B) in the matter preceding paragraph (1)
4 by striking “gift” and inserting “conveyance”;
5 (3) in section 47153(a)(1)—

6 (A) by striking “gift” each place it appears
7 and inserting “conveyance”; and

8 (B) by striking “given” and inserting
9 “conveyed”; and

10 (4) in the analysis for such chapter by striking
11 the item relating to section 47152 and inserting the
12 following:

“47152. Terms of conveyances.”.

13 **SEC. 137. INTERMODAL CONNECTIONS.**

14 (a) AIRPORT IMPROVEMENT POLICY.—Section
15 47101(a)(5) is amended to read as follows:

16 “(5) to encourage the development of inter-
17 modal connections between airports and other trans-
18 portation modes and systems to promote economic
19 development in a way that will serve States and local
20 communities efficiently and effectively;”.

21 (b) AIRPORT DEVELOPMENT DEFINED.—Section
22 47102(3) is further amended by adding at the end the
23 following:

24 “(I) constructing, reconstructing, or im-
25 proving an airport, or purchasing capital equip-

1 ment for an airport, for the purpose of transfer-
2 ring passengers, cargo, or baggage between the
3 airport and ground transportation modes.”.

4 **SEC. 138. STATE BLOCK GRANT PROGRAM.**

5 Section 47128(a) is amended by striking “9 quali-
6 fied” and inserting “10 qualified”.

7 **SEC. 139. ENGINEERED MATERIALS ARRESTING SYSTEMS.**

8 (a) **ELIGIBILITY.**—Section 47102(3)(B) (as amended
9 by this Act) is amended by adding at the end the fol-
10 lowing:

11 “(ix) engineered materials arresting
12 systems as described in the Advisory Cir-
13 cular No. 150/5220–22 published by the
14 Federal Aviation Administration on August
15 21, 1998.”.

16 (b) **RULEMAKING.**—The Administrator shall initiate
17 a rulemaking proceeding to consider revisions to part 139
18 of title 14, Code of Federal Regulations, to improve run-
19 way safety through the use of engineered materials arrest-
20 ing systems, longer runways, and such other techniques
21 as the Administrator considers appropriate.

22 **Subtitle C—Miscellaneous**

23 **SEC. 151. TREATMENT OF CERTAIN FACILITIES AS AIR-**
24 **PORT-RELATED PROJECTS.**

25 Section 40117(a)(3)(E) is amended—

1 (1) by striking “and” and inserting a comma;
2 and

3 (2) by striking the period at the end and insert-
4 ing the following: “(including structural foundations
5 and floor systems, exterior building walls and load-
6 bearing interior columns or walls, windows, door and
7 roof systems, and building utilities (including heat-
8 ing, air conditioning, ventilation, plumbing, and elec-
9 trical service)), and aircraft fueling facilities adja-
10 cent to the gate.”.

11 **SEC. 152. TERMINAL DEVELOPMENT COSTS.**

12 (a) WITH RESPECT TO PASSENGER FACILITY
13 CHARGES.—Section 40117(a)(3) is further amended—

14 (1) by redesignating subparagraphs (C), (D),
15 and (E) as subparagraphs (D), (E), and (F), respec-
16 tively; and

17 (2) by inserting after subparagraph (B) the fol-
18 lowing:

19 “(C) for costs of terminal development re-
20 ferred to in subparagraph (B) incurred after
21 August 1, 1986, at an airport that did not have
22 more than .25 percent of the total annual pas-
23 senger boardings in the United States in the
24 most recent calendar year for which data is
25 available and at which total passenger

1 boardings declined by at least 16 percent be-
2 tween calendar year 1989 and calendar year
3 1997;”.

4 (b) REPAYING BORROWED MONEY.—Section
5 47119(a) is amended—

6 (1) in the matter preceding paragraph (1)—

7 (A) by striking “0.05” and inserting
8 “0.25”; and

9 (B) by striking “between January 1, 1992,
10 and October 31, 1992,” and inserting “between
11 August 1, 1986, and September 30, 1990, or
12 between June 1, 1991, and October 31, 1992;”;
13 and

14 (2) in paragraph (1)(B) by striking “an airport
15 development project outside the terminal area at
16 that airport” and inserting “any needed airport de-
17 velopment project affecting safety, security, or ca-
18 pacity”.

19 (c) NONHUB AIRPORTS.—Section 47119(c) is amend-
20 ed by striking “0.05” and inserting “0.25”.

21 (d) NONPRIMARY COMMERCIAL SERVICE AIR-
22 PORTS.—Section 47119 is amended by adding at the end
23 the following:

24 “(d) DETERMINATION OF PASSENGER BOARDING AT
25 COMMERCIAL SERVICE AIRPORT.—For the purpose of de-

1 termining whether an amount may be distributed for a
2 fiscal year from the discretionary fund in accordance with
3 subsection (b)(2)(A) to a commercial service airport, the
4 Secretary shall make the determination of whether or not
5 a public airport is a commercial service airport on the
6 basis of the number of passenger boardings and type of
7 air service at the public airport in the calendar year that
8 includes the first day of such fiscal year or the preceding
9 calendar year, whichever is more beneficial to the air-
10 port.”.

11 **SEC. 153. GENERAL FACILITIES AUTHORITY.**

12 (a) CONTINUATION OF ILS INVENTORY PROGRAM.—
13 Section 44502(a)(4)(B) is amended—

14 (1) by striking “each of fiscal years 1995 and
15 1996” and inserting “each of fiscal years 2000
16 through 2002”; and

17 (2) by inserting “under new or existing con-
18 tracts” after “including acquisition”.

19 (b) LORAN-C NAVIGATION FACILITIES.—Section
20 44502(a) is amended by adding at the end the following:

21 “(5) MAINTENANCE AND UPGRADE OF LORAN-
22 C NAVIGATION FACILITIES.—The Secretary shall
23 maintain and upgrade Loran-C navigation facilities
24 throughout the transition period to satellite-based
25 navigation.”.

1 **SEC. 154. DENIAL OF AIRPORT ACCESS TO CERTAIN AIR**
2 **CARRIERS.**

3 Section 44706 is amended by adding at the end the
4 following:

5 “(g) INCLUDED CHARTER AIR TRANSPORTATION.—
6 For the purposes of subsection (a)(2), a scheduled pas-
7 senger operation includes charter air transportation for
8 which the general public is provided in advance a schedule
9 containing the departure location, departure time, and ar-
10 rival location of the flights.

11 “(h) AUTHORITY TO PRECLUDE SCHEDULED PAS-
12 Senger OPERATIONS.—The Administrator shall permit
13 an airport that will be subject to certification under sub-
14 section (a)(2) to preclude scheduled passenger operations
15 (including public charter operations described in sub-
16 section (g)) at the airport if the airport notifies the Ad-
17 ministrator, in writing, that it does not intend to obtain
18 an airport operating certificate.”.

19 **SEC. 155. CONSTRUCTION OF RUNWAYS.**

20 Notwithstanding any provision of law that specifically
21 restricts the number of runways at a single international
22 airport, the Secretary of Transportation may obligate
23 funds made available under chapters 471 and 481 of title
24 49, United States Code, for any project to construct a new
25 runway at such airport, unless this section is expressly re-
26 pealed.

1 **SEC. 156. USE OF RECYCLED MATERIALS.**

2 (a) STUDY.—The Administrator shall conduct a
3 study of the use of recycled materials (including recycled
4 pavements, waste materials, and byproducts) in pavement
5 used for runways, taxiways, and aprons and the specifica-
6 tion standards in tests necessary for the use of recycled
7 materials in such pavement. The primary focus of the
8 study shall be on the long term physical performance, safe-
9 ty implications, and environmental benefits of using recy-
10 cled materials in aviation pavement.

11 (b) CONTRACTING.—The Administrator may carry
12 out the study under this section by entering into a con-
13 tract with a university of higher education with expertise
14 necessary to carry out the study.

15 (c) REPORT.—Not later than 1 year after the date
16 of the enactment of this Act, the Administrator shall
17 transmit to Congress a report on the results of the study
18 conducted under this section together with recommenda-
19 tions concerning the use of recycled materials in aviation
20 pavement.

21 (d) FUNDING.—Of the amounts appropriated pursu-
22 ant to section 106(k), not to exceed \$1,500,000 in the ag-
23 gregate may be used to carry out this section.

1 **SEC. 157. AIRCRAFT NOISE PRIMARILY CAUSED BY MILI-**
2 **TARY AIRCRAFT.**

3 Section 47504(c) is amended by adding at the end
4 the following:

5 “(6) AIRCRAFT NOISE PRIMARILY CAUSED BY
6 MILITARY AIRCRAFT.—The Administrator may make
7 a grant under this subsection for a project even if
8 the purpose of the project is to mitigate the effect
9 of noise primarily caused by military aircraft at an
10 airport.”.

11 **SEC. 158. TIMELY ANNOUNCEMENT OF GRANTS.**

12 The Secretary of Transportation shall announce the
13 making of grants with funds made available under section
14 48103 of title 49, United States Code, in a timely fashion
15 after receiving necessary documentation for the making of
16 such grants from the Administrator.

17 **TITLE II—AIRLINE SERVICE**
18 **IMPROVEMENTS**
19 **Subtitle A—Service to Airports Not**
20 **Receiving Sufficient Service**

21 **SEC. 201. ACCESS TO HIGH DENSITY AIRPORTS.**

22 (a) PHASEOUT OF SLOT RULE FOR O’HARE,
23 LAGUARDIA, AND KENNEDY AIRPORTS.—Section 41714
24 is amended by adding at the end the following:

25 “(j) PHASEOUT OF SLOT RULE FOR O’HARE,
26 LAGUARDIA, AND KENNEDY AIRPORTS.—

1 “(1) O’HARE AIRPORT.—The slot rule shall be
2 of no force and effect at O’Hare International
3 Airport—

4 “(A) effective March 1, 2000—

5 “(i) with respect to a regional jet air-
6 craft providing air transportation between
7 O’Hare International Airport and a small
8 hub or nonhub airport—

9 “(I) if the operator of the re-
10 gional jet aircraft was not providing
11 such air transportation during the
12 week of June 15, 1999; or

13 “(II) if the level of air transpor-
14 tation to be provided between such
15 airports by the operator of the re-
16 gional jet aircraft during any week
17 will exceed the level of air transpor-
18 tation provided by such operator be-
19 tween such airports during the week
20 of June 15, 1999; and

21 “(ii) with respect to any aircraft pro-
22 viding foreign air transportation;

23 “(B) effective March 1, 2001, with respect
24 to any aircraft operating before 2:45 post
25 meridiem and after 8:15 post meridiem; and

1 “(C) effective March 1, 2002, with respect
2 to any aircraft.

3 “(2) LAGUARDIA AND KENNEDY.—The slot rule
4 shall be of no force and effect at LaGuardia Airport
5 or John F. Kennedy International Airport—

6 “(A) effective March 1, 2000, with respect
7 to a regional jet aircraft providing air transpor-
8 tation between LaGuardia Airport or John F.
9 Kennedy International Airport and a small hub
10 or nonhub airport—

11 “(I) if the operator of the re-
12 gional jet aircraft was not providing
13 such air transportation during the
14 week of June 15, 1999; or

15 “(II) if the level of air transpor-
16 tation to be provided between such
17 airports by the operator of the re-
18 gional jet aircraft during any week
19 will exceed the level of air transpor-
20 tation provided by such operator be-
21 tween such airports during the week
22 of June 15, 1999; and

23 “(B) effective January 1, 2007, with re-
24 spect to any aircraft.”.

1 (b) ADDITIONAL EXEMPTIONS FROM SLOT RULE.—
2 Section 41714 is amended by striking subsections (e) and
3 (f) and inserting the following:

4 “(e) ADDITIONAL EXEMPTIONS FROM SLOT RULE.—
5 “(1) SLOT EXEMPTIONS FOR AIRPORTS NOT RE-
6 CEIVING SUFFICIENT SERVICE.—

7 “(A) IN GENERAL.—Notwithstanding
8 chapter 491, the Secretary may by order grant
9 exemptions from the slot rule for Ronald
10 Reagan Washington National Airport and
11 O’Hare International Airport to enable air car-
12 riers to provide nonstop air transportation
13 using jet aircraft that comply with the stage 3
14 noise levels of part 36 of title 14, Code of Fed-
15 eral Regulations, between the airport and a
16 small hub or nonhub airport that the Secretary
17 determines has (i) insufficient air carrier serv-
18 ice to and from Reagan National Airport or
19 O’Hare International Airport, as the case may
20 be, or (ii) unreasonably high airfares.

21 “(B) NUMBER OF SLOT EXEMPTIONS TO
22 BE GRANTED.—

23 “(i) REAGAN NATIONAL.—

24 “(I) MAXIMUM NUMBER OF EX-
25 EMPTIONS.—No more than 2 exemp-

1 tions from the slot rule per hour and
2 no more than 6 exemptions from the
3 slot rule per day may be granted
4 under this paragraph for Ronald
5 Reagan Washington National Airport.

6 “(II) MAXIMUM DISTANCE OF
7 FLIGHTS.—An exemption from the
8 slot rule may be granted under this
9 paragraph for Ronald Reagan Wash-
10 ington National Airport only if the
11 flight utilizing the exemption begins
12 or ends within 1,250 miles of such
13 airport and a stage 3 aircraft is used
14 for such flight.

15 “(ii) O’HARE AIRPORT.—20 exemp-
16 tions from the slot rule per day shall be
17 granted under this paragraph for O’Hare
18 International Airport.

19 “(2) SLOT EXEMPTIONS AT O’HARE FOR NEW
20 ENTRANT AIR CARRIERS.—

21 “(A) IN GENERAL.—The Secretary shall
22 grant 30 exemptions from the slot rule to en-
23 able new entrant air carriers to provide air
24 transportation at O’Hare International Airport
25 using stage 3 aircraft.

1 “(B) PRIORITY CONSIDERATION.—In
2 granting exemptions under this paragraph, the
3 Secretary shall give priority consideration to an
4 application from an air carrier that, as of June
5 15, 1999, operated or held fewer than 20 slots
6 at O’Hare International Airport.

7 “(3) INSUFFICIENT APPLICATIONS.—If, on the
8 180th day following the date of the enactment of the
9 Aviation Investment and Reform Act for the 21st
10 Century, the Secretary has not granted all of the ex-
11 emptions from the slot rule made available under
12 this subsection at an airport because an insufficient
13 number of eligible applicants have submitted appli-
14 cations for the exemptions, the Secretary may grant
15 the remaining exemptions at the airport to any air
16 carrier applying for the exemptions for the provision
17 of any type of air transportation. An exemption
18 granted under paragraph (1) or (2) pursuant to this
19 paragraph may be reclaimed by the Secretary for
20 issuance in accordance with the terms of paragraph
21 (1) or (2), as the case may be, if subsequent applica-
22 tions under paragraph (1) or (2), as the case maybe,
23 so warrant.

24 “(f) REQUIREMENTS RELATING TO ADDITIONAL
25 SLOT EXEMPTIONS.—

1 “(1) APPLICATIONS.—An air carrier interested
2 in obtaining an exemption from the slot rule under
3 subsection (e) shall submit to the Secretary an appli-
4 cation for the exemption. No application may be
5 submitted to the Secretary under subsection (e) be-
6 fore the last day of the 30-day period beginning on
7 the date of the enactment of the Aviation Invest-
8 ment and Reform Act for the 21st Century.

9 “(2) PERIOD OF EFFECTIVENESS.—An exemp-
10 tion from the slot rule granted under subsection (e)
11 shall remain in effect only while the air carrier for
12 whom the exemption is granted continues to provide
13 the air transportation for which the exemption is
14 granted.

15 “(3) TREATMENT OF CERTAIN COMMUTER AIR
16 CARRIERS.—The Secretary shall treat all commuter
17 air carriers that have cooperative agreements, in-
18 cluding code share agreements with other air car-
19 riers, equally for determining eligibility for exemp-
20 tions from the slot rule under subsection (e) regard-
21 less of the form of the corporate relationship be-
22 tween the commuter air carrier and the other air
23 carrier.”.

24 (c) DEFINITIONS.—

1 (1) IN GENERAL.—Section 41714(h) is amend-
2 ed by adding at the end the following:

3 “(5) NONHUB AIRPORT.—The term ‘nonhub
4 airport’ means an airport that each year has less
5 than .05 percent of the total annual boardings in the
6 United States.

7 “(6) REGIONAL JET AIRCRAFT.—The term ‘re-
8 gional jet aircraft’ means a 2-engine jet aircraft with
9 a design capacity of 70 or fewer seats, manufactured
10 after January 1, 1992, that has an effective per-
11 ceived noise level on takeoff not exceeding 83 deci-
12 bels when measured according to the procedures de-
13 scribed in part 36 of title 14, Code of Federal Regu-
14 lations.

15 “(7) SLOT RULE.—The term ‘slot rule’ means
16 the requirements of subparts K and S of part 93 of
17 title 14, Code of Federal Regulations.

18 “(8) SMALL HUB AIRPORT.—The term ‘small
19 hub airport’ means an airport that each year has at
20 least .05 percent, but less than .25 percent, of the
21 total annual boardings in the United States.

22 “(9) UNREASONABLY HIGH AIRFARE.—The
23 term ‘unreasonably high airfare’, as used with re-
24 spect to an airport, means that the airfare listed in
25 the table entitled ‘Top 1,000 City-Pair Market Sum-

1 marized by City’, contained in the Domestic Airline
2 Fares Consumer Report of the Department of
3 Transportation, for one or more markets for which
4 the airport is a part of has an average yield listed
5 in such table that is more than 19 cents.”.

6 (2) REGULATORY DEFINITION OF LIMITED IN-
7 CUMBENT CARRIER.—The Secretary shall modify the
8 definition of the term “limited incumbent carrier” in
9 subpart S of part 93 of title 14, Code of Federal
10 Regulations, to require an air carrier or commuter
11 operator to hold or operate fewer than 20 slots (in-
12 stead of 12 slots) to meet the criteria of the defini-
13 tion. For purposes of this section, such modification
14 shall be treated as in effect on the date of the enact-
15 ment of this Act.

16 (d) PROHIBITION ON SLOT WITHDRAWALS.—Section
17 41714(b) is amended—

18 (1) in paragraph (2)—

19 (A) by inserting “at O’Hare International
20 Airport” after “a slot”; and

21 (B) by striking “if the withdrawal” and all
22 that follows before the period; and

23 (2) by striking paragraph (4) and inserting the
24 following:

1 “(4) CONVERSION OF SLOTS.—Effective March
2 1, 2000, slots at O’Hare International Airport allo-
3 cated to an air carrier as of June 15, 1999, to pro-
4 vide foreign air transportation shall be made avail-
5 able to such carrier to provide interstate or intra-
6 state air transportation.”.

7 (e) CONFORMING AMENDMENTS.—Section 41714(c)
8 is amended—

9 (1) by striking “SLOTS FOR NEW ENTRANTS.—
10 ” and all that follows through “If the” and inserting
11 “SLOTS FOR NEW ENTRANTS.—If the”; and

12 (2) by striking paragraph (2).

13 (f) AMENDMENTS REFLECTING PHASEOUT OF SLOT
14 RULE FOR CERTAIN AIRPORTS.—Effective January 1,
15 2007, section 41714 is amended—

16 (1) by striking subsections (a), (b), (c), (e), (f),
17 (g), (h), and (i);

18 (2) by redesignating subsections (d) and (j) as
19 subsections (a) and (b), respectively;

20 (3) in the heading for subsection (a) (as so re-
21 designated) by striking “SPECIAL RULES FOR”; and

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

23 “(c) DEFINITIONS.—

24 “(1) NONHUB AIRPORT.—The term ‘nonhub
25 airport’ means an airport that each year has less

1 than .05 percent of the total annual boardings in the
2 United States.

3 “(2) REGIONAL JET AIRCRAFT.—The term ‘re-
4 gional jet aircraft’ means a 2-engine jet aircraft with
5 a design capacity of 70 or fewer seats, manufactured
6 after January 1, 1992, that has an effective per-
7 ceived noise level on takeoff not exceeding 83 deci-
8 bels when measured according to the procedures de-
9 scribed in part 36 of title 14, Code of Federal Regu-
10 lations.

11 “(3) SLOT.—The term ‘slot’ means a reserva-
12 tion for an instrument flight rule takeoff or landing
13 by an air carrier or an aircraft in air transpor-
14 tation.”.

15 “(4) SLOT RULE.—The term ‘slot rule’ means
16 the requirements of subparts K and S of part 93 of
17 title 14, Code of Federal Regulations (pertaining to
18 slots at high density airports).

19 “(5) SMALL HUB AIRPORT.—The term ‘small
20 hub airport’ means an airport that each year has at
21 least .05 percent, but less than .25 percent, of the
22 total annual boardings in the United States.

23 “(6) UNREASONABLY HIGH AIRFARE.—The
24 term ‘unreasonably high airfare’, as used with re-
25 spect to an airport, means that the airfare listed in

1 the table entitled ‘Top 1,000 City-Pair Market Sum-
2 marized by City’, contained in the Domestic Airline
3 Fares Consumer Report of the Department of
4 Transportation, for one or more markets for which
5 the airport is a part of has an average yield listed
6 in such table that is more than 19 cents.”.

7 **SEC. 202. FUNDING FOR AIR CARRIER SERVICE TO AIR-**
8 **PORTS NOT RECEIVING SUFFICIENT SERV-**
9 **ICE.**

10 (a) FUNDING FOR AIRPORTS NOT RECEIVING SUFFI-
11 CIENT SERVICE.—Chapter 417 is amended by adding at
12 the end the following:

13 **“§ 41743. Airports not receiving sufficient service**

14 “(a) TYPES OF ASSISTANCE.—The Secretary of
15 Transportation may use amounts made available under
16 this section—

17 “(1) to provide assistance to an air carrier to
18 subsidize service to and from an underserved airport
19 for a period not to exceed 3 years;

20 “(2) to provide assistance to an underserved
21 airport to obtain jet aircraft service (and to promote
22 passenger use of that service) to and from the un-
23 derserved airport; and

24 “(3) to provide assistance to an underserved
25 airport to implement such other measures as the

1 Secretary, in consultation with such airport, con-
2 sidered appropriate to improve air service both in
3 terms of the cost of such service to consumers and
4 the availability of such service, including improving
5 air service through marketing and promotion of air
6 service and enhanced utilization of airport facilities.

7 “(b) PRIORITY CRITERIA FOR ASSISTING AIRPORTS
8 NOT RECEIVING SUFFICIENT SERVICE.—In providing as-
9 sistance to airports under subsection (a), the Secretary
10 shall give priority to those airports for which a community
11 will provide, from local sources (other than airport reve-
12 nues), a portion of the cost of the activity to be assisted.

13 “(c) DEFINITIONS.—In this section, the following
14 definitions apply:

15 “(1) UNDERSERVED AIRPORT.—The term ‘un-
16 derserved airport’ means a nonhub airport or small
17 hub airport (as such terms are defined in section
18 41731) that—

19 “(A) the Secretary determines is not re-
20 ceiving sufficient air carrier service; or

21 “(B) has unreasonably high airfares.

22 “(2) UNREASONABLY HIGH AIRFARE.—The
23 term ‘unreasonably high airfare’, as used with re-
24 spect to an airport, means that the airfare listed in
25 the table entitled ‘Top 1,000 City-Pair Market Sum-

1 marized by City’, contained in the Domestic Airline
2 Fares Consumer Report of the Department of
3 Transportation, for one or more markets for which
4 the airport is a part of has an average yield listed
5 in such table that is more than 19 cents.

6 “(d) AUTHORITY TO MAKE AGREEMENTS AND
7 INCUR OBLIGATIONS.—

8 “(1) IN GENERAL.—The Secretary may make
9 agreements and incur obligations from the Airport
10 and Airway Trust Fund to provide assistance under
11 this section. An agreement by the Secretary under
12 this subsection is a contractual obligation of the
13 Government to pay the Government’s share of the
14 compensation. Contract authority made available by
15 this paragraph shall be subject to an obligation limi-
16 tation.

17 “(2) AMOUNTS MADE AVAILABLE.—There shall
18 be available to the Secretary out of the Fund not
19 more than \$25,000,000 for each of fiscal years 2000
20 through 2004 to incur obligations under this section.
21 Amounts made available under this section shall re-
22 main available until expended.”.

23 (e) CONFORMING AMENDMENT.—The analysis for
24 chapter 417 is amended by adding at the end the fol-
25 lowing:

“41743. Airports not receiving sufficient service.”.

1 **SEC. 203. WAIVER OF LOCAL CONTRIBUTION.**

2 Section 41736(b) is amended by adding at the end
3 the following:

4 “Paragraph (4) shall not apply to any place for which a
5 proposal was approved or that was designated as eligible
6 under this section in the period beginning on October 1,
7 1991, and ending on December 31, 1997.”.

8 **SEC. 204. POLICY FOR AIR SERVICE TO RURAL AREAS.**

9 Section 40101(a) is amended by adding at the end
10 the following:

11 “(16) ensuring that consumers in all regions of
12 the United States, including those in small commu-
13 nities and rural and remote areas, have access to af-
14 fordable, regularly scheduled air service.”.

15 **SEC. 205. DETERMINATION OF DISTANCE FROM HUB AIR-**
16 **PORT.**

17 The Secretary of Transportation shall not deny as-
18 sistance with respect to a place under subchapter II of
19 chapter 417 of title 49, United States Code, solely on the
20 basis that the place is located within 70 highway miles
21 of a hub airport (as defined by section 41731 of such title)
22 if the most commonly used highway route between the
23 place and the hub airport exceeds 70 miles.

1 **Subtitle B—Regional Air Service**
2 **Incentive Program**

3 **SEC. 211. ESTABLISHMENT OF REGIONAL AIR SERVICE IN-**
4 **CENTIVE PROGRAM.**

5 (a) IN GENERAL.—Chapter 417 is amended by add-
6 ing at the end the following:

7 “SUBCHAPTER III—REGIONAL AIR SERVICE
8 INCENTIVE PROGRAM

9 “**§ 41761. Purpose**

10 “The purpose of this subchapter is to improve service
11 by jet aircraft to underserved markets by providing assist-
12 ance, in the form of Federal credit instruments, to com-
13 muter air carriers that purchase regional jet aircraft for
14 use in serving those markets.

15 “**§ 41762. Definitions**

16 “In this subchapter, the following definitions apply:

17 “(1) AIR CARRIER.—The term ‘air carrier’
18 means any air carrier holding a certificate of public
19 convenience and necessity issued by the Secretary of
20 Transportation under section 41102.

21 “(2) AIRCRAFT PURCHASE.—The term ‘aircraft
22 purchase’ means the purchase of commercial trans-
23 port aircraft, including spare parts normally associ-
24 ated with the aircraft.

1 “(3) CAPITAL RESERVE SUBSIDY AMOUNT.—

2 The term ‘capital reserve subsidy amount’ means the
3 amount of budget authority sufficient to cover esti-
4 mated long-term cost to the United States Govern-
5 ment of a Federal credit instrument, calculated on
6 a net present value basis, excluding administrative
7 costs and any incidental effects on government re-
8 ceipts or outlays in accordance with provisions of the
9 Federal Credit Reform Act of 1990 (2 U.S.C. 661
10 et seq.).

11 “(4) COMMUTER AIR CARRIER.—The term
12 ‘commuter air carrier’ means an air carrier that pri-
13 marily operates aircraft designed to have a max-
14 imum passenger seating capacity of 75 or less in ac-
15 cordance with published flight schedules.

16 “(5) FEDERAL CREDIT INSTRUMENT.—The
17 term ‘Federal credit instrument’ means a secured
18 loan, loan guarantee, or line of credit authorized to
19 be made under this subchapter.

20 “(6) FINANCIAL OBLIGATION.—The term ‘fi-
21 nancial obligation’ means any note, bond, debenture,
22 or other debt obligation issued by an obligor in con-
23 nection with the financing of an aircraft purchase,
24 other than a Federal credit instrument.

1 “(7) LENDER.—The term ‘lender’ means any
2 non-Federal qualified institutional buyer (as defined
3 by section 230.144A(a) of title 17, Code of Federal
4 Regulations (or any successor regulation) known as
5 Rule 144A(a) of the Security and Exchange Com-
6 mission and issued under the Security Act of 1933
7 (15 U.S.C. 77a et seq.)), including—

8 “(A) a qualified retirement plan (as de-
9 fined in section 4974(c) of the Internal Revenue
10 Code of 1986) that is a qualified institutional
11 buyer; and

12 “(B) a governmental plan (as defined in
13 section 414(d) of the Internal Revenue Code of
14 1986) that is a qualified institutional buyer.

15 “(8) LINE OF CREDIT.—The term ‘line of cred-
16 it’ means an agreement entered into by the Sec-
17 retary with an obligor under section 41763(d) to
18 provide a direct loan at a future date upon the oc-
19 currence of certain events.

20 “(9) LOAN GUARANTEE.—The term ‘loan guar-
21 antee’ means any guarantee or other pledge by the
22 Secretary under section 41763(c) to pay all or part
23 of any of the principal of and interest on a loan or
24 other debt obligation issued by an obligor and fund-
25 ed by a lender.

1 “(10) NEW ENTRANT AIR CARRIER.—The term
2 ‘new entrant air carrier’ means an air carrier that
3 has been providing air transportation according to a
4 published schedule for less than 5 years, including
5 any person that has received authority from the Sec-
6 retary to provide air transportation but is not pro-
7 viding air transportation.

8 “(11) NONHUB AIRPORT.—The term ‘nonhub
9 airport’ means an airport that each year has less
10 than .05 percent of the total annual boardings in the
11 United States.

12 “(12) OBLIGOR.—The term ‘obligor’ means a
13 party primarily liable for payment of the principal of
14 or interest on a Federal credit instrument, which
15 party may be a corporation, partnership, joint ven-
16 ture, trust, or governmental entity, agency, or in-
17 strumentality.

18 “(13) REGIONAL JET AIRCRAFT.—The term ‘re-
19 gional jet aircraft’ means a civil aircraft—

20 “(A) powered by jet propulsion; and

21 “(B) designed to have a maximum pas-
22 senger seating capacity of not less than 30 nor
23 more than 75.

24 “(14) SECURED LOAN.—The term ‘secured
25 loan’ means a direct loan funded by the Secretary in

1 connection with the financing of an aircraft purchase
2 under section 41763(b).

3 “(15) SMALL HUB AIRPORT.—The term ‘small
4 hub airport’ means an airport that each year has at
5 least .05 percent, but less than .25 percent, of the
6 total annual boardings in the United States.

7 “(16) UNDERSERVED MARKET.—The term ‘un-
8 derserved market’ means a passenger air transpor-
9 tation market (as defined by the Secretary) that—

10 “(A) is served (as determined by the Sec-
11 retary) by a nonhub airport or a small hub air-
12 port;

13 “(B) is not within a 40-mile radius of an
14 airport that each year has at least .25 percent
15 of the total annual boardings in the United
16 States; and

17 “(C) the Secretary determines does not
18 have sufficient air service.

19 **“§ 41763. Federal credit instruments**

20 “(a) IN GENERAL.—Subject to this section, the Sec-
21 retary of Transportation may enter into agreements with
22 one or more obligors to make available Federal credit in-
23 struments, the proceeds of which shall be used to finance
24 aircraft purchases.

25 “(b) SECURED LOANS.—

1 “(1) TERMS AND LIMITATIONS.—

2 “(A) IN GENERAL.—A secured loan under
3 this section with respect to an aircraft purchase
4 shall be on such terms and conditions and con-
5 tain such covenants, representatives, warran-
6 ties, and requirements (including requirements
7 for audits) as the Secretary determines appro-
8 priate.

9 “(B) MAXIMUM AMOUNT.—No secured
10 loan may be made under this section—

11 “(i) that extends to more than 50 per-
12 cent of the purchase price (including the
13 value of any manufacturer credits, post-
14 purchase options, or other discounts) of
15 the aircraft, including spare parts, to be
16 purchased; or

17 “(ii) that, when added to the remain-
18 ing balance on any other Federal credit in-
19 struments made under this subchapter,
20 provides more than \$100,000,000 of out-
21 standing credit to any single obligor.

22 “(C) FINAL PAYMENT DATE.—The final
23 payment on the secured loan shall not be due
24 later than 18 years after the date of execution
25 of the loan agreement.

1 “(D) SUBORDINATION.—The secured loan
2 may be subordinate to claims of other holders
3 of obligations in the event of bankruptcy, insol-
4 vency, or liquidation of the obligor as deter-
5 mined appropriate by the Secretary.

6 “(E) FEES.—The Secretary, subject to ap-
7 propriations, may establish fees at a level suffi-
8 cient to cover all or a portion of the costs to the
9 United States Government of making a secured
10 loan under this section. The proceeds of such
11 fees shall be deposited in an account to be used
12 by the Secretary for the purpose of admin-
13 istering the program established under this sub-
14 chapter and shall be available upon deposit
15 until expended.

16 “(2) REPAYMENT.—

17 “(A) SCHEDULE.—The Secretary shall es-
18 tablish a repayment schedule for each secured
19 loan under this section based on the projected
20 cash flow from aircraft revenues and other re-
21 payment sources.

22 “(B) COMMENCEMENT.—Scheduled loan
23 repayments of principal and interest on a se-
24 cured loan under this section shall commence

1 no later than 3 years after the date of execution
2 of the loan agreement.

3 “(3) PREPAYMENT.—

4 “(A) USE OF EXCESS REVENUE.—After
5 satisfying scheduled debt service requirements
6 on all financial obligations and secured loans
7 and all deposit requirements under the terms of
8 any trust agreement, bond resolution, or similar
9 agreement securing financial obligations, the se-
10 cured loan may be prepaid at anytime without
11 penalty.

12 “(B) USE OF PROCEEDS OF REFI-
13 NANCING.—The secured loan may be prepaid at
14 any time without penalty from proceeds of re-
15 nancing from non-Federal funding sources.

16 “(c) LOAN GUARANTEES.—

17 “(1) IN GENERAL.—A loan guarantee under
18 this section with respect to a loan made for an air-
19 craft purchase shall be made in such form and on
20 such terms and conditions and contain such cov-
21 enants, representatives, warranties, and require-
22 ments (including requirements for audits) as the
23 Secretary determines appropriate.

24 “(2) MAXIMUM AMOUNT.—No loan guarantee
25 shall be made under this section—

1 “(A) that extends to more than the unpaid
2 interest and 50 percent of the unpaid principal
3 on any loan;

4 “(B) that, for any loan or combination of
5 loans, extends to more than 50 percent of the
6 purchase price (including the value of any man-
7 ufacturer credits, post-purchase options, or
8 other discounts) of the aircraft, including spare
9 parts, to be purchased with the loan or loan
10 combination;

11 “(C) on any loan with respect to which
12 terms permit repayment more than 15 years
13 after the date of execution of the loan; or

14 “(D) that, when added to the remaining
15 balance on any other Federal credit instruments
16 made under this subchapter, provides more
17 than \$100,000,000 of outstanding credit to any
18 single obligor.

19 “(3) FEES.—The Secretary, subject to appro-
20 priations, may establish fees at a level sufficient to
21 cover all or a portion of the costs to the United
22 States Government of making a loan guarantee
23 under this section. The proceeds of such fees shall
24 be deposited in an account to be used by the Sec-
25 retary for the purpose of administering the program

1 established under this subchapter and shall be avail-
2 able upon deposit until expended.

3 “(d) LINES OF CREDIT.—

4 “(1) IN GENERAL.—Subject to the require-
5 ments of this subsection, the Secretary may enter
6 into agreements to make available lines of credit to
7 one or more obligors in the form of direct loans to
8 be made by the Secretary at future dates on the oc-
9 currence of certain events for any aircraft purchase
10 selected under this section.

11 “(2) TERMS AND LIMITATIONS.—

12 “(A) IN GENERAL.—A line of credit under
13 this subsection with respect to an aircraft pur-
14 chase shall be on such terms and conditions and
15 contain such covenants, representatives, war-
16 ranties, and requirements (including require-
17 ments for audits) as the Secretary determines
18 appropriate.

19 “(B) MAXIMUM AMOUNT.—

20 “(i) TOTAL AMOUNT.—The amount of
21 any line of credit shall not exceed 50 per-
22 cent of the purchase price (including the
23 value of any manufacturer credits, post-
24 purchase options, or other discounts) of
25 the aircraft, including spare parts.

1 “(ii) 1-YEAR DRAWS.—The amount
2 drawn in any year shall not exceed 20 per-
3 cent of the total amount of the line of
4 credit.

5 “(C) DRAWS.—Any draw on the line of
6 credit shall represent a direct loan.

7 “(D) PERIOD OF AVAILABILITY.—The line
8 of credit shall be available not more than 5
9 years after the aircraft purchase date.

10 “(E) RIGHTS OF THIRD-PARTY CREDI-
11 TORS.—

12 “(i) AGAINST UNITED STATES GOV-
13 ERNMENT.—A third-party creditor of the
14 obligor shall not have any right against the
15 United States Government with respect to
16 any draw on the line of credit.

17 “(ii) ASSIGNMENT.—An obligor may
18 assign the line of credit to one or more
19 lenders or to a trustee on the lender’s be-
20 half.

21 “(F) SUBORDINATION.—A direct loan
22 under this subsection may be subordinate to
23 claims of other holders of obligations in the
24 event of bankruptcy, insolvency, or liquidation

1 of the obligor as determined appropriate by the
2 Secretary.

3 “(G) FEES.—The Secretary, subject to ap-
4 propriations, may establish fees at a level suffi-
5 cient to cover all of a portion of the costs to the
6 United States Government of providing a line of
7 credit under this subsection. The proceeds of
8 such fees shall be deposited in an account to be
9 used by the Secretary for the purpose of admin-
10 istering the program established under this sub-
11 chapter and shall be available upon deposit
12 until expended.

13 “(3) REPAYMENT.—

14 “(A) SCHEDULE.—The Secretary shall es-
15 tablish a repayment schedule for each direct
16 loan under this subsection.

17 “(B) COMMENCEMENT.—Scheduled loan
18 repayments of principal or interest on a direct
19 loan under this subsection shall commence no
20 later than 3 years after the date of the first
21 draw on the line of credit and shall be repaid,
22 with interest, not later than 18 years after the
23 date of the first draw.

24 “(e) RISK ASSESSMENT.—Before entering into an
25 agreement under this section to make available a Federal

1 credit instrument, the Secretary, in consultation with the
2 Director of the Office of Management and Budget, shall
3 determine an appropriate capital reserve subsidy amount
4 for the Federal credit instrument based on such credit
5 evaluations as the Secretary deems necessary.

6 “(f) CONDITIONS.—Subject to subsection (h), the
7 Secretary may only make a Federal credit instrument
8 available under this section if the Secretary finds that—

9 “(1) the aircraft to be purchased with the Fed-
10 eral credit instrument is a regional jet aircraft need-
11 ed to improve the service and efficiency of operation
12 of a commuter air carrier or new entrant air carrier;

13 “(2) the commuter air carrier or new entrant
14 air carrier enters into a legally binding agreement
15 that requires the carrier to use the aircraft to pro-
16 vide service to underserved markets; and

17 “(3) the prospective earning power of the com-
18 muter air carrier or new entrant air carrier, together
19 with the character and value of the security pledged,
20 including the collateral value of the aircraft being
21 acquired and any other assets or pledges used to se-
22 cure the Federal credit instrument, furnish—

23 “(A) reasonable assurances of the air car-
24 rier’s ability and intention to repay the Federal

1 credit instrument within the terms established
2 by the Secretary—

3 “(i) to continue its operations as an
4 air carrier; and

5 “(ii) to the extent that the Secretary
6 determines to be necessary, to continue its
7 operations as an air carrier between the
8 same route or routes being operated by the
9 air carrier at the time of the issuance of
10 the Federal credit instrument; and

11 “(B) reasonable protection to the United
12 States.

13 “(g) LIMITATION ON COMBINED AMOUNT OF FED-
14 ERAL CREDIT INSTRUMENTS.—The Secretary shall not
15 allow the combined amount of Federal credit instruments
16 available for any aircraft purchase under this section to
17 exceed—

18 “(1) 50 percent of the cost of the aircraft pur-
19 chase; or

20 “(2) \$100,000,000 for any single obligor.

21 “(h) REQUIREMENT.—Subject to subsection (i), no
22 Federal credit instrument may be made under this section
23 for the purchase of any regional jet aircraft that does not
24 comply with the stage 3 noise levels of part 36 of title

1 14 of the Code of Federal Regulations, as in effect on Jan-
2 uary 1, 1999.

3 “(i) OTHER LIMITATIONS.—No Federal credit instru-
4 ment shall be made by the Secretary under this section
5 for the purchase of a regional jet aircraft unless the com-
6 muter air carrier or new entrant air carrier enters into
7 a legally binding agreement that requires the carrier to
8 provide scheduled passenger air transportation to the un-
9 derserved market for which the aircraft is purchased for
10 a period of not less than 36 consecutive months after the
11 date that aircraft is placed in service.

12 **“§ 41764. Use of Federal facilities and assistance**

13 “(a) USE OF FEDERAL FACILITIES.—To permit the
14 Secretary of Transportation to make use of such expert
15 advice and services as the Secretary may require in car-
16 rying out this subchapter, the Secretary may use available
17 services and facilities of other agencies and instrumental-
18 ities of the United States Government—

19 “(1) with the consent of the appropriate Fed-
20 eral officials; and

21 “(2) on a reimbursable basis.

22 “(b) ASSISTANCE.—The head of each appropriate de-
23 partment or agency of the United States Government shall
24 exercise the duties and powers of that head in such man-

1 ner as to assist in carrying out the policy specified in sec-
2 tion 41761.

3 “(c) OVERSIGHT.—The Secretary shall make avail-
4 able to the Comptroller General of the United States such
5 information with respect to any Federal credit instrument
6 made under this subchapter as the Comptroller General
7 may require to carry out the duties of the Comptroller
8 General under chapter 7 of title 31, United States Code.

9 **“§ 41765. Administrative expenses**

10 “In carrying out this subchapter, the Secretary shall
11 use funds made available by appropriations to the Depart-
12 ment of Transportation for the purpose of administration,
13 in addition to the proceeds of any fees collected under this
14 subchapter, to cover administrative expenses of the Fed-
15 eral credit instrument program under this subchapter.

16 **“§ 41766. Funding.**

17 “Of the amounts appropriated under section 106(k)
18 for each of fiscal years 2001 through 2004, such sums
19 as may be necessary may be used to carry out this sub-
20 chapter, including administrative expenses.

21 **“§ 41767. Termination**

22 “(a) AUTHORITY TO ISSUE FEDERAL CREDIT IN-
23 STRUMENTS.—The authority of the Secretary of Trans-
24 portation to issue Federal credit instruments under sec-

1 tion 41763 shall terminate on the date that is 5 years
2 after the date of the enactment of this subchapter.

3 “(b) CONTINUATION OF AUTHORITY TO ADMINISTER
4 PROGRAM FOR EXISTING FEDERAL CREDIT INSTRU-
5 MENTS.—On and after the termination date, the Secretary
6 shall continue to administer the program established
7 under this subchapter for Federal credit instruments
8 issued under this subchapter before the termination date
9 until all obligations associated with such instruments have
10 been satisfied.”.

11 (b) CONFORMING AMENDMENT.—The analysis for
12 chapter 417 is amended by adding at the end the fol-
13 lowing:

“SUBCHAPTER III—REGIONAL AIR SERVICE INCENTIVE PROGRAM

“Sec.

“41761. Purpose.

“41762. Definitions.

“41763. Federal credit instruments.

“41764. Use of Federal facilities and assistance.

“41765. Administrative expenses.

“41766. Funding.

“41767. Termination.”.

14 **TITLE III—FAA MANAGEMENT**
15 **REFORM**

16 **SEC. 301. AIR TRAFFIC CONTROL SYSTEM DEFINED.**

17 Section 40102(a) is amended—

18 (1) by redesignating paragraphs (5) through
19 (41) as paragraphs (6) through (42), respectively;
20 and

1 (2) by inserting after paragraph (4) the fol-
2 lowing:

3 “(5) ‘air traffic control system’ means the com-
4 bination of elements used to safely and efficiently
5 monitor, direct, control, and guide aircraft in the
6 United States and United States-assigned airspace,
7 including—

8 “(A) allocated electromagnetic spectrum
9 and physical, real, personal, and intellectual
10 property assets making up facilities, equipment,
11 and systems employed to detect, track, and
12 guide aircraft movement;

13 “(B) laws, regulations, orders, directives,
14 agreements, and licenses;

15 “(C) published procedures that explain re-
16 quired actions, activities, and techniques used
17 to ensure adequate aircraft separation; and

18 “(D) trained personnel with specific tech-
19 nical capabilities to satisfy the operational, en-
20 gineering, management, and planning require-
21 ments for air traffic control.”.

22 **SEC. 302. AIR TRAFFIC CONTROL OVERSIGHT BOARD.**

23 (a) ESTABLISHMENT.—

24 (1) IN GENERAL.—Chapter 1 is amended by
25 adding at the end the following:

1 **“§ 113. Air Traffic Control Oversight Board**

2 “(a) ESTABLISHMENT.—There is established within
3 the Department of Transportation an ‘Air Traffic Control
4 Oversight Board’ (in this section referred to as the ‘Over-
5 sight Board’).

6 “(b) MEMBERSHIP.—

7 “(1) COMPOSITION.—The Oversight Board
8 shall be composed of nine members, as follows:

9 “(A) Six members shall be individuals who
10 are not otherwise Federal officers or employees
11 and who are appointed by the President, by and
12 with the advice and consent of the Senate.

13 “(B) One member shall be the Secretary of
14 Transportation or, if the Secretary so des-
15 ignates, the Deputy Secretary of the Transpor-
16 tation.

17 “(C) One member shall be the Adminis-
18 trator of the Federal Aviation Administration.

19 “(D) One member shall be an individual
20 who is appointed by the President, by and with
21 the advice and consent of the Senate, from
22 among individuals who are the leaders of their
23 respective unions of air traffic control system
24 employees.

25 “(2) QUALIFICATIONS AND TERMS.—

1 “(A) QUALIFICATIONS.—Members of the
2 Oversight Board described in paragraph (1)(A)
3 shall—

4 “(i) have a fiduciary responsibility to
5 represent the public interest;

6 “(ii) be citizens of the United States;
7 and

8 “(iii) be appointed without regard to
9 political affiliation and solely on the basis
10 of their professional experience and exper-
11 tise in one or more of the following areas:

12 “(I) Management of large service
13 organizations.

14 “(II) Customer service.

15 “(III) Management of large pro-
16 curements.

17 “(IV) Information and commu-
18 nications technology.

19 “(V) Organizational development.

20 “(VI) Labor relations.

21 At least three members of the Oversight Board
22 appointed under paragraph (1)(A) should have
23 knowledge of, or a background in, aviation. At
24 least one of such members should have a back-
25 ground in managing large organizations suc-

1 cessfully. In the aggregate, such members
2 should collectively bring to bear expertise in all
3 of the areas described in subclauses (I) through
4 (VI) of clause (iii).

5 “(B) PROHIBITIONS.—No member of the
6 Oversight Board described in paragraph (1)(A)
7 may—

8 “(i) have a pecuniary interest in, or
9 own stock in or bonds of, an aviation or
10 aeronautical enterprise;

11 “(ii) engage in another business re-
12 lated to aviation or aeronautics; or

13 “(iii) be a member of any organization
14 that engages, as a substantial part of its
15 activities, in activities to influence aviation-
16 related legislation.

17 “(C) TERMS FOR AIR TRAFFIC CONTROL
18 REPRESENTATIVES.—A member appointed
19 under paragraph (1)(D) shall be appointed for
20 a term of 3 years, except that the term of such
21 individual shall end whenever the individual no
22 longer meets the requirements of paragraph
23 (1)(D).

24 “(D) TERMS FOR NONFEDERAL OFFICERS
25 OR EMPLOYEES.—A member appointed under

1 paragraph (1)(A) shall be appointed for a term
2 of 5 years, except that of the members first ap-
3 pointed under paragraph (1)(A)—

4 “(i) two members shall be appointed
5 for a term of 3 years;

6 “(ii) two members shall be appointed
7 for a term of 4 years; and

8 “(iii) two members shall be appointed
9 for a term of 5 years.

10 “(E) REAPPOINTMENT.—An individual
11 may not be appointed under paragraph (1)(A)
12 to more than two 5-year terms on the Oversight
13 Board.

14 “(F) VACANCY.—Any vacancy on the Over-
15 sight Board shall be filled in the same manner
16 as the original appointment. Any member ap-
17 pointed to fill a vacancy occurring before the
18 expiration of the term for which the member’s
19 predecessor was appointed shall be appointed
20 for the remainder of that term.

21 “(3) ETHICAL CONSIDERATIONS.—

22 “(A) FINANCIAL DISCLOSURE.—During
23 the entire period that an individual appointed
24 under subparagraph (A) or (D) of paragraph
25 (1) is a member of the Oversight Board, such

1 individual shall be treated as serving as an offi-
2 cer or employee referred to in section 101(f) of
3 the Ethics in Government Act of 1978 for pur-
4 poses of title I of such Act, except that section
5 101(d) of such Act shall apply without regard
6 to the number of days of service in the position.

7 “(B) RESTRICTIONS ON POST-EMPLOY-
8 MENT.—For purposes of section 207(c) of title
9 18, an individual appointed under subparagraph
10 (A) or (D) of paragraph (1) shall be treated as
11 an employee referred to in section
12 207(c)(2)(A)(i) of such title during the entire
13 period the individual is a member of the Board,
14 except that subsections (c)(2)(B) and (f) of sec-
15 tion 207 of such title shall not apply.

16 “(C) WAIVER.—At the time the President
17 nominates an individual for appointment as a
18 member of the Oversight Board under para-
19 graph (1)(D), the President may waive for the
20 term of the member any appropriate provision
21 of chapter 11 of title 18, to the extent such
22 waiver is necessary to allow the member to par-
23 ticipate in the decisions of the Board while con-
24 tinuing to serve as a full-time Federal employee
25 or a representative of employees. Any such

1 waiver shall not be effective unless a written in-
2 tent of waiver to exempt such member (and ac-
3 tual waiver language) is submitted to the Sen-
4 ate with the nomination of such member.

5 “(4) QUORUM.—Five members of the Oversight
6 Board shall constitute a quorum. A majority of
7 members present and voting shall be required for the
8 Oversight Board to take action.

9 “(5) REMOVAL.—Any member of the Oversight
10 Board appointed under subparagraph (A) or (D) of
11 paragraph (1) may be removed for cause by the
12 President.

13 “(6) CLAIMS.—

14 “(A) IN GENERAL.—A member of the
15 Oversight Board appointed under subparagraph
16 (A) or (D) of paragraph (1) shall have no per-
17 sonal liability under Federal law with respect to
18 any claim arising out of or resulting from an
19 act or omission by such member within the
20 scope of service as a member of the Oversight
21 Board.

22 “(B) EFFECT ON OTHER LAW.—This para-
23 graph shall not be construed—

24 “(i) to affect any other immunity or
25 protection that may be available to a mem-

1 ber of the Oversight Board under applica-
2 ble law with respect to such transactions;

3 “*(ii)* to affect any other right or rem-
4 edy against the United States under appli-
5 cable law; or

6 “*(iii)* to limit or alter in any way the
7 immunities that are available under appli-
8 cable law for Federal officers and employ-
9 ees.

10 “(c) GENERAL RESPONSIBILITIES.—

11 “(1) OVERSIGHT.—The Oversight Board shall
12 oversee the Federal Aviation Administration in its
13 administration, management, conduct, direction, and
14 supervision of the air traffic control system.

15 “(2) CONFIDENTIALITY.—The Oversight Board
16 shall ensure that appropriate confidentiality is main-
17 tained in the exercise of its duties.

18 “(d) SPECIFIC RESPONSIBILITIES.—The Oversight
19 Board shall have the following specific responsibilities:

20 “(1) STRATEGIC PLANS.—To review, approve,
21 and monitor achievements under a strategic plan of
22 the Federal Aviation Administration for the air traf-
23 fic control system, including the establishment of—

24 “(A) a mission and objectives;

1 “(B) standards of performance relative to
2 such mission and objectives, including safety,
3 efficiency, and productivity; and

4 “(C) annual and long-range strategic
5 plans.

6 “(2) MODERNIZATION AND IMPROVEMENT.—To
7 review and approve—

8 “(A) methods of the Federal Aviation Ad-
9 ministration to accelerate air traffic control
10 modernization and improvements in aviation
11 safety related to air traffic control; and

12 “(B) procurements of air traffic control
13 equipment by the Federal Aviation Administra-
14 tion in excess of \$100,000,000.

15 “(3) OPERATIONAL PLANS.—To review the
16 operational functions of the Federal Aviation Admin-
17 istration, including—

18 “(A) plans for modernization of the air
19 traffic control system;

20 “(B) plans for increasing productivity or
21 implementing cost-saving measures; and

22 “(C) plans for training and education.

23 “(4) MANAGEMENT.—To—

1 “(A) review and approve the Administra-
2 tor’s appointment of a Chief Operating Officer
3 under section 106(r);

4 “(B) review the Administrator’s selection,
5 evaluation, and compensation of senior execu-
6 tives of the Federal Aviation Administration
7 who have program management responsibility
8 over significant functions of the air traffic con-
9 trol system;

10 “(C) review and approve the Administra-
11 tor’s plans for any major reorganization of the
12 Federal Aviation Administration that would im-
13 pact on the management of the air traffic con-
14 trol system;

15 “(D) review and approve the Administra-
16 tor’s cost accounting and financial management
17 structure and technologies to help ensure effi-
18 cient and cost-effective air traffic control oper-
19 ation; and

20 “(E) review the performance and coopera-
21 tion of managers responsible for major acquisi-
22 tion projects, including the ability of the man-
23 agers to meet schedule and budget targets.

24 “(5) BUDGET.—To—

1 “(A) review and approve the budget re-
2 quest of the Federal Aviation Administration
3 related to the air traffic control system pre-
4 pared by the Administrator;

5 “(B) submit such budget request to the
6 Secretary of Transportation; and

7 “(C) ensure that the budget request sup-
8 ports the annual and long-range strategic plans.

9 The Secretary shall submit the budget request referred to
10 in paragraph (5)(B) for any fiscal year to the President
11 who shall submit such request, without revision, to the
12 Committees on Transportation and Infrastructure and
13 Appropriations of the House of Representatives and the
14 Committees on Commerce, Science, and Transportation
15 and Appropriations of the Senate, together with the Presi-
16 dent’s annual budget request for the Federal Aviation Ad-
17 ministration for such fiscal year.

18 “(e) REPORTING OF OVERTURNING OF BOARD DECI-
19 SIONS.—If the Secretary or Administrator overturns a de-
20 cision of the Oversight Board, the Secretary or Adminis-
21 trator, as appropriate shall report such action to the Presi-
22 dent, the Committee on Transportation and Infrastructure
23 of the House of Representatives, and the Committee on
24 Commerce, Science, and Transportation of the Senate.

25 “(f) BOARD PERSONNEL MATTERS.—

1 “(1) COMPENSATION OF MEMBERS.—

2 “(A) IN GENERAL.—Each member of the
3 Oversight Board who—

4 “(i) appointed under subsection
5 (b)(1)(A); or

6 “(ii) appointed under subsection
7 (b)(1)(D) and is not otherwise a Federal
8 officer or employee,

9 shall be compensated at a rate of \$30,000 per
10 year. All other members shall serve without
11 compensation for such service.

12 “(B) CHAIRPERSON.—Notwithstanding
13 subparagraph (A), the chairperson of the Over-
14 sight Board shall be compensated at a rate of
15 \$50,000 per year.

16 “(2) TRAVEL EXPENSES.—

17 “(A) IN GENERAL.—The members of the
18 Oversight Board shall be allowed travel ex-
19 penses, including per diem in lieu of subsist-
20 ence, at rates authorized for employees of agen-
21 cies under subchapter I of chapter 57 of title 5,
22 to attend meetings of the Oversight Board and,
23 with the advance approval of the chairperson of
24 the Oversight Board, while otherwise away from
25 their homes or regular places of business for

1 purposes of duties as a member of the Over-
2 sight Board.

3 “(B) REPORT.—The Oversight Board shall
4 include in its annual report under subsection
5 (g)(3)(A) information with respect to the travel
6 expenses allowed for members of the Oversight
7 Board under this paragraph.

8 “(3) STAFF.—

9 “(A) IN GENERAL.—The chairperson of
10 the Oversight Board may appoint and terminate
11 any personnel that may be necessary to enable
12 the Board to perform its duties.

13 “(B) DETAIL OF GOVERNMENT EMPLOY-
14 EES.—Upon request of the chairperson of the
15 Oversight Board, a Federal agency shall detail
16 a United States Government employee to the
17 Oversight Board without reimbursement. Such
18 detail shall be without interruption or loss of
19 civil service status or privilege.

20 “(4) PROCUREMENT OF TEMPORARY AND
21 INTERMITTENT SERVICES.—The chairperson of the
22 Oversight Board may procure temporary and inter-
23 mittent services under section 3109(b) of title 5,
24 United States Code.

25 “(g) ADMINISTRATIVE MATTERS.—

1 “(1) CHAIR.—

2 “(A) TERM.—The members of the Over-
3 sight Board shall elect for a 2-year term a
4 chairperson from among the members ap-
5 pointed under subsection (b)(1)(A).

6 “(B) POWERS.—Except as otherwise pro-
7 vided by a majority vote of the Oversight
8 Board, the powers of the chairperson shall
9 include—

10 “(i) establishing committees;

11 “(ii) setting meeting places and times;

12 “(iii) establishing meeting agendas;

13 and

14 “(iv) developing rules for the conduct
15 of business.

16 “(2) MEETINGS.—The Oversight Board shall
17 meet at least quarterly and at such other times as
18 the chairperson determines appropriate.

19 “(3) REPORTS.—

20 “(A) ANNUAL.—The Oversight Board shall
21 each year report with respect to the conduct of
22 its responsibilities under this title to the Presi-
23 dent, the Committee on Transportation and In-
24 frastructure of the House of Representatives,

1 and the Committee on Commerce, Science, and
2 Transportation of the Senate.

3 “(B) ADDITIONAL REPORT.—Upon a de-
4 termination by the Oversight Board under sub-
5 section (c)(1) that the organization and oper-
6 ation of the Federal Aviation Administration’s
7 air traffic control system are not allowing the
8 Federal Aviation Administration to carry out its
9 mission, the Oversight Board shall report such
10 determination to the Committee on Transpor-
11 tation and Infrastructure of the House of Rep-
12 resentatives and the Committee on Commerce,
13 Science, and Transportation of the Senate.

14 “(C) COMPTROLLER GENERAL’S RE-
15 PORT.—Not later than April 30, 2004, the
16 Comptroller General of the United States shall
17 transmit to the Committee on Transportation
18 and Infrastructure of the House of Representa-
19 tives and the Committee on Commerce, Science,
20 and Transportation of the Senate a report on
21 the success of the Oversight Board in improving
22 the performance of the air traffic control sys-
23 tem.”.

1 (2) CONFORMING AMENDMENT.—The analysis
2 for chapter 1 is amended by adding at the end the
3 following:

“113. Air Traffic Control Oversight Board.”.

4 (b) EFFECTIVE DATES.—

5 (1) IN GENERAL.—The amendments made by
6 this section shall take effect on the date of the en-
7 actment of this Act.

8 (2) INITIAL NOMINATIONS TO AIR TRAFFIC
9 CONTROL OVERSIGHT BOARD.—The President shall
10 submit the initial nominations of the air traffic con-
11 trol oversight board to the Senate not later than 3
12 months after the date of the enactment of this Act.

13 (3) EFFECT ON ACTIONS PRIOR TO APPOINT-
14 MENT OF OVERSIGHT BOARD.—Nothing in this sec-
15 tion shall be construed to invalidate the actions and
16 authority of the Federal Aviation Administration
17 prior to the appointment of the members of the Air
18 Traffic Control Oversight Board.

19 **SEC. 303. CHIEF OPERATING OFFICER.**

20 Section 106 is amended by adding at the end the fol-
21 lowing:

22 “(r) CHIEF OPERATING OFFICER.—

23 “(1) IN GENERAL.—

24 “(A) APPOINTMENT.—There shall be a
25 Chief Operating Officer for the air traffic con-

1 trol system to be appointed by the Adminis-
2 trator, with approval of the Air Traffic Control
3 Oversight Board established by section 113.
4 The Chief Operating Officer shall report di-
5 rectly to the Administrator and shall be subject
6 to the authority of the Administrator.

7 “(B) QUALIFICATIONS.—The Chief Oper-
8 ating Officer shall have a demonstrated ability
9 in management and knowledge of or experience
10 in aviation.

11 “(C) TERM.—The Chief Operating Officer
12 shall be appointed for a term of 5 years.

13 “(D) REMOVAL.—The Chief Operating Of-
14 ficer shall serve at the pleasure of the Adminis-
15 trator, except that the Administrator shall
16 make every effort to ensure stability and con-
17 tinuity in the leadership of the air traffic con-
18 trol system.

19 “(E) VACANCY.—Any individual appointed
20 to fill a vacancy in the position of Chief Oper-
21 ating Officer occurring before the expiration of
22 the term for which the individual’s predecessor
23 was appointed shall be appointed for the re-
24 mainder of that term.

1 “(2) ANNUAL PERFORMANCE AGREEMENT.—
2 The Administrator and the Chief Operating Officer,
3 in consultation with the Air Traffic Control Over-
4 sight Board, shall enter into an annual performance
5 agreement that sets forth measurable organization
6 and individual goals for the Chief Operating Officer
7 in key operational areas. The agreement shall be
8 subject to review and renegotiation on an annual
9 basis.

10 “(3) ANNUAL PERFORMANCE REPORT.—The
11 Chief Operating Officer shall prepare and submit to
12 the Secretary of Transportation and Congress an
13 annual management report containing such informa-
14 tion as may be prescribed by the Secretary.”.

15 **SEC. 304. FEDERAL AVIATION MANAGEMENT ADVISORY**
16 **COUNCIL.**

17 (a) MEMBERSHIP.—Section 106(p)(2)(C) is amended
18 to read as follows:

19 “(C) 13 members representing aviation in-
20 terests, appointed by—

21 “(i) in the case of initial appointments
22 to the Council, the President by and with
23 the advice and consent of the Senate; and

1 “(ii) in the case of subsequent ap-
2 pointments to the Council, the Secretary of
3 Transportation.”.

4 (b) TERMS OF MEMBERS.—Section 106(p)(6)(A)(i)
5 is amended by striking “by the President”.

6 **SEC. 305. ENVIRONMENTAL STREAMLINING.**

7 (a) COORDINATED ENVIRONMENTAL REVIEW PROC-
8 ESS.—

9 (1) DEVELOPMENT AND IMPLEMENTATION.—

10 The Secretary shall develop and implement a coordi-
11 nated environmental review process for aviation in-
12 frastructure projects that require—

13 (A) the preparation of an environmental
14 impact statement or environmental assessment
15 under the National Environmental Policy Act of
16 1969 (42 U.S.C. 4321 et seq.), except that the
17 Secretary may decide not to apply this section
18 to the preparation of an environmental assess-
19 ment under such Act; or

20 (B) the conduct of any other environ-
21 mental review, analysis, opinion, or issuance of
22 an environmental permit, license, or approval by
23 operation of Federal law.

24 (2) MEMORANDUM OF UNDERSTANDING.—

1 (A) IN GENERAL.—The coordinated envi-
2 ronmental review process for each project shall
3 ensure that, whenever practicable (as specified
4 in this section), all environmental reviews, anal-
5 yses, opinions, and any permits, licenses, or ap-
6 provals that must be issued or made by any
7 Federal agency for the project concerned shall
8 be conducted concurrently and completed within
9 a cooperatively determined time period. Such
10 process for a project or class of project may be
11 incorporated into a memorandum of under-
12 standing between the Department of Transpor-
13 tation and Federal agencies (and, where appro-
14 priate, State agencies).

15 (B) ESTABLISHMENT OF TIME PERIODS.—
16 In establishing the time period referred to in
17 subparagraph (A), and any time periods for re-
18 view within such period, the Department and all
19 such agencies shall take into account their re-
20 spective resources and statutory commitments.

21 (b) ELEMENTS OF COORDINATED ENVIRONMENTAL
22 REVIEW PROCESS.—For each project, the coordinated en-
23 vironmental review process established under this section
24 shall provide, at a minimum, for the following elements:

1 (1) FEDERAL AGENCY IDENTIFICATION.—The
2 Secretary shall, at the earliest possible time, identify
3 all potential Federal agencies that—

4 (A) have jurisdiction by law over environ-
5 mental-related issues that may be affected by
6 the project and the analysis of which would be
7 part of any environmental document required
8 by the National Environmental Policy Act of
9 1969 (42 U.S.C. 4321 et seq.); or

10 (B) may be required by Federal law to
11 independently—

12 (i) conduct an environmental-related
13 review or analysis; or

14 (ii) determine whether to issue a per-
15 mit, license, or approval or render an opin-
16 ion on the environmental impact of the
17 project.

18 (2) TIME LIMITATIONS AND CONCURRENT RE-
19 VIEW.—The Secretary and the head of each Federal
20 agency identified under paragraph (1)—

21 (A)(i) shall jointly develop and establish
22 time periods for review for—

23 (I) all Federal agency comments with
24 respect to any environmental review docu-
25 ments required by the National Environ-

1 mental Policy Act of 1969 (42 U.S.C.
2 4321 et seq.) for the project; and

3 (II) all other independent Federal
4 agency environmental analyses, reviews,
5 opinions, and decisions on any permits, li-
6 censes, and approvals that must be issued
7 or made for the project,

8 whereby each such Federal agency's review
9 shall be undertaken and completed within such
10 established time periods for review; or

11 (ii) may enter into an agreement to estab-
12 lish such time periods for review with respect to
13 a class of project; and

14 (B) shall ensure, in establishing such time
15 periods for review, that the conduct of any such
16 analysis, review, opinion, and decision is under-
17 taken concurrently with all other environmental
18 reviews for the project, including the reviews re-
19 quired by the National Environmental Policy
20 Act of 1969 (42 U.S.C. 4321 et seq.); except
21 that such review may not be concurrent if the
22 affected Federal agency can demonstrate that
23 such concurrent review would result in a signifi-
24 cant adverse impact to the environment or sub-
25 stantively alter the operation of Federal law or

1 would not be possible without information de-
2 veloped as part of the environmental review
3 process.

4 (3) FACTORS TO BE CONSIDERED.—Time peri-
5 ods for review established under this section shall be
6 consistent with the time periods established by the
7 Council on Environmental Quality under sections
8 1501.8 and 1506.10 of title 40, Code of Federal
9 Regulations.

10 (4) EXTENSIONS.—The Secretary shall extend
11 any time periods for review under this section if,
12 upon good cause shown, the Secretary and any Fed-
13 eral agency concerned determine that additional time
14 for analysis and review is needed as a result of new
15 information that has been discovered that could not
16 reasonably have been anticipated when the Federal
17 agency's time periods for review were established.
18 Any memorandum of understanding shall be modi-
19 fied to incorporate any mutually agreed-upon exten-
20 sions.

21 (c) DISPUTE RESOLUTION.—When the Secretary de-
22 termines that a Federal agency which is subject to a time
23 period for its environmental review or analysis under this
24 section has failed to complete such review, analysis, opin-
25 ion, or decision on issuing any permit, license, or approval

1 within the established time period or within any agreed-
2 upon extension to such time period, the Secretary may,
3 after notice and consultation with such agency, close the
4 record on the matter before the Secretary. If the Secretary
5 finds, after timely compliance with this section, that an
6 environmental issue related to the project that an affected
7 Federal agency has jurisdiction over by operation of Fed-
8 eral law has not been resolved, the Secretary and the head
9 of the Federal agency shall resolve the matter not later
10 than 30 days after the date of the finding by the Sec-
11 retary.

12 (d) PARTICIPATION OF STATE AGENCIES.—For any
13 project eligible for assistance under chapter 471 of title
14 49, United States Code, a State, by operation of State
15 law, may require that all State agencies that have jurisdic-
16 tion by State or Federal law over environmental-related
17 issues that may be affected by the project, or that are
18 required to issue any environmental-related reviews, anal-
19 yses, opinions, or determinations on issuing any permits,
20 licenses, or approvals for the project, be subject to the co-
21 ordinated environmental review process established under
22 this section unless the Secretary determines that a State’s
23 participation would not be in the public interest. For a
24 State to require State agencies to participate in the review

1 process, all affected agencies of the State shall be subject
2 to the review process.

3 (e) ASSISTANCE TO AFFECTED FEDERAL AGEN-
4 CIES.—

5 (1) IN GENERAL.—The Secretary may approve
6 a request by a State or other recipient of assistance
7 under chapter 471 of title 49, United States Code,
8 to provide funds made available from the Airport
9 and Airway Trust Fund to the State or recipient for
10 an aviation project subject to the coordinated envi-
11 ronmental review process established under this sec-
12 tion to affected Federal agencies to provide the re-
13 sources necessary to meet any time limits estab-
14 lished under this section.

15 (2) AMOUNTS.—Such requests under paragraph
16 (1) shall be approved only—

17 (A) for the additional amounts that the
18 Secretary determines are necessary for the af-
19 fected Federal agencies to meet the time limits
20 for environmental review; and

21 (B) if such time limits are less than the
22 customary time necessary for such review.

23 (f) JUDICIAL REVIEW AND SAVINGS CLAUSE.—

24 (1) JUDICIAL REVIEW.—Nothing in this section
25 shall affect the reviewability of any final Federal

1 agency action in a court of the United States or in
2 the court of any State.

3 (2) SAVINGS CLAUSE.—Nothing in this section
4 shall affect the applicability of the National Environ-
5 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.)
6 or any other Federal environmental statute or affect
7 the responsibility of any Federal officer to comply
8 with or enforce any such statute.

9 (g) FEDERAL AGENCY DEFINED.—In this section,
10 the term “Federal agency” means any Federal agency or
11 any State agency carrying out affected responsibilities re-
12 quired by operation of Federal law.

13 **SEC. 306. CLARIFICATION OF REGULATORY APPROVAL**
14 **PROCESS.**

15 Section 106(f)(3)(B)(i) is amended—

16 (1) by striking “\$100,000,000” each place it
17 appears and inserting “\$250,000,000”;

18 (2) by striking “Air Traffic Management Sys-
19 tem Performance Improvement Act of 1996” and in-
20 sserting “Aviation Investment and Reform Act for
21 the 21st Century”;

22 (3) in subclause (I)—

23 (A) by inserting “substantial and” before
24 “material”; and

1 (B) by inserting “or” after the semicolon
2 at the end; and

3 (4) by striking subclauses (II), (III), and (IV)
4 and inserting the following:

5 “(II) raise novel or significant legal or
6 policy issues arising out of legal mandates
7 that may substantially and materially af-
8 fect other transportation modes.”.

9 **SEC. 307. INDEPENDENT STUDY OF FAA COSTS AND ALLO-**
10 **CATIONS.**

11 (a) INDEPENDENT ASSESSMENT.—

12 (1) IN GENERAL.—The Inspector General of
13 the Department of Transportation shall conduct the
14 assessments described in this section. To conduct
15 the assessments, the Inspector General may use the
16 staff and resources of the Inspector General or con-
17 tract with one or more independent entities.

18 (2) ASSESSMENT OF ADEQUACY AND ACCURACY
19 OF FAA COST DATA AND ATTRIBUTIONS.—

20 (A) IN GENERAL.—The Inspector General
21 shall conduct an assessment to ensure that the
22 method for calculating the overall costs of the
23 Federal Aviation Administration and attrib-
24 uting such costs to specific users is appropriate,
25 reasonable, and understandable to the users.

1 (B) COMPONENTS.—In conducting the as-
2 sessment under this paragraph, the Inspector
3 General shall assess the following:

4 (i) The Federal Aviation Administra-
5 tion’s cost input data, including the reli-
6 ability of the Federal Aviation Administra-
7 tion’s source documents and the integrity
8 and reliability of the Federal Aviation Ad-
9 ministration’s data collection process.

10 (ii) The Federal Aviation Administra-
11 tion’s system for tracking assets.

12 (iii) The Federal Aviation Administra-
13 tion’s bases for establishing asset values
14 and depreciation rates.

15 (iv) The Federal Aviation Administra-
16 tion’s system of internal controls for ensur-
17 ing the consistency and reliability of re-
18 ported data.

19 (v) The Federal Aviation Administra-
20 tion’s definition of the services to which
21 the Federal Aviation Administration ulti-
22 mately attributes its costs.

23 (vi) The cost pools used by the Fed-
24 eral Aviation Administration and the ra-
25 tionale for and reliability of the bases

1 which the Federal Aviation Administration
2 proposes to use in allocating costs of serv-
3 ices to users.

4 (C) REQUIREMENTS FOR ASSESSMENT OF
5 COST POOLS.—In carrying out subparagraph
6 (B)(vi), the Inspector General shall—

7 (i) review costs that cannot reliably be
8 attributed to specific Federal Aviation Ad-
9 ministration services or activities (called
10 “common and fixed costs” in the Federal
11 Aviation Administration Cost Allocation
12 Study) and consider alternative methods
13 for allocating such costs; and

14 (ii) perform appropriate tests to as-
15 sess relationships between costs in the var-
16 ious cost pools and activities and services
17 to which the costs are attributed by the
18 Federal Aviation Administration.

19 (3) COST EFFECTIVENESS.—

20 (A) IN GENERAL.—The Inspector General
21 shall assess the progress of the Federal Avia-
22 tion Administration in cost and performance
23 management, including use of internal and ex-
24 ternal benchmarking in improving the perform-

1 ance and productivity of the Federal Aviation
2 Administration.

3 (B) ANNUAL REPORTS.—Not later than
4 December 31, 2000, and annually thereafter
5 until December 31, 2004, the Inspector General
6 shall transmit to Congress an updated report
7 containing the results of the assessment con-
8 ducted under this paragraph.

9 (C) INFORMATION TO BE INCLUDED IN
10 FAA FINANCIAL REPORT.—The Administrator
11 shall include in the annual financial report of
12 the Federal Aviation Administration informa-
13 tion on the performance of the Administration
14 sufficient to permit users and others to make
15 an informed evaluation of the progress of the
16 Administration in increasing productivity.

17 (b) FUNDING.—Of the amounts appropriated pursu-
18 ant to section 106(k) of title 49, United States Code, for
19 fiscal year 2000, not to exceed \$1,500,000 may be used
20 to carry out this section.

21 **SEC. 308. FAILURE TO MEET RULEMAKING DEADLINE.**

22 Section 106(f)(3)(A) is amended by adding at the end
23 the following: “If the Administrator does not meet a dead-
24 line specified in this subparagraph, the Administrator
25 shall transmit to Congress notification of the missed dead-

1 line, including an explanation for missing the deadline and
2 a projected date on which the action that was subject to
3 the deadline will be taken.”.

4 **SEC. 309. FEDERAL PROCUREMENT INTEGRITY ACT.**

5 Section 348(b)(2) of the Department of Transpor-
6 tation and Related Agencies Appropriations Act, 1996 (49
7 U.S.C. 40110 note; 109 Stat. 460) is amended by striking
8 the period and inserting the following: “, other than sec-
9 tion 27 of the Office of Federal Procurement Policy Act
10 (41 U.S.C. 423); except that subsections (f) and (g) of
11 such section 27 shall not apply to the Federal Aviation
12 Administration’s acquisition management system. Within
13 90 days following the date of the enactment of the Avia-
14 tion Investment and Reform Act for the 21st Century, the
15 Administrator of the Federal Aviation Administration
16 shall adopt definitions for the acquisition management
17 system that are consistent with the purpose and intent of
18 this section and that will allow the application of the crimi-
19 nal, civil and administrative remedies provided. The Ad-
20 ministrator shall have the authority to take an adverse
21 personnel action provided in subsection (e)(3)(A)(iv) of
22 such section 27, but shall take any such actions in accord-
23 ance with the procedures contained in the Federal Avia-
24 tion Administration’s personnel management system.”.

1 **TITLE IV—FAMILY ASSISTANCE**

2 **SEC. 401. RESPONSIBILITIES OF NATIONAL TRANSPORTATION SAFETY BOARD.**

3
4 (a) PROHIBITION ON UNSOLICITED COMMUNICATIONS.—

5
6 (1) IN GENERAL.—Section 1136(g)(2) is amended—

7
8 (A) by striking “transportation,” and inserting “transportation and in the event of an
9 accident involving a foreign air carrier that occurs within the United States,”;

10
11 (B) by inserting after “attorney” the following: “(including any associate, agent, employee, or other representative of an attorney)”;

12
13 and
14 (C) by striking “30th day” and inserting
15
16 “45th day”.

17
18 (2) ENFORCEMENT.—Section 1151 is amended
19 by inserting “1136(g)(2),” before “or 1155(a)” each
20 place it appears.

21 (b) PROHIBITION ON ACTIONS TO PREVENT MENTAL
22 HEALTH AND COUNSELING SERVICES.—Section 1136(g)
23 is amended by adding at the end the following:

24 “(3) PROHIBITION ON ACTIONS TO PREVENT
25 MENTAL HEALTH AND COUNSELING SERVICES.—No

1 State or political subdivision may prevent the em-
2 ployees, agents, or volunteers of an organization des-
3 igned for an accident under subsection (a)(2) from
4 providing mental health and counseling services
5 under subsection (c)(1) in the 30-day period begin-
6 ning on the date of the accident. The director of
7 family support services designated for the accident
8 under subsection (a)(1) may extend such period for
9 not to exceed an additional 30 days if the director
10 determines that the extension is necessary to meet
11 the needs of the families and if State and local au-
12 thorities are notified of the determination.”.

13 (c) INCLUSION OF NONREVENUE PASSENGERS IN
14 FAMILY ASSISTANCE COVERAGE.—Section 1136(h)(2) is
15 amended to read as follows:

16 “(2) PASSENGER.—The term ‘passenger’
17 includes—

18 “(A) an employee of an air carrier or for-
19 eign air carrier aboard an aircraft; and

20 “(B) any other person aboard the aircraft
21 without regard to whether the person paid for
22 the transportation, occupied a seat, or held a
23 reservation for the flight.”.

1 (d) LIMITATION ON STATUTORY CONSTRUCTION.—
2 Section 1136 is amended by adding at the end the fol-
3 lowing:

4 “(i) LIMITATION ON STATUTORY CONSTRUCTION.—
5 Nothing in this section may be construed as limiting the
6 actions that an air carrier may take, or the obligations
7 that an air carrier may have, in providing assistance to
8 the families of passengers involved in an aircraft acci-
9 dent.”.

10 **SEC. 402. AIR CARRIER PLANS.**

11 (a) CONTENTS OF PLANS.—

12 (1) FLIGHT RESERVATION INFORMATION.—Sec-
13 tion 41113(b) is amended by adding at the end the
14 following:

15 “(14) An assurance that, upon request of the
16 family of a passenger, the air carrier will inform the
17 family of whether the passenger’s name appeared on
18 a preliminary passenger manifest for the flight in-
19 volved in the accident.”.

20 (2) TRAINING OF EMPLOYEES AND AGENTS.—

21 Section 41113(b) is further amended by adding at
22 the end the following:

23 “(15) An assurance that the air carrier will
24 provide adequate training to the employees and

1 agents of the carrier to meet the needs of survivors
2 and family members following an accident.”.

3 (3) CONSULTATION ON CARRIER RESPONSE NOT
4 COVERED BY PLAN.—Section 41113(b) is further
5 amended by adding at the end the following:

6 “(16) An assurance that the air carrier, in the
7 event that the air carrier volunteers assistance to
8 United States citizens within the United States in
9 the case of an aircraft accident outside the United
10 States involving major loss of life, the air carrier will
11 consult with the Board and the Department of State
12 on the provision of the assistance.”.

13 (4) SUBMISSION OF UPDATED PLANS.—The
14 amendments made by paragraphs (1), (2), and (3)
15 shall take effect on the 180th day following the date
16 of the enactment of this Act. On or before such
17 180th day, each air carrier holding a certificate of
18 public convenience and necessity under section
19 41102 of title 49, United States Code, shall submit
20 to the Secretary of Transportation and the Chair-
21 man of the National Transportation Safety Board
22 an updated plan under section 41113 of such title
23 that meets the requirement of the amendments made
24 by paragraphs (1), (2), and (3).

1 (5) CONFORMING AMENDMENTS.—Section
2 41113 is amended—

3 (A) in subsection (a) by striking “Not later
4 than 6 months after the date of the enactment
5 of this section, each air carrier” and inserting
6 “Each air carrier”; and

7 (B) in subsection (c) by striking “After the
8 date that is 6 months after the date of the en-
9 actment of this section, the Secretary” and in-
10 serting “The Secretary”.

11 (b) LIMITATION ON LIABILITY.—Section 41113(d) is
12 amended by inserting “, or in providing information con-
13 cerning a flight reservation,” before “pursuant to a plan”.

14 (c) LIMITATION ON STATUTORY CONSTRUCTION.—
15 Section 41113 is amended by adding at the end the fol-
16 lowing:

17 “(f) LIMITATION ON STATUTORY CONSTRUCTION.—
18 Nothing in this section may be construed as limiting the
19 actions that an air carrier may take, or the obligations
20 that an air carrier may have, in providing assistance to
21 the families of passengers involved in an aircraft acci-
22 dent.”.

1 **SEC. 403. FOREIGN AIR CARRIER PLANS.**

2 (a) INCLUSION OF NONREVENUE PASSENGERS IN
3 FAMILY ASSISTANCE COVERAGE.—Section 41313(a)(2) is
4 amended to read as follows:

5 “(2) PASSENGER.—The term ‘passenger’ has
6 the meaning given such term by section 1136 of this
7 title.”.

8 (b) ACCIDENTS FOR WHICH PLAN IS REQUIRED.—
9 Section 41313(b) is amended by striking “significant” and
10 inserting “major”.

11 (c) CONTENTS OF PLANS.—

12 (1) IN GENERAL.—Section 41313(c) is amend-
13 ed by adding at the end the following:

14 “(15) TRAINING OF EMPLOYEES AND
15 AGENTS.—An assurance that the foreign air carrier
16 will provide adequate training to the employees and
17 agents of the carrier to meet the needs of survivors
18 and family members following an accident.

19 “(16) CONSULTATION ON CARRIER RESPONSE
20 NOT COVERED BY PLAN.—An assurance that the
21 foreign air carrier, in the event that the foreign air
22 carrier volunteers assistance to United States citi-
23 zens within the United States in the case of an air-
24 craft accident outside the United States involving
25 major loss of life, the foreign air carrier will consult

1 with the Board and the Department of State on the
2 provision of the assistance.”.

3 (2) SUBMISSION OF UPDATED PLANS.—The
4 amendment made by paragraph (1) shall take effect
5 on the 180th day following the date of the enact-
6 ment of this Act. On or before such 180th day, each
7 foreign air carrier providing foreign air transpor-
8 tation under chapter 413 of title 49, United States
9 Code, shall submit to the Secretary of Transpor-
10 tation and the Chairman of the National Transpor-
11 tation Safety Board an updated plan under section
12 41313 of such title that meets the requirement of
13 the amendment made by paragraph (1).

14 **SEC. 404. APPLICABILITY OF DEATH ON THE HIGH SEAS**
15 **ACT.**

16 (a) IN GENERAL.—Section 40120(a) is amended by
17 inserting “(including the Act entitled ‘An Act relating to
18 the maintenance of actions for death on the high seas and
19 other navigable waters’, approved March 30, 1920, com-
20 monly known as the Death on the High Seas Act (46
21 U.S.C. App. 761–767; 41 Stat. 537–538))” after “United
22 States”.

23 (b) APPLICABILITY.—The amendment made by sub-
24 section (a) applies to civil actions commenced after the
25 date of the enactment of this Act and to civil actions that

1 are not adjudicated by a court of original jurisdiction or
2 settled on or before such date of the enactment.

3 **TITLE V—SAFETY**

4 **SEC. 501. CARGO COLLISION AVOIDANCE SYSTEMS DEAD-** 5 **LINES.**

6 (a) IN GENERAL.—The Administrator shall require
7 by regulation that, no later than December 31, 2002,
8 equipment be installed, on each cargo aircraft with a max-
9 imum certificated takeoff weight in excess of 15,000 kilo-
10 grams, that provides protection from mid-air collisions
11 using technology that provides—

12 (1) cockpit based collision detection and conflict
13 resolution guidance, including display of traffic; and

14 (2) a margin of safety of at least the same level
15 as provided by the collision avoidance system known
16 as TCAS–II.

17 (b) EXTENSION OF DEADLINE.—The Administrator
18 may extend the deadline established by subsection (a) by
19 not more than 2 years if the Administrator finds that the
20 extension is needed to promote—

21 (1) a safe and orderly transition to the oper-
22 ation of a fleet of cargo aircraft equipped with colli-
23 sion avoidance equipment; or

24 (2) other safety or public interest objectives.

1 **SEC. 502. RECORDS OF EMPLOYMENT OF PILOT APPLI-**
2 **CANTS.**

3 Section 44936(f) is amended—

4 (1) in paragraph (1)(B) by inserting “(except a
5 branch of the United States Armed Forces, the Na-
6 tional Guard, or a reserve component of the United
7 States Armed Forces)” after “person” the first
8 place it appears;

9 (2) in paragraph (1)(B)(ii) by striking “indi-
10 vidual” the first place it appears and inserting “indi-
11 vidual’s performance as a pilot”;

12 (3) in paragraph (14)(B) by inserting “or from
13 a foreign government or entity that employed the in-
14 dividual” after “exists”; and

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

16 “(15) ELECTRONIC ACCESS TO FAA
17 RECORDS.—For the purpose of increasing timely and
18 efficient access to Federal Aviation Administration
19 records described in paragraph (1), the Adminis-
20 trator may allow, under terms established by the Ad-
21 ministrator, a designated individual to have elec-
22 tronic access to a specified database containing in-
23 formation about such records.”.

1 **SEC. 503. WHISTLEBLOWER PROTECTION FOR FAA EM-**
2 **PLOYEES.**

3 Section 347(b)(1) of the Department of Transpor-
4 tation and Related Agencies Appropriations Act, 1996 (49
5 U.S.C. 106 note; 109 Stat. 460) is amended by inserting
6 before the semicolon at the end the following: “, including
7 the provisions for investigation and enforcement as pro-
8 vided in chapter 12 of title 5, United States Code”.

9 **SEC. 504. SAFETY RISK MITIGATION PROGRAMS.**

10 Section 44701 is further amended by adding at the
11 end the following:

12 “(g) SAFETY RISK MANAGEMENT PROGRAM GUIDE-
13 LINES.—The Administrator shall issue guidelines and en-
14 courage the development of air safety risk mitigation pro-
15 grams throughout the aviation industry, including self-au-
16 dits and self-disclosure programs.”.

17 **SEC. 505. FLIGHT OPERATIONS QUALITY ASSURANCE**
18 **RULES.**

19 Not later than 30 days after the date of the enact-
20 ment of this Act, the Administrator shall issue a notice
21 of proposed rulemaking to develop procedures to protect
22 air carriers and their employees from civil enforcement ac-
23 tions under the program known as Flight Operations
24 Quality Assurance. Not later than 1 year after the last
25 day of the period for public comment provided for in the

1 notice of proposed rulemaking, the Administrator shall
2 issue a final rule establishing such procedures.

3 **SEC. 506. SMALL AIRPORT CERTIFICATION.**

4 Not later than 60 days after the date of the enact-
5 ment of this Act, the Administrator shall issue a notice
6 of proposed rulemaking on implementing section
7 44706(a)(2) of title 49, United States Code, relating to
8 issuance of airport operating certificates for small sched-
9 uled passenger air carrier operations. Not later than 1
10 year after the last day of the period for public comment
11 provided for in the notice of proposed rulemaking, the Ad-
12 ministrator shall issue a final rule on implementing such
13 program.

14 **SEC. 507. LIFE-LIMITED AIRCRAFT PARTS.**

15 (a) IN GENERAL.—Chapter 447 is amended by add-
16 ing at the end the following:

17 **“§ 44725. Life-limited aircraft parts**

18 “(a) IN GENERAL.—The Administrator of the Fed-
19 eral Aviation Administration shall conduct a rulemaking
20 proceeding to require the safe disposition of life-limited
21 parts removed from an aircraft. The rulemaking pro-
22 ceeding shall ensure that the disposition deter installation
23 on an aircraft of a life-limited part that has reached or
24 exceeded its life limits.

1 “(b) SAFE DISPOSITION.—For the purposes of this
2 section, safe disposition includes any of the following
3 methods:

4 “(1) The part may be segregated under cir-
5 cumstances that preclude its installation on an air-
6 craft.

7 “(2) The part may be permanently marked to
8 indicate its used life status.

9 “(3) The part may be destroyed in any manner
10 calculated to prevent reinstallation in an aircraft.

11 “(4) The part may be marked, if practicable, to
12 include the recordation of hours, cycles, or other air-
13 worthiness information. If the parts are marked with
14 cycles or hours of usage, that information must be
15 updated every time the part is removed from service
16 or when the part is retired from service.

17 “(5) Any other method approved by the Admin-
18 istrator.

19 “(c) DEADLINES.—In conducting the rulemaking
20 proceeding under subsection (a), the Administrator
21 shall—

22 “(1) not later than 180 days after the date of
23 the enactment of this section, issue a notice of pro-
24 posed rulemaking; and

1 “(2) not later than 180 days after the close of
2 the comment period on the proposed rule, issue a
3 final rule.

4 “(d) PRIOR-REMOVED LIFE-LIMITED PARTS.—No
5 rule issued under subsection (a) shall require the marking
6 of parts removed before the effective date of the rules
7 issued under subsection (a), nor shall any such rule forbid
8 the installation of an otherwise airworthy life-limited
9 part.”.

10 (b) CIVIL PENALTY.—Section 46301(a)(3) is
11 amended—

12 (1) in subparagraph (A) by striking “or” at the
13 end;

14 (2) in subparagraph (B) by striking the period
15 at the end and inserting a semicolon; and

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

17 “(C) a violation of section 44725, relating to
18 the safe disposal of life-limited aircraft parts;”.

19 (c) CONFORMING AMENDMENT.—The analysis for
20 chapter 447 is further amended by adding at the end the
21 following:

 “44725. Life-limited aircraft parts.”.

22 **SEC. 508. FAA MAY FINE UNRULY PASSENGERS.**

23 (a) IN GENERAL.—Chapter 463 is amended—

24 (1) by redesignating section 46316 as section
25 46317; and

1 (2) by inserting after section 46315 the fol-
2 lowing:

3 **“§ 46316. Interference with cabin or flight crew**

4 “(a) CIVIL PENALTY.—An individual who interferes
5 with the duties or responsibilities of the flight crew or
6 cabin crew of a civil aircraft, or who poses an imminent
7 threat to the safety of the aircraft or other individuals on
8 the aircraft, is liable to the United States Government for
9 a civil penalty of not more than \$25,000.

10 “(b) BAN ON FLYING.—If the Secretary finds that
11 an individual has interfered with the duties or responsibil-
12 ities of the flight crew or cabin crew of a civil aircraft
13 in a way that poses an imminent threat to the safety of
14 the aircraft or individuals aboard the aircraft, the indi-
15 vidual may be banned by the Secretary for a period of
16 1 year from flying on any aircraft operated by an air car-
17 rier.

18 “(c) REGULATIONS.—The Secretary shall issue regu-
19 lations to carry out subsection (b), including establishing
20 procedures for imposing bans on flying, implementing
21 such bans, and providing notification to air carriers of the
22 imposition of such bans.”.

23 (b) COMPROMISE AND SETOFF.—Section
24 46301(f)(1)(A)(i) is amended by inserting “46316,” be-
25 fore “or 47107(b)”.

1 (c) CONFORMING AMENDMENT.—The analysis for
2 chapter 463 is amended by striking the item relating to
3 section 46316 and inserting after the item relating to sec-
4 tion 46315 the following:

“46316. Interference with cabin or flight crew.

“46317. General criminal penalty when specific penalty not provided.”.

5 **SEC. 509. REPORT ON AIR TRANSPORTATION OVERSIGHT**
6 **SYSTEM.**

7 Not later than March 1, 2000, and annually there-
8 after for the next 5 years, the Administrator shall trans-
9 mit to the Committee on Transportation and Infrastruc-
10 ture of the House of Representatives and the Committee
11 on Commerce, Science, and Transportation of the Senate
12 a report on the progress of the Federal Aviation Adminis-
13 tration in implementing the air transportation oversight
14 system. At a minimum, the report shall indicate—

15 (1) any funding or staffing constraints that
16 would adversely impact the Administration’s ability
17 to fully develop and implement such system;

18 (2) progress in integrating the aviation safety
19 data derived from such system’s inspections with ex-
20 isting aviation data of the Administration in the
21 safety performance analysis system of the Adminis-
22 tration; and

23 (3) the Administration’s efforts in collaboration
24 with the aviation industry to develop and validate

1 safety performance measures and appropriate risk
2 weightings for the air transportation oversight sys-
3 tem.

4 **SEC. 510. AIRPLANE EMERGENCY LOCATORS.**

5 (a) REQUIREMENT.—Section 44712(b) is amended to
6 read as follows:

7 “(b) NONAPPLICATION.—Subsection (a) does not
8 apply to—

9 “(1) aircraft when used in scheduled flights by
10 scheduled air carriers holding certificates issued by
11 the Secretary of Transportation under subpart II of
12 this part;

13 “(2) aircraft when used in training operations
14 conducted entirely within a 50-mile radius of the air-
15 port from which the training operations begin;

16 “(3) aircraft when used in flight operations re-
17 lated to the design and testing, manufacture, prepa-
18 ration, and delivery of aircraft;

19 “(4) aircraft when used in research and devel-
20 opment if the aircraft holds a certificate from the
21 Administrator of the Federal Aviation Administra-
22 tion to carry out such research and development;

23 “(5) aircraft when used in showing compliance
24 with regulations crew training, exhibition, air racing,
25 or market surveys;

1 “(6) aircraft when used in the aerial application
2 of a substance for an agricultural purpose;

3 “(7) aircraft with a maximum payload capacity
4 of more than 7,500 pounds when used in air trans-
5 portation; or

6 “(8) aircraft capable of carrying only one indi-
7 vidual.”.

8 (b) COMPLIANCE.—Section 44712 is amended by re-
9 designating subsection (c) as subsection (d) and by insert-
10 ing after subsection (b) the following:

11 “(c) COMPLIANCE.—An aircraft meets the require-
12 ment of subsection (a) if it is equipped with an emergency
13 locator transmitter that transmits on the 121.5/243 mega-
14 hertz frequency or the 406 megahertz frequency, or with
15 other equipment approved by the Secretary for meeting
16 the requirement of subsection (a).”.

17 (c) EFFECTIVE DATE; REGULATIONS.—

18 (1) REGULATIONS.—The Secretary of Trans-
19 portation shall issue regulations under section
20 44712(b) of title 49, United States Code, as amend-
21 ed by this section not later than January 1, 2002.

22 (2) EFFECTIVE DATE.—The amendments made
23 by this section shall take effect on January 1, 2002.

24 **SEC. 511. LANDFILLS INTERFERING WITH AIR COMMERCE.**

25 (a) FINDINGS.—Congress finds that—

1 (1) collisions between aircraft and birds have
2 resulted in fatal accidents;

3 (2) bird strikes pose a special danger to smaller
4 aircraft;

5 (3) landfills near airports pose a potential haz-
6 ard to aircraft operating there because they attract
7 birds;

8 (4) even if the landfill is not located in the ap-
9 proach path of the airport's runway, it still poses a
10 hazard because of the birds' ability to fly away from
11 the landfill and into the path of oncoming planes;

12 (5) while certain mileage limits have the poten-
13 tial to be arbitrary, keeping landfills at least 6 miles
14 away from an airport, especially an airport served by
15 small planes, is an appropriate minimum require-
16 ment for aviation safety; and

17 (6) closure of existing landfills (due to concerns
18 about aviation safety) should be avoided because of
19 the likely disruption to those who use and depend on
20 such landfills.

21 (b) LIMITATION ON CONSTRUCTION.—Section
22 44718(d) is amended to read as follows:

23 “(d) LIMITATION ON CONSTRUCTION OF LAND-
24 FILLS.—

1 “(1) IN GENERAL.—No person shall construct
2 or establish a landfill within 6 miles of an airport
3 primarily served by general aviation aircraft or air-
4 craft designed for 60 passengers or less unless the
5 State aviation agency of the State in which the air-
6 port is located requests that the Administrator of
7 the Federal Aviation Administration exempt the
8 landfill from this prohibition and the Administrator,
9 in response to such a request, determines that the
10 landfill would not have an adverse impact on avia-
11 tion safety.

12 “(2) LIMITATION ON APPLICABILITY.—Para-
13 graph (1) shall not apply to construction or estab-
14 lishment of a landfill if a permit relating to con-
15 struction or establishment of such landfill was issued
16 on or before June 1, 1999.”.

17 (c) CIVIL PENALTY FOR VIOLATIONS OF LIMITATION
18 ON CONSTRUCTION OF LANDFILLS.—Section 46301(a)(3)
19 is further amended by adding at the end the following:

20 “(D) a violation of section 41718(d), relating to
21 limitation on construction of landfills; or”.

22 **SEC. 512. AMENDMENT OF STATUTE PROHIBITING THE**
23 **BRINGING OF HAZARDOUS SUBSTANCES**
24 **ABOARD AN AIRCRAFT.**

25 Section 46312 is amended—

1 (1) by striking “A person” and inserting “(a)

2 GENERAL.—A person”; and

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

4 “(b) KNOWLEDGE OF REGULATIONS.—For purposes
5 of subsection (a), knowledge by the person of the existence
6 of a regulation or requirement related to the transpor-
7 tation of hazardous material prescribed by the Secretary
8 under this part is not an element of an offense under this
9 section but shall be considered in mitigation of the pen-
10 alty.”.

11 **SEC. 513. AIRPORT SAFETY NEEDS.**

12 The Administrator shall initiate a rulemaking pro-
13 ceeding to consider revisions of part 139 of title 14, Code
14 of Federal Regulations, to meet current and future airport
15 safety needs—

16 (1) focusing, but not limited to, on the mission
17 of rescue personnel, rescue operations response time,
18 and extinguishing equipment; and

19 (2) taking into account the need for different
20 requirements for airports depending on their size.

21 **SEC. 514. LIMITATION ON ENTRY INTO MAINTENANCE IM-**
22 **PLEMENTATION PROCEDURES.**

23 The Administrator may not enter into any mainte-
24 nance implementation procedure through a bilateral avia-
25 tion safety agreement unless the Administrator determines

1 that the participating nations are inspecting repair sta-
2 tions so as to ensure their compliance with the standards
3 of the Federal Aviation Administration.

4 **SEC. 515. OCCUPATIONAL INJURIES OF AIRPORT WORK-**
5 **ERS.**

6 (a) **STUDY.**—The Administrator shall conduct a
7 study to determine the number of persons working at air-
8 ports who are injured or killed as a result of being struck
9 by a moving vehicle while on an airport tarmac, the seri-
10 ousness of the injuries to such persons, and whether or
11 not reflective safety vests or other actions should be re-
12 quired to enhance the safety of such workers.

13 (b) **REPORT.**—Not later than 1 year after the date
14 of the enactment of this Act, the Administrator shall
15 transmit to Congress a report on the results of the study
16 conducted under this section.

17 **SEC. 516. AIRPORT DISPATCHERS.**

18 (a) **STUDY.**—The Administrator shall conduct a
19 study of the role of airport dispatchers in enhancing avia-
20 tion safety. The study shall include an assessment of
21 whether or not aircraft dispatchers should be required for
22 those operations not presently requiring aircraft dis-
23 patcher assistance, operational control issues related to
24 the aircraft dispatching function, and whether or not des-
25 ignation of positions within the Federal Aviation Adminis-

1 tration for oversight of dispatchers would enhance aviation
2 safety.

3 (b) REPORT.—Not later than 1 year after the date
4 of the enactment of this Act, the Administrator shall
5 transmit to Congress a report on the results of the study
6 conducted under this section.

7 **SEC. 517. IMPROVED TRAINING FOR AIRFRAME AND POW-**
8 **ERPLANT MECHANICS.**

9 The Administrator shall form a partnership with in-
10 dustry to develop a model program to improve the cur-
11 riculum, teaching methods, and quality of instructors for
12 training individuals that need certification as airframe and
13 powerplant mechanics.

14 **TITLE VI—WHISTLEBLOWER**
15 **PROTECTION**

16 **SEC. 601. PROTECTION OF EMPLOYEES PROVIDING AIR**
17 **SAFETY INFORMATION.**

18 (a) GENERAL RULE.—Chapter 421 is amended by
19 adding at the end the following:

20 “SUBCHAPTER III—WHISTLEBLOWER
21 PROTECTION PROGRAM

22 “§ 42121. **Protection of employees providing air safety**
23 **information**

24 “(a) DISCRIMINATION AGAINST AIRLINE EMPLOY-
25 EES.—No air carrier or contractor or subcontractor of an

1 air carrier may discharge an employee or otherwise dis-
2 criminate against an employee with respect to compensa-
3 tion, terms, conditions, or privileges of employment be-
4 cause the employee (or any person acting pursuant to a
5 request of the employee)—

6 “(1) provided, caused to be provided, or is
7 about to provide (with any knowledge of the em-
8 ployer) or cause to be provided to the employer or
9 Federal Government information relating to any vio-
10 lation or alleged violation of any order, regulation,
11 or standard of the Federal Aviation Administration
12 or any other provision of Federal law relating to air
13 carrier safety under this subtitle or any other law of
14 the United States;

15 “(2) has filed, caused to be filed, or is about to
16 file (with any knowledge of the employer) or cause
17 to be filed a proceeding relating to any violation or
18 alleged violation of any order, regulation, or stand-
19 ard of the Federal Aviation Administration or any
20 other provision of Federal law relating to air carrier
21 safety under this subtitle or any other law of the
22 United States;

23 “(3) testified or is about to testify in such a
24 proceeding; or

1 “(4) assisted or participated or is about to as-
2 sist or participate in such a proceeding.

3 “(b) DEPARTMENT OF LABOR COMPLAINT PROCE-
4 DURE.—

5 “(1) FILING AND NOTIFICATION.—A person
6 who believes that he or she has been discharged or
7 otherwise discriminated against by any person in
8 violation of subsection (a) may, not later than 90
9 days after the date on which such violation occurs,
10 file (or have any person file on his or her behalf) a
11 complaint with the Secretary of Labor alleging such
12 discharge or discrimination. Upon receipt of such a
13 complaint, the Secretary of Labor shall notify, in
14 writing, the person named in the complaint and the
15 Administrator of the Federal Aviation Administra-
16 tion of the filing of the complaint, of the allegations
17 contained in the complaint, of the substance of evi-
18 dence supporting the complaint, and of the opportu-
19 nities that will be afforded to such person under
20 paragraph (2).

21 “(2) INVESTIGATION; PRELIMINARY ORDER.—

22 “(A) IN GENERAL.—Not later than 60
23 days after the date of receipt of a complaint
24 filed under paragraph (1) and after affording
25 the person named in the complaint an oppor-

1 tunity to submit to the Secretary of Labor a
2 written response to the complaint and an oppor-
3 tunity to meet with a representative of the Sec-
4 retary to present statements from witnesses,
5 the Secretary of Labor shall conduct an inves-
6 tigation and determine whether there is reason-
7 able cause to believe that the complaint has
8 merit and notify, in writing, the complainant
9 and the person alleged to have committed a vio-
10 lation of subsection (a) of the Secretary's find-
11 ings. If the Secretary of Labor concludes that
12 there is a reasonable cause to believe that a vio-
13 lation of subsection (a) has occurred, the Sec-
14 retary shall accompany the Secretary's findings
15 with a preliminary order providing the relief
16 prescribed by paragraph (3)(B). Not later than
17 30 days after the date of notification of find-
18 ings under this paragraph, either the person al-
19 leged to have committed the violation or the
20 complainant may file objections to the findings
21 or preliminary order, or both, and request a
22 hearing on the record. The filing of such objec-
23 tions shall not operate to stay any reinstate-
24 ment remedy contained in the preliminary
25 order. Such hearings shall be conducted expedi-

1 tiously. If a hearing is not requested in such
2 30-day period, the preliminary order shall be
3 deemed a final order that is not subject to judi-
4 cial review.

5 “(B) REQUIREMENTS.—

6 “(i) REQUIRED SHOWING BY COM-
7 PLAINANT.—The Secretary of Labor shall
8 dismiss a complaint filed under this sub-
9 section and shall not conduct an investiga-
10 tion otherwise required under subpara-
11 graph (A) unless the complainant makes a
12 prima facie showing that any behavior de-
13 scribed in paragraphs (1) through (4) of
14 subsection (a) was a contributing factor in
15 the unfavorable personnel action alleged in
16 the complaint.

17 “(ii) SHOWING BY EMPLOYER.—Not-
18 withstanding a finding by the Secretary
19 that the complainant has made the show-
20 ing required under clause (i), no investiga-
21 tion otherwise required under subpara-
22 graph (A) shall be conducted if the em-
23 ployer demonstrates, by clear and con-
24 vincing evidence, that the employer would

1 have taken the same unfavorable personnel
2 action in the absence of that behavior.

3 “(iii) CRITERIA FOR DETERMINATION
4 BY SECRETARY.—The Secretary may de-
5 termine that a violation of subsection (a)
6 has occurred only if the complainant dem-
7 onstrates that any behavior described in
8 paragraphs (1) through (4) of subsection
9 (a) was a contributing factor in the unfa-
10 vorable personnel action alleged in the
11 complaint.

12 “(iv) PROHIBITION.—Relief may not
13 be ordered under subparagraph (A) if the
14 employer demonstrates by clear and con-
15 vincing evidence that the employer would
16 have taken the same unfavorable personnel
17 action in the absence of that behavior.

18 “(3) FINAL ORDER.—

19 “(A) DEADLINE FOR ISSUANCE; SETTLE-
20 MENT AGREEMENTS.—Not later than 120 days
21 after the date of conclusion of a hearing under
22 paragraph (2), the Secretary of Labor shall
23 issue a final order providing the relief pre-
24 scribed by this paragraph or denying the com-
25 plaint. At any time before issuance of a final

1 order, a proceeding under this subsection may
2 be terminated on the basis of a settlement
3 agreement entered into by the Secretary of
4 Labor, the complainant, and the person alleged
5 to have committed the violation.

6 “(B) REMEDY.—If, in response to a com-
7 plaint filed under paragraph (1), the Secretary
8 of Labor determines that a violation of sub-
9 section (a) has occurred, the Secretary of Labor
10 shall order the person who committed such vio-
11 lation to—

12 “(i) take affirmative action to abate
13 the violation;

14 “(ii) reinstate the complainant to his
15 or her former position together with the
16 compensation (including back pay) and re-
17 store the terms, conditions, and privileges
18 associated with his or her employment; and

19 “(iii) provide compensatory damages
20 to the complainant.

21 If such an order is issued under this paragraph,
22 the Secretary of Labor, at the request of the
23 complainant, shall assess against the person
24 against whom the order is issued a sum equal
25 to the aggregate amount of all costs and ex-

1 penses (including attorneys' and expert witness
2 fees) reasonably incurred, as determined by the
3 Secretary of Labor, by the complainant for, or
4 in connection with, the bringing the complaint
5 upon which the order was issued.

6 “(C) FRIVOLOUS COMPLAINTS.—If the
7 Secretary of Labor finds that a complaint
8 under paragraph (1) is frivolous or has been
9 brought in bad faith, the Secretary of Labor
10 may award to the prevailing employer a reason-
11 able attorney's fee not exceeding \$5,000.

12 “(4) REVIEW.—

13 “(A) APPEAL TO COURT OF APPEALS.—
14 Any person adversely affected or aggrieved by
15 an order issued under paragraph (3) may ob-
16 tain review of the order in the United States
17 Court of Appeals for the circuit in which the
18 violation, with respect to which the order was
19 issued, allegedly occurred or the circuit in which
20 the complainant resided on the date of such vio-
21 lation. The petition for review must be filed not
22 later than 60 days after the date of the
23 issuance of the final order of the Secretary of
24 Labor. Review shall conform to chapter 7 of
25 title 5, United States Code. The commencement

1 of proceedings under this subparagraph shall
2 not, unless ordered by the court, operate as a
3 stay of the order.

4 “(B) LIMITATION ON COLLATERAL AT-
5 TACK.—An order of the Secretary of Labor
6 with respect to which review could have been
7 obtained under subparagraph (A) shall not be
8 subject to judicial review in any criminal or
9 other civil proceeding.

10 “(5) ENFORCEMENT OF ORDER BY SECRETARY
11 OF LABOR.—Whenever any person has failed to com-
12 ply with an order issued under paragraph (3), the
13 Secretary of Labor may file a civil action in the
14 United States district court for the district in which
15 the violation was found to occur to enforce such
16 order. In actions brought under this paragraph, the
17 district courts shall have jurisdiction to grant all ap-
18 propriate relief including, but not limited to, injunc-
19 tive relief and compensatory damages.

20 “(6) ENFORCEMENT OF ORDER BY PARTIES.—

21 “(A) COMMENCEMENT OF ACTION.—A per-
22 son on whose behalf an order was issued under
23 paragraph (3) may commence a civil action
24 against the person to whom such order was
25 issued to require compliance with such order.

1 The appropriate United States district court
2 shall have jurisdiction, without regard to the
3 amount in controversy or the citizenship of the
4 parties, to enforce such order.

5 “(B) ATTORNEY FEES.—The court, in
6 issuing any final order under this paragraph,
7 may award costs of litigation (including reason-
8 able attorney and expert witness fees) to any
9 party whenever the court determines such
10 award is appropriate.

11 “(c) MANDAMUS.—Any nondiscretionary duty im-
12 posed by this section shall be enforceable in a mandamus
13 proceeding brought under section 1361 of title 28, United
14 States Code.

15 “(d) NONAPPLICABILITY TO DELIBERATE VIOLA-
16 TIONS.—Subsection (a) shall not apply with respect to an
17 employee of an air carrier, contractor, or subcontractor
18 who, acting without direction from such air carrier, con-
19 tractor, or subcontractor (or such person’s agent), delib-
20 erately causes a violation of any requirement relating to
21 air carrier safety under this subtitle or any other law of
22 the United States.

23 “(e) CONTRACTOR DEFINED.—In this section, the
24 term ‘contractor’ means a company that performs safety-
25 sensitive functions by contract for an air carrier.”.

1 (b) CONFORMING AMENDMENT.—The analysis for
2 chapter 421 is amended by adding at the end the fol-
3 lowing:

“SUBCHAPTER III—WHISTLEBLOWER PROTECTION PROGRAM
“42121. Protection of employees providing air safety information.”.

4 **SEC. 602. CIVIL PENALTY.**

5 Section 46301(a)(1)(A) is amended by striking “sub-
6 chapter II of chapter 421” and inserting “subchapter II
7 or III of chapter 421”.

8 **TITLE VII—MISCELLANEOUS**
9 **PROVISIONS**

10 **SEC. 701. DUTIES AND POWERS OF ADMINISTRATOR.**

11 Section 106(g)(1)(A) is amended by striking
12 “40113(a), (c), and (d),” and all that follows through
13 “45302–45304,” and inserting “40113(a), 40113(c),
14 40113(d), 40113(e), 40114(a), and 40119, chapter 445
15 (except sections 44501(b), 44502(a)(2), 44502(a)(3),
16 44502(a)(4), 44503, 44506, 44509, 44510, 44514, and
17 44515), chapter 447 (except sections 44717, 44718(a),
18 44718(b), 44719, 44720, 44721(b), 44722, and 44723),
19 chapter 449 (except sections 44903(d), 44904, 44905,
20 44907–44911, 44913, 44915, and 44931–44934), chapter
21 451, chapter 453, sections”.

1 **SEC. 702. PUBLIC AIRCRAFT.**

2 (a) RESTATEMENT OF DEFINITION OF PUBLIC AIR-
3 CRAFT WITHOUT SUBSTANTIVE CHANGE.—Section
4 40102(a)(38) (as redesignated by section 301 of this Act)
5 is amended to read as follows:

6 “(38) ‘public aircraft’ means an aircraft—

7 “(A) used only for the United States Gov-
8 ernment, and operated under the conditions
9 specified by section 40125(b) if owned by the
10 Government;

11 “(B) owned by the United States Govern-
12 ment, operated by any person for purposes re-
13 lated to crew training, equipment development,
14 or demonstration, and operated under the con-
15 ditions specified by section 40125(b);

16 “(C) owned and operated by the govern-
17 ment of a State, the District of Columbia, a
18 territory or possession of the United States, or
19 a political subdivision of one of these govern-
20 ments, under the conditions specified by section
21 40125(c); or

22 “(D) exclusively leased for at least 90 con-
23 tinuous days by the government of a State, the
24 District of Columbia, a territory or possession
25 of the United States, or a political subdivision

1 of one of these governments, under the condi-
2 tions specified by section 40125(c).

3 “(E) owned by the armed forces or char-
4 tered to provide transportation to the armed
5 forces under the conditions specified by section
6 40125(d).”.

7 (b) QUALIFICATIONS FOR PUBLIC AIRCRAFT STA-
8 TUS.—

9 (1) IN GENERAL.—Chapter 401 is amended by
10 adding at the end the following:

11 **“§ 40125. Qualifications for public aircraft status**

12 “(a) DEFINITIONS.—In this section, the following
13 definitions apply:

14 “(1) COMMERCIAL PURPOSES.—The term ‘com-
15 mercial purposes’ means the transportation of per-
16 sons or property for compensation or hire, but does
17 not include the operation of an aircraft by the armed
18 forces for reimbursement when that reimbursement
19 is required by Federal law or by one government on
20 behalf of another government under a cost reim-
21 bursement agreement if the government on whose
22 behalf the operation is conducted certifies to the Ad-
23 ministrator of the Federal Aviation Administration
24 that the operation is necessary to respond to a sig-
25 nificant and imminent threat to life or property (in-

1 including natural resources) and that no service by a
2 private operator is reasonably available to meet the
3 threat.

4 “(2) GOVERNMENTAL FUNCTION.—The term
5 ‘governmental function’ means an activity under-
6 taken by a government, such as national defense, in-
7 telligence missions, firefighting, search and rescue,
8 law enforcement (including transport of prisoners,
9 detainees, and illegal aliens), aeronautical research,
10 or biological or geological resource management.

11 “(3) QUALIFIED NON-CREWMEMBER.—The
12 term ‘qualified non-crewmember’ means an indi-
13 vidual, other than a member of the crew, aboard an
14 aircraft—

15 “(A) operated by the armed forces or an
16 intelligence agency of the United States Gov-
17 ernment; or

18 “(B) whose presence is required to per-
19 form, or is associated with the performance of,
20 a governmental function.

21 “(4) ARMED FORCES.—The term ‘armed forces’
22 has the meaning given such term by section 101 of
23 title 10, United States Code.

24 “(b) AIRCRAFT OWNED BY THE UNITED STATES.—
25 An aircraft described in subparagraph (A) or (B) of sec-

1 tion 40102(a)(38), if owned by the Government, qualifies
 2 as a public aircraft except when it is used for commercial
 3 purposes or to carry an individual other than a crew-
 4 member or a qualified non-crewmember.

5 “(c) AIRCRAFT OWNED BY STATE AND LOCAL GOV-
 6 ERNMENTS.—An aircraft described in subparagraph (C)
 7 or (D) of section 40102(a)(38) qualifies as a public air-
 8 craft except when it is used for commercial purposes or
 9 to carry an individual other than a crewmember or a quali-
 10 fied non-crewmember.

11 “(d) AIRCRAFT OWNED OR OPERATED BY THE
 12 ARMED FORCES.—An aircraft described in section
 13 40102(38)(E) qualifies as a public aircraft if—

14 “(1) the aircraft is operated in accordance with
 15 title 10; or

16 “(2) the aircraft is chartered to provide trans-
 17 portation to the armed forces and the Secretary of
 18 Defense (or the Secretary of the department in
 19 which the Coast Guard is operating) designates the
 20 operation of the aircraft as being required in the na-
 21 tional interest.”.

22 (2) CONFORMING AMENDMENT.—The analysis
 23 for chapter 401 is amended by adding at the end the
 24 following:

“40125. Qualifications for public aircraft status.”.

25 (c) SAFETY OF PUBLIC AIRCRAFT.—

1 (1) STUDY.—The National Transportation
2 Safety Board shall conduct a study to compare the
3 safety of public aircraft and civil aircraft. In con-
4 ducting the study, the Board shall review safety sta-
5 tistics on aircraft operations since 1993.

6 (2) REPORT.—Not later than 6 months after
7 the date of the enactment of this Act, the National
8 Transportation Safety Board shall transmit to Con-
9 gress a report containing the results of the study
10 conducted under paragraph (1).

11 **SEC. 703. PROHIBITION ON RELEASE OF OFFEROR PRO-**
12 **POSALS.**

13 Section 40110 is amended by adding at the end the
14 following:

15 “(d) PROHIBITION ON RELEASE OF OFFEROR PRO-
16 POSALS.—

17 “(1) GENERAL RULE.—Except as provided in
18 paragraph (2), a proposal in the possession or con-
19 trol of the Administrator may not be made available
20 to any person under section 552 of title 5, United
21 States Code.

22 “(2) EXCEPTION.—Paragraph (1) shall not
23 apply to any portion of a proposal of an offeror the
24 disclosure of which is authorized by the Adminis-
25 trator pursuant to procedures published in the Fed-

1 eral Register. The Administrator shall provide an
2 opportunity for public comment on the procedures
3 for a period of not less than 30 days beginning on
4 the date of such publication in order to receive and
5 consider the views of all interested parties on the
6 procedures. The procedures shall not take effect be-
7 fore the 60th day following the date of such publica-
8 tion.

9 “(3) PROPOSAL DEFINED.—In this subsection,
10 the term ‘proposal’ means information contained in
11 or originating from any proposal, including a tech-
12 nical, management, or cost proposal, submitted by
13 an offeror in response to the requirements of a solici-
14 tation for a competitive proposal.”.

15 **SEC. 704. MULTIYEAR PROCUREMENT CONTRACTS.**

16 Section 40111 is amended—

17 (1) by redesignating subsections (b) through (d)
18 as subsections (c) through (e), respectively; and

19 (2) by inserting after subsection (a) the fol-
20 lowing:

21 “(b) TELECOMMUNICATIONS SERVICES.—Notwith-
22 standing section 1341(a)(1)(B) of title 31, the Adminis-
23 trator may make a contract of not more than 10 years
24 for telecommunication services that are provided through

1 the use of a satellite if the Administrator finds that the
2 longer contract period would be cost beneficial.”.

3 **SEC. 705. FEDERAL AVIATION ADMINISTRATION PER-**
4 **SONNEL MANAGEMENT SYSTEM.**

5 (a) **MEDIATION.**—Section 40122(a)(2) is amended by
6 adding at the end the following: “The 60-day period shall
7 not include any period during which Congress has ad-
8 journed sine die.”.

9 (b) **RIGHT TO CONTEST ADVERSE PERSONNEL AC-**
10 **TIONS.**—Section 40122 is amended by adding at the end
11 the following:

12 “(g) **RIGHT TO CONTEST ADVERSE PERSONNEL AC-**
13 **TIONS.**—An employee of the Federal Aviation Administra-
14 tion who is the subject of a major adverse personnel action
15 may contest the action either through any contractual
16 grievance procedure that is applicable to the employee as
17 a member of the collective bargaining unit or through the
18 Administration’s internal process relating to review of
19 major adverse personnel actions of the Administration,
20 known as Guaranteed Fair Treatment or under section
21 347(e) of the Department of Transportation and Related
22 Agencies Appropriations Act, 1996.

23 “(h) **ELECTION OF FORUM.**—Where a major adverse
24 personnel action may be contested through more than one
25 of the indicated forums (such as the contractual grievance

1 procedure, the Federal Aviation Administration’s internal
2 process, or that of the Merit Systems Protection Board),
3 an employee must elect the forum through which the mat-
4 ter will be contested. Nothing in this section is intended
5 to allow an employee to contest an action through more
6 than one forum unless otherwise allowed by law.

7 “(i) DEFINITION.—For purposes of this section, the
8 term ‘major adverse personnel action’ means a suspension
9 of more than 14 days, a reduction in pay or grade, a re-
10 moval for conduct or performance, a nondisciplinary re-
11 moval, a furlough of 30 days or less (but not including
12 placement in a nonpay status as the result of a lapse of
13 appropriations or an enactment by Congress), or a reduc-
14 tion in force action.”.

15 (c) APPLICABILITY OF MERIT SYSTEMS PROTECTION
16 BOARD PROVISIONS.—Section 347(b) of the Department
17 of Transportation and Related Agencies Appropriations
18 Act, 1996 (109 Stat. 460) is amended—

19 (1) by striking “and” at the end of paragraph

20 (6);

21 (2) by striking the period at the end of para-
22 graph (7) and inserting “; and”; and

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

1 “(8) sections 1204, 1211–1218, 1221, and
2 7701–7703, relating to the Merit Systems Protec-
3 tion Board.”.

4 (d) APPEALS TO MERIT SYSTEMS PROTECTION
5 BOARD.—Section 347(c) of the Department of Transpor-
6 tation and Related Agencies Appropriations Act, 1996 is
7 amended to read as follows:

8 “(c) APPEALS TO MERIT SYSTEMS PROTECTION
9 BOARD.—Under the new personnel management system
10 developed and implemented under subsection (a), an em-
11 ployee of the Federal Aviation Administration may submit
12 an appeal to the Merit Systems Protection Board and may
13 seek judicial review of any resulting final orders or deci-
14 sions of the Board from any action that was appealable
15 to the Board under any law, rule, or regulation as of
16 March 31, 1996.”.

17 **SEC. 706. NONDISCRIMINATION IN AIRLINE TRAVEL.**

18 (a) DISCRIMINATORY PRACTICES.—Section 41310(a)
19 is amended to read as follows:

20 “(a) PROHIBITIONS.—

21 “(1) IN GENERAL.—An air carrier or foreign
22 air carrier may not subject a person, place, port, or
23 type of traffic in foreign air transportation to unrea-
24 sonable discrimination.

1 “(2) DISCRIMINATION AGAINST PERSONS.—An
2 air carrier or foreign air carrier may not subject a
3 person in foreign air transportation to discrimina-
4 tion on the basis of race, color, national origin, reli-
5 gion, or sex.”.

6 (b) INTERSTATE AIR TRANSPORTATION.—Section
7 41702 is amended—

8 (1) by striking “An air carrier” and inserting
9 “(a) SAFE AND ADEQUATE AIR TRANSPOR-
10 TATION.—An air carrier”; and

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

12 “(b) DISCRIMINATION AGAINST PERSONS.—An air
13 carrier may not subject a person in interstate air transpor-
14 tation to discrimination on the basis of race, color, na-
15 tional origin, religion, or sex.”.

16 (c) DISCRIMINATION AGAINST HANDICAPPED INDI-
17 VIDUALS BY FOREIGN AIR CARRIERS.—Section 41705 is
18 amended—

19 (1) by inserting “(a) GENERAL PROHIBITION.—
20 ” before “In providing”; and

21 (2) by adding at the end the following:

22 “(b) PROHIBITION APPLICABLE TO FOREIGN AIR
23 CARRIERS.—Subject to section 40105(b), the prohibition
24 on discrimination against an otherwise qualified individual

1 set forth in subsection (a) shall apply to a foreign air car-
2 rier in providing foreign air transportation.”.

3 (d) CIVIL PENALTY FOR VIOLATIONS OF PROHIBI-
4 TION ON DISCRIMINATION AGAINST THE HANDI-
5 CAPPED.—Section 46301(a)(3) is further amended by
6 adding at the end the following:

7 “(E) a violation of section 41705, relating to
8 discrimination against handicapped individuals.”.

9 (e) INTERNATIONAL AVIATION STANDARDS FOR AC-
10 COMMODATING THE HANDICAPPED.—The Secretary of
11 Transportation shall work with appropriate international
12 organizations and the aviation authorities of other nations
13 to bring about the establishment of higher standards, if
14 appropriate, for accommodating handicapped passengers
15 in air transportation, particularly with respect to foreign
16 air carriers that code share with domestic air carriers.

17 **SEC. 707. JOINT VENTURE AGREEMENT.**

18 Section 41716(a)(1) is amended by striking “an
19 agreement entered into by a major air carrier” and insert-
20 ing “an agreement entered into between two or more
21 major air carriers”.

22 **SEC. 708. EXTENSION OF WAR RISK INSURANCE PROGRAM.**

23 Section 44310 is amended by striking “after” and all
24 that follows and inserting “after December 31, 2004.”.

1 **SEC. 709. GENERAL FACILITIES AND PERSONNEL AUTHOR-**
2 **ITY.**

3 Section 44502(a) is further amended by adding at
4 the end the following:

5 “(6) IMPROVEMENTS ON LEASED PROP-
6 ERTIES.—The Administrator may make improve-
7 ments to real property leased for no or nominal con-
8 sideration for an air navigation facility, regardless of
9 whether the cost of making the improvements ex-
10 ceeds the cost of leasing the real property, if—

11 “(A) the improvements primarily benefit
12 the Government;

13 “(B) the improvements are essential for
14 accomplishment of the mission of the Federal
15 Aviation Administration; and

16 “(C) the interest of the Government in the
17 improvements is protected.”.

18 **SEC. 710. IMPLEMENTATION OF ARTICLE 83 BIS OF THE**
19 **CHICAGO CONVENTION.**

20 Section 44701 is amended by—

21 (1) redesignating subsection (e) as subsection
22 (f); and

23 (2) by inserting after subsection (d) the fol-
24 lowing:

25 “(e) BILATERAL EXCHANGES OF SAFETY OVER-
26 SIGHT RESPONSIBILITIES.—

1 “(1) IN GENERAL.—Notwithstanding the provi-
2 sions of this chapter, the Administrator, pursuant to
3 Article 83 bis of the Convention on International
4 Civil Aviation and by a bilateral agreement with the
5 aeronautical authorities of another country, may ex-
6 change with that country all or part of their respec-
7 tive functions and duties with respect to registered
8 aircraft under the following articles of the Conven-
9 tion: Article 12 (Rules of the Air); Article 31 (Cer-
10 tificates of Airworthiness); or Article 32a (Licenses
11 of Personnel).

12 “(2) RELINQUISHMENT AND ACCEPTANCE OF
13 RESPONSIBILITY.—The Administrator relinquishes
14 responsibility with respect to the functions and du-
15 ties transferred by the Administrator as specified in
16 the bilateral agreement, under the Articles listed in
17 paragraph (1) for United States-registered aircraft
18 described in paragraph (4)(A) transferred abroad
19 and accepts responsibility with respect to the func-
20 tions and duties under those Articles for aircraft
21 registered abroad and described in paragraph (4)(B)
22 that are transferred to the United States.

23 “(3) CONDITIONS.—The Administrator may
24 predicate, in the agreement, the transfer of func-
25 tions and duties under this subsection on any condi-

1 tions the Administrator deems necessary and pru-
2 dent, except that the Administrator may not transfer
3 responsibilities for United States registered aircraft
4 described in paragraph (4)(A) to a country that the
5 Administrator determines is not in compliance with
6 its obligations under international law for the safety
7 oversight of civil aviation.

8 “(4) REGISTERED AIRCRAFT DEFINED.—In this
9 subsection, the term ‘registered aircraft’ means—

10 “(A) aircraft registered in the United
11 States and operated pursuant to an agreement
12 for the lease, charter, or interchange of the air-
13 craft or any similar arrangement by an oper-
14 ator that has its principal place of business or,
15 if it has no such place of business, its perma-
16 nent residence in another country; or

17 “(B) aircraft registered in a foreign coun-
18 try and operated under an agreement for the
19 lease, charter, or interchange of the aircraft or
20 any similar arrangement by an operator that
21 has its principal place of business or, if it has
22 no such place of business, its permanent resi-
23 dence in the United States.”.

24 **SEC. 711. PUBLIC AVAILABILITY OF AIRMEN RECORDS.**

25 Section 44703 is amended—

1 (1) by redesignating subsections (e) through (f)
2 as subsections (d) through (g), respectively; and

3 (2) by inserting after subsection (b) the fol-
4 lowing:

5 “(c) PUBLIC INFORMATION.—

6 “(1) IN GENERAL.—Subject to paragraph (2)
7 and notwithstanding any other provision of law, the
8 information contained in the records of contents of
9 any airman certificate issued under this section that
10 is limited to an airman’s name, address, and ratings
11 held shall be made available to the public after the
12 120th day following the date of the enactment of the
13 Aviation Investment and Reform Act for the 21st
14 Century.

15 “(2) OPPORTUNITY TO WITHHOLD INFORMA-
16 TION.—Before making any information concerning
17 an airman available to the public under paragraph
18 (1), the airman shall be given an opportunity to
19 elect that the information not be made available to
20 the public.

21 “(3) DEVELOPMENT AND IMPLEMENTATION OF
22 PROGRAM.—Not later than 60 days after the date of
23 the enactment of the Aviation Investment and Re-
24 form Act for the 21st Century, the Administrator
25 shall develop and implement, in cooperation with

1 representatives of the aviation industry, a one-time
2 written notification to airmen to set forth the impli-
3 cations of making information concerning an airman
4 available to the public under paragraph (1) and to
5 carry out paragraph (2).”.

6 **SEC. 712. APPEALS OF EMERGENCY REVOCATIONS OF CER-**
7 **TIFICATES.**

8 Section 44709(e) is amended to read as follows:

9 “(e) EFFECTIVENESS OF ORDERS PENDING AP-
10 PEAL.—

11 “(1) IN GENERAL.—Except as provided in para-
12 graph (2), if a person files an appeal with the Board
13 under section (d), the order of the Administrator is
14 stayed.

15 “(2) EMERGENCIES.—If the Administrator ad-
16 vises the Board that an emergency exists and safety
17 in air commerce or air transportation requires the
18 order to be effective immediately, the order is effec-
19 tive, except that a person filing an appeal under sub-
20 section (d) may file a written petition to the Board
21 for an emergency stay on the issues of the appeal
22 that are related to the existence of the emergency.
23 The Board shall have 10 days to review the mate-
24 rials. If any two members of the Board determine
25 that sufficient grounds exist to grant a stay, an

1 emergency stay shall be granted. If an emergency
2 stay is granted, the Board must meet within 15 days
3 of the granting of the stay to make a final disposi-
4 tion of the issues related to the existence of the
5 emergency.

6 “(3) FINAL DISPOSITION OF APPEAL.—In all
7 cases, the Board shall make a final disposition of the
8 merits of the appeal not later than 60 days after the
9 Administrator advises the Board of the order.”.

10 **SEC. 713. GOVERNMENT AND INDUSTRY CONSORTIA.**

11 Section 44903 is amended by adding at the end the
12 following:

13 “(f) GOVERNMENT AND INDUSTRY CONSORTIA.—
14 The Administrator may establish at individual airports
15 such consortia of government and aviation industry rep-
16 resentatives as the Administrator may designate to pro-
17 vide advice on matters related to aviation security and
18 safety. Such consortia shall not be considered Federal ad-
19 visory committees.”.

20 **SEC. 714. PASSENGER MANIFEST.**

21 Section 44909(a)(2) is amended by striking “shall”
22 and inserting “should”.

23 **SEC. 715. COST RECOVERY FOR FOREIGN AVIATION SERV-**
24 **ICES.**

25 Section 45301 is amended—

1 (3) in subsection (g) by inserting “or the Ad-
2 ministrator” after “Secretary”.

3 **SEC. 717. WAIVER UNDER AIRPORT NOISE AND CAPACITY**
4 **ACT.**

5 (a) **WAIVERS FOR AIRCRAFT NOT COMPLYING WITH**
6 **STAGE 3 NOISE LEVELS.**—Section 47528(b)(1) is amend-
7 ed in the first sentence by inserting “or foreign air car-
8 rier” after “air carrier”.

9 (b) **EXEMPTION FOR AIRCRAFT MODIFICATION OR**
10 **DISPOSAL.**—Section 47528 is amended—

11 (1) in subsection (a) by inserting “or (f)” after
12 “(b)”; and

13 (2) by adding at the end the following:

14 “(f) **AIRCRAFT MODIFICATION OR DISPOSAL.**—After
15 December 31, 1999, the Secretary may provide a proce-
16 dure under which a person may operate a stage 1 or stage
17 2 aircraft in nonrevenue service to or from an airport in
18 the United States in order to—

19 “(1) sell the aircraft outside the United States;

20 “(2) sell the aircraft for scrapping; or

21 “(3) obtain modifications to the aircraft to meet
22 stage 3 noise levels.”.

23 (c) **LIMITED OPERATION OF CERTAIN AIRCRAFT.**—
24 Section 47528(e) is amended by adding at the end the
25 following:

1 “(4) An air carrier operating stage 2 aircraft under
2 this subsection may operate stage 2 aircraft to or from
3 the 48 contiguous States on a nonrevenue basis in order
4 to—

5 “(A) perform maintenance (including major al-
6 terations) or preventative maintenance on aircraft
7 operated, or to be operated, within the limitations of
8 paragraph (2)(B); or

9 “(B) conduct operations within the limitations
10 of paragraph (2)(B).”.

11 **SEC. 718. METROPOLITAN WASHINGTON AIRPORT AUTHOR-**
12 **ITY.**

13 (a) EXTENSION OF APPLICATION APPROVALS.—Sec-
14 tion 49108 is amended by striking “2001” and inserting
15 “2004”.

16 (b) ELIMINATION OF DEADLINE FOR APPOINTMENT
17 OF MEMBERS TO BOARD OF DIRECTORS.—Section
18 49106(c)(6) is amended by striking subparagraph (C) and
19 by redesignating subparagraph (D) as subparagraph (C).

20 **SEC. 719. ACQUISITION MANAGEMENT SYSTEM.**

21 Section 348 of the Department of Transportation and
22 Related Agencies Appropriations Act, 1996 (49 U.S.C.
23 106 note; 109 Stat. 460) is amended by striking sub-
24 section (c) and inserting the following:

1 “(c) CONTRACTS EXTENDING INTO A SUBSEQUENT
2 FISCAL YEAR.—Notwithstanding subsection (b)(3), the
3 Administrator may enter into contracts for procurement
4 of severable services that begin in one fiscal year and end
5 in another if (without regard to any option to extend the
6 period of the contract) the contract period does not exceed
7 1 year.”.

8 **SEC. 720. CENTENNIAL OF FLIGHT COMMISSION.**

9 (a) MEMBERSHIP.—

10 (1) APPOINTMENT.—Section 4(a)(5) of the
11 Centennial of Flight Commemoration Act (36 U.S.C.
12 143 note; 112 Stat. 3487) is amended by inserting
13 “, or his designee,” after “prominence”.

14 (2) STATUS.—Section 4 of such Act (112 Stat.
15 3487) is amended by adding at the end the fol-
16 lowing:

17 “(g) STATUS.—The members of the Commission de-
18 scribed in paragraphs (1), (3), (4), and (5) of subsection
19 (a) shall not be considered to be officers or employees of
20 the United States.”.

21 (b) DUTIES.—Section 5(a)(7) of such Act (112 Stat.
22 3488) is amended to read as follows:

23 “(7) as a nonprimary purpose, publish popular
24 and scholarly works related to the history of aviation

1 or the anniversary of the centennial of powered
2 flight.”.

3 (c) CONFLICTS OF INTEREST.—Section 6 of such Act
4 (112 Stat. 3488–3489) is amended by adding at the end
5 the following:

6 “(e) CONFLICTS OF INTEREST.—At its second busi-
7 ness meeting, the Commission shall adopt a policy to pro-
8 tect against possible conflicts of interest involving its
9 members and employees. The Commission shall consult
10 with the Office of Government Ethics in the development
11 of such a policy and shall recognize the status accorded
12 its members under section 4(g).”.

13 (d) EXECUTIVE DIRECTOR.—The first sentence of
14 section 7(a) of such Act (112 Stat. 3489) is amended by
15 striking the period at the end and inserting the following:
16 “or represented on the First Flight Centennial Advisory
17 Board under subparagraphs (A) through (E) of section
18 12(b)(1).”.

19 (e) EXCLUSIVE RIGHT TO NAME, LOGOS, EMBLEMS,
20 SEALS, AND MARKS.—

21 (1) USE OF FUNDS.—Section 9(d) of such Act
22 (112 Stat. 3490) is amended by striking the period
23 at the end and inserting the following: “, except that
24 the Commission may transfer any portion of such
25 funds that is in excess of the funds necessary to

1 carry out such duties to any Federal agency or the
2 National Air and Space Museum of the Smithsonian
3 Institution to be used for the sole purpose of com-
4 memorating the history of aviation or the centennial
5 of powered flight.”.

6 (2) DUTIES TO BE CARRIED OUT BY ADMINIS-
7 TRATOR OF NASA.—Section 9 of such Act (112 Stat.
8 3490) is amended by adding at the end the fol-
9 lowing:

10 “(f) DUTIES TO BE CARRIED OUT BY ADMINIS-
11 TRATOR OF NASA.—The duties of the Commission under
12 this section shall be carried out by the Administrator of
13 the National Aeronautics and Space Administration, in
14 consultation with the Commission.”.

15 **SEC. 721. AIRCRAFT SITUATIONAL DISPLAY DATA.**

16 (a) IN GENERAL.—A memorandum of agreement be-
17 tween the Administrator and any person that directly ob-
18 tains aircraft situational display data from the Federal
19 Aviation Administration shall require that—

20 (1) the person demonstrate to the satisfaction
21 of the Administrator that such person is capable of
22 selectively blocking the display of any aircraft-situa-
23 tion-display-to-industry derived data related to any
24 identified aircraft registration number; and

1 **SEC. 723. NEWPORT NEWS, VIRGINIA.**

2 (a) **AUTHORITY TO GRANT WAIVERS.**—Notwith-
3 standing section 16 of the Federal Airport Act (as in ef-
4 fect on May 14, 1947) or section 47125 of title 49, United
5 States Code, the Secretary shall, subject to section 47153
6 of such title (as in effect on June 1, 1998), and subsection
7 (b) of this section, waive with respect to airport property
8 parcels that, according to the Federal Aviation Adminis-
9 tration approved airport layout plan for Newport News/
10 Williamsburg International Airport, are no longer required
11 for airport purposes from any term contained in the deed
12 of conveyance dated May 14, 1947, under which the
13 United States conveyed such property to the Peninsula
14 Airport Commission for airport purposes of the Commis-
15 sion.

16 (b) **CONDITIONS.**—Any waiver granted by the Sec-
17 retary under subsection (a) shall be subject to the fol-
18 lowing conditions:

19 (1) The Peninsula Airport Commission shall
20 agree that, in leasing or conveying any interest in
21 the property with respect to which waivers are
22 granted under subsection (a), the Commission will
23 receive an amount that is equal to the fair lease
24 value or the fair market value, as the case may be
25 (as determined pursuant to regulations issued by the
26 Secretary).

1 (2) CONTENTS OF RULES.—A final rule issued
2 by the Administrator under paragraph (1) shall re-
3 quire Alaska guide pilots—

4 (A) to operate aircraft inspected no less
5 often than after 125 hours of flight time;

6 (B) to participate in an annual flight re-
7 view, as described in section 61.56 of title 14,
8 Code of Federal Regulations;

9 (C) to have at least 500 hours of flight
10 time as a pilot;

11 (D) to have a commercial rating, as de-
12 scribed subpart F of part 61 of such title;

13 (E) to hold at least a second-class medical
14 certificate, as described in subpart C of part 67
15 of such title;

16 (F) to hold a current letter of authoriza-
17 tion issued by the Administrator; and

18 (G) to take such other actions as the Ad-
19 ministrator determines necessary for safety.

20 (c) DEFINITIONS.—In this section, the following defi-
21 nitions apply:

22 (1) LETTER OF AUTHORIZATION.—The term
23 “letter of authorization” means a letter issued by
24 the Administrator once every 5 years to an Alaska
25 guide pilot certifying that the pilot is in compliance

1 with general operating and flight rules applicable to
2 the pilot. In the case of a multi-pilot operation, at
3 the election of the operating entity, a letter of au-
4 thorization may be issued by the Administrator to
5 the entity or to each Alaska guide pilot employed by
6 the entity.

7 (2) ALASKA GUIDE PILOT.—The term “Alaska
8 guide pilot” means a pilot who—

9 (A) conducts aircraft operations over or
10 within the State of Alaska;

11 (B) operates single engine, fixed wing air-
12 craft on floats, wheels, or skis, providing com-
13 mercial hunting, fishing, or other guide services
14 and related accommodations in the form of
15 camps or lodges; and

16 (C) transports clients by such aircraft inci-
17 dental to hunting, fishing, or other guide serv-
18 ices, or uses air transport to enable guided cli-
19 ents to reach hunting or fishing locations.

20 **SEC. 726. AIRCRAFT REPAIR AND MAINTENANCE ADVISORY**

21 **PANEL.**

22 (a) ESTABLISHMENT OF PANEL.—The Secretary of
23 Transportation—

24 (1) shall establish an Aircraft Repair and Main-
25 tenance Advisory Panel to review issues related to

1 the use and oversight of aircraft and aviation com-
2 ponent repair and maintenance facilities (in this sec-
3 tion referred to as “aircraft repair facilities”) lo-
4 cated within, or outside of, the United States; and

5 (2) may seek the advice of the panel on any
6 issue related to methods to increase safety by im-
7 proving the oversight of aircraft repair facilities.

8 (b) MEMBERSHIP.—The panel shall consist of—

9 (1) nine members appointed by the Secretary as
10 follows:

11 (A) three representatives of labor organiza-
12 tions representing aviation mechanics;

13 (B) one representative of cargo air car-
14 riers;

15 (C) one representative of passenger air
16 carriers;

17 (D) one representative of aircraft repair
18 facilities;

19 (E) one representative of aircraft manufac-
20 turers;

21 (F) one representative of on-demand pas-
22 senger air carriers and corporate aircraft oper-
23 ations; and

24 (G) one representative of regional pas-
25 senger air carriers;

1 (2) one representative from the Department of
2 Commerce, designated by the Secretary of Com-
3 merce;

4 (3) one representative from the Department of
5 State, designated by the Secretary of State; and

6 (4) one representative from the Federal Avia-
7 tion Administration, designated by the Adminis-
8 trator.

9 (c) RESPONSIBILITIES.—The panel shall—

10 (1) determine the amount and type of work
11 that is being performed by aircraft repair facilities
12 located within, and outside of, the United States;
13 and

14 (2) provide advice and counsel to the Secretary
15 with respect to the aircraft and aviation component
16 repair work performed by aircraft repair facilities
17 and air carriers, staffing needs, and any balance of
18 trade or safety issues associated with that work.

19 (d) DOT TO REQUEST INFORMATION FROM AIR
20 CARRIERS AND REPAIR FACILITIES.—

21 (1) COLLECTION OF INFORMATION.—The Sec-
22 retary, by regulation, shall require air carriers, for-
23 eign air carriers, domestic repair facilities, and for-
24 eign repair facilities to submit such information as
25 the Secretary may require in order to assess balance

1 of trade and safety issues with respect to work per-
2 formed on aircraft used by air carriers, foreign air
3 carriers, United States corporate operators, and for-
4 eign corporate operators.

5 (2) DRUG AND ALCOHOL TESTING INFORMA-
6 TION.—Included in the information the Secretary re-
7 quires under paragraph (1) shall be information on
8 the existence and administration of employee drug
9 and alcohol testing programs in place at the foreign
10 repair facilities, if applicable. The Secretary, if nec-
11 essary, shall work with the International Civil Avia-
12 tion Organization to increase the number and im-
13 prove the administration of employee drug and alco-
14 hol testing programs at the foreign repair facilities.

15 (3) DESCRIPTION OF WORK DONE.—Included in
16 the information the Secretary requires under para-
17 graph (1) shall be information on the amount and
18 type of work performed on aircraft registered in and
19 outside of the United States.

20 (e) DOT TO FACILITATE COLLECTION OF INFORMA-
21 TION ABOUT AIRCRAFT MAINTENANCE.—The Secretary
22 shall facilitate the collection of information from the Na-
23 tional Transportation Safety Board, the Federal Aviation
24 Administration, and other appropriate agencies regarding
25 maintenance performed by aircraft repair facilities.

1 (f) DOT TO MAKE INFORMATION AVAILABLE TO
2 PUBLIC.—The Secretary shall make any relevant informa-
3 tion received under subsection (c) available to the public,
4 consistent with the authority to withhold trade secrets or
5 commercial, financial, and other proprietary information
6 under section 552 of title 5, United States Code.

7 (g) TERMINATION.—The panel established under
8 subsection (a) shall terminate on the earlier of—

9 (1) the date that is 2 years after the date of the
10 enactment of this Act; or

11 (2) December 31, 2001.

12 (h) DEFINITIONS.—The definitions contained in sec-
13 tion 40102 of title 49, United States Code, shall apply
14 to this section.

15 **SEC. 727. OPERATIONS OF AIR TAXI INDUSTRY.**

16 (a) STUDY.—The Administrator, in consultation with
17 the National Transportation Safety Board and other in-
18 terested persons, shall conduct a study of air taxi opera-
19 tors regulated under part 135 of title 14, Code of Federal
20 Regulations.

21 (b) CONTENTS.—The study shall include an analysis
22 of the size and type of the aircraft fleet, relevant aircraft
23 equipment, hours flown, utilization rates, safety record by
24 various categories of use and aircraft type, sales revenues,
25 and airports served by the air taxi fleet.

1 (c) REPORT.—Not later than 1 year after the date
2 of the enactment of this Act, the Administrator shall
3 transmit to Congress a report on the results of the study.

4 **SEC. 728. SENSE OF THE CONGRESS CONCERNING COMPLE-**
5 **TION OF COMPREHENSIVE NATIONAL AIR-**
6 **SPACE REDESIGN.**

7 It is the sense of the Congress that, as soon as is
8 practicable, the Administrator should complete and begin
9 implementation of the comprehensive national airspace re-
10 design that is being conducted by the Administrator.

11 **SEC. 729. COMPLIANCE WITH REQUIREMENTS.**

12 Notwithstanding any other provision of law, in order
13 to avoid unnecessary duplication of expense and effort, the
14 Secretary of Transportation may authorize the use, in
15 whole or in part, of a completed environmental assessment
16 or environmental impact study for new construction
17 projects on the air operations area of an airport, if the
18 completed assessment or study was for a project at the
19 airport that is substantially similar in nature to the new
20 project. Any such authorized use shall meet all require-
21 ments of Federal law for the completion of such an assess-
22 ment or study.

23 **SEC. 730. AIRCRAFT NOISE LEVELS AT AIRPORTS.**

24 (a) DEVELOPMENT OF NEW STANDARDS.—The Sec-
25 retary of Transportation shall continue to work to develop

1 a new standard for aircraft and aircraft engines that will
2 lead to a further reduction in aircraft noise levels.

3 (b) REPORT.—Not later than March 1, 2000, and an-
4 nually thereafter, the Secretary shall transmit to Congress
5 a report regarding the application of new standards or
6 technologies to reduce aircraft noise levels.

7 **SEC. 731. FAA CONSIDERATION OF CERTAIN STATE PRO-**
8 **POSALS.**

9 The Administrator is encouraged to consider any pro-
10 posal with a regional consensus submitted by a State avia-
11 tion authority regarding the expansion of existing airport
12 facilities or the introduction of new airport facilities.

13 **SEC. 732. CINCINNATI-MUNICIPAL BLUE ASH AIRPORT.**

14 (a) APPROVAL OF SALE.—To maintain the efficient
15 utilization of airports in the high-growth Cincinnati local
16 airport system, and to ensure that the Cincinnati-Munic-
17 ipal Blue Ash Airport continues to operate to relieve con-
18 gestion at Cincinnati-Northern Kentucky International
19 Airport and to provide greater access to the general avia-
20 tion community beyond the expiration of the City of Cin-
21 cinnati's grant obligations, the Secretary of Transpor-
22 tation may approve the sale of Cincinnati-Municipal Blue
23 Ash Airport from the City of Cincinnati to the City of
24 Blue Ash upon a finding that the City of Blue Ash meets
25 all applicable requirements for sponsorship and if the City

1 of Blue Ash agrees to continue to maintain and operate
2 Blue Ash Airport, as generally contemplated and described
3 within the Blue Ash Master Plan Update dated November
4 30, 1998, for a period of 20 years from the date existing
5 grant assurance obligations of the City of Cincinnati ex-
6 pire.

7 (b) TREATMENT OF PROCEEDS FROM SALE.—The
8 proceeds from the sale approved under subsection (a) shall
9 not be considered to be airport revenue for purposes of
10 section 47107 and 47133 of title 49, United States Code,
11 grant obligations of the City of Cincinnati, or regulations
12 and policies of the Federal Aviation Administration.

13 **SEC. 733. AIRCRAFT AND AIRCRAFT PARTS FOR USE IN RE-**
14 **SPONDING TO OIL SPILLS.**

15 (a) AUTHORITY TO SELL.—

16 (1) IN GENERAL.—Notwithstanding section 202
17 of the Federal Property and Administrative Services
18 Act of 1949 (40 U.S.C. 483) and subject to sub-
19 sections (b) and (c), the Secretary of Defense may,
20 during the period beginning June 15, 1999, and
21 ending September 30, 2002, sell aircraft and air-
22 craft parts referred to in paragraph (2) to a person
23 or governmental entity that contracts to deliver oil
24 dispersants by air in order to disperse oil spills, and
25 that has been approved by the Secretary of the De-

1 partment in which the Coast Guard is operating for
2 the delivery of oil dispersants by air in order to dis-
3 perse oil spills.

4 (2) COVERED AIRCRAFT AND AIRCRAFT
5 PARTS.—The aircraft and aircraft parts that may be
6 sold under paragraph (1) are aircraft and aircraft
7 parts of the Department of Defense that are deter-
8 mined by the Secretary of Defense to be—

9 (A) excess to the needs of the Department;

10 (B) acceptable for commercial sale; and

11 (C) with respect to aircraft, 10 years old
12 or older.

13 (b) CONDITIONS OF SALE.—Aircraft and aircraft
14 parts sold under subsection (a)—

15 (1) may be used only for oil spill spotting, ob-
16 servation, and dispersant delivery; and

17 (2) may not be flown outside of or removed
18 from the United States, except for the purpose of
19 fulfilling an international agreement to assist in oil
20 spill dispersing efforts or for other purposes that are
21 jointly approved by the Secretary of Defense and the
22 Secretary of Transportation.

23 (c) CERTIFICATION OF PERSONS AND ENTITIES.—

24 The Secretary of Defense may sell aircraft and aircraft
25 parts to a person or governmental entity under subsection

1 (a) only if the Secretary of Transportation certifies to the
2 Secretary of Defense, in writing, before the sale, that the
3 person or governmental entity is capable of meeting the
4 terms and conditions of a contract to deliver oil spill
5 dispersants by air.

6 (d) REGULATIONS.—

7 (1) IN GENERAL.—As soon as practicable after
8 the date of the enactment of this Act, the Secretary
9 of Defense, in consultation with the Secretary of
10 Transportation and the Administrator of General
11 Services, shall issue regulations relating to the sale
12 of aircraft and aircraft parts under this section.

13 (2) CONTENTS.—The regulations shall—

14 (A) ensure that the sale of the aircraft and
15 aircraft parts is made at a fair market value as
16 determined by the Secretary of Defense, and, to
17 the extent practicable, on a competitive basis;

18 (B) require a certification by the purchaser
19 that the aircraft and aircraft parts will be used
20 in accordance with the conditions set forth in
21 subsection (b);

22 (C) establish appropriate means of
23 verifying and enforcing the use of the aircraft
24 and aircraft parts by the purchaser and other
25 users in accordance with the conditions set

1 forth in subsection (b) or pursuant to sub-
2 section (e); and

3 (D) ensure, to the maximum extent prac-
4 ticable, that the Secretary of Defense consults
5 with the Administrator of General Services and
6 with the heads of other appropriate depart-
7 ments and agencies of the Federal Government
8 regarding alternative uses for such aircraft and
9 aircraft parts before the sale of such aircraft
10 and aircraft parts under this section.

11 (e) **ADDITIONAL TERMS AND CONDITIONS.**—The
12 Secretary of Defense may require such other terms and
13 conditions in connection with each sale of aircraft and air-
14 craft parts under this section as the Secretary of Defense
15 considers appropriate for such sale. Such terms and condi-
16 tions shall meet the requirements of regulations issued
17 under subsection (d).

18 (f) **REPORT.**—Not later than March 31, 2002, the
19 Secretary of Defense shall submit to the Committee on
20 Armed Services and the Committee on Commerce,
21 Science, and Transportation of the Senate and the Com-
22 mittee on Armed Services and the Committee on Trans-
23 portation and Infrastructure of the House of Representa-
24 tives a report on the Secretary of Defense’s exercise of
25 authority under this section. The report shall set forth—

1 are in the public interest to eliminate an activity of a for-
2 eign air carrier that owns or markets a computer reserva-
3 tions system, or of a computer reservations system firm
4 whose principal offices are located outside the United
5 States, when the Secretary, on the initiative of the Sec-
6 retary or on complaint, decides that the activity, with re-
7 spect to airline service—

8 “(1) is an unjustifiable or unreasonable dis-
9 criminatory, predatory, or anticompetitive practice
10 against a computer reservations system firm whose
11 principal offices are located inside the United States;
12 or

13 “(2) imposes an unjustifiable or unreasonable
14 restriction on access of such a computer reservations
15 system to a foreign market.”.

16 (b) COMPLAINTS BY CRS FIRMS.—Section 41310 is
17 amended—

18 (1) in subsection (d)(1)—

19 (A) by striking “air carrier” in the first
20 sentence and inserting “air carrier, computer
21 reservations system firm,”;

22 (B) by striking “subsection (c)” and in-
23 serting “subsection (e) or (g)”; and

1 (C) by striking “air carrier” in subpara-
2 graph (B) and inserting “air carrier or com-
3 puter reservations system firm”; and

4 (2) in subsection (e)(1) by inserting “or a com-
5 puter reservations system firm is subject when pro-
6 viding services with respect to airline service” before
7 the period at the end of the first sentence.

8 **SEC. 735. ALKALI SILICA REACTIVITY DISTRESS.**

9 (a) IN GENERAL.—The Administrator may make a
10 grant to, or enter into a cooperative agreement with, a
11 nonprofit organization for the conduct of a study on the
12 impact of alkali silica reactivity distress on airport run-
13 ways and taxiways and the use of lithium salts and other
14 alternatives for mitigation and prevention of such distress.

15 (b) REPORT.—Not later than 18 months after mak-
16 ing a grant, or entering into a cooperative agreement,
17 under subsection (a) the Administrator shall transmit a
18 report to Congress on the results of the study.

19 **SEC. 736. PROCUREMENT OF PRIVATE ENTERPRISE MAP-**
20 **PING, CHARTING, AND GEOGRAPHIC INFOR-**
21 **MATION SYSTEMS.**

22 The Administrator shall consider procuring mapping,
23 charting, and geographic information systems necessary to
24 carry out the duties of the Administrator under title 49,
25 United States Code, from private enterprises, if the Ad-

1 administrator determines that such procurement furthers
2 the mission of the Federal Aviation Administration and
3 is cost effective.

4 **SEC. 737. LAND USE COMPLIANCE REPORT.**

5 Section 47131 is amended—

6 (1) by striking “and” at the end of paragraph
7 (3);

8 (2) by striking the period at the end of para-
9 graph (4) and inserting “; and”; and

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

11 “(5) a detailed statement listing airports that
12 are not in compliance with grant assurances or other
13 requirements with respect to airport lands and in-
14 cluding the circumstances of such noncompliance,
15 the timelines for corrective action, and the corrective
16 action the Secretary intends to take to bring the air-
17 port sponsor into compliance.”.

18 **SEC. 738. NATIONAL TRANSPORTATION DATA CENTER OF**
19 **EXCELLENCE.**

20 Of the amounts made available pursuant to section
21 5117(b)(6)(B) of the Transportation Equity Act for the
22 21st Century (23 U.S.C. 502 note; 112 Stat. 450), not
23 to exceed \$1,000,000 for each of fiscal years 2000 and
24 2001 may be made available by the Secretary of Transpor-
25 tation to establish, at an Army depot that has been closed

1 or realigned, a national transportation data center of ex-
2 cellence that will—

3 (1) serve as a satellite facility for the central
4 data repository that is hosted by the computer cen-
5 ter of the Transportation Administrative Service;
6 and

7 (2) analyze transportation data collected by the
8 Federal Government, States, cities, and the trans-
9 portation industry.

10 **SEC. 739. MONROE REGIONAL AIRPORT LAND CONVEY-**
11 **ANCE.**

12 The Secretary of Transportation shall waive all terms
13 contained in the 1949 deed of conveyance under which the
14 United States conveyed certain property then constituting
15 Selman Field, Louisiana, to the City of Monroe, Lou-
16 isiana, subject to the following conditions:

17 (1) The city agrees that in conveying any inter-
18 est in such property the city will receive an amount
19 for such interest that is equal to the fair market
20 value for such interest.

21 (2) The amount received by the city for such
22 conveyance shall be used by the city—

23 (A) for the development, improvement, op-
24 eration, or maintenance of a public airport; or

1 (B) for the development or improvement of
2 the city's airport industrial park co-located with
3 the Monroe Regional Airport to the extent that
4 such development or improvement will result in
5 an increase, over time, in the amount the indus-
6 trial park will pay to the airport to an amount
7 that is greater than the amount the city re-
8 ceived for such conveyance.

9 **SEC. 740. AUTOMATED WEATHER FORECASTING SYSTEMS.**

10 (a) CONTRACT FOR STUDY.—The Administrator
11 shall contract with the National Academy of Sciences to
12 conduct a study of the effectiveness of the automated
13 weather forecasting systems of covered flight service sta-
14 tions solely with regard to providing safe and reliable air-
15 port operations.

16 (b) COVERED FLIGHT SERVICE STATIONS.—In this
17 section, the term “covered flight service station” means
18 a flight service station where automated weather observa-
19 tion constitutes the entire observation and no additional
20 weather information is added by a human weather ob-
21 server.

22 (c) REPORT.—Not later than 1 year after the date
23 of the enactment of this Act, the Administrator shall
24 transmit to the Congress a report on the results of the
25 study.

1 **SEC. 741. NOISE STUDY OF SKY HARBOR AIRPORT, PHOE-**
2 **NIX, ARIZONA.**

3 (a) IN GENERAL.—The Administrator of the Federal
4 Aviation Administration shall conduct a study on recent
5 changes to the flight patterns of aircraft using Sky Harbor
6 Airport in Phoenix, Arizona, and the effects of such
7 changes on the noise contours in the Phoenix, Arizona,
8 region.

9 (b) REPORT.—

10 (1) IN GENERAL.—Not later than 90 days after
11 the enactment of this section, the Administrator
12 shall submit a report to Congress containing the re-
13 sults of the study conducted under subsection (a)
14 and recommendations for measures to mitigate air-
15 craft noise over populated areas in the Phoenix, Ari-
16 zona, region.

17 (2) AVAILABILITY TO THE PUBLIC.—The Ad-
18 ministrator shall make the report described in para-
19 graph (1) available to the public.

20 **SEC. 742. NONMILITARY HELICOPTER NOISE.**

21 (a) IN GENERAL.—The Secretary of Transportation
22 shall conduct a study—

23 (1) on the effects of nonmilitary helicopter noise
24 on individuals; and

25 (2) to develop recommendations for the reduc-
26 tion of the effects of nonmilitary helicopter noise.

1 (b) CONSIDERATION OF VIEWS.—In conducting the
2 study under this section, the Secretary shall consider the
3 views of representatives of the helicopter industry and rep-
4 resentatives of organizations with an interest in reducing
5 nonmilitary helicopter noise.

6 (c) REPORT.—Not later than 1 year after the date
7 of the enactment of this Act, the Secretary shall transmit
8 to Congress a report on the results of the study under
9 this section.

10 **TITLE VIII—NATIONAL PARKS** 11 **AIR TOUR MANAGEMENT**

12 **SEC. 801. SHORT TITLE.**

13 This title may be cited as the “National Parks Air
14 Tour Management Act of 1999”.

15 **SEC. 802. FINDINGS.**

16 Congress finds that—

17 (1) the Federal Aviation Administration has
18 sole authority to control airspace over the United
19 States;

20 (2) the Federal Aviation Administration has the
21 authority to preserve, protect, and enhance the envi-
22 ronment by minimizing, mitigating, or preventing
23 the adverse effects of aircraft overflights of public
24 and tribal lands;

1 (3) the National Park Service has the responsi-
2 bility of conserving the scenery and natural and his-
3 toric objects and wildlife in national parks and of
4 providing for the enjoyment of the national parks in
5 ways that leave the national parks unimpaired for
6 future generations;

7 (4) the protection of tribal lands from aircraft
8 overflights is consistent with protecting the public
9 health and welfare and is essential to the mainte-
10 nance of the natural and cultural resources of In-
11 dian tribes;

12 (5) the National Parks Overflights Working
13 Group, composed of general aviation, commercial air
14 tour, environmental, and Native American represent-
15 atives, recommended that the Congress enact legisla-
16 tion based on the Group's consensus work product;
17 and

18 (6) this title reflects the recommendations made
19 by that Group.

20 **SEC. 803. AIR TOUR MANAGEMENT PLANS FOR NATIONAL**
21 **PARKS.**

22 (a) IN GENERAL.—Chapter 401 is further amended
23 by adding at the end the following:

24 **“§ 40126. Overflights of national parks**

25 “(a) IN GENERAL.—

1 “(1) GENERAL REQUIREMENTS.—A commercial
2 air tour operator may not conduct commercial air
3 tour operations over a national park (including tribal
4 lands) except—

5 “(A) in accordance with this section;

6 “(B) in accordance with conditions and
7 limitations prescribed for that operator by the
8 Administrator; and

9 “(C) in accordance with any applicable air
10 tour management plan for the park.

11 “(2) APPLICATION FOR OPERATING AUTHOR-
12 ITY.—

13 “(A) APPLICATION REQUIRED.—Before
14 commencing commercial air tour operations
15 over a national park (including tribal lands), a
16 commercial air tour operator shall apply to the
17 Administrator for authority to conduct the op-
18 erations over the park.

19 “(B) COMPETITIVE BIDDING FOR LIMITED
20 CAPACITY PARKS.—Whenever an air tour man-
21 agement plan limits the number of commercial
22 air tour operations over a national park during
23 a specified time frame, the Administrator, in
24 cooperation with the Director, shall issue oper-
25 ation specifications to commercial air tour oper-

1 ators that conduct such operations. The oper-
2 ation specifications shall include such terms and
3 conditions as the Administrator and the Direc-
4 tor find necessary for management of commer-
5 cial air tour operations over the park. The Ad-
6 ministrator, in cooperation with the Director,
7 shall develop an open competitive process for
8 evaluating proposals from persons interested in
9 providing commercial air tour operations over
10 the park. In making a selection from among
11 various proposals submitted, the Administrator,
12 in cooperation with the Director, shall consider
13 relevant factors, including—

14 “(i) the safety record of the person
15 submitting the proposal or pilots employed
16 by the person;

17 “(ii) any quiet aircraft technology pro-
18 posed to be used by the person submitting
19 the proposal;

20 “(iii) the experience of the person sub-
21 mitting the proposal with commercial air
22 tour operations over other national parks
23 or scenic areas;

24 “(iv) the financial capability of the
25 company;

1 “(v) any training programs for pilots
2 provided by the person submitting the pro-
3 posal; and

4 “(vi) responsiveness of the person
5 submitting the proposal to any relevant
6 criteria developed by the National Park
7 Service for the affected park.

8 “(C) NUMBER OF OPERATIONS AUTHOR-
9 IZED.—In determining the number of author-
10 izations to issue to provide commercial air tour
11 operations over a national park, the Adminis-
12 trator, in cooperation with the Director, shall
13 take into consideration the provisions of the air
14 tour management plan, the number of existing
15 commercial air tour operators and current level
16 of service and equipment provided by any such
17 operators, and the financial viability of each
18 commercial air tour operation.

19 “(D) COOPERATION WITH NPS.—Before
20 granting an application under this paragraph,
21 the Administrator, in cooperation with the Di-
22 rector, shall develop an air tour management
23 plan in accordance with subsection (b) and im-
24 plement such plan.

25 “(3) EXCEPTION.—

1 “(A) IN GENERAL.—If a commercial air
2 tour operator secures a letter of agreement
3 from the Administrator and the superintendent
4 for the national park that describes the condi-
5 tions under which the commercial air tour oper-
6 ation will be conducted, then notwithstanding
7 paragraph (1), the commercial air tour operator
8 may conduct such operations over the national
9 park under part 91 of title 14, Code of Federal
10 Regulations, if such activity is permitted under
11 part 119 of such title.

12 “(B) LIMIT ON EXCEPTIONS.—Not more
13 than five flights in any 30-day period over a
14 single national park may be conducted under
15 this paragraph.

16 “(4) SPECIAL RULE FOR SAFETY REQUIRE-
17 MENTS.—Notwithstanding subsection (d), an exist-
18 ing commercial air tour operator shall apply, not
19 later than 90 days after the date of the enactment
20 of this section, for operating authority under part
21 119, 121, or 135 of title 14, Code of Federal Regu-
22 lations. A new entrant commercial air tour operator
23 shall apply for such authority before conducting
24 commercial air tour operations over a national park
25 (including tribal lands). The Administrator shall act

1 on any such application for a new entrant and issue
2 a decision on the application not later than 24
3 months after it is received or amended.

4 “(b) AIR TOUR MANAGEMENT PLANS.—

5 “(1) ESTABLISHMENT.—

6 “(A) IN GENERAL.—The Administrator, in
7 cooperation with the Director, shall establish an
8 air tour management plan for any national park
9 (including tribal lands) for which such a plan is
10 not in effect whenever a person applies for au-
11 thority to conduct a commercial air tour oper-
12 ation over the park. The air tour management
13 plan shall be developed by means of a public
14 process in accordance with paragraph (4).

15 “(B) OBJECTIVE.—The objective of any
16 air tour management plan shall be to develop
17 acceptable and effective measures to mitigate or
18 prevent the significant adverse impacts, if any,
19 of commercial air tours upon the natural and
20 cultural resources, visitor experiences, and trib-
21 al lands.

22 “(2) ENVIRONMENTAL DETERMINATION.—In
23 establishing an air tour management plan under this
24 subsection, the Administrator and the Director shall
25 each sign the environmental decision document re-

1 quired by section 102 of the National Environmental
2 Policy Act of 1969 (42 U.S.C. 4332) (including a
3 finding of no significant impact, an environmental
4 assessment, and an environmental impact statement)
5 and the record of decision for the air tour manage-
6 ment plan.

7 “(3) CONTENTS.—An air tour management
8 plan for a national park—

9 “(A) may limit or prohibit commercial air
10 tour operations;

11 “(B) may establish conditions for the con-
12 duct of commercial air tour operations, includ-
13 ing commercial air tour operation routes, max-
14 imum or minimum altitudes, time-of-day re-
15 strictions, restrictions for particular events,
16 maximum number of flights per unit of time,
17 intrusions on privacy on tribal lands, and miti-
18 gation of adverse noise, visual, or other im-
19 pacts;

20 “(C) may apply to all commercial air tour
21 operations;

22 “(D) shall include incentives (such as pre-
23 ferred commercial air tour operation routes and
24 altitudes and relief from flight caps and cur-
25 fews) for the adoption of quiet aircraft tech-

1 nology by commercial air tour operators con-
2 ducting commercial air tour operations over the
3 park;

4 “(E) shall provide a system for allocating
5 opportunities to conduct commercial air tours if
6 the air tour management plan includes a limita-
7 tion on the number of commercial air tour oper-
8 ations for any time period; and

9 “(F) shall justify and document the need
10 for measures taken pursuant to subparagraphs
11 (A) through (E) and include such justifications
12 in the record of decision.

13 “(4) PROCEDURE.—In establishing an air tour
14 management plan for a national park (including
15 tribal lands), the Administrator and the Director
16 shall—

17 “(A) hold at least one public meeting with
18 interested parties to develop the air tour man-
19 agement plan;

20 “(B) publish the proposed plan in the Fed-
21 eral Register for notice and comment and make
22 copies of the proposed plan available to the
23 public;

24 “(C) comply with the regulations set forth
25 in sections 1501.3 and 1501.5 through 1501.8

1 of title 40, Code of Federal Regulations (for
2 purposes of complying with the regulations, the
3 Federal Aviation Administration shall be the
4 lead agency and the National Park Service is a
5 cooperating agency); and

6 “(D) solicit the participation of any Indian
7 tribe whose tribal lands are, or may be,
8 overflowed by aircraft involved in a commercial
9 air tour operation over the park, as a cooper-
10 ating agency under the regulations referred to
11 in subparagraph (C).

12 “(5) JUDICIAL REVIEW.—An air tour manage-
13 ment plan developed under this subsection shall be
14 subject to judicial review.

15 “(6) AMENDMENTS.—The Administrator, in co-
16 operation with the Director, may make amendments
17 to an air tour management plan. Any such amend-
18 ments shall be published in the Federal Register for
19 notice and comment. A request for amendment of an
20 air tour management plan shall be made in such
21 form and manner as the Administrator may pre-
22 scribe.

23 “(c) DETERMINATION OF COMMERCIAL AIR TOUR
24 OPERATION STATUS.—In making a determination of

1 whether a flight is a commercial air tour operation, the
2 Administrator may consider—

3 “(1) whether there was a holding out to the
4 public of willingness to conduct a sightseeing flight
5 for compensation or hire;

6 “(2) whether a narrative that referred to areas
7 or points of interest on the surface below the route
8 of the flight was provided by the person offering the
9 flight;

10 “(3) the area of operation;

11 “(4) the frequency of flights conducted by the
12 person offering the flight;

13 “(5) the route of flight;

14 “(6) the inclusion of sightseeing flights as part
15 of any travel arrangement package offered by the
16 person offering the flight;

17 “(7) whether the flight would have been can-
18 celed based on poor visibility of the surface below
19 the route of the flight; and

20 “(8) any other factors that the Administrator
21 considers appropriate.

22 “(d) INTERIM OPERATING AUTHORITY.—

23 “(1) IN GENERAL.—Upon application for oper-
24 ating authority, the Administrator shall grant in-
25 terim operating authority under this subsection to a

1 commercial air tour operator for commercial air tour
2 operations over a national park (including tribal
3 lands) for which the operator is an existing commer-
4 cial air tour operator.

5 “(2) REQUIREMENTS AND LIMITATIONS.—In-
6 terim operating authority granted under this
7 subsection—

8 “(A) shall provide annual authorization
9 only for the greater of—

10 “(i) the number of flights used by the
11 operator to provide such tours within the
12 12-month period prior to the date of the
13 enactment of this section; or

14 “(ii) the average number of flights per
15 12-month period used by the operator to
16 provide such tours within the 36-month pe-
17 riod prior to such date of the enactment,
18 and, for seasonal operations, the number
19 of flights so used during the season or sea-
20 sons covered by that 12-month period;

21 “(B) may not provide for an increase in
22 the number of commercial air tour operations
23 conducted during any time period by the com-
24 mercial air tour operator above the number that
25 the air tour operator was originally granted un-

1 less such an increase is agreed to by the Ad-
2 ministrator and the Director;

3 “(C) shall be published in the Federal Reg-
4 ister to provide notice and opportunity for com-
5 ment;

6 “(D) may be revoked by the Administrator
7 for cause;

8 “(E) shall terminate 180 days after the
9 date on which an air tour management plan is
10 established for the park or the tribal lands;

11 “(F) shall promote protection of national
12 park resources, visitor experiences, and tribal
13 lands;

14 “(G) shall promote safe operations of the
15 commercial air tour;

16 “(H) shall promote the adoption of quiet
17 technology, as appropriate; and

18 “(I) shall allow for modifications of the op-
19 eration based on experience if the modification
20 improves protection of national park resources
21 and values and of tribal lands.

22 “(e) EXEMPTIONS.—

23 “(1) IN GENERAL.—Except as provided by
24 paragraph (2), this section shall not apply to—

25 “(A) the Grand Canyon National Park;

1 “(B) tribal lands within or abutting the
2 Grand Canyon National Park; or

3 “(C) any unit of the National Park System
4 located in Alaska or any other land or water lo-
5 cated in Alaska.

6 “(2) EXCEPTION.—This section shall apply to
7 the Grand Canyon National Park if section 3 of
8 Public Law 100–91 (16 U.S.C. 1a–1 note; 101 Stat.
9 674–678) is no longer in effect.

10 “(3) LAKE MEAD.—This section shall not apply
11 to any air tour operator while flying over or near the
12 Lake Mead National Recreation Area solely, as a
13 transportation route, to conduct an air tour over the
14 Grand Canyon National Park.

15 “(f) DEFINITIONS.—In this section, the following
16 definitions apply:

17 “(1) COMMERCIAL AIR TOUR OPERATOR.—The
18 term ‘commercial air tour operator’ means any per-
19 son who conducts a commercial air tour operation.

20 “(2) EXISTING COMMERCIAL AIR TOUR OPER-
21 ATOR.—The term ‘existing commercial air tour oper-
22 ator’ means a commercial air tour operator that was
23 actively engaged in the business of providing com-
24 mercial air tour operations over a national park at

1 any time during the 12-month period ending on the
2 date of the enactment of this section.

3 “(3) NEW ENTRANT COMMERCIAL AIR TOUR
4 OPERATOR.—The term ‘new entrant commercial air
5 tour operator’ means a commercial air tour operator
6 that—

7 “(A) applies for operating authority as a
8 commercial air tour operator for a national
9 park; and

10 “(B) has not engaged in the business of
11 providing commercial air tour operations over
12 the national park (including tribal lands) in the
13 12-month period preceding the application.

14 “(4) COMMERCIAL AIR TOUR OPERATION.—The
15 term ‘commercial air tour operation’ means any
16 flight, conducted for compensation or hire in a pow-
17 ered aircraft where a purpose of the flight is sight-
18 seeing over a national park, within ½ mile outside
19 the boundary of any national park, or over tribal
20 lands, during which the aircraft flies—

21 “(A) below a minimum altitude, deter-
22 mined by the Administrator in cooperation with
23 the Director, above ground level (except solely
24 for purposes of takeoff or landing, or necessary
25 for safe operation of an aircraft as determined

1 under the rules and regulations of the Federal
2 Aviation Administration requiring the pilot-in-
3 command to take action to ensure the safe op-
4 eration of the aircraft); or

5 “(B) less than 1 mile laterally from any
6 geographic feature within the park (unless more
7 than ½ mile outside the boundary).

8 “(5) NATIONAL PARK.—The term ‘national
9 park’ means any unit of the National Park System.

10 “(6) TRIBAL LANDS.—The term ‘tribal lands’
11 means Indian country (as that term is defined in
12 section 1151 of title 18) that is within or abutting
13 a national park.

14 “(7) ADMINISTRATOR.—The term ‘Adminis-
15 trator’ means the Administrator of the Federal Avia-
16 tion Administration.

17 “(8) DIRECTOR.—The term ‘Director’ means
18 the Director of the National Park Service.”.

19 (b) CONFORMING AMENDMENT.—The analysis for
20 chapter 401 is further amended by adding at the end the
21 following:

“40126. Overflights of national parks.”.

22 **SEC. 804. ADVISORY GROUP.**

23 (a) ESTABLISHMENT.—Not later than 1 year after
24 the date of the enactment of this Act, the Administrator
25 and the Director of the National Park Service shall jointly

1 establish an advisory group to provide continuing advice
2 and counsel with respect to commercial air tour operations
3 over and near national parks.

4 (b) MEMBERSHIP.—

5 (1) IN GENERAL.—The advisory group shall be
6 composed of—

7 (A) a balanced group of—

8 (i) representatives of general aviation;

9 (ii) representatives of commercial air
10 tour operators;

11 (iii) representatives of environmental
12 concerns; and

13 (iv) representatives of Indian tribes;

14 (B) a representative of the Federal Avia-
15 tion Administration; and

16 (C) a representative of the National Park
17 Service.

18 (2) EX OFFICIO MEMBERS.—The Administrator
19 (or the designee of the Administrator) and the Di-
20 rector (or the designee of the Director) shall serve
21 as ex officio members.

22 (3) CHAIRPERSON.—The representative of the
23 Federal Aviation Administration and the representa-
24 tive of the National Park Service shall serve alter-
25 nating 1-year terms as chairman of the advisory

1 group, with the representative of the Federal Avia-
2 tion Administration serving initially until the end of
3 the calendar year following the year in which the ad-
4 visory group is first appointed.

5 (c) DUTIES.—The advisory group shall provide ad-
6 vice, information, and recommendations to the Adminis-
7 trator and the Director—

8 (1) on the implementation of this title and the
9 amendments made by this title;

10 (2) on commonly accepted quiet aircraft tech-
11 nology for use in commercial air tour operations over
12 national parks (including tribal lands), which will re-
13 ceive preferential treatment in a given air tour man-
14 agement plan;

15 (3) on other measures that might be taken to
16 accommodate the interests of visitors to national
17 parks; and

18 (4) at request of the Administrator and the Di-
19 rector, safety, environmental, and other issues re-
20 lated to commercial air tour operations over a na-
21 tional park (including tribal lands).

22 (d) COMPENSATION; SUPPORT; FACA.—

23 (1) COMPENSATION AND TRAVEL.—Members of
24 the advisory group who are not officers or employees
25 of the United States, while attending conferences or

1 meetings of the group or otherwise engaged in its
2 business, or while serving away from their homes or
3 regular places of business, may be allowed travel ex-
4 penses, including per diem in lieu of subsistence, as
5 authorized by section 5703 of title 5, United States
6 Code, for persons in the Government service em-
7 ployed intermittently.

8 (2) ADMINISTRATIVE SUPPORT.—The Federal
9 Aviation Administration and the National Park
10 Service shall jointly furnish to the advisory group
11 clerical and other assistance.

12 (3) NONAPPLICATION OF FACA.—Section 14 of
13 the Federal Advisory Committee Act (5 U.S.C.
14 App.) does not apply to the advisory group.

15 **SEC. 805. REPORTS.**

16 (a) OVERFLIGHT FEE REPORT.—Not later than 180
17 days after the date of the enactment of this Act, the Ad-
18 ministrator shall transmit to Congress a report on the ef-
19 fects overflight fees are likely to have on the commercial
20 air tour operation industry. The report shall include, but
21 shall not be limited to—

22 (1) the viability of a tax credit for the commer-
23 cial air tour operators equal to the amount of any
24 overflight fees charged by the National Park Service;
25 and

1 (2) the financial effects proposed offsets are
2 likely to have on Federal Aviation Administration
3 budgets and appropriations.

4 (b) QUIET AIRCRAFT TECHNOLOGY REPORT.—Not
5 later than 2 years after the date of the enactment of this
6 Act, the Administrator and the Director shall jointly
7 transmit a report to Congress on the effectiveness of this
8 title in providing incentives for the development and use
9 of quiet aircraft technology.

10 **SEC. 806. METHODOLOGIES USED TO ASSESS AIR TOUR**
11 **NOISE.**

12 Any methodology adopted by a Federal agency to as-
13 sess air tour noise in any unit of the national park system
14 (including the Grand Canyon and Alaska) shall be based
15 on reasonable scientific methods.

16 **SEC. 807. EXEMPTIONS.**

17 This title shall not apply to—

18 (1) any unit of the National Park System lo-
19 cated in Alaska; or

20 (2) any other land or water located in Alaska.

21 **SEC. 808. DEFINITIONS.**

22 In this title, the following definitions apply:

23 (1) ADMINISTRATOR.—The term “Adminis-
24 trator” means the Administrator of the Federal
25 Aviation Administration.

1 net lending (budget outlays) of the United States
2 Government.

3 **SEC. 903. SAFEGUARDS AGAINST DEFICIT SPENDING OUT**
4 **OF AIRPORT AND AIRWAY TRUST FUND.**

5 (a) IN GENERAL.—Subchapter I of chapter 471 is
6 further amended by adding at the end the following:

7 **“§ 47138. Safeguards against deficit spending**

8 “(a) ESTIMATES OF UNFUNDED AVIATION AUTHOR-
9 IZATIONS AND NET AVIATION RECEIPTS.—Not later than
10 March 31 of each year, the Secretary of Transportation,
11 in consultation with the Secretary of the Treasury, shall
12 estimate—

13 “(1) the amount which would (but for this sec-
14 tion) be the unfunded aviation authorizations at the
15 close of the first fiscal year that begins after that
16 March 31; and

17 “(2) the net aviation receipts to be credited to
18 the Airport and Airway Trust Fund during the fiscal
19 year.

20 “(b) PROCEDURE IF EXCESS UNFUNDED AVIATION
21 AUTHORIZATIONS.—If the Secretary of Transportation
22 determines for any fiscal year that the amount described
23 in subsection (a)(1) exceeds the amount described in sub-
24 section (a)(2), the Secretary shall determine the amount
25 of such excess.

1 “(c) ADJUSTMENT OF AUTHORIZATIONS IF UN-
2 FUNDED AUTHORIZATIONS EXCEED RECEIPTS.—

3 “(1) DETERMINATION OF PERCENTAGE.—If the
4 Secretary determines that there is an excess referred
5 to in subsection (b) for a fiscal year, the Secretary
6 shall determine the percentage which—

7 “(A) such excess, is of

8 “(B) the total of the amounts authorized
9 to be appropriated from the Airport and Airway
10 Trust Fund for the next fiscal year.

11 “(2) ADJUSTMENT OF AUTHORIZATIONS.—If
12 the Secretary determines a percentage under para-
13 graph (1), each amount authorized to be appro-
14 priated from the Airport and Airway Trust Fund for
15 the next fiscal year shall be reduced by such percent-
16 age.

17 “(d) AVAILABILITY OF AMOUNTS PREVIOUSLY WITH-
18 HELD.—

19 “(1) ADJUSTMENT OF AUTHORIZATIONS.—If,
20 after a reduction has been made under subsection
21 (c)(2), the Secretary determines that the amount de-
22 scribed in subsection (a)(1) does not exceed the
23 amount described in subsection (a)(2) or that the ex-
24 cess referred to in subsection (b) is less than the
25 amount previously determined, each amount author-

1 ized to be appropriated that was reduced under sub-
2 section (c)(2) shall be increased, by an equal per-
3 centage, to the extent the Secretary determines that
4 it may be so increased without causing the amount
5 described in subsection (a)(1) to exceed the amount
6 described in subsection (a)(2) (but not by more than
7 the amount of the reduction).

8 “(2) APPORTIONMENT.—The Secretary shall
9 apportion amounts made available for apportionment
10 by paragraph (1).

11 “(3) PERIOD OF AVAILABILITY.—Any funds ap-
12 portioned under paragraph (2) shall remain available
13 for the period for which they would be available if
14 such apportionment took effect with the fiscal year
15 in which they are apportioned under paragraph (2).

16 “(e) REPORTS.—Any estimate under subsection (a)
17 and any determination under subsection (b), (c), or (d)
18 shall be reported by the Secretary to Congress.

19 “(f) DEFINITIONS.—For purposes of this section, the
20 following definitions apply:

21 “(1) NET AVIATION RECEIPTS.—The term ‘net
22 aviation receipts’ means, with respect to any period,
23 the excess of—

1 “(A) the receipts (including interest) of the
2 Airport and Airway Trust Fund during such
3 period, over

4 “(B) the amounts to be transferred during
5 such period from the Airport and Airway Trust
6 Fund under section 9502(d) of the Internal
7 Revenue Code of 1986 (other than paragraph
8 (1) thereof).

9 “(2) UNFUNDED AVIATION AUTHORIZATIONS.—
10 The term ‘unfunded aviation authorization’ means,
11 at any time, the excess (if any) of—

12 “(A) the total amount authorized to be ap-
13 propriated from the Airport and Airway Trust
14 Fund which has not been appropriated, over

15 “(B) the amount available in the Airport
16 and Airway Trust Fund at such time to make
17 such appropriation (after all other unliquidated
18 obligations at such time which are payable from
19 the Airport and Airway Trust Fund have been
20 liquidated).”.

21 (b) CONFORMING AMENDMENT.—The analysis for
22 subchapter I of chapter 471 is further amended by adding
23 at the end the following:

“47138. Safeguards against deficit spending.”.

1 **SEC. 904. ADJUSTMENTS TO DISCRETIONARY SPENDING**
2 **LIMITS.**

3 When the President submits the budget under section
4 1105(a) of title 31, United States Code, for fiscal year
5 2001, the Director of the Office of Management and
6 Budget shall, pursuant to section 251(b)(1)(A) of the Bal-
7 anced Budget and Emergency Deficit Control Act of 1985,
8 calculate and the budget shall include appropriate reduc-
9 tions to the discretionary spending limits for each of fiscal
10 years 2001 and 2002 set forth in section 251(c)(5)(A) and
11 section 251(c)(6)(A) of that Act (as adjusted under sec-
12 tion 251 of that Act) to reflect the discretionary baseline
13 trust fund spending (without any adjustment for inflation)
14 for the Federal Aviation Administration that is subject to
15 section 902 of this Act for each of those two fiscal years.

16 **SEC. 905. APPLICABILITY.**

17 This title (including the amendments made by this
18 Act) shall apply to fiscal years beginning after September
19 30, 2000.

20 **TITLE X—ADJUSTMENT OF**
21 **TRUST FUND AUTHORIZATIONS**

22 **SEC. 1001. ADJUSTMENT OF TRUST FUND AUTHORIZA-**
23 **TIONS.**

24 (a) IN GENERAL.—Part C of subtitle VII is amended
25 by adding at the end the following:

1 **“CHAPTER 483—ADJUSTMENT OF TRUST**
2 **FUND AUTHORIZATIONS**

“Sec.

“48301. Definitions.

“48302. Adjustments to align aviation authorizations with revenues.

“48303. Adjustment to AIP program funding.

“48304. Estimated aviation income.

3 **“§ 48301. Definitions**

4 “In this chapter, the following definitions apply:

5 “(1) **BASE YEAR.**—The term ‘base year’ means
6 the second fiscal year before the fiscal year for
7 which the calculation is being made.

8 “(2) **AIP PROGRAM.**—The term ‘AIP program’
9 means the programs for which amounts are made
10 available under section 48103.

11 “(3) **AVIATION INCOME.**—The term ‘aviation in-
12 come’ means the tax receipts credited to the Airport
13 and Airway Trust Fund and any interest attrib-
14 utable to the Fund.

15 **“§ 48302. Adjustment to align aviation authorizations**
16 **with revenues**

17 “(a) **AUTHORIZATION OF APPROPRIATIONS.**—Begin-
18 ning with fiscal year 2003, if the actual level of aviation
19 income for the base year is greater or less than the esti-
20 mated aviation income level specified in section 48304 for
21 the base year, the amounts authorized to be appropriated
22 (or made available) for the fiscal year under each of sec-

1 tions 106(k), 48101, 48102, and 48103 are adjusted as
2 follows:

3 “(1) If the actual level of aviation income for
4 the base year is greater than the estimated aviation
5 income level specified in section 48304 for the base
6 year, the amount authorized to be appropriated (or
7 made available) for such section is increased by an
8 amount determined by multiplying the amount of
9 the excess by the ratio for such section set forth in
10 subsection (b).

11 “(2) If the actual level of aviation income for
12 the base year is less than the estimated aviation in-
13 come level specified in section 48304 for the base
14 year, the amount authorized to be appropriated (or
15 made available) for such section is decreased by an
16 amount determined by multiplying the amount of
17 the shortfall by the ratio for such section set forth
18 in subsection (b).

19 “(b) RATIO.—The ratio referred to in subsection (a)
20 with respect to section 106(k), 48101, 48102, or 48103,
21 as the case may be, is the ratio that—

22 “(1) the amount authorized to be appropriated
23 (or made available) under such section for the fiscal
24 year; bears to

1 “(2) the total sum of amounts authorized to be
2 appropriated (or made available) under all of such
3 sections for the fiscal year.

4 “(c) PRESIDENT’S BUDGET.—When the President
5 submits a budget for a fiscal year under section 1105 of
6 title 31, United States Code, the Director of the Office
7 of Management and Budget shall calculate and the budget
8 shall report any increase or decrease in authorization lev-
9 els resulting from this section.

10 **“§ 48303. Adjustment to AIP program funding**

11 “On the effective date of a general appropriations Act
12 providing appropriations for a fiscal year beginning after
13 September 30, 2000, for the Federal Aviation Administra-
14 tion, the amount made available for a fiscal year under
15 section 48103 shall be increased by the amount, if any,
16 by which—

17 “(1) the total sum of amounts authorized to be
18 appropriated under all of sections 106(k), 48101,
19 and 48102 for such fiscal year, including adjust-
20 ments made under section 48302; exceeds

21 “(2) the amounts appropriated for programs
22 funded under such sections for such fiscal year.

23 Any contract authority made available by this section shall
24 be subject to an obligation limitation.

1 **“§ 48304. Estimated aviation income**

2 “For purposes of section 48302, the estimated avia-
3 tion income levels are as follows:

4 “(1) \$10,734,000,000 for fiscal year 2001.

5 “(2) \$11,603,000,000 for fiscal year 2002.

6 “(3) \$12,316,000,000 for fiscal year 2003.

7 “(4) \$13,062,000,000 for fiscal year 2004.”.

8 (b) CONFORMING AMENDMENT.—The table of chap-
9 ters for subtitle VII of such title is amended by inserting
10 after the item relating to chapter 482 the following:

“483. ADJUSTMENT OF TRUST FUND AUTHORIZATIONS 48301”.

11 **SEC. 1002. BUDGET ESTIMATES.**

12 Upon the enactment of this Act, the Director of the
13 Office of Management and Budget shall not make any es-
14 timates under section 252(d) of the Balanced Budget and
15 Emergency Deficit Control Act of 1985 of changes in di-
16 rect spending outlays and receipts for any fiscal year re-
17 sulting from this title and title IX, including the amend-
18 ments made by such titles.

19 **SEC. 1003. SENSE OF THE CONGRESS ON FULLY OFFSET-**
20 **TING INCREASED AVIATION SPENDING.**

21 It is the sense of the Congress that—

22 (1) air passengers and other users of the air
23 transportation system pay aviation taxes into a trust
24 fund dedicated solely to improve the safety, security,
25 and efficiency of the aviation system;

1 (2) from fiscal year 2001 to fiscal year 2004,
2 air passengers and other users will pay more than
3 \$14.3 billion more in aviation taxes into the Airport
4 and Airway Trust Fund than the concurrent resolu-
5 tion on the budget for fiscal year 2000 provides
6 from such Fund for aviation investment under his-
7 torical funding patterns;

8 (3) the Aviation Investment and Reform Act for
9 the 21st Century provides \$14.3 billion of aviation
10 investment above the levels assumed in that budget
11 resolution for such fiscal years; and

12 (4) this increased funding will be fully offset by
13 recapturing unspent aviation taxes and reducing the
14 \$778 billion general tax cut assumed in that budget
15 resolution by the appropriate amount.

16 **TITLE XI—EXTENSION OF AIR-**
17 **PORT AND AIRWAY TRUST**
18 **FUND EXPENDITURE AU-**
19 **THORITY**

20 **SEC. 1101. EXTENSION OF EXPENDITURE AUTHORITY.**

21 (a) IN GENERAL.—Paragraph (1) of section 9502(d)
22 of the Internal Revenue Code of 1986 (relating to expendi-
23 tures from Airport and Airway Trust Fund) is amended—

24 (1) by striking “October 1, 1998” and inserting
25 “October 1, 2004”; and

1 (2) by inserting before the semicolon at the end
2 of subparagraph (A) the following “or the provisions
3 of the Omnibus Consolidated and Emergency Sup-
4 plemental Appropriations Act, 1999 providing for
5 payments from the Airport and Airway Trust Fund
6 or the Interim Federal Aviation Administration Au-
7 thorization Act or section 6002 of the 1999 Emer-
8 gency Supplemental Appropriations Act or the Avia-
9 tion Investment and Reform Act for the 21st Cen-
10 tury”.

11 (b) LIMITATION ON EXPENDITURE AUTHORITY.—
12 Section 9502 of such Code is amended by adding at the
13 end the following new subsection:

14 “(f) LIMITATION ON TRANSFERS TO TRUST FUND.—

15 “(1) IN GENERAL.—Except as provided in para-
16 graph (2), no amount may be appropriated or cred-
17 ited to the Airport and Airway Trust Fund on and
18 after the date of any expenditure from the Airport
19 and Airway Trust Fund which is not permitted by
20 this section. The determination of whether an ex-
21 penditure is so permitted shall be made without re-
22 gard to—

23 “(A) any provision of law which is not con-
24 tained or referenced in this title or in a revenue
25 Act; and

1 “(B) whether such provision of law is a
2 subsequently enacted provision or directly or in-
3 directly seeks to waive the application of this
4 subsection.

5 “(2) EXCEPTION FOR PRIOR OBLIGATIONS.—
6 Paragraph (1) shall not apply to any expenditure to
7 liquidate any contract entered into (or for any
8 amount otherwise obligated) before October 1, 1999,
9 in accordance with the provisions of this section.”.
 Passed the House of Representatives June 15, 1999.
 Attest:

Clerk.