

106TH CONGRESS
1ST SESSION

H. R. 1000

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

IN THE HOUSE OF REPRESENTATIVES

MARCH 4, 1999

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

A BILL

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

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

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

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

7 (b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

- Sec. 2. Amendments to title 49, United States Code.
- Sec. 3. Administrator defined.

TITLE I—AIRPORT AND AIRWAY IMPROVEMENTS

- Sec. 101. Airport improvement program.
- Sec. 102. Airway facilities improvement program.
- Sec. 103. FAA operations.
- Sec. 104. Aviation safety accelerated program.
- Sec. 105. AIP formula changes.
- Sec. 106. Discretionary use of unused apportionments.
- Sec. 107. Designating current and former military airports.
- Sec. 108. Eligibility of runway incursion prevention devices; emergency call boxes.
- Sec. 109. Passenger facility fees.
- Sec. 110. Competition plans.
- Sec. 111. Grants from small airport fund.
- Sec. 112. Contract tower cost-sharing.
- Sec. 113. Innovative use of airport grant funds.
- Sec. 114. Airport security program.
- Sec. 115. Matching share.
- Sec. 116. Passenger facility fees and letters of intent.
- Sec. 117. Treatment of certain facilities as airport-related projects.
- Sec. 118. Terminal development costs.
- Sec. 119. Conveyances of surplus property for public airports.
- Sec. 120. Construction of runways.
- Sec. 121. General facilities authority.
- Sec. 122. Denial of airport access to certain air carriers.
- Sec. 123. Budget submission.
- Sec. 124. Technical amendments.
- Sec. 125. Use of recycled materials.
- Sec. 126. Pavement maintenance.

TITLE II—AIRLINE SERVICE IMPROVEMENTS

Subtitle A—Service to Airports Not Receiving Sufficient Service

- Sec. 201. Access to high density airports.
- Sec. 202. Funding for air carrier service to airports not receiving sufficient service.
- Sec. 203. Waiver of local contribution.
- Sec. 204. Policy for air service to rural areas.

Subtitle B—Regional Air Service Incentive Program

- Sec. 211. Establishment of regional air service incentive program.
- Sec. 212. Authorization of appropriations.

TITLE III—FAA MANAGEMENT REFORM

- Sec. 301. Air traffic control system defined.
- Sec. 302. Air traffic control oversight board.
- Sec. 303. Chief operating officer.
- Sec. 304. Federal Aviation Management Advisory Council.
- Sec. 305. Environmental streamlining.
- Sec. 306. Clarification of regulatory approval process.
- Sec. 307. Independent study of FAA costs and allocations.

TITLE IV—FAMILY ASSISTANCE

- Sec. 401. Responsibilities of National Transportation Safety Board.
- Sec. 402. Air carrier plans.
- Sec. 403. Foreign air carrier plans.
- Sec. 404. Applicability of Death on the High Seas Act.

TITLE V—SAFETY

- Sec. 501. Cargo collision avoidance systems deadlines.
- Sec. 502. Records of employment of pilot applicants.
- Sec. 503. Whistleblower protection for FAA employees.
- Sec. 504. Safety risk mitigation programs.
- Sec. 505. Flight operations quality assurance rules.
- Sec. 506. Small airport certification.
- Sec. 507. Life-limited aircraft parts.
- Sec. 508. FAA may fine unruly passengers.

TITLE VI—WHISTLEBLOWER PROTECTION

- Sec. 601. Protection of employees providing air safety information.
- Sec. 602. Civil penalty.

TITLE VII—MISCELLANEOUS PROVISIONS

- Sec. 701. Duties and powers of Administrator.
- Sec. 702. Prohibition on release of offeror proposals.
- Sec. 703. Multiyear procurement contracts.
- Sec. 704. Federal Aviation Administration personnel management system.
- Sec. 705. Nondiscrimination in airline travel.
- Sec. 706. General facilities and personnel authority.
- Sec. 707. Implementation of article 83 BIS of the Chicago Convention.
- Sec. 708. Public availability of airmen records.
- Sec. 709. Appeals of emergency revocations of certificates.
- Sec. 710. Government and industry consortia.
- Sec. 711. Passenger manifest.
- Sec. 712. Cost recovery for foreign aviation services.
- Sec. 713. Technical corrections to civil penalty provisions.
- Sec. 714. Enhanced vision technologies.
- Sec. 715. Waiver under Airport Noise and Capacity Act.
- Sec. 716. Typographical errors.
- Sec. 717. Acquisition management system.
- Sec. 718. Extension of application approvals for Metropolitan Washington Airport Authority.
- Sec. 719. Aircraft situational display data.
- Sec. 720. Elimination of backlog of equal employment opportunity complaints.
- Sec. 721. Newport News, Virginia.
- Sec. 722. Grant of easement, Los Angeles, California.
- Sec. 723. Regulation of Alaska guide pilots.
- Sec. 724. Public aircraft.
- Sec. 725. Extension of war risk insurance program.
- Sec. 726. Centennial of Flight Commission.
- Sec. 727. Pilot program for capital leasing contracts.
- Sec. 728. Repeal of mail rate-setting authority.
- Sec. 729. Aircraft repair and maintenance advisory panel.

TITLE VIII—NATIONAL PARKS AIR TOUR MANAGEMENT

- Sec. 801. Short title.
- Sec. 802. Findings.
- Sec. 803. Air tour management plans for national parks.
- Sec. 804. Advisory group.
- Sec. 805. Reports.
- Sec. 806. Exemptions.
- Sec. 807. Definitions.

TITLE IX—TRUTH IN BUDGETING

- Sec. 901. Short title.
- Sec. 902. Budgetary treatment of Airport and Airway Trust Fund, Inland Waterways Trust Fund, and Harbor Maintenance Trust Fund.
- Sec. 903. Safeguards against deficit spending out of Airport and Airway Trust Fund.
- Sec. 904. Applicability.

TITLE X—AVIATION SPENDING GUARANTEE

- Sec. 1001. Discretionary spending categories.
- Sec. 1002. Budget estimates.
- Sec. 1003. Guaranteed expenditure of aviation revenue.

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. ADMINISTRATOR DEFINED.

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

11 **TITLE I—AIRPORT AND AIRWAY**
12 **IMPROVEMENTS**

13 SEC. 101. AIRPORT IMPROVEMENT PROGRAM.

14 (a) AUTHORIZATION OF APPROPRIATIONS.—Section
15 48103 is amended by striking “shall be \$1,205,000,000”

1 and all that follows through the period at the end and
2 inserting the following: “shall be—

3 “(1) \$2,410,000,000 for fiscal year 1999; and

4 “(2) \$5,000,000,000 for each of fiscal years
5 2000 through 2004.”.

6 (b) OBLIGATIONAL AUTHORITY.—Section 47104(c)
7 is amended by striking “March 31, 1999,” and inserting
8 “September 30, 2004.”.

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

10 (a) GENERAL AUTHORIZATION AND APPROPRIA-
11 TIONS.—Section 48101(a) is amended by striking para-
12 graphs (1) and (2) and inserting the following:

13 “(1) \$2,131,000,000 for fiscal year 1999.

14 “(2) \$3,000,000,000 for fiscal year 2000.

15 “(3) \$3,200,000,000 for each of fiscal years
16 2001 through 2004.”.

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

19 “(d) UNIVERSAL ACCESS SYSTEMS.—Of the amounts
20 appropriated under subsection (a) for fiscal year 2000,
21 \$8,000,000 may be used for the voluntary purchase and
22 installation of universal access systems.”.

23 **SEC. 103. FAA OPERATIONS.**

24 (a) AUTHORIZATION OF APPROPRIATIONS FROM
25 GENERAL FUND.—Section 106(k) is amended—

1 (1) by inserting “(1) IN GENERAL.—” before
2 “‘There’”;

3 (2) in paragraph (1) (as designated by para-
4 graph (1) of this subsection) by striking “the Ad-
5 ministration” and all that follows through the period
6 at the end and inserting the following: “the
7 Administration—

8 “(1) \$5,632,000,000 for fiscal year 1999;

9 “(2) \$6,096,000,000 for fiscal year 2000;

10 “(3) \$6,675,000,000 for fiscal year 2001;

11 “(4) \$7,310,000,000 for fiscal year 2002;

12 “(5) \$8,004,000,000 for fiscal year 2003; and

13 “(6) \$8,764,000,000 for fiscal year 2004.”;

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

15 “(2) AUTHORIZED EXPENDITURES.—Of the
16 amounts appropriated under paragraph (1) for fiscal
17 years 2000 through 2004—

18 “(A) \$450,000 per fiscal year may be used
19 for wildlife hazard mitigation measures and
20 management of the wildlife strike database of
21 the Federal Aviation Administration;

22 “(B) such sums as may be necessary may
23 be used to fund an office within the Federal
24 Aviation Administration dedicated to supporting

1 infrastructure systems development for both
2 general aviation and the vertical flight industry;

3 “(C) such sums as may be necessary may
4 be used to revise existing terminal and en route
5 procedures and instrument flight rules to facili-
6 tate the takeoff, flight, and landing of tiltrotor
7 aircraft and to improve the national airspace
8 system by separating such aircraft from con-
9 gested flight paths of fixed-wing aircraft;

10 “(D) such sums as may be necessary may
11 be used to establish helicopter approach proce-
12 dures using current technologies (such as the
13 Global Positioning System) to support all-
14 weather, emergency medical service for trauma
15 patients;

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

20 “(F) \$2,000,000 per fiscal year may be
21 used to support a university consortium estab-
22 lished to provide an air safety and security
23 management certificate program, working coop-
24 eratively with United States air carriers; except
25 that funds under this subparagraph—

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

3 “(ii) may only be awarded on the
4 basis of open competition; and

5 “(G) such sums as may be necessary may
6 be used to develop or improve training pro-
7 grams (including model training programs and
8 curriculum) for security screeners at airports.”;
9 and

10 (4) by indenting paragraph (1) (as designated
11 by paragraph (1) of this subsection) and aligning
12 such paragraph (1) with paragraph (2) (as added by
13 paragraph (2) of this subsection).

14 (b) AUTHORIZATION OF APPROPRIATIONS FROM
15 TRUST FUND.—Section 48104 is amended by striking
16 subsections (b) and (c) and inserting the following:

17 “(b) LIMITATION FOR FISCAL YEAR 1999.—The
18 amount appropriated from the Trust Fund for the pur-
19 poses of paragraphs (1) and (2) of subsection (a) for fiscal
20 year 1999 may not exceed the lesser of—

21 “(1) 50 percent of the amount of funds made
22 available under sections 48101 through 48103 for
23 such fiscal year; or

1 “(2)(A) 72.5 percent of the amount of funds
2 made available under sections 106(k) and 48101
3 through 48103 for such fiscal year; less

4 “(B) the amount of funds made available under
5 sections 48101–48103 for such fiscal year.

6 “(c) LIMITATION FOR FISCAL YEARS 2000–2004.—
7 The amount appropriated from the Trust Fund for the
8 purposes of paragraphs (1) and (2) of subsection (a) for
9 each of fiscal years 2000 through 2004 may not exceed—

10 “(1) 70 percent of the FAA guaranteed spend-
11 ing levels for budget resources under section 48302,
12 as adjusted, for such fiscal year; less

13 “(2) the amount of funds made available under
14 sections 48101 through 48103 and 48112 for such
15 fiscal year.”.

16 (c) LIMITATION ON OBLIGATING OR EXPENDING
17 AMOUNTS.—Section 48108(c) is amended by striking
18 “1998” and inserting “2004”.

19 **SEC. 104. AVIATION SAFETY ACCELERATED PROGRAM.**

20 (a) FUNDING.—

21 (1) ESTABLISHMENT OF FUNDING LEVELS.—
22 Chapter 481 is amended by adding at the end the
23 following:

1 **“§ 48112. Aviation safety accelerated program**

2 “The total amounts which shall be available after
3 September 30, 1999, out of the Airport and Airway Trust
4 Fund established under section 9502 of the Internal Reve-
5 nue Code of 1986 (26 U.S.C. 9502) to make grants for
6 the aviation safety accelerated program under section
7 47161 shall be—

8 “(1) \$921,000,000 for fiscal year 2000;

9 “(2) \$1,254,000,000 for fiscal year 2001;

10 “(3) \$2,157,000,000 for fiscal year 2002;

11 “(4) \$2,787,000,000 for fiscal year 2003; and

12 “(5) \$3,125,000,000 for fiscal year 2004.”.

13 (2) CONFORMING AMENDMENT.—The analysis
14 for such chapter is amended by adding at the end
15 the following:

“48112. Aviation safety accelerated program.”.

16 (b) ESTABLISHMENT OF PROGRAM.—

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

19 “SUBCHAPTER III—AVIATION SAFETY
20 ACCELERATED PROGRAM

21 **“§ 47161. Project grant authority**

22 “(a) GENERAL AUTHORITY.—To provide for the
23 aviation safety accelerated program, the Secretary of
24 Transportation may make project grants under this sub-
25 chapter from the Airport and Airway Trust Fund estab-

1 lished under section 9502 of the Internal Revenue Code
2 of 1986.

3 “(b) INCURRING OBLIGATIONS.—The Secretary may
4 incur obligations to make grants from amounts made
5 available for a fiscal year ending on or before September
6 30, 2004, under section 48112 beginning on the first day
7 of the fiscal year.

8 **“§ 47162. Eligible projects**

9 “Projects for the following purposes shall be eligible
10 for assistance under this subchapter:

11 “(1) Projects to provide substantial and imme-
12 diate benefits to reduce delays and congestion at air-
13 ports and in the air traffic control system.

14 “(2) Projects to construct airport improvements
15 or acquire air traffic equipment to enhance competi-
16 tion among air carriers at an airport.

17 “(3) Projects to enhance air service to small-
18 and medium-sized communities.

19 **“§ 47163. Allocation of amounts**

20 “Of the total amount made available under section
21 48112 for a fiscal year—

22 “(1) not more than 35 percent may be used for
23 projects described in section 47162(1);

24 “(2) not more than 35 percent may be used for
25 projects described in subsection 47162(2); and

1 “(3) not more than 30 percent may be used for
2 projects described in subsection 47162(3).

3 **“§ 47164. Procedural requirements**

4 “The Secretary shall establish innovative methods for
5 processing, reviewing, and approving projects funded
6 under this subchapter in order to reduce, to the maximum
7 extent practicable, the time required from an applicant’s
8 request for project approval through the completion of the
9 project. In carrying out this section, the Secretary shall
10 incorporate best management practices used from similar
11 programs carried out by the Department of Transpor-
12 tation for other modes of transportation.”.

13 (2) CONFORMING AMENDMENT.—The table of
14 sections for chapter 471 is amended by adding at
15 the end the following:

 “SUBCHAPTER III—AVIATION SAFETY ACCELERATED PROGRAM

 “47161. Project grant authority.

 “47162. Eligible projects.

 “47163. Allocation of amounts.

 “47164. Procedural requirements.”.

16 **SEC. 105. AIP FORMULA CHANGES.**

17 (a) DISCRETIONARY FUND.—Section 47115 is
18 amended by striking subsections (g) and (h) and inserting
19 the following:

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

21 “(1) IN GENERAL.—Subject to paragraph (2),
22 the Secretary shall fulfill intentions to obligate under

1 section 47110(e) with amounts available in the fund
2 established by subsection (a) and, if such amounts
3 are not sufficient for a fiscal year, with amounts
4 made available to carry out sections 47114(c)(1)(A),
5 47114(c)(2), 47114(d), and 47117(e) on a pro rata
6 basis.

7 “(2) PROCEDURE.—Before apportioning funds
8 under sections 47114(c)(1)(A), 47114(c)(2),
9 47114(d), and 47117(e) of each fiscal year, the Sec-
10 retary shall determine the amount of funds that will
11 be necessary to fulfill intentions to obligate under
12 section 47110(e) in such fiscal year. If such amount
13 is greater than the amount of funds that will be
14 available in the fund established by subsection (a)
15 for such fiscal year, the Secretary shall reduce the
16 amount to be apportioned under such sections for
17 such fiscal year on a pro rata basis by an amount
18 equal to the difference.”.

19 (b) AMOUNTS APPORTIONED TO SPONSORS.—Section
20 47114(c)(1) is amended—

21 (1) in subparagraph (A) by striking clauses (i)
22 through (v) and inserting the following:

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

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

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

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

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

12 (2) in subparagraph (B) by striking “\$500,000
13 nor more than \$22,000,000” and inserting
14 “\$1,500,000”; and

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

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

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

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

1 “(iii) the cause of the decrease in passenger
2 boardings was a temporary but significant interrup-
3 tion in service by an air carrier to that airport due
4 to an employment action, natural disaster, or other
5 event unrelated to the demand for air transportation
6 at the airport.”.

7 (c) CARGO ONLY AIRPORTS.—Section
8 47114(c)(2)(A) is amended by striking “2.5 percent” and
9 inserting “3 percent”.

10 (d) ENTITLEMENT FOR GENERAL AVIATION AIR-
11 PORTS.—

12 (1) IN GENERAL.—Section 47114(d)(2) is
13 amended—

14 (A) in the matter preceding subparagraph
15 (A) by striking “18.5 percent” and inserting
16 “20 percent”;

17 (B) in subparagraph (A) by striking
18 “0.66” and inserting “0.62”; and

19 (C) in each of subparagraphs (B) and
20 (C)—

21 (i) by striking “paragraph (3)” and
22 inserting “paragraphs (3) and (4)”; and

23 (ii) by striking “49.67” and inserting
24 “49.69”.

1 (2) SPECIAL RULE.—Section 47114(d) is
2 amended by adding at the end the following:

3 “(4) MINIMUM APPORTIONMENT.—Each air-
4 port, excluding primary airports but including re-
5 liever and nonprimary commercial service airports,
6 in States shall be apportioned an amount under
7 paragraph (2) that is the lesser of—

8 “(A) \$200,000; or

9 “(B) one-fifth of the most recently published es-
10 timate of the 5-year costs for airport improvement
11 for the airport, as listed in the national plan of inte-
12 grated airport systems developed by the Federal
13 Aviation Administration under section 47103.”.

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

17 “(3) SPECIAL RULE.—An amount apportioned
18 under paragraph (2) of this subsection for airports
19 in Alaska, Puerto Rico, or Hawaii may be made
20 available by the Secretary for any public airport in
21 those respective jurisdictions.”.

22 (f) USE OF STATE-APPORTIONED FUNDS FOR SYS-
23 TEM PLANNING.—Section 47114(d) is further amended by
24 adding at the end the following:

1 “(5) INTEGRATED AIRPORT SYSTEM PLAN-
2 NING.—Notwithstanding paragraph (2), funds made
3 available under this subsection may be used for inte-
4 grated airport system planning that encompasses 1
5 or more primary airports.”.

6 (g) FLEXIBILITY IN PAVEMENT CONSTRUCTION
7 STANDARDS.—

8 Section 47114(d) is further amended by adding at
9 the end the following:

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

17 “(A) safety will not be negatively affected;
18 and

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

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

1 (1) in subparagraph (A) by striking “31 per-
2 cent” each place it appears and inserting “34 per-
3 cent”; and

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

8 (i) SUPPLEMENTAL APPORTIONMENT FOR ALAS-
9 KA.—Section 47114(e) is amended—

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

12 (2) in paragraph (1)—

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

16 (B) by striking “those airports” and in-
17 serting “airports in Alaska”; and

18 (C) by inserting before the period at the
19 end of the first sentence “and by increasing the
20 amount so determined for each of those airports
21 by 3 times”;

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

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

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

6 (5) by indenting paragraph (1) and aligning it
7 and paragraph (2) with paragraph (3) (as amended
8 by paragraph (4) of this subsection).

9 (j) REPEAL OF APPORTIONMENT LIMITATION ON
10 COMMERCIAL SERVICE AIRPORTS IN ALASKA.—Section
11 47117 is amended by striking subsection (f) and by redese-
12 ignating subsections (g) and (h) as subsections (f) and (g),
13 respectively.

14 (k) EFFECTIVE DATE.—The amendments made by
15 this section shall take effect on October 1, 1999.

16 **SEC. 106. DISCRETIONARY USE OF UNUSED APPORTION-**
17 **MENTS.**

18 (a) IN GENERAL.—Section 47117(f) (as redesignated
19 by section 105(j) of this Act) is amended to read as fol-
20 lows:

21 “(f) DISCRETIONARY USE OF APPORTIONMENTS.—

22 “(1) IN GENERAL.—Subject to paragraph (2),
23 if the Secretary finds that all or part of an amount
24 of an apportionment under section 47114 is not re-
25 quired during a fiscal year to fund a grant for which

1 the apportionment may be used, the Secretary may
2 use the amount not so required to make grants for
3 airport planning and airport development under sec-
4 tion 47104 during such fiscal year. The finding may
5 be based on the notifications that the Secretary re-
6 ceives under section 47105(f) or on other informa-
7 tion received from airport sponsors.

8 “(2) RESTORATION OF APPORTIONMENTS.—

9 “(A) IN GENERAL.—If the fiscal year for
10 which a finding is made under paragraph (1)
11 with respect to an apportionment is not the last
12 fiscal year of availability of the apportionment,
13 under subsection (b), the Secretary shall re-
14 store, to the apportionment an amount equal to
15 the amount of the apportionment used under
16 paragraph (1) for a discretionary grant when-
17 ever a sufficient amount is made available
18 under section 48103 for grant obligations under
19 sections 47104.

20 “(B) PERIOD OF AVAILABILITY.—If res-
21 toration under this paragraph is made in the
22 fiscal year for which the finding is made or the
23 succeeding fiscal year, the amount restored
24 shall be subject to the original period of avail-
25 ability of the apportionment under subsection

1 (b). If the restoration is made thereafter, the
2 amount restored shall remain available in ac-
3 cordance with subsection (b) for the original pe-
4 riod of availability of the apportionment, plus
5 the number of fiscal years during which a suffi-
6 cient amount was not available for the restora-
7 tion.

8 “(3) NEWLY AVAILABLE AMOUNTS.—

9 “(A) RESTORED AMOUNTS TO BE UN-
10 AVAILABLE FOR DISCRETIONARY GRANTS.—Of
11 an amount newly available under section 48103
12 of this title, an amount equal to the amounts
13 restored under paragraph (2) shall not be avail-
14 able for discretionary grant obligations under
15 section 47115.

16 “(B) USE OF REMAINING AMOUNTS.—Sub-
17 paragraph (A) does not impair the Secretary’s
18 authority under paragraph (1), after a restora-
19 tion under paragraph (2), to apply all or part
20 of a restored amount that is not required to
21 fund a grant under an apportionment to fund
22 discretionary grants.

23 “(4) LIMITATIONS ON OBLIGATIONS APPLY.—

24 Nothing in this subsection shall be construed to au-
25 thorize the Secretary to incur grant obligations

1 under section 47104 for a fiscal year in an amount
2 greater than the amount made available under sec-
3 tion 48103 for such obligations for such fiscal
4 year.”.

5 (b) EFFECTIVE DATE.—The amendment made by
6 this section shall take effect on October 1, 1999.

7 **SEC. 107. DESIGNATING CURRENT AND FORMER MILITARY**
8 **AIRPORTS.**

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

10 (1) in subsection (a) by striking “12” and in-
11 sserting “20”;

12 (2) by striking subsection (c) and redesignating
13 subsections (d) through (f) as subsections (c)
14 through (e), respectively;

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

16 (A) by striking “47117(e)(1)(E)” and in-
17 sserting “47117(e)(1)(B)”;

18 (B) by striking “5-fiscal-year periods” and
19 inserting “periods, each not to exceed 5 fiscal
20 years,”; and

21 (C) by striking “each such subsequent 5-
22 fiscal-year period” and inserting “each such
23 subsequent period”; and

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

1 “(f) DESIGNATION OF GENERAL AVIATION AIR-
2 PORT.—Notwithstanding any other provision of this sec-
3 tion, at least 3 of the airports designated under subsection
4 (a) shall be general aviation airports that were former
5 military installations closed or realigned under a section
6 referred to in subsection (a)(1).”.

7 (b) TERMINAL BUILDING FACILITIES.—Section
8 47118(e) is amended by striking “\$5,000,000” and insert-
9 ing “\$7,000,000”.

10 (c) ELIGIBILITY OF AIR CARGO TERMINALS.—Sec-
11 tion 47118(f) is amended—

12 (1) in subsection heading by striking “AND
13 HANGERS” and inserting “HANGERS, AND AIR
14 CARGO TERMINALS.—”;

15 (2) by striking “\$4,000,000” and inserting
16 “\$7,000,000”; and

17 (3) by inserting after “hangers” the following:
18 “and air cargo terminals of an area that is 50,000
19 square feet or less”.

20 (d) EFFECTIVE DATE.—The amendments made by
21 this section shall take effect on October 1, 1999.

22 **SEC. 108. ELIGIBILITY OF RUNWAY INCURSION PREVEN-**
23 **TION DEVICES; EMERGENCY CALL BOXES.**

24 (a) POLICY.—Section 47101(a)(11) is amended by
25 inserting “(including integrated in-pavement lighting sys-

1 tems for runways and taxiways and other runway and
2 taxiway incursion prevention devices)” after “technology”.

3 (b) MAXIMUM USE OF SAFETY FACILITIES.—Section
4 47101(f) is amended—

5 (1) by striking “and” at the end of paragraph
6 (9); and

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

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

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

13 (c) AIRPORT DEVELOPMENT DEFINED.—Section
14 47102(3)(B) is amended—

15 (1) in clause (ii)—

16 (A) by striking “and universal access sys-
17 tems,” and inserting “, universal access sys-
18 tems, and emergency call boxes,”; and

19 (B) by inserting “and integrated in-pave-
20 ment lighting systems for runways and taxiways
21 and other runway and taxiway incursion pre-
22 vention devices” before the semicolon at the
23 end; and

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

4 **SEC. 109. PASSENGER FACILITY FEES.**

5 (a) **AUTHORITY TO IMPOSE HIGHER FEE.**—Section
6 40117(b) is amended by adding at the end the following:
7 “(4) Notwithstanding paragraph (1), the Secretary
8 may authorize under this section an eligible agency to im-
9 pose a passenger facility fee in whole dollar amounts of
10 more than \$3 on each paying passenger of an air carrier
11 or foreign air carrier boarding an aircraft at an airport
12 the agency controls to finance an eligible airport-related
13 project, including making payments for debt service on in-
14 debtedness incurred to carry out the project, if the Sec-
15 retary finds—

16 “(A) that the project will make a significant
17 contribution to improvement in air safety, increase
18 in competition among air carriers, reduction in cur-
19 rent or anticipated congestion, or reduction in the
20 impact of aviation noise on people living near the
21 airport;

22 “(B) that the project cannot be paid for from
23 funds reasonably expected to be available for the
24 programs referred to in sections 48103 and 48112;
25 and

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

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

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

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

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

11 “(4) in the case of an application to impose a
12 fee of more than \$3 for a surface transportation or
13 terminal project, the agency has made adequate pro-
14 vision for financing the airside needs of the airport,
15 including runways, taxiways, aprons, and aircraft
16 gates.”.

17 (c) REDUCING APPORTIONMENTS.—Section 47114(f)
18 is amended—

19 (1) by striking “An amount” and inserting the
20 following:

21 “(1) IN GENERAL.—An amount”;

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

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

6 “(B) in the case of a fee of more than \$3,
7 75 percent of the projected revenues from the
8 fee in the fiscal year but not by more than 75
9 percent of the amount that otherwise would be
10 apportioned under this section.”; and

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

12 “(2) EFFECTIVE DATE OF REDUCTION.—A
13 reduction in an apportionment required by
14 paragraph (1) shall not take effect until the
15 first fiscal year following the year in which the
16 collection of the fee imposed under section
17 40117 is begun.”.

18 **SEC. 110. COMPETITION PLANS.**

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

21 “(f) COMPETITION PLANS.—

22 “(1) PROHIBITION.—Beginning in fiscal year
23 2001, no passenger facility fee may be approved for
24 a covered airport under section 40117 and no grant
25 may be made under this subchapter for a covered

1 airport unless the airport has submitted to the Sec-
2 retary a written competition plan in accordance with
3 this subsection.

4 “(2) CONTENTS.—A competition plan under
5 this subsection shall include information on the
6 availability of airport gates and related facilities,
7 leasing and sub-leasing arrangements, gate-use re-
8 quirements, patterns of air service, gate-assignment
9 policy, financial constraints, airport controls over
10 air- and ground-side capacity, whether the airport
11 intends to build or acquire gates that would be used
12 as common facilities, and airfare levels compared to
13 other large airports.

14 “(3) COVERED AIRPORT DEFINED.—In this
15 subsection, the term ‘covered airport’ means an
16 airport—

17 “(A) that has more than .25 percent of the
18 total number of passenger boardings each year
19 at all commercial service airports; and

20 “(B) at which 1 or 2 air carriers control
21 more than 50 percent of the passenger
22 boardings.”.

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

1 “(j) COMPETITION PLANS.—Beginning in fiscal year
2 2001, no eligible agency may impose a passenger facility
3 fee under this section with respect to a covered airport
4 (as such term is defined in section 47106(f)) unless the
5 agency has submitted to the Secretary a written competi-
6 tion plan in accordance with such section. This subsection
7 does not apply to passenger facility fees in effect before
8 the date of enactment of this subsection.”.

9 **SEC. 111. GRANTS FROM SMALL AIRPORT FUND.**

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

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

1 (b) NOTIFICATION OF SOURCE OF GRANT.—Section
2 47116 is further amended by adding at the end the follow-
3 ing:

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

9 **SEC. 112. CONTRACT TOWER COST-SHARING.**

10 Section 47124(b) is amended by adding at the end
11 the following:

12 “(3) CONTRACT AIR TRAFFIC CONTROL TOWER
13 PILOT PROGRAM.—

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

1 “(B) PROGRAM COMPONENTS.—In carry-
2 ing out the pilot program established under
3 subparagraph (A), the Administrator shall—

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

9 “(ii) approve for participation only fa-
10 cilities willing to fund a pro rata share of
11 the operating costs of the air traffic con-
12 trol tower to achieve a 1 to 1 benefit-to-
13 cost ratio, as required for eligibility under
14 the Contract Tower Program; and

15 “(iii) approve for participation no
16 more than 2 facilities willing to fund up to
17 50 percent, but not less than 25 percent,
18 of construction costs for an air traffic con-
19 trol tower built by the airport operator and
20 for each of such facilities the Federal share
21 of construction cost does not exceed
22 \$1,100,000.

23 “(C) PRIORITY.—In selecting facilities to
24 participate in the program under this para-

1 graph, the Administrator shall give priority to
2 the following:

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

10 “(ii) Air traffic control towers that
11 the Administrator determines have a bene-
12 fit-to-cost ratio of at least .85.

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

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

22 “(v) Air traffic control towers located
23 at airports that are prepared to assume
24 partial responsibility for maintenance
25 costs.

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

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

13 “(E) AUTHORIZATION OF APPROPRIA-
14 TIONS.—There is authorized to be appropriated
15 \$6,000,000 per fiscal year to carry out this
16 paragraph.”.

17 **SEC. 113. INNOVATIVE USE OF AIRPORT GRANT FUNDS.**

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

20 **“§ 47135. Innovative financing techniques**

21 “(a) IN GENERAL.—The Secretary of Transportation
22 may approve applications under this subchapter for not
23 more than 20 projects for which grants made under this
24 subchapter may be used for innovative financing tech-
25 niques.

1 “(b) PURPOSE.—The purpose of grants made under
2 this section shall be to provide information on the benefits
3 and difficulties of using such techniques for airport devel-
4 opment projects.

5 “(c) LIMITATIONS.—

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

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

13 “(A) payment of interest;

14 “(B) commercial bond insurance and other
15 credit enhancement associated with airport
16 bonds for eligible airport development; and

17 “(C) flexible non-Federal matching re-
18 quirements.”.

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

“47135. Innovative financing techniques.”.

22 **SEC. 114. AIRPORT SECURITY PROGRAM.**

23 (a) IN GENERAL.—Chapter 471 is further amended
24 by adding the following new section:

1 **“§ 47136. Airport security program**

2 “(a) GENERAL AUTHORITY.—To improve security at
3 public airports in the United States, the Secretary of
4 Transportation shall carry out not less than one project
5 to test and evaluate innovative airport security systems
6 and related technology.

7 “(b) PRIORITY.—In carrying out this section, the
8 Secretary shall give the highest priority to a request from
9 an eligible sponsor for a grant to undertake a project
10 that—

11 “(1) evaluates and tests the benefits of innova-
12 tive airport security systems or related technology,
13 including explosives detection systems, for the pur-
14 pose of improving airport and aircraft physical secu-
15 rity and access control; and

16 “(2) provides testing and evaluation of airport
17 security systems and technology in an operational,
18 test bed environment.

19 “(c) MATCHING SHARE.—Notwithstanding section
20 47109, the United States Government’s share of allowable
21 project costs for a project under this section shall be 100
22 percent.

23 “(d) TERMS AND CONDITIONS.—The Secretary may
24 establish such terms and conditions as the Secretary de-
25 termines appropriate for carrying out a project under this
26 section, including terms and conditions relating to the

1 form and content of a proposal for a project, project assur-
2 ances, and schedule of payments.

3 “(e) ELIGIBLE SPONSOR DEFINED.—In this section,
4 the term ‘eligible sponsor’ means a nonprofit corporation
5 composed of a consortium of public and private persons,
6 including a sponsor of a primary airport, with the nec-
7 essary engineering and technical expertise to successfully
8 conduct the testing and evaluation of airport and aircraft
9 related security systems.

10 “(f) AUTHORIZATION OF APPROPRIATIONS.—Of the
11 amounts made available to the Secretary under section
12 47115 in a fiscal year, the Secretary shall make available
13 not less than \$5,000,000 for the purpose of carrying out
14 this section.”.

15 (b) CONFORMING AMENDMENT.—The analysis for
16 subchapter 1 of such chapter is further amended by add-
17 ing at the end the following:

“47136. Airport security program.”.

18 **SEC. 115. MATCHING SHARE.**

19 Section 47109(a) is amended—

20 (1) by redesignating paragraphs (2) and (3) as
21 paragraphs (3) and (4), respectively;

22 (2) by inserting after paragraph (1) the follow-
23 ing:

24 “(2) not more than 90 percent for a project
25 funded by a grant issued to and administered by a

1 State under section 47128, relating to the State
2 block grant program;”;

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

5 (4) by striking the period at the end of para-
6 graph (4) (as so redesignated) and inserting “;
7 and”; and

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

9 “(5) 100 percent in fiscal year 2000 for any
10 project—

11 “(A) at an airport other than a primary
12 airport; or

13 “(B) at a primary airport having less than
14 .05 percent of the total number of passenger
15 boardings each year at all commercial service
16 airports.”.

17 **SEC. 116. PASSENGER FACILITY FEES AND LETTERS OF IN-**
18 **TENT.**

19 Section 47110(e)(5) is amended to read as follows:

20 “(5) LETTERS OF INTENT.—The Secretary may
21 not require an eligible agency to impose a passenger
22 facility fee under section 40117 in order to obtain a
23 letter of intent under this section.”.

1 **SEC. 117. TREATMENT OF CERTAIN FACILITIES AS AIR-**
2 **PORT-RELATED PROJECTS.**

3 Section 40117(a)(3) is amended—

4 (1) by striking “and” at the end of subpara-
5 graph (D);

6 (2) by striking the period at the end of sub-
7 paragraph (E) and inserting “; and”; and

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

9 “(F) to construct a terminal building (and
10 aircraft fueling facilities adjacent to that build-
11 ing), including structural foundations and floor
12 systems, exterior building walls and load-bear-
13 ing interior columns or walls, windows, door
14 and roof systems, and building utilities (includ-
15 ing heating, air conditioning, ventilation,
16 plumbing and electrical service), but excluding
17 the construction necessary for improvement or
18 final completion of revenue-producing areas and
19 nonpublic use areas within such terminal build-
20 ings unless permitted under section 47110(d), if
21 an air carrier not yet serving the airport or ac-
22 counting for less than 40 percent of passenger
23 boardings at the airport will initiate or increase
24 scheduled air transportation passenger service
25 at the airport and will occupy such terminal fa-
26 cilities or equivalent terminal facilities otherwise

1 made available as a result of such terminal con-
2 struction not more than 2 years from the date
3 that construction of such terminal facilities is
4 complete.”.

5 **SEC. 118. TERMINAL DEVELOPMENT COSTS.**

6 Section 40117(a)(3) is further amended—

7 (1) by redesignating subparagraphs (C), (D),
8 (E), and (F) as subparagraphs (D), (E), (F), and
9 (G), respectively; and

10 (2) by inserting after subparagraph (B) the fol-
11 lowing:

12 “(C) for costs of terminal development re-
13 ferred to in subparagraph (B) incurred after
14 August 1, 1986, at an airport that did not have
15 more than .25 percent of the total annual pas-
16 senger boardings in the United States in the
17 most recent calendar year for which data is
18 available and at which total passenger
19 boardings declined by at least 16 percent be-
20 tween calendar year 1989 and calendar year
21 1997;”.

22 **SEC. 119. CONVEYANCES OF SURPLUS PROPERTY FOR PUB-
23 LIC AIRPORTS.**

24 (a) **PROJECT GRANT ASSURANCES.**—Section
25 47107(h) is amended by inserting “(including an assur-

1 ance with respect to disposal of land by an airport owner
2 or operator under subsection (c)(2)(B) without regard to
3 whether or not the assurance or grant was made before
4 December 29, 1987)” after “1987.”.

5 (b) CONVEYANCES OF UNITED STATES GOVERN-
6 MENT LAND.—Section 47125(a) is amended by adding at
7 the end the following: “The Secretary may only release
8 an option of the United States for a reversionary interest
9 under this subsection after providing notice and an oppor-
10 tunity for public comment. The Secretary shall publish in
11 the Federal Register any decision of the Secretary to re-
12 lease a reversionary interest and the reasons for the deci-
13 sion.”.

14 (c) REQUESTS BY PUBLIC AGENCIES.—Section
15 47151 is amended by adding at the end the following:

16 “(d) REQUESTS BY PUBLIC AGENCIES.—Except with
17 respect to a request made by another department, agency,
18 or instrumentality of the executive branch of the United
19 States Government, such a department, agency, or instru-
20 mentality shall give priority consideration to a request
21 made by a public agency (as defined in section 47102)
22 for surplus property described in subsection (a) for use
23 at a public airport.”.

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

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

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

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

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

11 “(c) CONSIDERATIONS.—In deciding whether to
12 waive a term required by section 47152 or add another
13 term, the Secretary shall consider the current and future
14 needs of the users of the airport and the interests of the
15 owner of the property.”.

16 (f) REFERENCES TO GIFTS.—Chapter 471 is
17 amended—

18 (1) in section 47151—

19 (A) in subsection (a)—

20 (i) in the matter preceding paragraph
21 (1) by striking “give” and inserting “con-
22 vey to”; and

23 (ii) in paragraph (2) by striking
24 “gift” and inserting “conveyance”;

25 (B) in subsection (b)—

- 1 (i) by striking “giving” and inserting
2 “conveying”; and
- 3 (ii) by striking “gift” and inserting
4 “conveyance”; and
- 5 (C) in subsection (c)—
- 6 (i) in the subsection heading by strik-
7 ing “GIVEN” and inserting “CONVEYED”;
8 and
- 9 (ii) by striking “given” and inserting
10 “conveyed”;
- 11 (2) in section 47152—
- 12 (A) in the section heading by striking
13 “**gifts**” and inserting “**conveyances**”; and
- 14 (B) in the matter preceding paragraph (1)
15 by striking “gift” and inserting “conveyance”;
- 16 (3) in section 47153(a)(1)—
- 17 (A) by striking “gift” each place it appears
18 and inserting “conveyance”; and
- 19 (B) by striking “given” and inserting
20 “conveyed”; and
- 21 (4) in the analysis for such chapter by striking
22 the item relating to section 47152 and inserting the
23 following:

“47152. Terms of conveyances.”.

1 **SEC. 120. CONSTRUCTION OF RUNWAYS.**

2 Notwithstanding any provision of law that specifically
3 restricts the number of runways at a single international
4 airport, the Secretary of Transportation may obligate
5 funds made available under chapters 471 and 481 of title
6 49, United States Code, for any project to construct a new
7 runway at such airport, unless this section is expressly re-
8 pealed.

9 **SEC. 121. GENERAL FACILITIES AUTHORITY.**

10 (a) CONTINUATION OF ILS INVENTORY PROGRAM.—

11 Section 44502(a)(4)(B) is amended—

12 (1) by striking “each of fiscal years 1995 and
13 1996” and inserting “each of fiscal years 1999
14 through 2004”; and

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

17 (b) LORAN-C NAVIGATION FACILITIES.—Section
18 44502(a) is amended by adding at the end the following:

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

1 **SEC. 122. 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. 123. BUDGET SUBMISSION.**

20 The Administrator shall transmit to the Committee
21 on Commerce, Science, and Transportation of the Senate
22 and the Committee on Transportation and Infrastructure
23 of the House of Representatives a copy of the annual
24 budget estimates of the Federal Aviation Administration,
25 including line item justifications, at the same time the an-
26 nual budget estimates are submitted to the Committees

1 on Appropriations of the Senate and the House of Rep-
2 resentatives.

3 **SEC. 124. TECHNICAL AMENDMENTS.**

4 (a) DISCRETIONARY FUND DEFINITION.—

5 (1) AMOUNTS IN FUND AND AVAILABILITY.—

6 Section 47115 is amended—

7 (A) in subsection (a)(2) by striking “25”
8 and inserting “12.5”; and

9 (B) by striking the second sentence of sub-
10 section (b).

11 (2) SMALL AIRPORT FUND.—Section 47116 is
12 amended—

13 (A) in subsection (a) by striking “75” and
14 inserting “87.5”;

15 (B) in subsection (b) by striking para-
16 graphs (1) and (2) and inserting the following:

17 “(1) $\frac{1}{7}$ for grants for projects at small hub air-
18 ports (as defined in section 41731 of this title).

19 “(2) The remaining amounts as follows:

20 “(A) $\frac{1}{3}$ for grants to sponsors of public-
21 use airports (except commercial service air-
22 ports).

23 “(B) $\frac{2}{3}$ for grants to sponsors of each
24 commercial service airport that each year has

1 less than .05 percent of the total boardings in
2 the United States in that year.”; and

3 (C) in subsection (d)—

4 (i) by striking “In making” and in-
5 sserting the following:

6 “(1) CONSTRUCTION OF NEW RUNWAYS.—In
7 making”;

8 (ii) by adding at the end the follow-
9 ing:

10 “(2) AIRPORT DEVELOPMENT FOR TURBINE
11 POWERED AIRCRAFT.—In making grants to sponsors
12 described in subsection (b)(1), the Secretary shall
13 give priority consideration to airport development
14 projects to support operations by turbine powered
15 aircraft, if the non-Federal share of the project is at
16 least 40 percent.”; and

17 (iii) by aligning the remainder of
18 paragraph (1) (as designated by clause (i)
19 of this subparagraph) with paragraph (2)
20 (as added by clause (ii) of this subpara-
21 graph).

22 (b) CONTINUATION OF PROJECT FUNDING.—Section
23 47108 is amended by adding at the end the following:

24 “(e) CHANGE IN AIRPORT STATUS.—In the event
25 that the status of a primary airport changes to a nonpri-

1 mary airport at a time when a terminal development
2 project under a multiyear agreement under subsection (a)
3 is not yet completed, the project shall remain eligible for
4 funding from discretionary funds under section 47115 at
5 the funding level and under the terms provided by the
6 agreement, subject to the availability of funds.”.

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

11 (1) by striking “and” at the end of paragraph
12 (1);

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

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

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

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

24 “(B) passengers traveling to an airport—

1 “(i) that has fewer than 2,500 pas-
2 senger boardings each year and receives
3 scheduled passenger service; and

4 “(ii) in a community which has a pop-
5 ulation of less than 10,000 and is not con-
6 nected by a land highway to the land-con-
7 nected National Highway System within a
8 State.”.

9 **SEC. 125. USE OF RECYCLED MATERIALS.**

10 (a) **STUDY.**—The Administrator shall conduct a
11 study of the use of recycled materials (including recycled
12 pavements, waste materials, and byproducts) in pavement
13 used for runways, taxiways, and aprons and the specifica-
14 tion standards in tests necessary for the use of recycled
15 materials in such pavement. The primary focus of the
16 study shall be on the long term physical performance, safe-
17 ty implications, and environmental benefits of using recy-
18 cled materials in aviation pavement.

19 (b) **CONTRACTING.**—The Administrator may carry
20 out the study under this section by entering into a con-
21 tract with a university of higher education with expertise
22 necessary to carry out the study.

23 (c) **REPORT.**—Not later than 1 year after the date
24 of enactment of this Act, the Administrator shall transmit
25 to Congress a report on the results of the study conducted

1 under this section together with recommendations con-
2 cerning the use of recycled materials in aviation pavement.

3 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated \$2,000,000 to carry out this
5 section.

6 **SEC. 126. PAVEMENT MAINTENANCE.**

7 (a) REPEAL OF PILOT PROGRAM.—Section 47132 is
8 repealed.

9 (b) ELIGIBILITY AS AIRPORT DEVELOPMENT.—Sec-
10 tion 47102(3) is further amended by adding at the end
11 the following:

12 “(I) routine work to preserve and extend
13 the useful life of runways, taxiways, and aprons
14 at airports that are not primary airports, under
15 guidelines issued by the Administrator.”.

16 **TITLE II—AIRLINE SERVICE**
17 **IMPROVEMENTS**

18 **Subtitle A—Service to Airports Not**
19 **Receiving Sufficient Service**

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

21 (a) REPEAL OF SLOT RULE FOR CERTAIN AIR-
22 PORTS.—Effective March 1, 2000, the requirements of
23 subparts K and S of part 93 of title 14, Code of Federal
24 Regulations, are of no force and effect at an airport other
25 than Ronald Reagan Washington National Airport. The

1 Secretary of Transportation is authorized to undertake
2 appropriate actions to effectuate an orderly termination
3 of these requirements.

4 (b) SLOT EXEMPTIONS FOR SERVICE TO REAGAN
5 NATIONAL AIRPORT.—Section 41714 of such title is
6 amended—

7 (1) by striking subsection (e) and inserting the
8 following:

9 “(e) SLOTS FOR AIRPORTS NOT RECEIVING SUFFI-
10 CIENT SERVICE.—

11 “(1) EXEMPTIONS.—Notwithstanding part D of
12 chapter 491 of this title, the Secretary may by order
13 grant exemptions from the requirements under sub-
14 parts K and S of part 93 of title 14, Code of Fed-
15 eral Regulations (pertaining to slots at high density
16 airports), to enable air carriers to provide nonstop
17 air transportation using jet aircraft that comply with
18 the stage 3 noise levels of part 36 of such title 14
19 between Ronald Reagan Washington National Air-
20 port and an airport that had less than 2,000,000
21 enplanements in the most recent year for which such
22 enplanement data is available or between Ronald
23 Reagan Washington National Airport and a airport
24 that does not have such nonstop transportation on

1 the date on which the application for an exemption
2 is filed.

3 “(2) LIMITATIONS.—

4 “(A) MAXIMUM NUMBER OF EXEMP-
5 TIONS.—No more than two exemptions per
6 hour and no more than 6 exemptions per day
7 may be granted under this subsection for slots
8 at Ronald Reagan Washington National Air-
9 port.

10 “(B) MAXIMUM DISTANCE OF FLIGHTS.—

11 An exemption may be granted under this sub-
12 section for a slot at Ronald Reagan Washington
13 National Airport only if the flight utilizing such
14 slot begins or ends within 1,250 miles of the
15 Airport and a stage 3 aircraft is used for such
16 flight.

17 “(3) APPLICATION.—An air carrier interested

18 in an exemption under this subsection shall submit
19 to the Secretary an application for such exemption.
20 No application may be submitted to the Secretary
21 before the last day of the 30-day period beginning
22 on the date of the enactment of this paragraph.

23 “(4) DEADLINE FOR DECISION.—Notwithstand-

24 ing any other provision of law, the Secretary shall
25 make a decision with regard to granting an exemp-

1 tion under this subsection on or before the 120th
2 day following the date of the application for the ex-
3 emption. If the Secretary does not make the decision
4 on or before such 120th day, the air carrier applying
5 for the service may provide such service until the
6 Secretary makes the decision or the Administrator of
7 the Federal Aviation Administration determines that
8 providing such service would have an adverse effect
9 on air safety.

10 “(5) PERIOD OF EFFECTIVENESS.—An exemp-
11 tion granted under this subsection may remain in ef-
12 fect only while the air carrier for whom the exemp-
13 tion is granted continues to provide nonstop air
14 transportation between the airport that the Sec-
15 retary determined was not receiving sufficient air
16 carrier service and Ronald Reagan Washington Na-
17 tional Airport.

18 “(f) TREATMENT OF CERTAIN COMMUTER AIR CAR-
19 RIERS.—The Secretary shall treat all commuter air car-
20 riers that have cooperative agreements, including code
21 share agreements with other air carriers, equally for deter-
22 mining eligibility for exemptions under this section regard-
23 less of the form of the corporate relationship between the
24 commuter air carrier and the other air carrier.”; and

1 (2) by striking subsection (f) and redesignating
2 subsections (g) and (h) as subsections (f) and (g),
3 respectively.

4 **SEC. 202. FUNDING FOR AIR CARRIER SERVICE TO AIR-**
5 **PORTS NOT RECEIVING SUFFICIENT SERV-**
6 **ICE.**

7 (a) FUNDING FOR SMALL COMMUNITY AIR SERV-
8 ICE.—Section 41742(b) of title 49, United States Code,
9 is amended to read as follows:

10 “(b) FUNDING FOR SMALL COMMUNITY AIR SERV-
11 ICE.—

12 “(1) IN GENERAL.—Notwithstanding any other
13 provision of law, from moneys credited to the ac-
14 count established under section 45303(a), including
15 the funds derived from fees imposed under the au-
16 thority contained in section 45301(a)—

17 “(A) not to exceed \$45,000,000 for each
18 fiscal year beginning after September 30, 1999,
19 shall be used to carry out the essential air serv-
20 ice program under this subchapter; and

21 “(B) not to exceed \$5,000,000 for such fis-
22 cal year shall be used—

23 “(i) for assisting an air carrier to sub-
24 sidize service to and from an underserved

1 airport for a period not to exceed 3 years;
2 and

3 “(ii) for assisting an underserved air-
4 port to obtain jet aircraft service (and to
5 promote passenger use of that service) to
6 and from the underserved airport.

7 “(2) RURAL AIR SAFETY.—Any funds that are
8 made available by paragraph (1) for a fiscal year
9 and that the Secretary determines will not be obli-
10 gated or expended before the last day of such fiscal
11 year shall be available to the Administrator for use
12 under this subchapter in improving rural air safety
13 at airports with less than 100,000 annual boardings.

14 “(3) ALLOCATION OF ADDITIONAL FUNDING.—
15 If, for a fiscal year beginning after September 30,
16 1999, more than \$50,000,000 is made available
17 under subsection (a) to carry out the small commu-
18 nity air service program, ½ of the amounts in excess
19 of \$50,000,000 shall be used for the purposes speci-
20 fied in paragraph (1)(B), in addition to amounts
21 made available for such purposes under paragraph
22 (1)(B).

23 “(4) AUTHORIZATION OF APPROPRIATIONS.—In
24 addition to amounts made available under paragraph
25 (1), there is authorized to be appropriated to the

1 Secretary of Transportation for each fiscal year be-
2 ginning after September 30, 1999, \$15,000,000—

3 “(A) to provide assistance to an air carrier
4 to subsidize service to and from an underserved
5 airport for a period not to exceed 3 years; and

6 “(B) to provide assistance to an under-
7 served airport to obtain jet aircraft service (and
8 to promote passenger use of that service) to
9 and from the underserved airport.

10 “(5) PRIORITY CRITERIA FOR ASSISTING AIR-
11 PORTS NOT RECEIVING SUFFICIENT SERVICE.—In
12 providing assistance to airports under paragraphs
13 (1)(B) and (4), the Administrator shall give priority
14 to those airports for which a community will provide,
15 from local sources (other than airport revenues), a
16 portion of the cost of the activity to be assisted.

17 “(6) UNDERSERVED AIRPORT DEFINED.—In
18 this subsection, the term ‘underserved airport’
19 means a nonhub airport or small hub airport (as
20 such terms are defined in section 41714(e)) that the
21 Secretary determines is not receiving sufficient air
22 carrier service.”.

23 (b) CONFORMING AMENDMENTS.—Chapter 417 of
24 such title is amended—

25 (1) section 41742 is amended—

1 (A) in the section heading by striking “**Es-**
2 **sential**” and inserting “**Small commu-**
3 **nity**”; and

4 (B) in each of subsections (a) and (c) by
5 striking “essential air” and inserting “small
6 community”; and

7 (2) in the analysis for such chapter by striking
8 the item relating to section 41742 and inserting the
9 following:

“41742. Small community air service authorization.”.

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

11 Section 41736(b) of title 49, United States Code, is
12 amended by adding at the end the following:

13 “Paragraph (4) shall not apply to any place for which a
14 proposal was approved or that was designated as eligible
15 under this section in the period beginning on October 1,
16 1991, and ending on December 31, 1997.”.

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

18 Section 40101(a) is amended by adding at the end
19 the following:

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

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 Federal Government of
5 a Federal credit instrument, calculated on a net
6 present value basis, excluding administrative costs
7 and any incidental effects on government receipts or
8 outlays in accordance with provisions of the Federal
9 Credit Reform Act of 1990 (2 U.S.C. 661 et seq).

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

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

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

24 “(7) LENDER.—The term ‘lender’ means any
25 non-Federal qualified institutional buyer (as defined

1 by section 230.144A(a) of title 17, Code of Federal
2 Regulations (or any successor regulation) known as
3 Rule 144A(a) of the Security and Exchange Com-
4 mission and issued under the Security Act of 1933
5 (15 U.S.C. 77a et seq.), including—

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

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

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

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

24 “(10) NEW ENTRANT AIR CARRIER.—The term
25 ‘new entrant air carrier’ means an air carrier that

1 has been providing air transportation according to a
2 published schedule for less than 5 years, including
3 any person that has received authority from the Sec-
4 retary to provide air transportation but is not pro-
5 viding air transportation.

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

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

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

18 “(A) powered by jet propulsion; and

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

22 “(14) SECURED LOAN.—The term ‘secured
23 loan’ means a direct loan or other debt obligation
24 issued by an obligor and 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 1 or more obligors to make available Federal credit instru-
23 ments, the proceeds of which shall be used to finance air-
24 craft 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 section—

11 “(i) extending to more than 50 per-
12 cent of the purchase price of the aircraft,
13 including spare parts, to be purchased; or

14 “(ii) exceeding \$100,000,000.

15 “(C) MATURITY DATE.—The final matu-
16 rity date of the secured loan shall not be later
17 than 18 years after the date of execution of the
18 loan agreement.

19 “(D) SUBORDINATION.—The secured loan
20 may be subordinate to claims of other holders
21 of obligations in the event of bankruptcy, insol-
22 vency, or liquidation of the obligor as deter-
23 mined appropriate by the Secretary.

24 “(E) FEES.—The Secretary may establish
25 fees at the level sufficient to cover all the costs

1 of the Federal Government of making a secured
2 loan under this section.

3 “(2) REPAYMENT.—

4 “(A) SCHEDULE.—The Secretary shall es-
5 tablish a repayment schedule for each secured
6 loan under this section based on the projected
7 cash flow from aircraft revenues and other re-
8 payment sources.

9 “(B) COMMENCEMENT.—Scheduled loan
10 repayments of principal or interest on a secured
11 loan under this section shall commence no later
12 than 3 years after the date of execution of the
13 loan agreement.

14 “(3) PREPAYMENT.—

15 “(A) USE OF EXCESS REVENUE.—After
16 satisfying scheduled debt service requirements
17 on all financial obligations and secured loans
18 and all deposit requirements under the terms of
19 any trust agreement, bond resolution, or similar
20 agreement securing financial obligations, the se-
21 cured loan may be prepaid at anytime without
22 penalty.

23 “(B) USE OF PROCEEDS OF REFINANC-
24 ING.—The secured loan may be prepaid at any

1 time without penalty from proceeds of refinanc-
2 ing from non-Federal funding sources.

3 “(c) LOAN GUARANTEES.—

4 “(1) IN GENERAL.—A loan guarantee under
5 this section with respect to a loan made for an air-
6 craft purchase shall be made in such form and on
7 such terms and conditions and contain such cov-
8 enants, representatives, warranties, and require-
9 ments (including requirements for audits) as the
10 Secretary determines appropriate.

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

13 “(A) extending to more than the unpaid
14 interest and 50 percent of the unpaid principal
15 on any loan;

16 “(B) on any loan or combination of loans
17 for more than 50 percent of the purchase price
18 of the aircraft, including spare parts, to be pur-
19 chased with the loan or loan combination;

20 “(C) on any loan with respect to which
21 terms permit repayment more than 15 years
22 after the date after the loan is made; or

23 “(D) in any case in which the total face
24 amount of the loan and any loans to the same
25 air carrier that are guaranteed and outstanding

1 under the terms of this section exceed
2 \$100,000,000.

3 “(3) FEES.—The Secretary may establish fees
4 at the level sufficient to cover all the costs of the
5 Federal Government of making a loan guarantee
6 under this section.

7 “(d) LINES OF CREDIT.—

8 “(1) IN GENERAL.—Subject to the require-
9 ments of this subsection, the Secretary may enter
10 into agreements to make available lines of credit to
11 1 or more obligors in the form of direct loans to be
12 made by the Secretary at future dates on the occur-
13 rence of certain events for any aircraft purchase se-
14 lected under this section.

15 “(2) TERMS AND LIMITATIONS.—

16 “(A) IN GENERAL.—A line of credit loan
17 under this subsection with respect to an aircraft
18 purchase shall be on such terms and conditions
19 and contain such covenants, representatives,
20 warranties, and requirements (including re-
21 quirements for audits) as the Secretary deter-
22 mines appropriate.

23 “(B) MAXIMUM AMOUNT.—

24 “(i) TOTAL AMOUNT.—The amount of
25 any line of credit shall not exceed 50 per-

1 cent of the reasonable anticipated eligible
2 costs.

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

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

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

12 “(E) RIGHTS OF THIRD-PARTY CREDI-
13 TORS.—

14 “(i) AGAINST FEDERAL GOVERN-
15 MENT.—A third-party creditor of the obli-
16 gor shall not have any right against the
17 Federal Government with respect to any
18 draw on the line of credit.

19 “(ii) ASSIGNMENT.—An obligor may
20 assign the line of credit to 1 or more lend-
21 ers or to a trustee on the lender’s behalf.

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

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

3 “(G) FEES.—The Secretary may establish
4 fees at the level sufficient to cover all the costs
5 of the Federal Government of providing a line
6 of credit under this subsection.

7 “(3) REPAYMENT.—

8 “(A) SCHEDULE.—The Secretary shall es-
9 tablish a repayment schedule for each direct
10 loan under this section based on the projected
11 cash flow from aircraft revenues and other re-
12 payment sources.

13 “(B) COMMENCEMENT.—Scheduled loan
14 repayments of principal or interest on a direct
15 loan under this section shall commence no later
16 than 3 years after the date of execution of the
17 loan agreement and shall be fully repaid, with
18 interest, not later than 18 years after the date
19 of execution of the loan agreement.

20 “(e) RISK ASSESSMENT.—Before entering into an
21 agreement under this section to make available a Federal
22 credit instrument, the Secretary, in consultation with the
23 Director of the Office of Management and Budget, shall
24 determine an appropriate capital reserve subsidy amount
25 for the Federal credit instrument.

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

4 “(1) the aircraft to be purchased with the Fed-
5 eral credit instrument is a regional jet aircraft need-
6 ed to improve the service and efficiency of operation
7 of the commuter air carrier or new entrant air car-
8 rier;

9 “(2) the commuter air carrier or new entrant
10 air carrier agrees to use the aircraft to provide serv-
11 ice to underserved markets; and

12 “(3) the prospective earning power of the com-
13 muter air carrier or new entrant air carrier, together
14 with the character and value of the security pledged,
15 furnish—

16 “(A) reasonable assurances of the air car-
17 rier’s ability and intention to repay the Federal
18 credit instrument within the terms established
19 by the Secretary—

20 “(i) to continue its operations as an
21 air carrier; and

22 “(ii) to the extent that the Secretary
23 determines to be necessary, to continue its
24 operations as an air carrier between the
25 same route or routes being operated by the

1 air carrier at the time of the issuance of
2 the Federal credit instrument; and

3 “(B) reasonable protection to the United
4 States.

5 “(g) LIMITATION ON COMBINED AMOUNT OF FED-
6 ERAL CREDIT INSTRUMENTS.—The Secretary shall not
7 allow the combined amount of Federal credit instruments
8 available for any aircraft purchase under this section to
9 exceed—

10 “(1) 50 percent of the cost of the aircraft pur-
11 chase; or

12 “(2) \$100,000,000.

13 “(h) REQUIREMENT.—Subject to subsection (i), no
14 Federal credit instrument may be made under this section
15 for the purchase of any regional jet aircraft that does not
16 comply with the stage 3 noise levels of part 36 of title
17 14 of the Code of Federal Regulations, as in effect on Jan-
18 uary 1, 1999.

19 “(i) OTHER LIMITATIONS.—No Federal credit instru-
20 ment shall be made by the Secretary under this section
21 on any loan for the purchase of a regional jet aircraft un-
22 less the commuter air carrier or new entrant air carrier
23 agrees that it will provide scheduled passenger air trans-
24 portation to the underserved market for which the aircraft

1 is purchased for a period of not less than 36 consecutive
2 months after the aircraft is placed in service.

3 **“§ 41764. Use of Federal facilities and assistance**

4 “(a) USE OF FEDERAL FACILITIES.—To permit the
5 Secretary of Transportation to make use of such expert
6 advice and services as the Secretary may require in carry-
7 ing out this subchapter, the Secretary may use available
8 services and facilities of other agencies and instrumental-
9 ities of the Federal Government—

10 “(1) with the consent of the appropriate Fed-
11 eral officials; and

12 “(2) on a reimbursable basis.

13 “(b) ASSISTANCE.—The head of each appropriate de-
14 partment or agency of the Federal Government shall exer-
15 cise the duties and functions of that head in such manner
16 as to assist in carrying out the policy specified in section
17 41761.

18 “(c) OVERSIGHT.—The Secretary shall make avail-
19 able to the Comptroller General of the United States such
20 information with respect to any Federal credit instrument
21 made available under this subchapter as the Comptroller
22 General may require to carry out the duties of the Comp-
23 troller General under chapter 7 of title 31.

1 **“§ 41765. Receipts; payments**

2 “(a) MISCELLANEOUS.—Amounts received by the
3 Secretary of Transportation under this subchapter shall
4 be credited to miscellaneous receipts of the Treasury.

5 “(b) PAYMENTS.—Payments to lenders required as a
6 consequence of any loan guarantee made under this sub-
7 chapter may be made from funds appropriated pursuant
8 to the authorization under section 212 of the Aviation In-
9 vestment Reform Act of the 21st Century.

10 “(c) ADMINISTRATIVE EXPENSES.—In carrying out
11 this subchapter, the Secretary shall use funds made avail-
12 able by appropriations to the Department of Transpor-
13 tation for the purpose of administration to cover adminis-
14 trative expenses of the loan guarantee program under this
15 subchapter.

16 **“§ 41766. Termination**

17 “The authority of the Secretary of Transportation
18 under section 41763 shall terminate on the date that is
19 5 years after the date of the enactment of this sub-
20 chapter.”.

21 (b) CONFORMING AMENDMENT.—The analysis for
22 chapter 417 of such title is amended by adding at the end
23 the following:

“SUBCHAPTER III—REGIONAL AIR SERVICE INCENTIVE PROGRAM

“Sec.

“41761. Purpose.

“41762. Definitions.

“41763. Federal credit instruments.

1 “(B) laws, regulations, orders, directives,
2 agreements, and licenses;

3 “(C) published procedures that explain re-
4 quired actions, activities, and techniques used
5 to assure adequate aircraft separation; and

6 “(D) trained personnel with specific tech-
7 nical capabilities to satisfy the operational, en-
8 gineering, management, and planning require-
9 ments for air traffic control.”.

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

11 (a) IN GENERAL.—Chapter 1 is amended by adding
12 at the end the following:

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

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

18 “(b) MEMBERSHIP.—

19 “(1) COMPOSITION.—The Oversight Board
20 shall be composed of 9 members, as follows:

21 “(A) Six members shall be individuals who
22 are not otherwise Federal officers or employees
23 and who are appointed by the President, by and
24 with the advice and consent of the Senate.

1 “(B) One member shall be the Secretary of
2 Transportation or, if the Secretary so des-
3 ignates, the Deputy Secretary of the Transpor-
4 tation.

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

7 “(D) One member shall be an individual
8 who is a full-time Federal employee or a rep-
9 resentative of employees and who is appointed
10 by the President, by and with the advice and
11 consent of the Senate.

12 “(2) QUALIFICATIONS AND TERMS.—

13 “(A) QUALIFICATIONS.—Members of the
14 Oversight Board described in paragraph (1)(A)
15 shall—

16 “(i) have a fiduciary responsibility to
17 represent the public interest;

18 “(ii) be citizens of the United States;
19 and

20 “(iii) be appointed without regard to
21 political affiliation and solely on the basis
22 of their professional experience and exper-
23 tise in 1 or more of the following areas:

24 “(I) Management of large service
25 organizations.

1 “(II) Customer service.

2 “(III) Management of large pro-
3 curements.

4 “(IV) Information and commu-
5 nications technology.

6 “(V) Organizational development.

7 “(VI) Labor relations.

8 At least 3 of the members of the Oversight
9 Board described in paragraph (1)(A) shall have
10 knowledge of, or a background in, aviation. In
11 the aggregate, such members should collectively
12 bring to bear expertise in all of the areas de-
13 scribed in subclauses (I) through (V) of clause
14 (iii).

15 “(B) PROHIBITIONS.—No member of the
16 Oversight Board described in paragraph (1)(A)
17 may—

18 “(i) have a pecuniary interest in, or
19 own stock in or bonds of, an aviation or
20 aeronautical enterprise;

21 “(ii) engage in another business relat-
22 ed to aviation or aeronautics; or

23 “(iii) be a member of any organization
24 that engages, as a substantial part of its

1 activities, in activities to influence aviation-
2 related legislation.

3 “(C) TERMS.—Each member who is de-
4 scribed in subparagraph (A) or (D) of para-
5 graph (1) shall be appointed for a term of 5
6 years, except that of the members first ap-
7 pointed under paragraph (1)(A)—

8 “(i) 2 members shall be appointed for
9 a term of 3 years;

10 “(ii) 2 members shall be appointed for
11 a term of 4 years; and

12 “(iii) 2 members shall be appointed
13 for a term of 5 years.

14 “(D) REAPPOINTMENT.—An individual
15 who is described in subparagraph (A) or (D) of
16 paragraph (1) may be appointed to no more
17 than two 5-year terms on the Oversight Board.

18 “(E) VACANCY.—Any vacancy on the
19 Oversight Board shall be filled in the same
20 manner as the original appointment. Any mem-
21 ber appointed to fill a vacancy occurring before
22 the expiration of the term for which the mem-
23 ber’s predecessor was appointed shall be ap-
24 pointed for the remainder of that term.

25 “(3) ETHICAL CONSIDERATIONS.—

1 “(A) FINANCIAL DISCLOSURE.—During
2 the entire period that an individual appointed
3 under subparagraph (A) or (D) of paragraph
4 (1) is a member of the Oversight Board, such
5 individual shall be treated as serving as an offi-
6 cer or employee referred to in section 101(f) of
7 the Ethics in Government Act of 1978 for pur-
8 poses of title I of such Act, except that section
9 101(d) of such Act shall apply without regard
10 to the number of days of service in the position.

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

21 “(C) WAIVER.—The President may, only
22 at the time the President nominates the mem-
23 ber of the Oversight Board described in para-
24 graph (1)(D), waive for the term of the member
25 any appropriate provision of chapter 11 of title

1 18, United States Code, to the extent such
2 waiver is necessary to allow the member to par-
3 ticipate in the decisions of the Board while con-
4 tinuing to serve as a full-time Federal employee
5 or a representative of employees. Any such
6 waiver shall not be effective unless a written in-
7 tent of waiver to exempt such member (and ac-
8 tual waiver language) is submitted to the Sen-
9 ate with the nomination of such member.

10 “(4) QUORUM.—Five members of the Oversight
11 Board shall constitute a quorum. A majority of
12 members present and voting shall be required for the
13 Oversight Board to take action.

14 “(5) REMOVAL.—Any member of the Oversight
15 Board appointed under subparagraph (A) or (D) of
16 paragraph (1) may be removed for cause by the
17 President.

18 “(6) CLAIMS.—

19 “(A) IN GENERAL.—Members of the Over-
20 sight Board who are described in subparagraph
21 (A) or (D) of paragraph (1) shall have no per-
22 sonal liability under Federal law with respect to
23 any claim arising out of or resulting from an
24 act or omission by such member within the
25 scope of service as a member.

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

3 “(i) to affect any other immunity or
4 protection that may be available to such
5 member under applicable law with respect
6 to such transactions;

7 “(ii) to affect any other right or rem-
8 edy against the United States under appli-
9 cable law; or

10 “(iii) to limit or alter in any way the
11 immunities that are available under appli-
12 cable law for Federal officers and employ-
13 ees.

14 “(c) GENERAL RESPONSIBILITIES.—

15 “(1) OVERSIGHT.—

16 “(A) IN GENERAL.—The Oversight Board
17 shall oversee the Federal Aviation Administra-
18 tion in its administration, management, con-
19 duct, direction, and supervision of the air traf-
20 fic control system.

21 “(B) CONFIDENTIALITY.—The Oversight
22 Board shall ensure that appropriate confiden-
23 tiality is maintained in the exercise of its du-
24 ties.

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

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

7 “(A) a mission and objectives;

8 “(B) standards of performance relative to
9 such mission and objectives, including safety,
10 efficiency, and productivity; and

11 “(C) annual and long-range strategic
12 plans.

13 “(2) MODERNIZATION AND IMPROVEMENT.—To
14 review and approve—

15 “(A) methods of the Federal Aviation Ad-
16 ministration to accelerate air traffic control
17 modernization and improvements in aviation
18 safety related to air traffic control; and

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

22 “(3) OPERATIONAL PLANS.—To review the
23 operational functions of the Federal Aviation Admin-
24 istration, including—

1 “(A) plans for modernization of the air
2 traffic control system;

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

5 “(C) plans for training and education.

6 “(4) MANAGEMENT.—To—

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

10 “(B) review the Administrator’s selection,
11 evaluation, and compensation of senior execu-
12 tives of the Federal Aviation Administration
13 who have program management responsibility
14 over significant functions of the air traffic con-
15 trol system;

16 “(C) review and approve the Administra-
17 tor’s plans for any major reorganization of the
18 Federal Aviation Administration that would im-
19 pact on the management of the air traffic con-
20 trol system;

21 “(D) review and approve the Administra-
22 tor’s cost accounting and financial management
23 structure and technologies to help ensure effi-
24 cient and cost-effective air traffic control oper-
25 ation; and

1 “(E) review the performance and coopera-
2 tion of managers responsible for major
3 acquisition projects, including the ability of the
4 managers to meet standards and budget tar-
5 gets.

6 “(5) BUDGET.—To—

7 “(A) review and approve the budget re-
8 quest of the Federal Aviation Administration
9 related to the air traffic control system pre-
10 pared by the Administrator;

11 “(B) submit such budget request to the
12 Secretary of Transportation; and

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

15 The Secretary shall submit the budget request referred to
16 in paragraph (4)(B) for any fiscal year to the President
17 who shall submit such request, without revision, to the
18 Committees on Transportation and Infrastructure and
19 Appropriations of the House of Representatives and the
20 Committees on Commerce, Science, and Transportation
21 and Appropriations of the Senate, together with the Presi-
22 dent’s annual budget request for the Federal Aviation Ad-
23 ministration for such fiscal year.

24 “(e) REPORTING OF OVERTURNING OF BOARD DECI-
25 SIONS.—If the Secretary or Administrator overturns a de-

1 cision of the Board, the Secretary or Administrator, as
2 appropriate shall report such action to the President, the
3 Committee on Transportation and Infrastructure of the
4 House of Representatives, and the Committee on Com-
5 merce, Science, and Transportation of the Senate.

6 “(f) BOARD PERSONNEL MATTERS.—

7 “(1) COMPENSATION OF MEMBERS.—

8 “(A) IN GENERAL.—Each member of the
9 Oversight Board who—

10 “(i) is described in subsection
11 (b)(1)(A); or

12 “(ii) is described in subsection
13 (b)(1)(D) and is not otherwise a Federal
14 officer or employee,

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

18 “(B) CHAIRPERSON.—In lieu of the
19 amount specified in subparagraph (A), the
20 Chairperson of the Oversight Board shall be
21 compensated at a rate of \$50,000 per year.

22 “(2) TRAVEL EXPENSES.—

23 “(A) IN GENERAL.—The members of the
24 Oversight Board shall be allowed travel ex-
25 penses, including per diem in lieu of subsist-

1 ence, at rates authorized for employees of agen-
2 cies under subchapter I of chapter 57 of title 5,
3 United States Code, to attend meetings of the
4 Oversight Board and, with the advance ap-
5 proval of the Chairperson of the Oversight
6 Board, while otherwise away from their homes
7 or regular places of business for purposes of du-
8 ties as a member of the Oversight Board.

9 “(B) REPORT.—The Oversight Board shall
10 include in its annual report under subsection
11 (g)(3)(A) information with respect to the travel
12 expenses allowed for members of the Oversight
13 Board under this paragraph.

14 “(3) STAFF.—

15 “(A) IN GENERAL.—The Chairperson of
16 the Oversight Board may appoint and terminate
17 any personnel that may be necessary to enable
18 the Board to perform its duties.

19 “(B) DETAIL OF GOVERNMENT EMPLOY-
20 EES.—Upon request of the Chairperson of the
21 Oversight Board, a Federal agency shall detail
22 a Federal Government employee to the Over-
23 sight Board without reimbursement. Such detail
24 shall be without interruption or loss of civil
25 service status or privilege.

1 “(4) PROCUREMENT OF TEMPORARY AND
2 INTERMITTENT SERVICES.—The Chairperson of the
3 Oversight Board may procure temporary and inter-
4 mittent services under section 3109(b) of title 5,
5 United States Code.

6 “(g) ADMINISTRATIVE MATTERS.—

7 “(1) CHAIR.—

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

12 “(B) POWERS.—Except as otherwise pro-
13 vided by a majority vote of the Oversight
14 Board, the powers of the Chairperson shall
15 include—

16 “(i) establishing committees;

17 “(ii) setting meeting places and times;

18 “(iii) establishing meeting agendas;

19 and

20 “(iv) developing rules for the conduct
21 of business.

22 “(2) MEETINGS.—The Oversight Board shall
23 meet at least quarterly and at such other times as
24 the Chairperson determines appropriate.

25 “(3) REPORTS.—

1 “(A) ANNUAL.—The Oversight Board shall
2 each year report with respect to the conduct of
3 its responsibilities under this title to the Presi-
4 dent, the Committee on Transportation and In-
5 frastructure of the House of Representatives,
6 and the Committee on Commerce, Science, and
7 Transportation of the Senate.

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

19 “(C) COMPTROLLER GENERAL’S RE-
20 PORT.—Not later than April 30, 2004, the
21 Comptroller General of the United States shall
22 transmit to the Committee on Transportation
23 and Infrastructure of the House of Representa-
24 tives and the Committee on Commerce, Science,
25 and Transportation of the Senate a report on

1 the success of the Oversight Board in improving
2 the performance of the air traffic control sys-
3 tem.”.

4 (d) EFFECTIVE DATE.—

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 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 Operat-
21 ing 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 of 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 1 of title 23,
14 United States Code, or chapter 53 of title 49, United
15 States Code, a State, by operation of State law, may re-
16 quire that all State agencies that have jurisdiction by
17 State or Federal law over environmental-related issues
18 that may be affected by the project, or that are required
19 to issue any environmental-related reviews, analyses, opin-
20 ions, or determinations on issuing any permits, licenses,
21 or approvals for the project, be subject to the coordinated
22 environmental review process established under this sec-
23 tion unless the Secretary determines that a State's partici-
24 pation would not be in the public interest. For a State
25 to require State agencies to participate in the review proc-

1 ess, all affected agencies of the State shall be subject to
2 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 recipient to provide funds for
7 a highway project made available under chapter 1 of
8 title 23, United States Code, or for a mass transit
9 project made available under chapter 53 of title 49,
10 United States Code, to the State for the project sub-
11 ject to the coordinated environmental review process
12 established under this section to affected Federal
13 agencies to provide the resources necessary to meet
14 any time limits established 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 serting “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
6 legal or policy issues arising out of
7 legal mandates that may substantially
8 and materially affect other transpor-
9 tation modes.”.

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

12 (a) INDEPENDENT ASSESSMENT.—

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

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

21 (A) IN GENERAL.—The Inspector General
22 shall conduct an assessment to ensure that the
23 method for calculating the overall costs of the
24 Federal Aviation Administration and attrib-

1 uting such costs to specific users is appropriate,
2 reasonable, and understandable to the users.

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

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

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

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

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

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

1 (vi) The cost pools used by the Fed-
2 eral Aviation Administration and the ra-
3 tionale for and reliability of the bases
4 which the Federal Aviation Administration
5 proposes to use in allocating costs of serv-
6 ices to users.

7 (C) REQUIREMENTS FOR ASSESSMENT OF
8 COST POOLS.—In carrying out subparagraph
9 (B)(vi), the Inspector General shall—

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

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

22 (3) COST EFFECTIVENESS.—

23 (A) IN GENERAL.—The Inspector General
24 shall assess the progress of the Federal Avia-
25 tion Administration in cost and performance

1 management, including use of internal and ex-
2 ternal benchmarking in improving the perform-
3 ance and productivity of the Federal Aviation
4 Administration.

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

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

19 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
20 authorized to be appropriated to carry out this section
21 \$1,600,000 for fiscal year 2000.

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 inserting after “transportation,”
9 the following: “and in a case involving a foreign
10 air carrier and an accident that occurs within
11 the United States,”;

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

13
14
15
16 (C) by striking “30th day” and inserting
17 “45th day”.

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 follow-
3 ing:

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) SUBMISSION OF UPDATED PLANS.—The
4 amendments made by paragraphs (1) and (2) shall
5 take effect on the 180th day following the date of
6 enactment of this Act. On or before such 180th day,
7 each air carrier holding a certificate of public con-
8 venience and necessity under section 41102 of title
9 49, United States Code, shall submit to the Sec-
10 retary of Transportation and the Chairman of the
11 National Transportation Safety Board an updated
12 plan under section 41113 of such title that meets
13 the requirement of the amendments made by para-
14 graphs (1) and (2).

15 (4) CONSULTATION ON CARRIER RESPONSE NOT
16 COVERED BY A PLAN.—Section 41113(c) is amended
17 by striking “has included as part of such applica-
18 tion” and inserting the following: “has included as
19 part of such application—

20 “(1) a plan that meets the requirements of sub-
21 section (b); and

22 “(2) an agreement that in the event that the air
23 carrier volunteers assistance to United States citi-
24 zens within the United States in the case of an air-
25 craft accident outside the United States involving

1 major loss of life, the air carrier will consult with
2 the Board and the Department of State on the pro-
3 vision of the assistance.”.

4 (5) CONFORMING AMENDMENTS.—Section
5 41113 is amended—

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

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

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

17 (c) LIMITATION ON STATUTORY CONSTRUCTION.—
18 Section 41113 is amended by adding at the end the follow-
19 ing:

20 “(f) LIMITATION ON STATUTORY CONSTRUCTION.—
21 Nothing in this section may be construed as limiting the
22 actions that an air carrier may take, or the obligations
23 that an air carrier may have, in providing assistance to
24 the families of passengers involved in an aircraft acci-
25 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) An assurance that the foreign air carrier
15 will provide adequate training to the employees and
16 agents of the carrier to meet the needs of survivors
17 and family members following an accident.”.

18 (2) SUBMISSION OF UPDATED PLANS.—The
19 amendment made by paragraph (1) shall take effect
20 on the 180th day following the date of enactment of
21 this Act. On or before such 180th day, each foreign
22 air carrier providing foreign air transportation under
23 chapter 413 of title 49, United States Code, shall
24 submit to the Secretary of Transportation and the
25 Chairman of the National Transportation Safety
26 Board an updated plan under section 41313 of such

1 title that meets the requirement of the amendment
2 made by paragraph (1).

3 (d) CONSULTATION ON CARRIER RESPONSE NOT
4 COVERED BY A PLAN.—Section 41313(d) is amended by
5 striking “has included as part of the application or request
6 for exemption” and inserting “has included as part of the
7 application or request for exemption—

8 “(1) a plan that meets the requirements of sub-
9 section (c); and

10 “(2) an agreement that, in the event that the
11 foreign air carrier volunteers assistance to United
12 States citizens within the United States in the case
13 of an aircraft accident outside the United States in-
14 volving major loss of life, the foreign air carrier will
15 consult with the Board and the Department of State
16 on the provision of the assistance.”.

17 **SEC. 404. APPLICABILITY OF DEATH ON THE HIGH SEAS**
18 **ACT.**

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

1 (b) APPLICABILITY.—The amendment made by sub-
2 section (a) applies to civil actions commenced after the
3 date of enactment of this Act and to civil actions that are
4 not adjudicated by a court of original jurisdiction or set-
5 tled on or before such date of enactment.

6 **TITLE V—SAFETY**

7 **SEC. 501. CARGO COLLISION AVOIDANCE SYSTEMS DEAD-** 8 **LINES.**

9 (a) IN GENERAL.—The Administrator shall require
10 by regulation that, no later than December 31, 2002,
11 equipment be installed, on each cargo aircraft with a maxi-
12 mum certificated takeoff weight in excess of 15,000 kilo-
13 grams or more, that provides protection from mid-air colli-
14 sions using technology that provides—

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

17 (2) a margin of safety of at least the same level
18 as provided by the collision avoidance system known
19 as TCAS-II.

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

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

4 (2) other safety or public interest objectives.

5 **SEC. 502. RECORDS OF EMPLOYMENT OF PILOT APPLI-**
6 **CANTS.**

7 Section 44936(f) is amended—

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

13 (2) in paragraph (1)(B)(ii) by striking “individ-
14 ual” and inserting “individual’s performance as a
15 pilot”;

16 (3) in paragraph (14)(B) by inserting “or from
17 a foreign government or entity that employed the in-
18 dividual” after “exists”; and

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

20 “(15) ELECTRONIC ACCESS TO FAA
21 RECORDS.—For the purpose of increasing timely and
22 efficient access to Federal Aviation Administration
23 records described in paragraph (1), the Adminis-
24 trator may allow, under terms established by the Ad-
25 ministrator, a designated individual to have elec-

1 tronic access to a specified database containing in-
2 formation about such records.”.

3 **SEC. 503. WHISTLEBLOWER PROTECTION FOR FAA EM-**
4 **PLOYEES.**

5 Section 347(b)(1) of the Department of Transpor-
6 tation and Related Agencies Appropriations Act, 1996 (49
7 U.S.C. 106 note; 109 Stat. 460) is amended by inserting
8 before the semicolon at the end the following: “, including
9 the provisions for investigation and enforcement as pro-
10 vided in chapter 12 of title 5, United States Code”.

11 **SEC. 504. SAFETY RISK MITIGATION PROGRAMS.**

12 Section 44701 is further amended by adding at the
13 end the following:

14 “(g) SAFETY RISK MANAGEMENT PROGRAM GUIDE-
15 LINES.—The Administrator shall issue guidelines and en-
16 courage the development of air safety risk mitigation pro-
17 grams throughout the aviation industry, including self-au-
18 dits and self-disclosure programs.”.

19 **SEC. 505. FLIGHT OPERATIONS QUALITY ASSURANCE**
20 **RULES.**

21 Not later than 30 days after the date of enactment
22 of this Act, the Administrator shall issue a notice of pro-
23 posed rulemaking to develop procedures to protect air car-
24 riers and their employees from civil enforcement actions
25 under the program known as Flight Operations Quality

1 Assurance. Not later than 1 year after the last day of the
2 period for public comment provided for in the notice of
3 proposed rulemaking, the Administrator shall issue a final
4 rule establishing such procedures.

5 **SEC. 506. SMALL AIRPORT CERTIFICATION.**

6 Not later than 60 days after the date of enactment
7 of this Act, the Administrator shall issue a notice of pro-
8 posed rulemaking on implementing section 44706(a)(2) of
9 title 49, United States Code, relating to issuance of air-
10 port operating certificates for small scheduled passenger
11 air carrier operations. Not later than 1 year after the last
12 day of the period for public comment provided for in the
13 notice of proposed rulemaking, the Administrator shall
14 issue a final rule on implementing such program.

15 **SEC. 507. LIFE-LIMITED AIRCRAFT PARTS.**

16 (a) IN GENERAL.—Chapter 447 is amended by add-
17 ing at the end the following:

18 **“§ 44725. Life-limited aircraft parts**

19 “(a) IN GENERAL.—The Administrator shall conduct
20 a rulemaking proceeding to require the safe disposition of
21 life-limited parts removed from an aircraft. The rule-
22 making proceeding shall ensure that the disposition deter-
23 installation on an aircraft of a life-limited part that has
24 reached or 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 when the part is retired from service.

16 “(5) Any other method approved by the Admin-
17 istrator.

18 “(c) DEADLINES.—In conducting the rulemaking
19 proceeding under subsection (a), the Administrator
20 shall—

21 “(1) not later than 180 days after the date of
22 enactment of this section, issue a notice of proposed
23 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 44726, relating
18 to the safe disposal of life-limited aircraft parts;
19 or”.

20 (c) CONFORMING AMENDMENT.—The analysis for
21 chapter 447 is further amended by adding at the end the
22 following:

 “44725. Life-limited aircraft parts.”.

23 **SEC. 508. FAA MAY FINE UNRULY PASSENGERS.**

24 (a) IN GENERAL.—Chapter 463 is amended—

1 (1) by redesignating section 46316 as section
2 46317; and

3 (2) by inserting after section 46315 the follow-
4 ing:

5 **“§ 46316. Interference with cabin or flight crew**

6 “An individual who interferes with the duties or re-
7 sponsibilities of the flight crew or cabin crew of a civil
8 aircraft, or who poses an imminent threat to the safety
9 of the aircraft or other individuals on the aircraft, is liable
10 to the United States Government for a civil penalty of not
11 more than \$25,000.”.

12 (b) COMPROMISE AND SETOFF.—Section
13 46301(f)(1)(A)(i) is amended by inserting “46316,” be-
14 fore “or 47107(b)”.

15 (c) CONFORMING AMENDMENT.—The analysis for
16 chapter 463 is amended by striking the item relating to
17 section 46316 and inserting after the item relating to sec-
18 tion 46315 the following:

“46316. Interference with cabin or flight crew.

“46317. General criminal penalty when specific penalty not provided.”.

19 **TITLE VI—WHISTLEBLOWER**
20 **PROTECTION**

21 **SEC. 601. PROTECTION OF EMPLOYEES PROVIDING AIR**
22 **SAFETY INFORMATION.**

23 (a) GENERAL RULE.—Chapter 421 is amended by
24 adding at the end the following:

1 other provision of Federal law relating to air carrier
2 safety under this subtitle or any other law of the
3 United States;

4 “(3) testified or is about to testify in such a
5 proceeding; or

6 “(4) assisted or participated or is about to as-
7 sist or participate in such a proceeding.

8 “(b) DEPARTMENT OF LABOR COMPLAINT PROCE-
9 DURE.—

10 “(1) FILING AND NOTIFICATION.—A person
11 who believes that he or she has been discharged or
12 otherwise discriminated against by a person in viola-
13 tion of subsection (a) may, not later than 90 days
14 after the date on which such violation occurs, file (or
15 have any person file on his or her behalf) a com-
16 plaint with the Secretary of Labor alleging such dis-
17 charge or discrimination. Upon receipt of such a
18 complaint, the Secretary of Labor shall notify the
19 person named in the complaint and the Adminis-
20 trator of the Federal Aviation Administration of the
21 filing of the complaint, of the allegations contained
22 in the complaint, of the substance of evidence sup-
23 porting the complaint, and of the opportunities that
24 will be afforded to such person under paragraph (2).

25 “(2) INVESTIGATION; PRELIMINARY ORDER.—

1 “(A) IN GENERAL.—Not later than 60
2 days after the date of receipt of a complaint
3 filed under paragraph (1) and after affording
4 the person named in the complaint an oppor-
5 tunity to submit to the Secretary of Labor a
6 written response to the complaint and an oppor-
7 tunity to meet with a representative of the Sec-
8 retary to present statements from witnesses,
9 the Secretary of Labor shall conduct an inves-
10 tigation and determine whether there is reason-
11 able cause to believe that the complaint has
12 merit and notify the complainant and the per-
13 son alleged to have committed a violation of
14 subsection (a) of the Secretary’s findings. If the
15 Secretary of Labor concludes that there is a
16 reasonable cause to believe that a violation of
17 subsection (a) has occurred, the Secretary shall
18 accompany the Secretary’s findings with a pre-
19 liminary order providing the relief prescribed by
20 paragraph (3)(B). Not later than 30 days after
21 the date of notification of findings under this
22 paragraph, either the person alleged to have
23 committed the violation or the complainant may
24 file objections to the findings or preliminary
25 order, or both, and request a hearing on the

1 record. The filing of such objections shall not
2 operate to stay any reinstatement remedy con-
3 tained in the preliminary order. Such hearings
4 shall be conducted expeditiously. If a hearing is
5 not requested in such 30-day period, the pre-
6 liminary order shall be deemed a final order
7 that is not subject to judicial review.

8 “(B) REQUIREMENTS.—

9 “(i) REQUIRED SHOWING BY COM-
10 PLAINANT.—The Secretary of Labor shall
11 dismiss a complaint filed under this sub-
12 section and shall not conduct an investiga-
13 tion otherwise required under subpara-
14 graph (A) unless the complainant makes a
15 prima facie showing that any behavior de-
16 scribed in paragraphs (1) through (4) of
17 subsection (a) was a contributing factor in
18 the unfavorable personnel action alleged in
19 the complaint.

20 “(ii) SHOWING BY EMPLOYER.—Not-
21 withstanding a finding by the Secretary
22 that the complainant has made the show-
23 ing required under clause (i), no investiga-
24 tion otherwise required under subpara-
25 graph (A) shall be conducted if the em-

1 employer demonstrates, by clear and convince-
2 ing evidence, that the employer would have
3 taken the same unfavorable personnel ac-
4 tion in the absence of that behavior.

5 “(iii) CRITERIA FOR DETERMINATION
6 BY SECRETARY.—The Secretary may de-
7 termine that a violation of subsection (a)
8 has occurred only if the complainant dem-
9 onstrates that any behavior described in
10 paragraphs (1) through (4) of subsection
11 (a) was a contributing factor in the unfa-
12 vorable personnel action alleged in the
13 complaint.

14 “(iv) PROHIBITION.—Relief may not
15 be ordered under subparagraph (A) if the
16 employer demonstrates by clear and con-
17 vincing evidence that the employer would
18 have taken the same unfavorable personnel
19 action in the absence of that behavior.

20 “(3) FINAL ORDER.—

21 “(A) DEADLINE FOR ISSUANCE; SETTLE-
22 MENT AGREEMENTS.—Not later than 120 days
23 after the date of conclusion of a hearing under
24 paragraph (2), the Secretary of Labor shall
25 issue a final order providing the relief pre-

1 scribed by this paragraph or denying the com-
2 plaint. At any time before issuance of a final
3 order, a proceeding under this subsection may
4 be terminated on the basis of a settlement
5 agreement entered into by the Secretary of
6 Labor, the complainant, and the person alleged
7 to have committed the violation.

8 “(B) REMEDY.—If, in response to a com-
9 plaint filed under paragraph (1), the Secretary
10 of Labor determines that a violation of sub-
11 section (a) has occurred, the Secretary of Labor
12 shall order the person who committed such vio-
13 lation to—

14 “(i) take affirmative action to abate
15 the violation;

16 “(ii) reinstate the complainant to his
17 or her former position together with the
18 compensation (including back pay), terms,
19 conditions, and privileges associated with
20 his or her employment; and

21 “(iii) provide compensatory damages
22 to the complainant.

23 If such an order is issued under this paragraph,
24 the Secretary of Labor, at the request of the
25 complainant, shall assess against the person

1 against whom the order is issued a sum equal
2 to the aggregate amount of all costs and ex-
3 penses (including attorneys' and expert witness
4 fees) reasonably incurred, as determined by the
5 Secretary of Labor, by the complainant for, or
6 in connection with, the bringing the complaint
7 upon which the order was issued.

8 “(C) FRIVOLOUS COMPLAINTS.—If the
9 Secretary of Labor finds that a complaint
10 under paragraph (1) is frivolous or has been
11 brought in bad faith, the Secretary of Labor
12 may award to the prevailing employer a reason-
13 able attorney's fee not exceeding \$5,000.

14 “(4) REVIEW.—

15 “(A) APPEAL TO COURT OF APPEALS.—
16 Any person adversely affected or aggrieved by
17 an order issued under paragraph (3) may ob-
18 tain review of the order in the United States
19 Court of Appeals for the circuit in which the
20 violation, with respect to which the order was
21 issued, allegedly occurred or the circuit in which
22 the complainant resided on the date of such vio-
23 lation. The petition for review must be filed not
24 later than 60 days after the date of the
25 issuance of the order of the Secretary of Labor.

1 Review shall conform to chapter 7 of title 5,
2 United States Code. The commencement of pro-
3 ceedings under this subparagraph shall not, un-
4 less ordered by the court, operate as a stay of
5 the order.

6 “(B) LIMITATION ON COLLATERAL AT-
7 TACK.—An order of the Secretary of Labor
8 with respect to which review could have been
9 obtained under subparagraph (A) shall not be
10 subject to judicial review in any criminal or
11 other civil proceeding.

12 “(5) ENFORCEMENT OF ORDER BY SECRETARY
13 OF LABOR.—Whenever a person has failed to comply
14 with an order issued under paragraph (3), the Sec-
15 retary of Labor may file a civil action in the United
16 States district court for the district in which the vio-
17 lation was found to occur to enforce such order. In
18 actions brought under this paragraph, the district
19 courts shall have jurisdiction to grant all appropriate
20 relief including, but not limited to, injunctive relief
21 and compensatory damages.

22 “(6) ENFORCEMENT OF ORDER BY PARTIES.—

23 “(A) COMMENCEMENT OF ACTION.—A per-
24 son on whose behalf an order was issued under
25 paragraph (3) may commence a civil action

1 against the person to whom such order was
2 issued to require compliance with such order.
3 The appropriate United States district court
4 shall have jurisdiction, without regard to the
5 amount in controversy or the citizenship of the
6 parties, to enforce such order.

7 “(B) ATTORNEY FEES.—The court, in
8 issuing any final order under this paragraph,
9 may award costs of litigation (including reason-
10 able attorney and expert witness fees) to any
11 party whenever the court determines such
12 award is appropriate.

13 “(c) MANDAMUS.—Any nondiscretionary duty im-
14 posed by this section shall be enforceable in a mandamus
15 proceeding brought under section 1361 of title 28, United
16 States Code.

17 “(d) NONAPPLICABILITY TO DELIBERATE VIOLA-
18 TIONS.—Subsection (a) shall not apply with respect to an
19 employee of an air carrier who, acting without direction
20 from such air carrier (or such air carrier’s agent), delib-
21 erately causes a violation of any requirement relating to
22 air carrier safety under this subtitle or any other law of
23 the United States.

1 “(e) CONTRACTOR DEFINED.—In this section, the
2 term ‘contractor’ means a company that performs safety-
3 sensitive functions by contract for an air carrier.”.

4 (b) CONFORMING AMENDMENT.—The analysis for
5 such chapter is amended by adding at the end the follow-
6 ing:

“SUBCHAPTER III—WHISTLEBLOWER PROTECTION PROGRAM
“42121. Protection of employees providing air safety information.”.

7 **SEC. 602. CIVIL PENALTY.**

8 Section 46301(a)(1)(A) is amended by striking “sub-
9 chapter II of chapter 421” and inserting “subchapter II
10 or III of chapter 421”.

11 **TITLE VII—MISCELLANEOUS**
12 **PROVISIONS**

13 **SEC. 701. DUTIES AND POWERS OF ADMINISTRATOR.**

14 Section 106(g)(1)(A) is amended by striking
15 “40113(a), (c), and (d),” and all that follows through
16 “45302–45304,” and inserting “40113(a), 40113(e),
17 40113(d), 40113(e), 40114(a), and 40119, chapter 445
18 (except sections 44501(b), 44502(a)(2), 44502(a)(3),
19 44502(a)(4), 44503, 44506, 44509, 44510, 44514, and
20 44515), chapter 447 (except sections 44717, 44718(a),
21 44718(b), 44719, 44720, 44721(b), 44722, and 44723),
22 chapter 449 (except sections 44903(d), 44904, 44905,

1 44907–44911, 44913, 44915, and 44931–44934), chapter
2 451, chapter 453, sections”.

3 **SEC. 702. PROHIBITION ON RELEASE OF OFFEROR PROPOS-**

4 **ALS.**

5 Section 40110 is amended by adding at the end the
6 following:

7 “(d) PROHIBITION ON RELEASE OF OFFEROR PRO-
8 POSALS.—

9 “(1) GENERAL RULE.—Except as provided in
10 paragraph (2), a proposal in the possession or con-
11 trol of the Administrator may not be made available
12 to any person under section 552 of title 5, United
13 States Code.

14 “(2) EXCEPTION.—Paragraph (1) shall not
15 apply to any portion of a proposal of an offeror the
16 disclosure of which is authorized by the Adminis-
17 trator pursuant to procedures published in the Fed-
18 eral Register. The Administrator shall provide an
19 opportunity for public comment on the procedures
20 for a period of not less than 30 days beginning on
21 the date of such publication in order to receive and
22 consider the views of all interested parties on the
23 procedures. The procedures shall not take effect be-
24 fore the 60th day following the date of such publica-
25 tion.

1 “(3) PROPOSAL DEFINED.—In this subsection,
2 the term ‘proposal’ means information contained in
3 or originating from any proposal, including a tech-
4 nical, management, or cost proposal, submitted by
5 an offeror in response to the requirements of a solie-
6 itation for a competitive proposal.”.

7 **SEC. 703. MULTIYEAR PROCUREMENT CONTRACTS.**

8 Section 40111 is amended—

9 (1) by redesignating subsections (b) through (d)
10 as subsections (c) through (e), respectively; and

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

13 “(b) TELECOMMUNICATIONS SERVICES.—Notwith-
14 standing section 1341(a)(1)(B) of title 31, the Adminis-
15 trator may make a contract of not more than 10 years
16 for telecommunication services that are provided through
17 the use of a satellite if the Administrator finds that the
18 longer contract period would be cost beneficial.”.

19 **SEC. 704. FEDERAL AVIATION ADMINISTRATION PERSON-**
20 **NEL MANAGEMENT SYSTEM.**

21 (a) MEDIATION.—Section 40122(a)(2) is amended by
22 adding at the end the following: “The 60-day period shall
23 not include any period during which Congress has ad-
24 journed sine die.”.

1 (b) RIGHT TO CONTEST ADVERSE PERSONNEL AC-
2 TIONS.—Section 40122 is amended by adding at the end
3 the following:

4 “(g) RIGHT TO CONTEST ADVERSE PERSONNEL AC-
5 TIONS.—An employee of the Administration who is the
6 subject of a major adverse personnel action may contest
7 the action either through any contractual grievance proce-
8 dure that is applicable to the employee as a member of
9 the collective bargaining unit or through the Administra-
10 tion’s internal process relating to review of major adverse
11 personnel actions of the Administration, known as Guar-
12 anteed Fair Treatment or under section 347(c) of the De-
13 partment of Transportation and Related Agencies Appro-
14 priations Act, 1996.

15 “(h) ELECTION OF FORUM.—Where a major adverse
16 personnel action may be contested through more than one
17 of the indicated forums (such as the contractual grievance
18 procedure, the Federal Aviation Administration’s internal
19 process, or that of the Merit Systems Protection Board),
20 an employee must elect the forum through which the mat-
21 ter will be contested. Nothing in this section is intended
22 to allow an employee to contest an action through more
23 than one forum unless otherwise allowed by law.

24 “(i) DEFINITION.—For purposes of this section, the
25 term ‘major adverse personnel action’ means a suspension

1 of more than 14 days, a reduction in pay or grade, a re-
2 moval for conduct or performance, a nondisciplinary re-
3 moval, a furlough of 30 days or less (but not including
4 placement in a nonpay status as the result of a lapse of
5 appropriations or an enactment by Congress), or a reduc-
6 tion in force action.”.

7 (c) APPLICABILITY OF MERIT SYSTEMS PROTECTION
8 BOARD PROVISIONS.—Section 347(b) of the Department
9 of Transportation and Related Agencies Appropriations
10 Act, 1996 (109 Stat. 460) is amended—

11 (1) by striking “and” at the end of paragraph
12 (6);

13 (2) by striking the period at the end of para-
14 graph (7) and inserting “; and”; and

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

16 “(8) sections 1204, 1211–1218, 1221, and
17 7701–7703, relating to the Merit Systems Protec-
18 tion Board.”.

19 (d) APPEALS TO MERIT SYSTEMS PROTECTION
20 BOARD.—Section 347(c) of the Department of Transpor-
21 tation and Related Agencies Appropriations Act, 1996 is
22 amended to read as follows:

23 “(c) APPEALS TO MERIT SYSTEMS PROTECTION
24 BOARD.—Under the new personnel management system
25 developed and implemented under subsection (a), an em-

1 ployee of the Federal Aviation Administration may submit
2 an appeal to the Merit Systems Protection Board and may
3 seek judicial review of any resulting final orders or deci-
4 sions of the Board from any action that was appealable
5 to the Board under any law, rule, or regulation as of
6 March 31, 1996.”.

7 **SEC. 705. NONDISCRIMINATION IN AIRLINE TRAVEL.**

8 (a) **DISCRIMINATORY PRACTICES.**—Section 41310(a)
9 is amended to read as follows:

10 “(a) **PROHIBITIONS.**—

11 “(1) **IN GENERAL.**—An air carrier or foreign
12 air carrier may not subject a person, place, port, or
13 type of traffic in foreign air transportation to unrea-
14 sonable discrimination.

15 “(2) **DISCRIMINATION AGAINST PERSONS.**—An
16 air carrier or foreign air carrier may not subject a
17 person in foreign air transportation to discrimina-
18 tion on the basis of race, color, national origin, reli-
19 gion, or sex.”.

20 (b) **INTERSTATE AIR TRANSPORTATION.**—Section
21 41702 is amended—

22 (1) by striking “An air carrier” and inserting
23 “(a) **SAFE AND ADEQUATE AIR TRANSPOR-**
24 **TATION.**—An air carrier”; and

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

1 “(b) DISCRIMINATION AGAINST PERSONS.—An air
 2 carrier may not subject a person in interstate air transpor-
 3 tation to discrimination on the basis of race, color, na-
 4 tional origin, religion, or sex.”.

5 (c) DISCRIMINATION AGAINST HANDICAPPED INDI-
 6 VIDUALS.—Section 41705 is amended by inserting “or
 7 foreign air carrier” after “air carrier”.

8 (d) CIVIL PENALTY FOR VIOLATIONS OF PROHIBI-
 9 TION ON DISCRIMINATION AGAINST THE HANDI-
 10 CAPPED.—Sections 46301(a)(1)(A) is amended by insert-
 11 ing “41705,” after “41704,”.

12 (e) INTERNATIONAL AVIATION STANDARDS FOR AC-
 13 COMMODATING THE HANDICAPPED.—The Secretary of
 14 Transportation shall work with appropriate international
 15 organizations and the aviation authorities of other nations
 16 to bring about the establishment of higher standards, if
 17 appropriate, for accommodating handicapped passengers
 18 in air transportation, particularly with respect to foreign
 19 air carriers that code share with domestic air carriers.

20 **SEC. 706. GENERAL FACILITIES AND PERSONNEL AUTHOR-**
 21 **ITY.**

22 Section 44502(a) is further amended by adding at
 23 the end the following:

24 “(6) IMPROVEMENTS ON LEASED PROP-
 25 erties.—The Administrator may make improve-

1 ments to real property leased for an air navigation
2 facility, regardless of whether the cost of making the
3 improvements exceeds the cost of leasing the real
4 property, if—

5 “(A) the property is leased for free or
6 nominal rent;

7 “(B) the improvements primarily benefit
8 the Government;

9 “(C) the improvements are essential for ac-
10 complishment of the mission of the Federal
11 Aviation Administration; and

12 “(D) the interest of the Government in the
13 improvements is protected.”.

14 **SEC. 707. IMPLEMENTATION OF ARTICLE 83 BIS OF THE**
15 **CHICAGO CONVENTION.**

16 Section 44701 is amended by—

17 (1) redesignating subsection (e) as subsection
18 (f); and

19 (2) by inserting after subsection (d) the follow-
20 ing:

21 “(e) **BILATERAL EXCHANGES OF SAFETY OVER-**
22 **SIGHT RESPONSIBILITIES.—**

23 “(1) **IN GENERAL.—**Notwithstanding the provi-
24 sions of this chapter, the Administrator, pursuant to
25 Article 83 bis of the Convention on International

1 Civil Aviation and by a bilateral agreement with the
2 aeronautical authorities of another country, may ex-
3 change with that country all or part of their respec-
4 tive functions and duties with respect to registered
5 aircraft under the following articles of the Conven-
6 tion: Article 12 (Rules of the Air); Article 31 (Cer-
7 tificates of Airworthiness); or Article 32a (Licenses
8 of Personnel).

9 “(2) RELINQUISHMENT AND ACCEPTANCE OF
10 RESPONSIBILITY.—The Administrator relinquishes
11 responsibility with respect to the functions and du-
12 ties transferred by the Administrator as specified in
13 the bilateral agreement, under the Articles listed in
14 paragraph (1) for United States-registered aircraft
15 described in paragraph (4)(A) transferred abroad
16 and accepts responsibility with respect to the func-
17 tions and duties under those Articles for aircraft
18 registered abroad and described in paragraph (4)(B)
19 that are transferred to the United States.

20 “(3) CONDITIONS.—The Administrator may
21 predicate, in the agreement, the transfer of func-
22 tions and duties under this subsection on any condi-
23 tions the Administrator deems necessary and pru-
24 dent, except that the Administrator may not transfer
25 responsibilities for United States registered aircraft

1 described in paragraph (4)(A) to a country that the
2 Administrator determines is not in compliance with
3 its obligations under international law for the safety
4 oversight of civil aviation.

5 “(4) REGISTERED AIRCRAFT DEFINED.—In this
6 subsection, the term ‘registered aircraft’ means—

7 “(A) aircraft registered in the United
8 States and operated pursuant to an agreement
9 for the lease, charter, or interchange of the air-
10 craft or any similar arrangement by an opera-
11 tor that has its principal place of business or,
12 if it has no such place of business, its perma-
13 nent residence in another country; or

14 “(B) aircraft registered in a foreign coun-
15 try and operated under an agreement for the
16 lease, charter, or interchange of the aircraft or
17 any similar arrangement by an operator that
18 has its principal place of business or, if it has
19 no such place of business, its permanent resi-
20 dence in the United States.”.

21 **SEC. 708. PUBLIC AVAILABILITY OF AIRMEN RECORDS.**

22 Section 44703 is amended—

23 (1) by redesignating subsections (e) through (f)
24 as subsections (d) through (g), respectively; and

1 (2) by inserting after subsection (b) the follow-
2 ing:

3 “(c) PUBLIC INFORMATION.—

4 “(1) IN GENERAL.—Subject to paragraph (2)
5 and notwithstanding any other provision of law, the
6 records of the contents (as prescribed in subsection
7 (b)) of any airman certificate issued under this sec-
8 tion shall be made available to the public after the
9 90th day following the date of enactment of the
10 Aviation Investment and Reform Act for the 21st
11 Century.

12 “(2) ADDRESSES OF AIRMEN.—Before making
13 the address of an airman available to the public
14 under paragraph (1), the airman shall be given an
15 opportunity to elect that the airman’s address not be
16 made available to the public.

17 “(3) DEVELOPMENT AND IMPLEMENTATION OF
18 PROGRAM.—Not later than 60 days after the date of
19 enactment of the Aviation Investment and Reform
20 Act for the 21st Century, the Administrator shall
21 develop and implement, in cooperation with rep-
22 resentatives of the aviation industry, a one-time
23 written notification to airmen to set forth the impli-
24 cations of making the address of an airman available

1 to the public under paragraph (1) and to carry out
2 paragraph (2).”.

3 **SEC. 709. APPEALS OF EMERGENCY REVOCATIONS OF CER-**
4 **TIFICATES.**

5 Section 44709(e) is amended to read as follows:

6 “(e) EFFECTIVENESS OF ORDERS PENDING AP-
7 PEAL.—

8 “(1) IN GENERAL.—Except as provided in para-
9 graph (2), if a person files an appeal with the Board
10 under section (d), the order of the Administrator is
11 stayed.

12 “(2) EMERGENCIES.—If the Administrator ad-
13 vises the Board that an emergency exists and safety
14 in air commerce or air transportation requires the
15 order to be effective immediately, the order is effec-
16 tive, except that a person filing an appeal under sub-
17 section (d) may file a written petition to the Board
18 for an emergency stay on the issues of the appeal
19 that are related to the existence of the emergency.
20 The Board shall have 10 days to review the mate-
21 rials. If any 2 members of the Board determine that
22 sufficient grounds exist to grant a stay, an emer-
23 gency stay shall be granted. If an emergency stay is
24 granted, the Board must meet within 15 days of the

1 granting of the stay to make a final disposition of
2 the issues related to the existence of the emergency.

3 “(3) FINAL DISPOSITION OF APPEAL.—In all
4 cases, the Board shall make a final disposition of the
5 merits of the appeal not later than 60 days after the
6 Administrator advises the Board of the order.”.

7 **SEC. 710. GOVERNMENT AND INDUSTRY CONSORTIA.**

8 Section 44903 is amended by adding at the end the
9 following:

10 “(f) GOVERNMENT AND INDUSTRY CONSORTIA.—
11 The Administrator may establish at individual airports
12 such consortia of government and aviation industry rep-
13 resentatives as the Administrator may designate to pro-
14 vide advice on matters related to aviation security and
15 safety. Such consortia shall not be considered Federal ad-
16 visory committees.”.

17 **SEC. 711. PASSENGER MANIFEST.**

18 Section 44909(a)(2) is amended by striking “shall”
19 and inserting “should”.

20 **SEC. 712. COST RECOVERY FOR FOREIGN AVIATION SERV-**
21 **ICES.**

22 Section 45301(a) is amended—

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

1 “(2) Services (other than air traffic control
2 services) provided to a foreign government or to any
3 entity obtaining services outside the United States,
4 except that the Administrator shall not impose fees
5 in any manner for production-certification related
6 service performed outside the United States.”; and

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

8 “(d) PRODUCTION-CERTIFICATION RELATED SERV-
9 ICE DEFINED.—In this section the term ‘production-cer-
10 tification related service’ has the meaning given that term
11 in Appendix C of part 187 of title 14, Code of Federal
12 Regulations.”.

13 **SEC. 713. TECHNICAL CORRECTIONS TO CIVIL PENALTY**
14 **PROVISIONS.**

15 Section 46301 is amended—

16 (1) in subsection (a)(1)(A) by striking “46302,
17 46303, or”;

18 (2) in subsection (d)(7)(A) by striking “an indi-
19 vidual” the first place it appears and inserting “a
20 person”; and

21 (3) in subsection (g) by inserting “or the Ad-
22 ministrato” after “Secretary”.

23 **SEC. 714. ENHANCED VISION TECHNOLOGIES.**

24 (a) STUDY.—The Administrator shall conduct a
25 study of the feasibility of requiring United States airports

1 to install enhanced vision technologies to replace or en-
2 hance conventional landing light systems over the 10-year
3 period following the date of completion of such study.

4 (b) REPORT.—Not later than 180 days after the date
5 of enactment of this Act, the Administrator shall transmit
6 to Congress a report on the results of the study conducted
7 under subsection (a), together with such recommendations
8 as the Administrator considers appropriate.

9 (c) INCLUSION OF INSTALLATION AS AIRPORT DE-
10 VELOPMENT.—Section 47102 of title 49, United States
11 Code, is amended—

12 (1) in paragraph (3)(B)—

13 (A) by striking “and” at the end of clause
14 (v);

15 (B) by striking the period at the end of
16 clause (vi) and inserting “; and”; and

17 (C) by inserting after clause (vi) the fol-
18 lowing:

19 “(vii) enhanced vision technologies
20 that are certified by the Administrator of
21 the Federal Aviation Administration and
22 that are intended to replace or enhance
23 conventional landing light systems.”; and

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

1 dure under which a person may operate a stage 1 or stage
2 2 aircraft in nonrevenue service to or from an airport in
3 the United States in order to—

4 “(1) sell the aircraft outside the United States;

5 “(2) sell the aircraft for scrapping; or

6 “(3) obtain modifications to the aircraft to meet
7 stage 3 noise levels.”.

8 **SEC. 716. TYPOGRAPHICAL ERRORS.**

9 (a) IN TITLE 49, UNITED STATES CODE.—Title 49
10 is amended—

11 (1) in section 5108(f) by striking “section
12 552(f)” and inserting “section 552(b)”.

13 (2) in section 15904(c)(1) by inserting “sec-
14 tion” before “15901(b)”.

15 (3) in section 49106(b)(1)(F) by striking
16 “1996” and inserting “1986”;

17 (4) in section 49106(c)(3) by striking “by the
18 board” and inserting “to the board”;

19 (5) in section 49107(b) by striking “subchapter
20 II” and inserting “subchapter III”; and

21 (6) in section 49111(b) by striking “retention
22 of” and inserting “retention by”.

23 (b) CODIFICATION REPEAL TABLE.—The Schedule
24 of Laws Repealed in section 5(b) the Act of November
25 20, 1997 (Public Law 105–102; 111 Stat. 2217), is

1 amended by striking “1996” the first place it appears and
2 inserting “1986”.

3 (c) CODIFICATION REFERENCES.—Effective October
4 11, 1996, section 5(45)(A) of the Act of October 11, 1996
5 (Public Law 104–287, 110 Stat. 3393), is amended by
6 striking “ENFORCEMENT;” and inserting “EN-
7 FORCEMENT:”.

8 **SEC. 717. ACQUISITION MANAGEMENT SYSTEM.**

9 Section 348 of the Department of Transportation and
10 Related Agencies Appropriations Act, 1996 (49 U.S.C.
11 106 note; 109 Stat. 460) is amended by striking sub-
12 section (c) and inserting the following:

13 “(c) CONTRACTS EXTENDING INTO A SUBSEQUENT
14 FISCAL YEAR.—Notwithstanding subsection (b)(3), the
15 Administrator may enter into contracts for procurement
16 of severable services that begin in one fiscal year and end
17 in another if (without regard to any option to extend the
18 period of the contract) the contract period does not exceed
19 1 year.”.

20 **SEC. 718. EXTENSION OF APPLICATION APPROVALS FOR**
21 **METROPOLITAN WASHINGTON AIRPORT AU-**
22 **THORITY.**

23 49108 is amended by striking “2001” and inserting
24 “2004”.

1 **SEC. 719. AIRCRAFT SITUATIONAL DISPLAY DATA.**

2 (a) IN GENERAL.—A memorandum of agreement be-
3 tween the Administrator of the Federal Aviation Adminis-
4 tration and any person that directly obtains aircraft situa-
5 tional display data from the Administration shall require
6 that—

7 (1) the person demonstrate to the satisfaction
8 of the Administrator that such person is capable of
9 selectively blocking the display of any aircraft-situa-
10 tion-display-to-industry derived data related to any
11 identified aircraft registration number; and

12 (2) the person agree to block selectively the air-
13 craft registration numbers of any aircraft owner or
14 operator upon the Administration's request.

15 (b) EXISTING MEMORANDA TO BE CONFORMED.—
16 The Administrator shall conform any memoranda of
17 agreement, in effect on the date of enactment of this Act,
18 between the Administration and a person under which that
19 person obtains such data to incorporate the requirements
20 of subsection (a) within 30 days after that date.

21 **SEC. 720. ELIMINATION OF BACKLOG OF EQUAL EMPLOY-**
22 **MENT OPPORTUNITY COMPLAINTS.**

23 (a) HIRING OF ADDITIONAL PERSONNEL.—For fiscal
24 year 2000, the Secretary of Transportation may hire or
25 contract for such additional personnel as may be necessary
26 to eliminate the backlog of pending equal employment op-

1 opportunity complaints to the Department of Transportation
2 and to ensure that investigations of complaints are com-
3 pleted not later than 180 days after the date of initiation
4 of the investigation.

5 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
6 authorized to be appropriated to carry out this section
7 \$2,000,000 for fiscal year 2000. Such sums shall remain
8 available until expended.

9 **SEC. 721. NEWPORT NEWS, VIRGINIA.**

10 (a) AUTHORITY TO GRANT WAIVERS.—Notwith-
11 standing section 16 of the Federal Airport Act (as in ef-
12 fect on May 14, 1947) or section 47125 of title 49, United
13 States Code, the Secretary shall, subject to section 47153
14 of such title (as in effect on June 1, 1998), and subsection
15 (b) of this section, waive with respect to airport property
16 parcels that, according to the airport layout plan for New-
17 port News/Williamsburg International Airport, are no
18 longer required for airport purposes from any term con-
19 tained in the deed of conveyance dated May 14, 1947,
20 under which the United States conveyed such property to
21 the Peninsula Airport Commission for airport purposes of
22 the Commission.

23 (b) CONDITIONS.—Any waiver granted by the Sec-
24 retary under subsection (a) shall be subject to the follow-
25 ing conditions:

1 and flight rules contained in part 91 of title 14, Code of
2 Regulations.

3 (b) RULEMAKING PROCEEDING.—

4 (1) IN GENERAL.—The Administrator of the
5 Federal Aviation Administration shall conduct a
6 rulemaking proceeding and issue a final rule to mod-
7 ify the general operating and flight rules referred to
8 in subsection (a) by establishing special rules appli-
9 cable to the flight operations conducted by Alaska
10 guide pilots.

11 (2) CONTENTS OF RULES.—Any rule issued by
12 the Administrator pursuant to the rulemaking pro-
13 ceeding conducted under paragraph (1) shall require
14 Alaska guide pilots—

15 (A) to operate aircraft inspected no less
16 often than after 125 hours of flight time;

17 (B) to participate in an annual flight re-
18 view, as described in section 61.56 of title 14,
19 Code of Federal Regulations;

20 (C) to have at least 500 hours of flight
21 time as a pilot;

22 (D) to have a commercial rating, as de-
23 scribed subpart F of part 61 of such title;

1 (E) to hold at least a second-class medical
2 certificate, as described in subpart C of part 67
3 of such title;

4 (F) to hold a current letter of authoriza-
5 tion issued by the Administrator; and

6 (G) to take such other actions as the Ad-
7 ministrator determines necessary for safety.

8 (3) LETTER OF AUTHORIZATION DEFINED.—In
9 this subsection, the term “letter of authorization”
10 means a letter issued by the Administrator once
11 every 5 years to an Alaska guide pilot certifying that
12 the pilot is in compliance with general operating and
13 flight rules applicable to the pilot. In the case of a
14 multi-pilot operation, at the election of the operating
15 entity, a letter of authorization may be issued by the
16 Administrator to the entity or to each Alaska guide
17 pilot employed by the entity.

18 (c) ALASKA GUIDE PILOT DEFINED.—In this Act,
19 the term “Alaska guide pilot” means a pilot who—

20 (1) conducts aircraft operations over or within
21 the State of Alaska;

22 (2) operates single engine, fixed wing aircraft
23 on floats, wheels, or skis, providing commercial
24 hunting, fishing, or other guide services and related
25 accommodations in the form of camps or lodges; and

1 (3) transports clients by such aircraft incidental
2 to hunting, fishing, or other guide services, or uses
3 air transport to enable guided clients to reach hunt-
4 ing or fishing locations.

5 **SEC. 724. PUBLIC AIRCRAFT.**

6 (a) RESTATEMENT OF DEFINITION OF PUBLIC AIR-
7 CRAFT WITHOUT SUBSTANTIVE CHANGE.—Section
8 40102(37) is amended to read as follows:

9 “(37) ‘public aircraft’ means an aircraft—

10 “(A) used only for the United States Gov-
11 ernment, and operated under the conditions
12 specified by section 40125(b) if owned by the
13 Government;

14 “(B) owned by the United States Govern-
15 ment, operated by any person for purposes re-
16 lated to crew training, equipment development,
17 or demonstration, and operated under the con-
18 ditions specified by section 40125(b);

19 “(C) owned and operated by the govern-
20 ment of a State, the District of Columbia, a
21 territory or possession of the United States, or
22 a political subdivision of one of these govern-
23 ments, under the conditions specified by section
24 40125(c); or

1 “(D) exclusively leased for at least 90 con-
2 tinuous days by the government of a State, the
3 District of Columbia, a territory or possession
4 of the United States, or a political subdivision
5 of one of these governments.”.

6 (b) QUALIFICATIONS FOR PUBLIC AIRCRAFT STA-
7 TUS.—

8 (1) GENERAL.—Chapter 401 is amended by
9 adding at the end the following:

10 **“§ 40125. Qualifications for public aircraft status**

11 “(a) DEFINITIONS.—In this section, the following
12 definitions apply:

13 “(1) COMMERCIAL PURPOSES.—The term ‘com-
14 mercial purposes’ means the transportation of per-
15 sons or property for compensation or hire, but does
16 not include the operation of an aircraft by one gov-
17 ernment on behalf of another government under a
18 cost reimbursement agreement, if the government on
19 whose behalf the operation is conducted certifies to
20 the Administrator of the Federal Aviation Adminis-
21 tration that the operation is necessary to respond to
22 a significant and imminent threat to life or property
23 (including natural resources) and that no service by
24 a private operator is reasonably available to meet the
25 threat.

1 “(2) GOVERNMENTAL FUNCTION.—The term
2 ‘governmental function’ means an activity under-
3 taken by a government, such as firefighting, search
4 and rescue, law enforcement, aeronautical research,
5 or biological or geological resource management.

6 “(3) QUALIFIED NON-CREWMEMBER.—The
7 term ‘qualified non-crewmember’ means an individ-
8 ual, other than a member of the crew, aboard an
9 aircraft—

10 “(A) operated by the armed forces or an
11 intelligence agency of the United States Gov-
12 ernment; or

13 “(B) whose presence is required to per-
14 form, or is associated with the performance of,
15 a governmental function.

16 “(b) AIRCRAFT OWNED BY THE UNITED STATES.—
17 An aircraft described in 40102(37)(A) or (B), if owned
18 by the Government, qualifies as a public aircraft except
19 when it is used for commercial purposes or to carry an
20 individual other than a crewmember or a qualified non-
21 crewmember.

22 “(c) AIRCRAFT OWNED BY STATE AND LOCAL GOV-
23 ERNMENTS.—An aircraft described in 40102(37)(C)
24 qualifies as a public aircraft except when it is used for

1 commercial purposes or to carry an individual other than
2 a crewmember or a qualified non-crewmember.”.

3 (2) CONFORMING AMENDMENT.—The analysis
4 for chapter 401 is amended by adding at the end the
5 following:

“40125. Qualifications for public aircraft status.”.

6 **SEC. 725. EXTENSION OF WAR RISK INSURANCE PROGRAM.**

7 Section 44310 of such title is amended by striking
8 “March 31, 1999” and inserting “December 31, 2004”.

9 **SEC. 726. CENTENNIAL OF FLIGHT COMMISSION.**

10 (a) MEMBERSHIP.—

11 (1) APPOINTMENT.—Section 4(a)(5) of the
12 Centennial of Flight Commemoration Act (36 U.S.C.
13 143 note; 112 Stat. 3487) is amended by inserting
14 “, or his designee,” after “prominence”.

15 (2) STATUS.—Section 4 of such Act (112 Stat.
16 3487) is amended by adding at the end the follow-
17 ing:

18 “(g) STATUS.—The members of the Commission de-
19 scribed in paragraphs (1), (3), (4), and (5) of subsection
20 (a) shall not be considered to be officers or employees of
21 the United States.”.

22 (b) DUTIES.—Section 5(a)(7) of such Act (112 Stat.
23 3488) is amended to read as follows:

24 “(7) as a nonprimary purpose, publish popular
25 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 follow-
9 ing:

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. 727. PILOT PROGRAM FOR CAPITAL LEASING CON-**
16 **TRACTS.**

17 (a) IN GENERAL.—Notwithstanding any other provi-
18 sion of law, the Administrator may establish a pilot pro-
19 gram for fiscal years 2000 through 2004 to test and evalu-
20 ate the benefits of long-term capital leasing contracts of
21 aviation equipment and facilities.

22 (b) PROGRAM CRITERIA.—The Administrator shall
23 establish criteria for the pilot program. The Administrator
24 may not enter into more than 20 leasing contracts under
25 the pilot program, and may not enter into any leasing con-

1 tract under the pilot program unless the Administrator de-
2 termines that the leasing contract will be of the best value
3 to the United States. Each of such contracts shall be for
4 a period greater than 5 years, but no greater than 20
5 years. Under such a contract, the aviation equipment or
6 facility shall be provided by the lessee and operated by
7 the Administrator and funding for the lease of the equip-
8 ment or facility shall be subject to annual appropriations.

9 **SEC. 728. REPEAL OF MAIL RATE-SETTING AUTHORITY.**

10 Effective December 31, 1998, section 4(k) of the Act
11 of July 5, 1994 (Public Law 103-272, 108 Stat. 1370),
12 as amended by section 7(a)(3)(D) of the Act of October
13 31, 1994 (Public Law 103-429 , 108 Stat. 329), is re-
14 pealed.

15 **SEC. 729. AIRCRAFT REPAIR AND MAINTENANCE ADVISORY**

16 **PANEL.**

17 (a) ESTABLISHMENT OF PANEL.—The Secretary of
18 Transportation—

19 (1) shall establish an Aircraft Repair and Main-
20 tenance Advisory Panel to review issues related to
21 the use and oversight of aircraft and aviation com-
22 ponent repair and maintenance facilities (in this sec-
23 tion referred to as “aircraft repair facilities”) lo-
24 cated within, or outside of, the United States; and

1 (2) may seek the advice of the panel on any
2 issue related to methods to increase safety by im-
3 proving the oversight of aircraft repair facilities.

4 (b) MEMBERSHIP.—The panel shall consist of—

5 (1) 9 members appointed by the Secretary as
6 follows:

7 (A) 3 representatives of labor organiza-
8 tions representing aviation mechanics;

9 (B) 1 representative of cargo air carriers;

10 (C) 1 representative of passenger air car-
11 riers;

12 (D) 1 representative of aircraft repair fa-
13 cilities;

14 (E) 1 representative of aircraft manufac-
15 turers;

16 (F) 1 representative of on-demand pas-
17 senger air carriers and corporate aircraft oper-
18 ations; and

19 (G) 1 representative of regional passenger
20 air carriers;

21 (2) 1 representative from the Department of
22 Commerce, designated by the Secretary of Com-
23 merce;

24 (3) 1 representative from the Department of
25 State, designated by the Secretary of State; and

1 (4) 1 representative from the Federal Aviation
2 Administration, designated by the Administrator of
3 the Federal Aviation Administration.

4 (c) RESPONSIBILITIES.—The panel shall—

5 (1) determine the amount and type of work
6 that is being performed by aircraft repair facilities
7 located within, and outside of, the United States;
8 and

9 (2) provide advice and counsel to the Secretary
10 with respect to the aircraft and aviation component
11 repair work performed by aircraft repair facilities
12 and air carriers, staffing needs, and any balance of
13 trade or safety issues associated with that work.

14 (d) DOT TO REQUEST INFORMATION FROM AIR
15 CARRIERS AND REPAIR FACILITIES.—

16 (1) COLLECTION OF INFORMATION.—The Sec-
17 retary, by regulation, shall require air carriers, for-
18 eign air carriers, domestic repair facilities, and for-
19 eign repair facilities to submit such information as
20 the Secretary may require in order to assess balance
21 of trade and safety issues with respect to work per-
22 formed on aircraft used by air carriers, foreign air
23 carriers, United States corporate operators, and for-
24 eign corporate operators.

1 (2) DRUG AND ALCOHOL TESTING INFORMA-
2 TION.—Included in the information the Secretary re-
3 quires under paragraph (1) shall be information on
4 the existence and administration of employee drug
5 and alcohol testing programs in place at the foreign
6 repair facilities, if applicable. The Secretary, if nec-
7 essary, shall work with the International Civil Avia-
8 tion Organization to increase the number and im-
9 prove the administration of employee drug and alco-
10 hol testing programs at the foreign repair facilities.

11 (3) DESCRIPTION OF WORK DONE.—Included in
12 the information the Secretary requires under para-
13 graph (1) shall be information on the amount and
14 type of work performed on aircraft registered in and
15 outside of the United States.

16 (e) DOT TO FACILITATE COLLECTION OF INFORMA-
17 TION ABOUT AIRCRAFT MAINTENANCE.—The Secretary
18 shall facilitate the collection of information from the Na-
19 tional Transportation Safety Board, the Federal Aviation
20 Administration, and other appropriate agencies regarding
21 maintenance performed by aircraft repair facilities.

22 (f) DOT TO MAKE INFORMATION AVAILABLE TO
23 PUBLIC.—The Secretary shall make any relevant informa-
24 tion received under subsection (c) available to the public,
25 consistent with the authority to withhold trade secrets or

1 commercial, financial, and other proprietary information
2 under section 552 of title 5, United States Code.

3 (g) TERMINATION.—The panel established under
4 subsection (a) shall terminate on the earlier of—

5 (1) the date that is 2 years after the date of en-
6 actment of this Act; or

7 (2) December 31, 2001.

8 (h) DEFINITIONS.—The definitions contained in sec-
9 tion 40102 of title 49, United States Code, shall apply
10 to this section.

11 **TITLE VIII—NATIONAL PARKS** 12 **AIR TOUR MANAGEMENT**

13 **SEC. 801. SHORT TITLE.**

14 This title may be cited as the “National Parks Air
15 Tour Management Act of 1999”.

16 **SEC. 802. FINDINGS.**

17 Congress finds that—

18 (1) the Federal Aviation Administration has
19 sole authority to control airspace over the United
20 States;

21 (2) the Federal Aviation Administration has the
22 authority to preserve, protect, and enhance the envi-
23 ronment by minimizing, mitigating, or preventing
24 the adverse effects of aircraft overflights of public
25 and tribal lands;

1 (3) the National Park Service has the respon-
2 sibility of conserving the scenery and natural and
3 historic 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 of title 49, United
23 States Code, is amended by adding at the end the follow-
24 ing:

1 **“§ 40125. Overflights of national parks**

2 “(a) IN GENERAL.—

3 “(1) GENERAL REQUIREMENTS.—A commercial
4 air tour operator may not conduct commercial air
5 tour operations over a national park (including tribal
6 lands) except—

7 “(A) in accordance with this section;

8 “(B) in accordance with conditions and
9 limitations prescribed for that operator by the
10 Administrator; and

11 “(C) in accordance with any applicable air
12 tour management plan for the park.

13 “(2) APPLICATION FOR OPERATING AUTHOR-
14 ITY.—

15 “(A) APPLICATION REQUIRED.—Before
16 commencing commercial air tour operations
17 over a national park (including tribal lands), a
18 commercial air tour operator shall apply to the
19 Administrator for authority to conduct the op-
20 erations over the park.

21 “(B) COMPETITIVE BIDDING FOR LIMITED
22 CAPACITY PARKS.—Whenever an air tour man-
23 agement plan limits the number of commercial
24 air tour operations over a national park during
25 a specified time frame, the Administrator, in
26 cooperation with the Director, shall issue oper-

1 ation specifications to commercial air tour oper-
2 ators that conduct such operations. The oper-
3 ation specifications shall include such terms and
4 conditions as the Administrator and the Direc-
5 tor find necessary for management of commer-
6 cial air tour operations over the park. The Ad-
7 ministrator, in cooperation with the Director,
8 shall develop an open competitive process for
9 evaluating proposals from persons interested in
10 providing commercial air tour operations over
11 the park. In making a selection from among
12 various proposals submitted, the Administrator,
13 in cooperation with the Director, shall consider
14 relevant factors, including—

15 “(i) the safety record of the person
16 submitting the proposal or pilots employed
17 by the person;

18 “(ii) any quiet aircraft technology pro-
19 posed to be used by the person submitting
20 the proposal;

21 “(iii) the experience of the person sub-
22 mitting the proposal with commercial air
23 tour operations over other national parks
24 or scenic areas;

1 “(iv) the financial capability of the
2 company;

3 “(v) any training programs for pilots
4 provided by the person submitting the pro-
5 posal; and

6 “(vi) responsiveness of the person
7 submitting the proposal to any relevant
8 criteria developed by the National Park
9 Service for the affected park.

10 “(C) NUMBER OF OPERATIONS AUTHOR-
11 IZED.—In determining the number of author-
12 izations to issue to provide commercial air tour
13 operations over a national park, the Adminis-
14 trator, in cooperation with the Director, shall
15 take into consideration the provisions of the air
16 tour management plan, the number of existing
17 commercial air tour operators and current level
18 of service and equipment provided by any such
19 operators, and the financial viability of each
20 commercial air tour operation.

21 “(D) COOPERATION WITH NPS.—Before
22 granting an application under this paragraph,
23 the Administrator, in cooperation with the Di-
24 rector, shall develop an air tour management

1 plan in accordance with subsection (b) and im-
2 plement such plan.

3 “(3) EXCEPTION.—

4 “(A) IN GENERAL.—If a commercial air
5 tour operator secures a letter of agreement
6 from the Administrator and the superintendent
7 for the national park that describes the condi-
8 tions under which the commercial air tour oper-
9 ation will be conducted, then notwithstanding
10 paragraph (1), the commercial air tour operator
11 may conduct such operations over the national
12 park under part 91 of title 14, Code of Federal
13 Regulations, if such activity is permitted under
14 part 119 of such title.

15 “(B) LIMIT ON EXCEPTIONS.—Not more
16 than 5 flights in any 30-day period over a sin-
17 gle national park may be conducted under this
18 paragraph.

19 “(4) SPECIAL RULE FOR SAFETY REQUIRE-
20 MENTS.—Notwithstanding subsection (c), an exist-
21 ing commercial air tour operator shall apply, not
22 later than 90 days after the date of enactment of
23 this section, for operating authority under part 119,
24 121, or 135 of title 14, Code of Federal Regulations.
25 A new entrant commercial air tour operator shall

1 apply for such authority before conducting commer-
2 cial air tour operations over a national park (includ-
3 ing tribal lands). The Administrator shall act on any
4 such application for a new entrant and issue a deci-
5 sion on the application not later than 24 months
6 after it is received or amended.

7 “(b) AIR TOUR MANAGEMENT PLANS.—

8 “(1) ESTABLISHMENT.—

9 “(A) IN GENERAL.—The Administrator, in
10 cooperation with the Director, shall establish an
11 air tour management plan for any national park
12 (including tribal lands) for which such a plan is
13 not in effect whenever a person applies for au-
14 thority to conduct a commercial air tour oper-
15 ation over the park. The air tour management
16 plan shall be developed by means of a public
17 process in accordance with paragraph (4).

18 “(B) OBJECTIVE.—The objective of any
19 air tour management plan shall be to develop
20 acceptable and effective measures to mitigate or
21 prevent the significant adverse impacts, if any,
22 of commercial air tours upon the natural and
23 cultural resources, visitor experiences, and trib-
24 al lands.

1 “(2) ENVIRONMENTAL DETERMINATION.—In
2 establishing an air tour management plan under this
3 subsection, the Administrator and the Director shall
4 each sign the environmental decision document re-
5 quired by section 102 of the National Environmental
6 Policy Act of 1969 (42 U.S.C. 4332) (including a
7 finding of no significant impact, an environmental
8 assessment, and an environmental impact statement)
9 and the record of decision for the air tour manage-
10 ment plan.

11 “(3) CONTENTS.—An air tour management
12 plan for a national park—

13 “(A) may limit or prohibit commercial air
14 tour operations;

15 “(B) may establish conditions for the con-
16 duct of commercial air tour operations, includ-
17 ing commercial air tour operation routes, maxi-
18 mum or minimum altitudes, time-of-day restric-
19 tions, restrictions for particular events, maxi-
20 mum number of flights per unit of time, intru-
21 sions on privacy on tribal lands, and mitigation
22 of adverse noise, visual, or other impacts;

23 “(C) may apply to all commercial air tour
24 operations;

1 “(D) shall include incentives (such as pre-
2 ferred commercial air tour operation routes and
3 altitudes and relief from flight caps and cur-
4 fews) for the adoption of quiet aircraft tech-
5 nology by commercial air tour operators con-
6 ducting commercial air tour operations over the
7 park;

8 “(E) shall provide a system for allocating
9 opportunities to conduct commercial air tours if
10 the air tour management plan includes a limita-
11 tion on the number of commercial air tour oper-
12 ations for any time period; and

13 “(F) shall justify and document the need
14 for measures taken pursuant to subparagraphs
15 (A) through (E) and include such justifications
16 in the record of decision.

17 “(4) PROCEDURE.—In establishing an air tour
18 management plan for a national park (including
19 tribal lands), the Administrator and the Director
20 shall—

21 “(A) hold at least one public meeting with
22 interested parties to develop the air tour man-
23 agement plan;

24 “(B) publish the proposed plan in the Fed-
25 eral Register for notice and comment and make

1 copies of the proposed plan available to the
2 public;

3 “(C) comply with the regulations set forth
4 in sections 1501.3 and 1501.5 through 1501.8
5 of title 40, Code of Federal Regulations (for
6 purposes of complying with the regulations, the
7 Federal Aviation Administration shall be the
8 lead agency and the National Park Service is a
9 cooperating agency); and

10 “(D) solicit the participation of any Indian
11 tribe whose tribal lands are, or may be,
12 overflowed by aircraft involved in a commercial
13 air tour operation over the park, as a cooperat-
14 ing agency under the regulations referred to in
15 subparagraph (C).

16 “(5) JUDICIAL REVIEW.—An air tour manage-
17 ment plan developed under this subsection shall be
18 subject to judicial review.

19 “(6) AMENDMENTS.—The Administrator, in co-
20 operation with the Director, may make amendments
21 to an air tour management plan. Any such amend-
22 ments shall be published in the Federal Register for
23 notice and comment. A request for amendment of an
24 air tour management plan shall be made in such

1 form and manner as the Administrator may pre-
2 scribe.

3 “(c) DETERMINATION OF COMMERCIAL AIR TOUR
4 OPERATION STATUS.—In making a determination of
5 whether a flight is a commercial air tour operation, the
6 Administrator may consider—

7 “(1) whether there was a holding out to the
8 public of willingness to conduct a sightseeing flight
9 for compensation or hire;

10 “(2) whether a narrative that referred to areas
11 or points of interest on the surface below the route
12 of the flight was provided by the person offering the
13 flight;

14 “(3) the area of operation;

15 “(4) the frequency of flights conducted by the
16 person offering the flight;

17 “(5) the route of flight;

18 “(6) the inclusion of sightseeing flights as part
19 of any travel arrangement package offered by the
20 person offering the flight;

21 “(7) whether the flight would have been can-
22 celed based on poor visibility of the surface below
23 the route of the flight; and

24 “(8) any other factors that the Administrator
25 considers appropriate.

1 “(d) INTERIM OPERATING AUTHORITY.—

2 “(1) IN GENERAL.—Upon application for oper-
3 ating authority, the Administrator shall grant in-
4 terim operating authority under this subsection to a
5 commercial air tour operator for commercial air tour
6 operations over a national park (including tribal
7 lands) for which the operator is an existing commer-
8 cial air tour operator.

9 “(2) REQUIREMENTS AND LIMITATIONS.—In-
10 terim operating authority granted under this
11 subsection—

12 “(A) shall provide annual authorization
13 only for the greater of—

14 “(i) the number of flights used by the
15 operator to provide such tours within the
16 12-month period prior to the date of enact-
17 ment of this section; or

18 “(ii) the average number of flights per
19 12-month period used by the operator to
20 provide such tours within the 36-month pe-
21 riod prior to such date of enactment, and,
22 for seasonal operations, the number of
23 flights so used during the season or sea-
24 sons covered by that 12-month period;

1 “(B) may not provide for an increase in
2 the number of commercial air tour operations
3 conducted during any time period by the com-
4 mercial air tour operator above the number that
5 the air tour operator was originally granted un-
6 less such an increase is agreed to by the Ad-
7 ministrators and the Director;

8 “(C) shall be published in the Federal Reg-
9 ister to provide notice and opportunity for com-
10 ment;

11 “(D) may be revoked by the Administrator
12 for cause;

13 “(E) shall terminate 180 days after the
14 date on which an air tour management plan is
15 established for the park or the tribal lands;

16 “(F) shall promote protection of national
17 park resources, visitor experiences, and tribal
18 lands;

19 “(G) shall promote safe operations of the
20 commercial air tour;

21 “(H) shall promote the adoption of quiet
22 technology, as appropriate; and

23 “(I) shall allow for modifications of the op-
24 eration based on experience if the modification

1 improves protection of national park resources
2 and values and of tribal lands.

3 “(e) EXEMPTIONS.—

4 “(1) IN GENERAL.—Except as provided by
5 paragraph (2), this section shall not apply to—

6 “(A) the Grand Canyon National Park;

7 “(B) tribal lands within or abutting the
8 Grand Canyon National Park; or

9 “(C) any unit of the National Park System
10 located in Alaska or any other land or water lo-
11 cated in Alaska.

12 “(2) EXCEPTION.—This section shall apply to
13 the Grand Canyon National Park if section 3 of
14 Public Law 100–91 (16 U.S.C. 1a-1 note; 101 Stat.
15 674–678) is no longer in effect.

16 “(f) DEFINITIONS.—In this section, the following
17 definitions apply:

18 “(1) COMMERCIAL AIR TOUR OPERATOR.—The
19 term ‘commercial air tour operator’ means any per-
20 son who conducts a commercial air tour operation.

21 “(2) EXISTING COMMERCIAL AIR TOUR OPERA-
22 TOR.—The term ‘existing commercial air tour opera-
23 tor’ means a commercial air tour operator that was
24 actively engaged in the business of providing com-
25 mercial air tour operations over a national park at

1 any time during the 12-month period ending on the
2 date of 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, United States Code) that is
13 within or abutting 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) CLERICAL AMENDMENT.—The table of sections
20 for chapter 401 of title 49, United States Code, is amend-
21 ed by adding at the end the following:

“40125. Overflights of national parks.”.

22 **SEC. 804. ADVISORY GROUP.**

23 (a) ESTABLISHMENT.—Not later than 1 year after
24 the date of enactment of this Act, the Administrator and
25 the Director shall jointly establish an advisory group to

1 provide continuing advice and counsel with respect to com-
2 mercial air tour operations over and near national parks.

3 (b) MEMBERSHIP.—

4 (1) IN GENERAL.—The advisory group shall be
5 composed of—

6 (A) a balanced group of —

7 (i) representatives of general aviation;

8 (ii) representatives of commercial air
9 tour operators;

10 (iii) representatives of environmental
11 concerns; and

12 (iv) representatives of Indian tribes;

13 (B) a representative of the Federal Avia-
14 tion Administration; and

15 (C) a representative of the National Park
16 Service.

17 (2) EX OFFICIO MEMBERS.—The Administrator
18 (or the designee of the Administrator) and the Di-
19 rector (or the designee of the Director) shall serve
20 as ex officio members.

21 (3) CHAIRPERSON.—The representative of the
22 Federal Aviation Administration and the representa-
23 tive of the National Park Service shall serve alter-
24 nating 1-year terms as chairman of the advisory
25 group, with the representative of the Federal Avia-

1 tion Administration serving initially until the end of
2 the calendar year following the year in which the ad-
3 visory group is first appointed.

4 (c) DUTIES.—The advisory group shall provide ad-
5 vice, information, and recommendations to the Adminis-
6 trator and the Director—

7 (1) on the implementation of this title and the
8 amendments made by this title;

9 (2) on commonly accepted quiet aircraft tech-
10 nology for use in commercial air tour operations over
11 national parks (including tribal lands), which will re-
12 ceive preferential treatment in a given air tour man-
13 agement plan;

14 (3) on other measures that might be taken to
15 accommodate the interests of visitors to national
16 parks; and

17 (4) at request of the Administrator and the Di-
18 rector, safety, environmental, and other issues relat-
19 ed to commercial air tour operations over a national
20 park (including tribal lands).

21 (d) COMPENSATION; SUPPORT; FACA.—

22 (1) COMPENSATION AND TRAVEL.—Members of
23 the advisory group who are not officers or employees
24 of the United States, while attending conferences or
25 meetings of the group or otherwise engaged in its

1 business, or while serving away from their homes or
2 regular places of business, may be allowed travel ex-
3 penses, including per diem in lieu of subsistence, as
4 authorized by section 5703 of title 5, United States
5 Code, for persons in the Government service em-
6 ployed intermittently.

7 (2) ADMINISTRATIVE SUPPORT.—The Federal
8 Aviation Administration and the National Park
9 Service shall jointly furnish to the advisory group
10 clerical and other assistance.

11 (3) NONAPPLICATION OF FACCA.—Section 14 of
12 the Federal Advisory Committee Act (5 U.S.C.
13 App.) does not apply to the advisory group.

14 **SEC. 805. REPORTS.**

15 (a) OVERFLIGHT FEE REPORT.—Not later than 180
16 days after the date of enactment of this Act, the Adminis-
17 trator shall transmit to Congress a report on the effects
18 overflight fees are likely to have on the commercial air
19 tour operation industry. The report shall include, but shall
20 not be limited to—

21 (1) the viability of a tax credit for the commer-
22 cial air tour operators equal to the amount of any
23 overflight fees charged by the National Park Service;
24 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 enactment of this Act,
6 the Administrator and the Director shall jointly transmit
7 a report to Congress on the effectiveness of this title in
8 providing incentives for the development and use of quiet
9 aircraft technology.

10 **SEC. 806. EXEMPTIONS.**

11 This title shall not apply to—

12 (1) any unit of the National Park System lo-
13 cated in Alaska; or

14 (2) any other land or water located in Alaska.

15 **SEC. 807. DEFINITIONS.**

16 In this title, the following definitions apply:

17 (1) ADMINISTRATOR.—The term “Adminis-
18 trator” means the Administrator of the Federal
19 Aviation Administration.

20 (2) DIRECTOR.—The term “Director” means
21 the Director of the National Park Service.

22 **TITLE IX—TRUTH IN BUDGETING**

23 **SEC. 901. SHORT TITLE.**

24 This title may be cited as the “Truth in Budgeting
25 Act”.

1 **SEC. 902. BUDGETARY TREATMENT OF AIRPORT AND AIR-**
2 **WAY TRUST FUND.**

3 Notwithstanding any other provision of law, the re-
4 ceipts and disbursements of the Airport and Airway Trust
5 Fund established by section 9502 of the Internal Revenue
6 Code of 1986—

7 (1) shall not be counted as new budget author-
8 ity, outlays, receipts, or deficit or surplus for pur-
9 poses of—

10 (A) the budget of the United States Gov-
11 ernment as submitted by the President,

12 (B) the congressional budget (including al-
13 locations of budget authority and outlays pro-
14 vided therein), or

15 (C) the Balanced Budget and Emergency
16 Deficit Control Act of 1985; and

17 (2) shall be exempt from any general budget
18 limitation imposed by statute on expenditures and
19 net lending (budget outlays) of the United States
20 Government.

21 **SEC. 903. SAFEGUARDS AGAINST DEFICIT SPENDING OUT**
22 **OF AIRPORT AND AIRWAY TRUST FUND.**

23 (a) IN GENERAL.—Chapter 471 of title 49, United
24 States Code, is amended by inserting after section 47134
25 the following new section:

1 **“§ 47135. Safeguards against deficit spending**

2 “(a) ESTIMATES OF UNFUNDED AVIATION AUTHOR-
3 IZATIONS AND NET AVIATION RECEIPTS.—Not later than
4 March 31 of each year, the Secretary, in consultation with
5 the Secretary of the Treasury, shall estimate—

6 “(1) the amount which would (but for this sec-
7 tion) be the unfunded aviation authorizations at the
8 close of the first fiscal year that begins after that
9 March 31, and

10 “(2) the net aviation receipts at the close of
11 such fiscal year.

12 “(b) PROCEDURE IF EXCESS UNFUNDED AVIATION
13 AUTHORIZATIONS.—If the Secretary determines for any
14 fiscal year that the amount described in subsection (a)(1)
15 exceeds the amount described in subsection (a)(2), the
16 Secretary shall determine the amount of such excess.

17 “(c) ADJUSTMENT OF AUTHORIZATIONS IF UN-
18 FUNDED AUTHORIZATIONS EXCEED RECEIPTS.—

19 “(1) DETERMINATION OF PERCENTAGE.—If the
20 Secretary determines that there is an excess referred
21 to in subsection (b) for a fiscal year, the Secretary
22 shall determine the percentage which—

23 “(A) such excess, is of

24 “(B) the total of the amounts authorized
25 to be appropriated from the Airport and Airway
26 Trust Fund for the next fiscal year.

1 “(2) ADJUSTMENT OF AUTHORIZATIONS.—If
2 the Secretary determines a percentage under para-
3 graph (1), each amount authorized to be appro-
4 priated from the Airport and Airway Trust Fund for
5 the next fiscal year shall be reduced by such percent-
6 age.

7 “(d) AVAILABILITY OF AMOUNTS PREVIOUSLY WITH-
8 HELD.—

9 “(1) ADJUSTMENT OF AUTHORIZATIONS.—If,
10 after a reduction has been made under subsection
11 (c)(2), the Secretary determines that the amount de-
12 scribed in subsection (a)(1) does not exceed the
13 amount described in subsection (a)(2) or that the ex-
14 cess referred to in subsection (b) is less than the
15 amount previously determined, each amount author-
16 ized to be appropriated that was reduced under sub-
17 section (c)(2) shall be increased, by an equal per-
18 centage, to the extent the Secretary determines that
19 it may be so increased without causing the amount
20 described in subsection (a)(1) to exceed the amount
21 described in subsection (a)(2) (but not by more than
22 the amount of the reduction).

23 “(2) APPORTIONMENT.—The Secretary shall
24 apportion amounts made available for apportionment
25 by paragraph (1).

1 “(3) PERIOD OF AVAILABILITY.—Any funds ap-
2 portioned under paragraph (2) shall remain available
3 for the period for which they would be available if
4 such apportionment took effect with the fiscal year
5 in which they are apportioned under paragraph (2).

6 “(e) REPORTS.—Any estimate under subsection (a)
7 and any determination under subsection (b), (c), or (d)
8 shall be reported by the Secretary to Congress.

9 “(f) DEFINITIONS.—For purposes of this section, the
10 following definitions apply:

11 “(1) NET AVIATION RECEIPTS.—The term ‘net
12 aviation receipts’ means, with respect to any period,
13 the excess of—

14 “(A) the receipts (including interest) of the
15 Airport and Airway Trust Fund during such
16 period, over

17 “(B) the amounts to be transferred during
18 such period from the Airport and Airway Trust
19 Fund under section 9502(d) of the Internal
20 Revenue Code of 1986 (other than paragraph
21 (1) thereof).

22 “(2) UNFUNDED AVIATION AUTHORIZATIONS.—
23 The term ‘unfunded aviation authorization’ means,
24 at any time, the excess (if any) of—

1 end of subparagraph (D), and after subparagraph
2 (D) add the following new subparagraph:

3 “(E) for the traditional aviation general
4 fund share category: \$4,580,000,000 in budget
5 authority and outlays flowing therefrom;”.

6 (2) FY 2001.—In paragraph (5), strike “and”
7 at the end of subparagraph (B), insert “and” at the
8 end of subparagraph (C), and after subparagraph
9 (C) add the following new subparagraph:

10 “(D) for the traditional aviation general
11 fund share category: \$4,914,000,000 in budget
12 authority and outlays flowing therefrom;”.

13 (3) FY 2002.—In paragraph (6), strike “and”
14 at the end of subparagraph (B), insert “and” at the
15 end of subparagraph (C), and after subparagraph
16 (C) add the following new subparagraph:

17 “(D) for the traditional aviation general
18 fund share category: \$5,375,000,000 in budget
19 authority and outlays flowing therefrom;”.

20 (4) FY 2003.—In paragraph (7), strike “and”
21 at the end of subparagraph (A), insert “and” at the
22 end of subparagraph (B), and after subparagraph
23 (B) add the following new subparagraph:

1 “(C) for the traditional aviation general
2 fund share category: \$5,772,000,000 in budget
3 authority and outlays flowing therefrom;”.

4 (5) FY 2004.—After paragraph (7), add the
5 following new paragraph:

6 “(8) with respect to fiscal year 2004, for the
7 traditional aviation general fund share category:
8 \$6,102,000,000 in budget authority and outlays
9 flowing therefrom;”.

10 (6) ADJUSTMENT OF TRADITIONAL AVIATION
11 GENERAL FUND SHARE CATEGORY.—Section 251(b)
12 of the Balanced Budget and Emergency Deficit Con-
13 trol Act of 1985 is amended by adding at the end
14 the following new paragraph:

15 “(3) ADJUSTMENT OF TRADITIONAL AVIATION
16 GENERAL FUND SHARE CATEGORY.—The traditional
17 aviation general fund share category shall be ad-
18 justed each year to equal 30 percent of the FAA
19 guaranteed spending level for budget resources set
20 forth in section 48302 of title 49, United States
21 Code.”.

22 (b) OFFSETTING ADJUSTMENT IN DISCRETIONARY
23 SPENDING LIMITS.—

24 (1) ADJUSTMENT OF DISCRETIONARY CAT-
25 EGORY FOR FISCAL YEAR 2000.—The discretionary

1 spending limits set forth in section 251(c)(4)(A) of
2 the Balanced Budget and Emergency Deficit Control
3 Act of 1985, as adjusted in conformance with sec-
4 tion 251(b) of that Act, is reduced by
5 \$1,455,000,000 in new budget authority and
6 \$1,484,000,000 in outlays.

7 (2) ADJUSTMENT OF DISCRETIONARY CAT-
8 EGORY FOR FISCAL YEAR 2001.—The discretionary
9 spending limits set forth in section 251(c)(5)(A) of
10 the Balanced Budget and Emergency Deficit Control
11 Act of 1985, as adjusted in conformance with sec-
12 tion 251(b) of that Act, is reduced by
13 \$1,455,000,000 in new budget authority and
14 \$1,460,000,000 in outlays.

15 (3) ADJUSTMENT OF DISCRETIONARY CAT-
16 EGORY FOR FISCAL YEAR 2002.—The discretionary
17 spending limits set forth in section 251(c)(6)(A) of
18 the Balanced Budget and Emergency Deficit Control
19 Act of 1985, as adjusted in conformance with sec-
20 tion 251(b) of that Act, is reduced by
21 \$1,455,000,000 in new budget authority and
22 \$1,455,000,000 in outlays.

23 (c) DEFINITION OF TRADITIONAL AVIATION GEN-
24 ERAL FUND SHARE CATEGORY.—Section 250(c)(4) of the
25 Balanced Budget and Emergency Deficit Control Act of

1 1985 is amended by adding at the end the following new
2 subparagraph:

3 “(E) The term ‘traditional aviation general
4 fund share category’ refers to the general funds por-
5 tion of the Federal Aviation Administration oper-
6 ation account (69–1301–0–1–402), consisting of an
7 amount equal to 30 percent of the FAA guaranteed
8 spending levels for budget resources set forth in sec-
9 tion 48302 of title 49, United States Code, as ad-
10 justed.”.

11 (d) ENFORCEMENT OF GUARANTEE.—Rule XXI of
12 the Rules of the House of Representatives is amended by
13 adding at the end the following new clause:

14 “6. It shall not be in order to consider a bill, joint
15 resolution, amendment, or conference report that would
16 cause total budget authority and obligation limitations for
17 the Federal Aviation Administration to be below the FAA
18 guaranteed spending level for budget resources set forth
19 in section 48302 of title 49, United States Code, as ad-
20 justed, for any fiscal year.”.

21 **SEC. 1002. BUDGET ESTIMATES.**

22 Upon the enactment of this Act, the Director of the
23 Office of Management and Budget shall not make any es-
24 timates under section 252(d) of the Balanced Budget and
25 Emergency Deficit Control Act of 1985 of changes in di-

1 rect spending outlays and receipts for any fiscal year re-
 2 sulting from this title.

3 **SEC. 1003. GUARANTEED EXPENDITURE OF AVIATION REV-**
 4 **ENUE.**

5 (a) IN GENERAL.—Part C of subtitle VII is amended
 6 by adding at the end the following:

7 **“CHAPTER 483—GUARANTEED EXPENDITURES**

“Sec.

“48301. Definitions.

“48302. Guaranteed expenditure of aviation revenues.

“48303. Revenue aligned budget authority.

“48304. Enforcement of FAA guaranteed spending levels.

“48305. Estimated aviation income.

8 **“§ 48301. Definitions**

9 “In this chapter, the following definitions apply:

10 “(1) BASE YEAR.—The term ‘base year’ means
 11 the second fiscal year before the fiscal year for
 12 which the calculation is being made.

13 “(2) BUDGET RESOURCES.—The term ‘budget
 14 resources’ means an amount equal to the sum of dis-
 15 cretionary budget authority and obligation limita-
 16 tions.

17 “(3) AIP PROGRAM.—The term ‘AIP program’
 18 means the programs for which amounts are made
 19 available under section 48103.

20 “(4) AVIATION INCOME.—The term ‘aviation in-
 21 come’ means the tax receipts credited to the Airport
 22 and Airway Trust Fund established under section

1 9502 of the Internal Revenue Code of 1986 and any
2 interest attributable to the Fund.

3 **“§ 48302. Guaranteed expenditure of aviation reve-**
4 **nues**

5 “(a) IN GENERAL.—For the purposes of this chapter
6 and rule XXI of the Rules of the House of Representa-
7 tives, the FAA guaranteed spending level for budget re-
8 sources is the level specified for the fiscal year in sub-
9 section (b), as adjusted by subsection (c).

10 “(b) FAA GUARANTEED SPENDING LEVELS FOR
11 BUDGET RESOURCES.—The FAA guaranteed spending
12 levels for budget resources are as follows:

13 “(1) \$15,267,000,000 for fiscal year 2000.

14 “(2) \$16,379,000,000 for fiscal year 2001.

15 “(3) \$17,917,000,000 for fiscal year 2002.

16 “(4) \$19,241,000,000 for fiscal year 2003.

17 “(5) \$20,339,000,000 for fiscal year 2004.

18 “(c) ADJUSTMENT TO ALIGN AVIATION SPENDING
19 WITH REVENUES.—When the President submits a budget
20 for fiscal year 2002, and each fiscal year thereafter, under
21 section 1105 of title 31, United States Code, the Director
22 of the Office of Management and Budget shall calculate
23 and the budget shall include adjustments in the FAA
24 guaranteed spending level for budget resources for such
25 fiscal year as follows:

1 “(1) If the actual level of aviation income for
2 the base year is greater than the estimated aviation
3 income level specified in section 48305 for the base
4 year, increase the FAA guaranteed spending limit
5 for budget resources for such fiscal year by the
6 amount of the excess.

7 “(2) If the actual level of aviation income for
8 the base year is less than the estimated aviation in-
9 come level specified in section 48305 for the base
10 year, decrease the FAA guaranteed spending limit
11 for budget resources for such fiscal year by the
12 amount of the reduction.

13 **“§ 48303. Revenue aligned budget authority**

14 “(a) DETERMINATION OF AMOUNT.—On the effective
15 date of an annual appropriations Act providing budget re-
16 sources for the Federal Aviation Administration, the Sec-
17 retary shall allocate to the AIP program an amount of
18 contract authority equal to any excess determined pursu-
19 ant to section 48302(c)(1).

20 “(b) AUTHORIZATION OF APPROPRIATIONS.—There
21 are authorized to be appropriated from the Airport and
22 Airway Trust Fund established under section 9502 of the
23 Internal Revenue Code of 1986 such sums as may be nec-
24 essary to carry out this section for fiscal year 2002 and
25 each fiscal year thereafter.

1 **“§ 48304. Enforcement of FAA guaranteed spending**
2 **levels**

3 “(a) DETERMINATION OF AMOUNT.—On the effective
4 date of an annual appropriations Act providing budget re-
5 sources for a fiscal year beginning after September 30,
6 1999, for the Federal Aviation Administration, the Sec-
7 retary shall allocate to the AIP program—

8 “(1) any additional amount of contract author-
9 ity for the fiscal year necessary to ensure that the
10 total amount of contract authority available for the
11 AIP program is equal to the sum of the obligation
12 limitations provided for such program in the appro-
13 priations Act; and

14 “(2) any additional amount of contract author-
15 ity for the fiscal year necessary to ensure that the
16 sum of—

17 “(A) the total amount of contract author-
18 ity available for the AIP program; and

19 “(B) the budget resources provided for the
20 programs for which amounts are made available
21 under sections 106(k), 48101(a), 48102, and
22 48112,

23 equals the FAA guaranteed spending levels for
24 budget resources for that fiscal year.

25 “(b) INCURRING OBLIGATIONS.—The Secretary may
26 incur obligations to make grants from amounts allocated

1 under subsection (a) as soon as the amounts are so allo-
2 cated.

3 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated from the Airport and
5 Airway Trust Fund established under section 9502 of the
6 Internal Revenue Code of 1986 such sums as may be nec-
7 essary to carry out this section for fiscal year 2000 and
8 each fiscal year thereafter.

9 **“§ 48305. Estimated aviation income**

10 “For purposes of section 48302(c), the estimated
11 aviation income levels are as follows:

12 “(1) \$10,097,000,000 for fiscal year 2000.

13 “(2) \$10,666,000,000 for fiscal year 2001.

14 “(3) \$11,442,000,000 for fiscal year 2002.

15 “(4) \$12,043,000,000 for fiscal year 2003.

16 “(5) \$12,657,000,000 for fiscal year 2004.”.

17 (b) CONFORMING AMENDMENT.—The table of chap-
18 ters for subtitle VII of such title is amended by inserting
19 after the item relating to chapter 482 the following:

“483. GUARANTEED EXPENDITURES 48301”.

