

FEDERAL AVIATION
AUTHORIZATION ACT OF 1996

Mr. SHUSTER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3539) to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3539

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Federal Aviation Authorization Act of 1996".

(b) TABLE OF CONTENTS.—

- Sec. 1. Short title; table of contents.
- Sec. 2. Amendments to title 49, United States Code.
- Sec. 3. Applicability.

TITLE I—REAUTHORIZATION OF FAA PROGRAMS

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

TITLE II—AIRPORT DEVELOPMENT FINANCING

- Sec. 201. Apportionments.
- Sec. 202. Discretionary fund.
- Sec. 203. Use of apportioned amounts.
- Sec. 204. Designating current and former military airports.
- Sec. 205. National Civil Aviation Review Commission.
- Sec. 206. Innovative financing techniques.

TITLE III—AIRPORT IMPROVEMENT PROGRAM MODIFICATIONS

- Sec. 301. Intermodal planning.
- Sec. 302. Compliance with Federal mandates.
- Sec. 303. Runway maintenance program.
- Sec. 304. Access to airports by intercity buses.
- Sec. 305. Cost reimbursement for projects commenced prior to grant award.
- Sec. 306. Issuance of letters of intent.
- Sec. 307. Selection of projects for grants from discretionary fund.
- Sec. 308. Small airport fund.
- Sec. 309. State block grant program.
- Sec. 310. Private ownership of airports.
- Sec. 311. Use of noise set-aside funds by non-airport sponsors.

TITLE IV—MISCELLANEOUS PROVISIONS

- Sec. 401. Elimination of dual mandate.
- Sec. 402. Purchase of housing units.
- Sec. 403. Technical correction relating to State taxation.
- Sec. 404. Use of passenger facility fees for debt financing project.
- Sec. 405. Clarification of passenger facility revenues as constituting trust funds.
- Sec. 406. Protection of voluntarily submitted information.
- Sec. 407. Supplemental type certificates.
- Sec. 408. Restriction on use of revenues.
- Sec. 409. Certification of small airports.
- Sec. 410. Employment investigations of pilots.
- Sec. 411. Child pilot safety.
- Sec. 412. Discretionary authority for criminal history records checks.
- Sec. 413. Imposition of fees.
- Sec. 414. Authority to close airport located near closed or realigned military base.
- Sec. 415. Construction of runways.

- Sec. 416. Gadsden Air Depot, Alabama.
- Sec. 417. Regulations affecting intrastate aviation in Alaska.
- Sec. 418. Westchester County Airport, New York.
- Sec. 419. Bedford Airport, Pennsylvania.
- Sec. 420. Location of Doppler radar stations, New York.
- Sec. 421. Worcester Municipal Airport, Massachusetts.
- Sec. 422. Central Florida Airport, Sanford, Florida.
- Sec. 423. Aircraft Noise Ombudsman.
- Sec. 424. Special rule for privately owned reliever airports.

TITLE V—EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURES

- Sec. 501. Extension of Airport and Airway Trust Fund Expenditures.

TITLE VI—FEDERAL AVIATION ADMINISTRATION RESEARCH, ENGINEERING, AND DEVELOPMENT

- Sec. 601. Short title.
- Sec. 602. Authorization of appropriations.
- Sec. 603. Research priorities.
- Sec. 604. Research advisory committee.
- Sec. 605. National aviation research plan.

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

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

SEC. 3. APPLICABILITY.

(a) IN GENERAL.—Except as otherwise specifically provided, this Act and the amendments made by this Act shall apply only to fiscal years beginning after September 30, 1996.

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

TITLE I—REAUTHORIZATION OF FAA PROGRAMS

SEC. 101. AIRPORT IMPROVEMENT PROGRAM.

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

(1) by striking "September 30, 1981" and inserting "September 30, 1996"; and

(2) by striking "\$17,583,500,000" and all that follows through the period at the end and inserting the following: "\$2,280,000,000 for fiscal years ending before October 1, 1997, \$4,627,000,000 for fiscal years ending before October 1, 1998, and \$7,039,000,000 for fiscal years ending before October 1, 1999."

(b) OBLIGATIONAL AUTHORITY.—Section 47104(c) is amended by striking "1996" and inserting "1999".

SEC. 102. AIRWAY FACILITIES IMPROVEMENT PROGRAM.

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

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

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

"(3) \$2,191,000,000 for fiscal year 1999."

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

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

"§48101. Air navigation facilities and equipment"; and

(2) in the table of sections by striking the item relating to section 48101 and inserting the following:

"48101. Air navigation facilities and equipment."

SEC. 103. OPERATIONS OF FAA.

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

amended by striking "\$4,088,000,000" and all that follows through the period at the end and inserting the following: "\$5,158,000,000 for fiscal year 1997, \$5,344,000,000 for fiscal year 1998, and \$5,538,000,000 for fiscal year 1999."

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

(1) in the subsection heading by striking "1996" and inserting "1999"; and

(2) by striking "1994, 1995, and 1996" and inserting "1994 through 1999".

(c) LIMITATION ON OBLIGATING OR EXPENDING AMOUNTS.—Section 48108(c) is amended by striking "1996" and inserting "1999".

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

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

"§48104. Operations and maintenance"; and

(2) in the table of sections for such chapter by striking the item relating to section 48104 and inserting the following:

"48104. Operations and maintenance."

TITLE II—AIRPORT DEVELOPMENT FINANCING

SEC. 201. APPORTIONMENTS.

(a) AMOUNTS APPORTIONED TO SPONSORS.—

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

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

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

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

(D) by adding at the end the following:

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

(2) CARGO ONLY AIRPORTS.—Section 47114(c)(2) of such title is amended to read as follows:

"(2) CARGO ONLY AIRPORTS.—

"(A) APPORTIONMENT.—Subject to subparagraph (D), the Secretary shall apportion an amount equal to 2.5 percent of the amount subject to apportionment each fiscal year to the sponsors of airports served by aircraft providing air transportation of only cargo with a total annual landed weight of more than 100,000,000 pounds.

"(B) SUBALLOCATION FORMULA.—Any funds apportioned under subparagraph (A) to sponsors of airports described in subparagraph (A) shall be allocated among those airports in the proportion that the total annual landed weight of aircraft described in subparagraph (A) landing at each of those airports bears to the total annual landed weight of those aircraft landing at all those airports.

"(C) LIMITATION.—Not more than 8 percent of the amount apportioned under subparagraph (A) may be apportioned for any one airport.

"(D) DISTRIBUTION TO OTHER AIRPORTS.—Before apportioning amounts to the sponsors of airports under subparagraph (A) for a fiscal year, the Secretary may set-aside a portion of such amounts for distribution to the sponsors of other airports, selected by the Secretary, that the Secretary finds will be served primarily by aircraft providing air transportation of only cargo.

"(E) DETERMINATION OF LANDED WEIGHT.—Landed weight under this paragraph is the landed weight of aircraft landing at each airport described in subparagraph (A) during the prior calendar year."

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

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

(1) by striking "12" and inserting "18.5";

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

(3) in each of subparagraphs (B) and (C) by striking "49.5" and inserting "49.67"; and

(4) in each of subparagraphs (B) and (C) by striking "except" the second place it appears and all that follows through "title," and inserting "excluding primary airports but including reliever and nonprimary commercial service airports."

SEC. 202. DISCRETIONARY FUND.

Section 47115 is amended by striking the second subsection (f), relating to minimum amounts to be credited, and inserting the following:

"(g) MINIMUM AMOUNT TO BE CREDITED.—

"(1) GENERAL RULE.—In a fiscal year, there shall be credited to the fund, out of amounts made available under section 48103 of this title, an amount that is at least equal to the sum of—

"(A) \$50,000,000; plus

"(B) the total amount required from the fund to carry out in the fiscal year letters of intent issued before January 1, 1996, under section 47110(e) of this title or the Airport and Airway Improvement Act of 1982.

The amount credited is exclusive of amounts that have been apportioned in a prior fiscal year under section 47114 of this title and that remain available for obligation.

"(2) REDUCTION OF APPORTIONMENTS.—In a fiscal year in which the amount credited under subsection (a) is less than the minimum amount to be credited under paragraph (1), the total amount calculated under paragraph (3) shall be reduced by an amount that, when credited to the fund, together with the amount credited under subsection (a), equals such minimum amount.

"(3) AMOUNT OF REDUCTION.—For a fiscal year, the total amount available to make a reduction to carry out paragraph (2) is the total of the amounts determined under sections 47114(c)(1)(A), 47114(c)(2), 47114(d), and 47117(e) of this title. Each amount shall be reduced by an equal percentage to achieve the reduction.

"(h) ALLOCATION OF AMOUNTS EXCEEDING LETTER OF INTENT REQUIREMENTS.—Of the amount credited to the fund for a fiscal year which exceeds the total amount required from the fund to carry out in the fiscal year letters of intent issued before January 1, 1996, under section 47110(e) of this title or the Airport and Airway Improvement Act of 1982—

"(1) not less than 15 percent shall be used for system planning and for making grants to airports that are not commercial service airports; and

"(2) not less than 30 percent shall be used for making grants to commercial service airports that each year have less than .25 percent of the total passenger boardings in the United States."

SEC. 203. USE OF APPORTIONED AMOUNTS.

(a) PERIOD OF AVAILABILITY.—Section 47117(b) is amended by inserting before the period at the end of the first sentence the following: "or the 3 fiscal years immediately following that year in the case of a primary airport that had less than .05 percent of the total boardings in the United States in the preceding calendar year".

(b) SPECIAL APPORTIONMENT CATEGORIES.—Section 47117(e)(1) is amended—

(1) by striking "made available under section 48103" and inserting "available to the discretionary fund under section 47115";

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

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

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

(5) by adding at the end of subparagraph (A), as so redesignated, the following: "The

Secretary may count the amount of grants made for such planning and programs with funds apportioned under section 47114 in that fiscal year in determining whether or not such 31 percent requirement is being met in that fiscal year.";

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

(7) by inserting before the period at the end of subparagraph (B), as so redesignated, the following: "and to sponsors of noncommercial service airports for grants for operational and maintenance expenses at any such airport if the amount of such grants to the sponsor of the airport does not exceed \$30,000 in that fiscal year, if the Secretary determines that the airport is adversely affected by the closure or realignment of a military base, and if the sponsor of the airport certifies that the airport would otherwise close if the airport does not receive the grant".

SEC. 204. DESIGNATING CURRENT AND FORMER MILITARY AIRPORTS.

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

(1) by striking "not more than 15";

(2) by inserting after the first sentence the following: "The maximum number of airports which may be designated by the Secretary under this section at any time is 10."; and

(3) by striking "reduce delays" and all that follows through "landings" and inserting the following: "enhance airport and air traffic control system capacity in major metropolitan areas and reduce current or projected flight delays".

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

(1) in subsections (a) and (d) by striking "section 47117(e)(1)(E)" and inserting "section 47117(e)(1)(B)"; and

(2) by striking subsections (b) and (c) and redesignating subsections (d), (e), and (f) as subsections (b), (c), and (d), respectively.

(c) PARKING LOTS, FUEL FARMS, UTILITIES, AND HANGARS.—Subsection (d) of section 47118, as redesignated by subsection (b) of this section, is amended—

(1) in the heading by striking "AND UTILITIES" and inserting "UTILITIES, AND HANGARS";

(2) by striking "for the fiscal years ending September 30, 1993–1996," and inserting "for fiscal years beginning after September 30, 1992,"; and

(3) by striking "and utilities" and inserting "utilities, and hangars".

SEC. 205. NATIONAL CIVIL AVIATION REVIEW COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the National Civil Aviation Review Commission (hereinafter in this section referred to as the "Commission").

(b) FUNCTIONS.—In order to provide Federal policymakers with objective information and recommendations concerning the future of civil aviation in the 21st century, the Commission shall conduct a comprehensive review of aviation safety oversight, airport capital needs, and the long-term capital and operating funding requirements of the Federal Aviation Administration. Matters to be studied by the Commission shall include, but not be limited to, the following:

(1) A review of the overall condition of aviation safety in the United States and emerging trends in the safety of particular sectors of the aviation industry. This review shall include a review of—

(A) the extent to which the dual mission of the Administration to promote and regulate

civil aviation may undermine aviation safety;

(B) the adequacy of staffing and training resources for safety personnel of the Administration, including safety inspectors; and

(C) the Administration's processes for ensuring the public safety from fraudulent parts in civil aviation and the extent to which use of suspected unapproved parts requires additional oversight or enforcement action.

(2) A review of current and projected airport capital development needs and an assessment of various financing mechanisms to meet these needs by type and size of airport. This review shall include a review of—

(A) alternate financing mechanisms for airports, including the airport improvement program, passenger facility charges, tax-exempt bonds, State and local assistance, airport privatization, infrastructure banks, government-sponsored enterprises, and leveraging of Federal airport financing that takes into consideration the special needs of nonhub airports and general aviation airports; and

(B) the effect of alternate funding levels of the Federal Aviation Administration airport improvement program, ranging from elimination of funding to full funding of airport development requirements.

(3) A review of the Administration's current and projected financial requirements, alternate methods of financing those requirements in the future, and recommendations on an overall long-range financial plan for the Administration which would provide for future growth in the Nation's air traffic system while improving the management and performance of the system and providing for continued safety improvements. Such financing methods include loan guarantees, financial partnerships with for-profit private sector entities, multiyear appropriations, revolving loan funds, mandatory spending authority, authority to borrow, restructured grant programs, aviation taxes, and user fees.

(4) A review of the air transportation needs of rural communities, an assessment of the ability of various financing mechanisms to fund programs designed to meet those needs, and an evaluation and recommendation concerning innovative financing mechanisms designed to meet those needs.

(c) MEMBERSHIP.—The Commission shall be composed of 13 members, appointed from persons knowledgeable about civil aviation in the United States and who are specifically qualified by training and experience to perform the duties of the Commission, as follows:

(1) 3 members appointed by the Secretary of Transportation, in consultation with the Secretary of the Treasury.

(2) 10 members appointed by Congress as follows:

(A) 1 member appointed by each of the chairman and ranking minority member of the Committee on Transportation and Infrastructure of the House of Representatives.

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

(C) 1 member appointed by each of the chairman and ranking minority member of the Committee on Commerce, Science, and Transportation of the Senate.

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

(E) 1 member appointed by each of the chairman and ranking minority member of the Committee on Ways and Means of the House of Representatives.

(d) RESTRICTION ON APPOINTMENT OF CURRENT AVIATION EMPLOYEES.—A member appointed under subsection (c)(1) may not be an employee of an airline, airport, aviation union, or aviation trade association at the time of appointment or while serving on the Commission.

(e) TIMING OF APPOINTMENTS.—The appointing authorities shall make their appointments to the Commission not later than 30 days after the date of the enactment of this Act.

(f) CHAIRMAN.—In consultation with the Secretary of Transportation, the Speaker of the House of Representatives and the Majority Leader of the Senate shall designate a chairman and vice chairman from among the members of the Commission not later than 30 days after appointment of the last member to the Commission.

(g) PERIOD OF APPOINTMENT AND VACANCIES.—Members shall be appointed for the life of the Commission, and any vacancy on the Commission shall not affect its powers but shall be filled in the same manner, and by the same appointing authority, as the original appointment.

(h) QUORUM.—A majority of the members of the Commission shall constitute a quorum to conduct business, but the Commission may establish a lesser number for conducting hearings scheduled by the Commission.

(i) POWERS OF THE COMMISSION.—

(1) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, administer such oaths, take such testimony, and receive such evidence as the Commission considers advisable to carry out its duties.

(2) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information or documents as the Commission considers necessary to carry out its duties, unless the head of such department or agency advises the chairman of the Commission, in writing, that such information is confidential and that its release to the Commission would jeopardize aviation safety, the national security, or pending criminal investigations.

(3) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(4) TRAVEL AND PER DIEM.—Members and staff of the Commission shall be paid travel expenses, including per diem in lieu of subsistence, when away from his or her usual place of residence, in accordance with section 5703 of title 5, United States Code.

(j) INDEPENDENT AUDIT.—

(1) CONTRACTS.—Immediately following the designation of the chairman of the Commission, the Commission shall contract with an entity independent of the Federal Aviation Administration and the Department of Transportation to conduct a complete audit of the financial requirements of the Administration, considering anticipated air traffic forecasts, other workload measures, and estimated productivity gains which lead to budgetary requirements.

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

(k) FINAL REPORT.—Not later than 1 year after the date of the appointment of the last member to the Commission under subsection (c), the Commission shall submit to Congress and the Administrator a final report on the findings of the Commission with corresponding recommendations. Included with this report shall be the independent audit required under subsection (j).

(l) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated \$2,400,000 for activities of the Commission, including the independent audit under subsection (j), to remain available until expended.

(m) GAO ASSESSMENT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall transmit to the Commission and Congress an independent assessment of airport development needs.

SEC. 206. INNOVATIVE FINANCING TECHNIQUES.

(a) IN GENERAL.—The Secretary of Transportation is authorized to carry out a demonstration program under which the Secretary may approve applications under subchapter I of chapter 471 of title 49, United States Code, for not more than 10 projects for which grants received under such subchapter may be used to implement innovative financing techniques.

(b) PURPOSE.—The purpose of the demonstration program shall be to provide information on the use of innovative financing techniques for airport development projects to the Congress and the National Civil Aviation Review Commission established by section 205 of this Act.

(c) LIMITATION.—In no case shall the implementation of an innovative financing technique under the demonstration program result in a direct or indirect guarantee of any airport debt instrument by the Federal Government.

(d) INNOVATIVE FINANCING TECHNIQUE DEFINED.—In this section, the term "innovative financing technique" shall be limited to the following:

(1) Payment of interest.

(2) Commercial bond insurance and other credit enhancement associated with airport bonds for eligible airport development.

(3) Flexible non-Federal matching requirements.

(e) EXPIRATION OF AUTHORITY.—The authority of the Secretary to carry out the demonstration program shall expire on September 30, 1999.

TITLE III—AIRPORT IMPROVEMENT PROGRAM MODIFICATIONS

SEC. 301. INTERMODAL PLANNING.

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

"(g) INTERMODAL PLANNING.—To carry out the policy of subsection (a)(5) of this section, the Secretary of Transportation shall take each of the following actions:

"(1) COORDINATION IN DEVELOPMENT OF AIRPORT PLANS AND PROGRAMS.—Cooperate with State and local officials in developing airport plans and programs that are based on overall transportation needs. The airport plans and programs shall be developed in coordination with other transportation planning and considering comprehensive long-range land-use plans and overall social, economic, environmental, system performance, and energy conservation objectives. The process of developing airport plans and programs shall be continuing, cooperative, and comprehensive to the degree appropriate to the complexity of the transportation problems.

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

"(A) foster effective coordination between aviation planning and metropolitan planning;

"(B) include an evaluation of aviation needs within the context of multimodal planning; and

"(C) are integrated with metropolitan plans to ensure that airport development proposals include adequate consideration of land use and ground transportation access.

"(3) REPRESENTATION OF AIRPORT OPERATORS ON MPO'S.—Encourage metropolitan planning organizations, particularly in areas with populations greater than 200,000, to establish membership positions for airport operators."

(b) REQUIREMENTS FOR PROJECT GRANT APPLICATIONS.—Section 47106(a) is amended—

(1) by inserting ", including transportation and land use plans" before the semicolon at the end of paragraph (1);

(2) by striking "and" at the end of paragraph (4);

(3) by striking the period at the end of paragraph (5) and inserting "; and"; and

(4) by adding at the end the following:

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

"(A) provided the metropolitan planning organization authorized to conduct metropolitan planning for the area in which the airport is to be located with not less than 30 days (i) to review the airport master plan or the airport layout plan in which the project is described and depicted, and (ii) to submit comments on such plans to the sponsor; and

"(B) included in the sponsor's application to the Secretary the sponsor's written responses to any comments made by the metropolitan planning organization."

SEC. 302. COMPLIANCE WITH FEDERAL MAN-DATES.

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

(1) in subparagraph (E) by inserting "or under section 40117" before the period at the end; and

(2) in subparagraph (F) by striking "paid for by a grant under this subchapter and".

(b) USE OF PASSENGER FACILITY CHARGES.—Section 40117(a)(3) is amended by striking subparagraph (F).

SEC. 303. RUNWAY MAINTENANCE PROGRAM.

(a) AUTHORITY.—Section 47105 is amended by adding at the end the following:

"(g) RUNWAY MAINTENANCE PROGRAM.—The Secretary may carry out a pilot program in each of fiscal years 1997, 1998, and 1999 under which the Secretary may approve applications under this subchapter for not more than 10 projects in each of such fiscal years to preserve and extend the useful life of runways and taxiways at any airport for which an amount is apportioned under section 47114(d)."

(b) INCLUSION IN AIRPORT DEVELOPMENT ACTIVITIES.—Section 47102(3) is amended by adding at the end the following:

"(H) preserving and extending the useful life of runways and taxiways at a public-use airport under the pilot program authorized by section 47105(g) of this title."

SEC. 304. ACCESS TO AIRPORTS BY INTERCITY BUSES.

Section 47107(a) is amended—

(1) by striking "and" at the end of paragraph (18);

(2) by striking the period at the end of paragraph (19) and inserting "; and"; and

(3) by adding at the end the following:

"(20) the airport owner or operator will permit, to the maximum extent practicable, intercity buses to have access to the airport."

SEC. 305. COST REIMBURSEMENT FOR PROJECTS COMMENCED PRIOR TO GRANT AWARD.

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

"(C) if the Government's share is paid only with amounts apportioned under paragraphs (1) and (2) of section 47114(c) of this title and if the cost is incurred—

"(i) after September 30, 1996;

"(ii) before a grant agreement is executed for the project; and

"(iii) in accordance with an airport layout plan approved by the Secretary and with all

statutory and administrative requirements that would have been applicable to the project if the project had been carried out after the grant agreement had been executed.”.

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

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

SEC. 306. ISSUANCE OF LETTERS OF INTENT.

Section 47110(e) is amended—

(1) by redesignating paragraph (6) as paragraph (9); and

(2) by inserting after paragraph (5) the following:

“(6) COST-BENEFIT REGULATIONS.—The Secretary shall issue regulations to require a cost-benefit analysis for any letter of intent to be issued under paragraph (1) for a project at an airport that each year has more than .25 percent of the total passenger boardings in the United States. Until the date on which such regulations take effect, the Secretary may not issue a letter of intent under paragraph (1) for any project that is not yet under construction and that is to be carried out at an airport described in the preceding sentence.

“(7) FINANCING PLANS.—The Secretary shall require airport sponsors to provide, as part of any request for a letter of intent for a project under paragraph (1), specific details on the proposed financing plan for the project.

“(8) CONSIDERATION.—The Secretary shall consider the effect of a project on overall national air transportation policy when reviewing requests for letters of intent under paragraph (1).”.

SEC. 307. SELECTION OF PROJECTS FOR GRANTS FROM DISCRETIONARY FUND.

Section 47115(d) is amended—

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

(2) by striking the period at the end of paragraph (3) and inserting a semicolon; and

(3) by adding at the end the following:

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

“(5) the projected growth in the number of passengers that will be using the airport at which the project will be carried out; and

“(6) any increase in the number of passenger boardings in the preceding 12-month period at the airport at which the project will be carried out, with priority consideration to be given to projects at airports at which the number of passenger boardings increased by at least 20 percent as compared to the number of passenger boardings in the 12-month period preceding such period.”.

SEC. 308. SMALL AIRPORT FUND.

Section 47116 is amended by adding at the end the following:

“(d) PRIORITY CONSIDERATION FOR CERTAIN PROJECTS.—In making grants to sponsors described in subsection (b)(2), the Secretary shall give priority consideration to multi-year projects for construction of new runways that the Secretary finds are cost beneficial and would increase capacity in a region of the United States.”.

SEC. 309. STATE BLOCK GRANT PROGRAM.

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

(1) in subsection (a) by striking “7” and inserting “10”;

(2) in subsection (b)(1)—

(A) by striking “(1)”;

(B) by redesignating subparagraphs (A) through (E) as paragraphs (1) through (5), respectively; and

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

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

(1) by striking “(b)(1)(B) or (C)” and inserting “(b)(2) or (b)(3)”;

and

(2) by adding at the end the following: “In carrying out this subsection, the Secretary shall permit a State to use the priority system of the State if such system is not inconsistent with the national priority system.”.

(c) REPEAL OF EXPIRATION DATE.—

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

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

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

(C) by striking subsection (d).

(2) CONFORMING AMENDMENT.—The table of sections for chapter 471 is amended by striking the item relating to section 47128 and inserting the following: “47128. State block grant program.”.

SEC. 310. PRIVATE OWNERSHIP OF AIRPORTS.

(a) ESTABLISHMENT OF PROGRAM.—

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

“§ 47132. Private ownership of airports

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

“(b) APPROVAL OF APPLICATIONS.—The Secretary may approve, with respect to not more than 6 airports, applications submitted under subsection (a) granting exemptions from the following provisions:

“(1) USE OF REVENUES.—

“(A) IN GENERAL.—The Secretary may grant an exemption to a sponsor from the provisions of sections 44706(d) and 47107(b) of this title (and any other law, regulation, or grant assurance) to the extent necessary to permit the sponsor to recover from the sale or lease of the airport such amount as may be approved—

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

“(ii) by the air carrier or air carriers whose aircraft landing at the airport during the preceding calendar year had a total landed weight during the preceding calendar year of at least 60 percent of the total landed weight of all aircraft landing at the airport during such year.

“(B) LANDED WEIGHT DEFINED.—In this paragraph, the term ‘landed weight’ means the weight of aircraft transporting passengers or cargo, or both, in intrastate, interstate, and foreign air transportation, as the Secretary determines under regulations the Secretary prescribes.

“(2) REPAYMENT REQUIREMENTS.—The Secretary may grant an exemption to a sponsor from the provisions of sections 47107 and 47152 of this title (and any other law, regulation, or grant assurance) to the extent necessary to waive any obligation of the sponsor to repay to the Federal Government any grants, or to return to the Federal Government any property, received by the airport under this title, the Airport and Airway Improvement Act of 1982, or any other law.

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

“(c) TERMS AND CONDITIONS.—The Secretary may approve an application under subsection (b) only if the Secretary finds that the sale or lease agreement includes provisions satisfactory to the Secretary to ensure the following:

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

“(2) The operation of the airport will not be interrupted in the event that the purchaser or lessee becomes insolvent or seeks or becomes subject to any State or Federal bankruptcy, reorganization, insolvency, liquidation, or dissolution proceeding or any petition or similar law seeking the dissolution or reorganization of the purchaser or lessee or the appointment of a receiver, trustee, custodian, or liquidator for the purchaser or lessee or a substantial part of the purchaser or lessee’s property, assets, or business.

“(3) The purchaser or lessee will maintain and improve the facilities of the airport and will submit to the Secretary a plan for carrying out such maintenance and improvements.

“(4) Every fee of the airport imposed on an air carrier on the day before the date of the sale or lease of the airport will not increase faster than the rate of inflation unless a higher amount is approved—

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

“(B) by the air carrier or air carriers whose aircraft landing at the airport during the preceding calendar year had a total landed weight during the preceding calendar year of at least 60 percent of the total landed weight of all aircraft landing at the airport during such year.

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

“(6) The adverse effects of noise from operations at the airport will be mitigated to the same extent as at a public airport.

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

“(8) Any collective bargaining agreement that covers employees of the airport and is in effect on the date of the sale or lease of the airport will not be abrogated by the sale or lease.

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

“(e) PASSENGER FACILITY FEES; APPORTIONMENTS; SERVICE CHARGES.—Notwithstanding that the sponsor of an airport receiving an exemption under subsection (b) is not a public agency, the sponsor shall not be prohibited from—

“(1) imposing a passenger facility fee under section 40117 of this title;

“(2) receiving apportionments under section 47114 of this title; or

“(3) collecting reasonable rental charges, landing fees, and other service charges from aircraft operators under section 40116(e)(2) of this title.

“(f) EFFECTIVENESS OF EXEMPTIONS.—An exemption granted under subsection (b) shall continue in effect only so long as the facilities sold or leased continue to be used for airport purposes.

“(g) REVOCATION OF EXEMPTIONS.—The Secretary may revoke an exemption issued to a purchaser or lessee of an airport under subsection (b)(3) if, after providing the purchaser or lessee with notice and an opportunity to be heard, the Secretary determines that the purchaser or lessee has knowingly violated any of the terms specified in subsection (c) for the sale or lease of the airport.

“(h) NONAPPLICATION OF PROVISIONS TO AIRPORTS OWNED BY PUBLIC AGENCIES.—The provisions of this section requiring the approval of air carriers in determinations concerning the use of revenues, and imposition of fees, at an airport shall not be extended so as to apply to any airport owned by a public agency that is not participating in the program established by this section.”.

(2) CONFORMING AMENDMENT.—The table of sections for such chapter is further amended by adding at the end the following:

“47132. Private ownership of airports.”.

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

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

(2) by inserting after “of a State” the following: “, and any person that has purchased or leased an airport under section 47132 of this title”.

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

“(4) FEES IMPOSED BY PRIVATELY-OWNED AIRPORTS.—In evaluating the reasonableness of a fee imposed by an airport receiving an exemption under section 47132 of this title, the Secretary shall consider whether the airport has complied with section 47132(c)(4).”.

SEC. 311. USE OF NOISE SET-ASIDE FUNDS BY NON-AIRPORT SPONSORS.

Section 47505 is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) in subsection (c), as so redesignated, by striking “subsection (a) of” and inserting “subsection (a) or (b) of”; and

(3) by inserting after subsection (a) the following:

“(b) GRANTS TO NON-AIRPORT SPONSORS.—

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

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

“(3) COORDINATION OF PLANNING ACTIVITIES.—

“(A) CONSISTENCY WITH OTHER PLANNING.—An airport land use compatibility plan prepared by a State or unit of local government under this subsection may not duplicate or be inconsistent with an airport noise compatibility program prepared by an airport operator under this chapter or with other planning carried out by the airport operator.

“(B) CONSULTATION WITH AIRPORT OWNERS AND OPERATORS.—A State or unit of local government receiving a grant under this subsection for preparation of an airport land use compatibility plan shall consult with the owner or operator of the airport for which the plan is being prepared regarding any recommended airport land use compatibility measure identified in the plan and any aviation data on which such recommendation is made.

“(4) APPROVAL OF AIRPORT OWNER OR OPERATOR REQUIRED.—The Secretary may make a grant to a State or unit of local government under this subsection for preparation of an airport land use compatibility plan or implementation of an airport land use compatibility project only after receiving the approval of the owner or operator of the airport for which the plan or project is being prepared or implemented. Such approval shall be

based on whether the plan or program, including the use of any noise exposure contours on which the plan or project is based, has been coordinated with the airport and is consistent with the airport’s operations and planning.

“(5) WRITTEN ASSURANCES.—The Secretary may make a grant to a State or unit of local government under this subsection only after receiving from the State or unit of local government such written assurances as the Secretary determines necessary to achieve the purposes of this subsection.

“(6) GUIDELINES.—The Secretary may establish guidelines in carrying out this subsection.

“(7) DEFINITIONS.—In this subsection, the following definitions apply:

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

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

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

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

“(B) AIRPORT LAND USE COMPATIBILITY PLAN.—The term ‘airport land use compatibility plan’ means the product of a process to determine the extent, type, nature, location, and timing of measures to improve the compatibility of land use with the existing forecast level of aviation activity at an airport.

“(C) AIRPORT LAND USE COMPATIBILITY PROJECT.—The term ‘airport land use compatibility project’ means a project that is contained in an airport land use compatibility plan and determined by the Administrator to enhance airport compatible land use.”.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. ELIMINATION OF DUAL MANDATE.

(a) SAFETY AS HIGHEST PRIORITY.—Section 40101(d) is amended—

(1) by redesignating paragraphs (1) through (6) as paragraphs (2) through (7), respectively; and

(2) by inserting before paragraph (2), as so redesignated, the following:

“(1) assigning, maintaining, and enhancing safety and security as the highest priorities in air commerce.”.

(b) ELIMINATION OF PROMOTION.—

(1) POLICY.—Section 40101(d) is further amended—

(A) in paragraph (2), as redesignated by subsection (a)(1) of this section, by striking “its development and”; and

(B) in paragraph (3), as so redesignated—

(i) by striking “promoting, encouraging,” and inserting “encouraging”; and

(ii) by inserting before the period at the end “, including new aviation technology”.

(2) DEVELOPMENT.—Section 40104(a) is amended by striking “and air commerce”.

(3) CONFORMING AMENDMENTS.—Chapter 401 is amended—

(A) in the heading to section 40104 by striking “and air commerce”;

(B) in the subsection heading to section 40104(a) by striking “AND AIR COMMERCE”; and

(C) in the item relating to section 40104 in the table of sections at the beginning of the chapter by striking “and air commerce”.

SEC. 402. PURCHASE OF HOUSING UNITS.

Section 40110 is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

“(b) PURCHASE OF HOUSING UNITS.—

“(1) AUTHORITY.—In carrying out this part, the Administrator may purchase a housing

unit (including a condominium or a housing unit in a building owned by a cooperative) that is located outside the contiguous United States if the cost of the unit is \$200,000 or less.

“(2) CONTINUING OBLIGATIONS.—Notwithstanding section 1341 of title 31, the Administrator may purchase a housing unit under paragraph (1) even if there is an obligation thereafter to pay necessary and reasonable fees duly assessed upon such unit, including fees related to operation, maintenance, taxes, and insurance.

“(3) CERTIFICATION TO CONGRESS.—The Administrator may purchase a housing unit under paragraph (1) only if, at least 30 days before completing the purchase, the Administrator transmits to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing—

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

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

“(C) a certification that purchasing the housing unit is the most cost-beneficial means of providing necessary accommodations in carrying out this part.

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

SEC. 403. TECHNICAL CORRECTION RELATING TO STATE TAXATION.

Section 40116(b) is amended by striking “subsection (c) of this section and”.

SEC. 404. USE OF PASSENGER FACILITY FEES FOR DEBT FINANCING PROJECT.

Section 40117(a)(3) is amended by adding at the end the following:

“(G) for debt financing of a terminal development project at a commercial service airport that each year has .05 percent or less of the total passenger boardings in the United States if construction began on the project after November 5, 1988, and before November 5, 1990, and the eligible agency certifies that no other eligible airport-related projects affecting safety, security, or capacity will be deferred by the debt financing project.”.

SEC. 405. CLARIFICATION OF PASSENGER FACILITY REVENUES AS CONSTITUTING TRUST FUNDS.

Section 40117(g) is amended by adding at the end the following:

“(4) Passenger facility revenues that are held by an air carrier or an agent of the carrier after collection of a passenger facility fee constitute a trust fund that is held by the air carrier or agent for the beneficial interest of the eligible agency imposing the fee. Such carrier or agent holds neither legal nor equitable interest in the passenger facility revenues except for any handling fee or retention of interest collected on unremitted proceeds as may be allowed by the Secretary.”.

SEC. 406. PROTECTION OF VOLUNTARILY SUBMITTED INFORMATION.

(a) IN GENERAL.—Chapter 401 is amended by redesignating section 40120 as section 40121 and by inserting after section 40119 the following:

“§40120. Protection of voluntarily submitted information

“(a) GENERAL RULE.—Notwithstanding any other provision of law, neither the Administrator of the Federal Aviation Administration, nor any agency receiving information from the Administrator, may disclose voluntarily provided safety or security related information if the Administrator finds that—

“(1) the disclosure of the information would inhibit the voluntary provision of that type of information;

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

“(3) the withholding of the information would not be inconsistent with the Administrator's safety and security responsibilities.

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

(b) CONFORMING AMENDMENT.—The table of sections for chapter 401 is amended by striking the item relating to section 40120 and inserting the following:

“40120. Protection of voluntarily submitted information.

“40121. Relationship to other laws.”.

SEC. 407. SUPPLEMENTAL TYPE CERTIFICATES.

Section 44704 is amended—

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

(2) by inserting after subsection (a) the following:

“(b) SUPPLEMENTAL TYPE CERTIFICATES.—

“(1) ISSUANCE.—The Administrator may issue a type certificate designated as a supplemental type certificate for a change to an aircraft, aircraft engine, propeller, or appliance.

“(2) CONTENTS.—A supplemental type certificate issued under paragraph (1) shall consist of the change to the aircraft, aircraft engine, propeller, or appliance with respect to the previously issued type certificate for the aircraft, aircraft engine, propeller, or appliance.

“(3) REQUIREMENT.—If the holder of a supplemental type certificate agrees to permit another person to use the certificate to modify an aircraft, aircraft engine, propeller, or appliance, the holder shall provide the other person with written evidence, in a form acceptable to the Administrator, of that agreement. A person may change an aircraft, aircraft engine, propeller, or appliance based on a supplemental type certificate only if the person requesting the change is the holder of the supplemental type certificate or has permission from the holder to make the change.”.

SEC. 408. RESTRICTION ON USE OF REVENUES.

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

“(d) USE OF REVENUES.—

“(1) PROHIBITION.—A person holding an airport operating certificate under this section may not expend local taxes on aviation fuel (except taxes in effect on December 30, 1987) or the revenues generated by the airport for any purpose other than the capital or operating costs of—

“(A) the airport;

“(B) the local airport system; or

“(C) other local facilities owned or operated by the person and directly and substantially related to the air transportation of passengers or property.

“(2) EXCEPTIONS.—Paragraph (1) does not apply—

“(A) if a provision enacted not later than September 2, 1982, in a law controlling financing by the owner or operator, or a covenant or assurance in a debt obligation issued not later than September 2, 1982, by the owner or operator, provides that the revenues, including local taxes on aviation fuel at public airports, from any of the facilities of the owner or operator, including the airport, be used to support not only the airport but also the general debt obligations or other facilities of the owner or operator; or

“(B) if the airport operating certificate is for a heliport.

“(3) AUTHORITY TO ISSUE WAIVERS TO AIRPORTS NOT RECEIVING GRANT ASSISTANCE.—

The Administrator may waive the application of paragraph (1) with respect to any airport that has not received grant assistance under chapter 471 of this title or the Airport and Airway Improvement Act of 1982 in the 10-year period ending on the date of the enactment of this subsection.

“(4) LIMITATION ON STATUTORY CONSTRUCTION.—This subsection does not prevent the use of a State tax on aviation fuel to support a State aviation program or the use of airport revenue on or off the airport for a noise mitigation purpose.”.

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

“(5) PENALTY FOR DIVERSION OF AVIATION REVENUES.—The amount of a civil penalty assessed under this section for a violation of section 47107(b) of this title (or any assurance made under such section) or section 44706(d) of this title may be increased above the otherwise applicable maximum amount under this section to an amount not to exceed 3 times the amount of revenues that are used in violation of such section.”.

SEC. 409. CERTIFICATION OF SMALL AIRPORTS.

(a) IN GENERAL.—Section 44706(a) is amended—

(1) by redesignating paragraph (2) as paragraph (3);

(2) by inserting after paragraph (1) the following:

“(2) that is not located in the State of Alaska and serves any scheduled passenger operation of an air carrier operating aircraft designed for more than 9 passenger seats but less than 31 passenger seats; and”;

(3) by striking “and” at the end of paragraph (3), as redesignated by paragraph (1) of this subsection;

(4) by striking “(3) when” and inserting “if”; and

(5) by moving the matter following paragraph (3), as redesignated by paragraph (1) of this subsection, to the left flush full measure.

(b) COMMUTER AIRPORTS.—Section 44706 is amended by adding at the end the following:

“(e) COMMUTER AIRPORTS.—In developing the terms required by subsection (b) for airports covered by subsection (a)(2), the Administrator shall identify and consider a reasonable number of regulatory alternatives and select from such alternatives the least costly, most cost-effective or the least burdensome alternative that will provide comparable safety at airports described in subsections (a)(1) and (a)(2).”.

(c) EFFECTIVE DATE.—Section 44706 is further amended by adding at the end the following:

“(f) EFFECTIVE DATE.—Any regulation establishing the terms required by subsection (b) for airports covered by subsection (a)(2) shall not take effect until such regulation, and a report on the economic impact of the regulation on air service to the airports covered by the rule, has been submitted to Congress and 120 days have elapsed following the date of such submission.”.

(d) LIMITATION ON STATUTORY CONSTRUCTION.—Section 44706 is further amended by adding at the end the following:

“(g) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this title may be construed as requiring a person to obtain an airport operating certificate if such person does not desire to operate an airport described in subsection (a).”.

SEC. 410. EMPLOYMENT INVESTIGATIONS OF PILOTS.

(a) EMPLOYMENT INVESTIGATIONS.—

(1) IN GENERAL.—Chapter 447 is amended by adding at the end the following:

“§ 44724. Preemployment review of prospective pilot records

“(a) PILOT RECORDS.—

“(1) IN GENERAL.—Before allowing an individual to begin service as a pilot, an air carrier shall request and receive the following information:

“(A) FAA RECORDS.—From the Administrator of the Federal Aviation Administration, information pertaining to the individual that is maintained by the Administrator concerning—

“(i) current airman certificates (including airman medical certificates) and associated type ratings, including any limitations thereon; and

“(ii) summaries of legal enforcement actions which have resulted in a finding by the Administrator of a violation of this title or a regulation prescribed or order issued under this title and which have not been subsequently overturned.

“(B) AIR CARRIER RECORDS.—From any air carrier (or the trustee in bankruptcy for the air carrier) that has employed the individual at any time during the 5-year period preceding the date of the employment application of the individual—

“(i) records pertaining to the individual that are maintained by an air carrier (other than records relating to flight time, duty time, or rest time) under regulations set forth in—

“(I) section 121.683 of title 14, Code of Federal Regulations;

“(II) paragraph (A) of section VI, appendix I, part 121 of such title;

“(III) paragraph (A) of section IV, appendix J, part 121 of such title;

“(IV) section 125.401 of such title; and

“(V) section 135.63(a)(4) of such title; and

“(ii) other records pertaining to the individual that are maintained by the air carrier concerning—

“(I) the training, qualifications, proficiency, or professional competence of the individual, including comments and evaluations made by a check airman designated in accordance with section 121.411, 125.295, or 135.337 of such title;

“(II) any disciplinary action relating to the training, qualifications, proficiency, or professional competence of the individual which was taken by the air carrier with respect to the individual and which was not subsequently overturned by the air carrier; and

“(III) any release from employment or resignation, termination (if related to the individual's training, professional qualification, proficiency, or professional competence), or disqualification with respect to employment.

“(C) NATIONAL DRIVER REGISTER RECORDS.—From the chief driver licensing official of a State, information concerning the motor vehicle driving record of the individual in accordance with section 30305(b)(7) of this title.

“(2) 5-YEAR REPORTING PERIOD.—A person is not required to furnish a record in response to a request made under paragraph (1) if the record was entered more than 5 years before the date of the request, unless the information is about a revocation or suspension of an airman certificate or motor vehicle license that is still in effect on the date of the request.

“(3) REQUIREMENT TO MAINTAIN RECORDS.—The Administrator and each air carrier (or the trustee in bankruptcy for the air carrier) shall maintain pilot records described in paragraph (1) for a period of at least 5 years.

“(4) WRITTEN CONSENT FOR RELEASE.—Neither the Administrator nor any air carrier may furnish a record in response to a request made under paragraph (1) (A) or (B) without first obtaining the written consent of the individual whose records are being requested.

“(5) DEADLINE FOR PROVISION OF INFORMATION.—A person who receives a request for records under paragraph (1) shall furnish, on or before the 30th day following the date of

receipt of the request (or on or before the 30th day following the date of obtaining the written consent of the individual in the case of a request under paragraph (1) (A) or (B)), all of the records maintained by the person that have been requested.

“(6) RIGHT TO RECEIVE NOTICE AND COPY OF ANY RECORD FURNISHED.—A person who receives a request for records under paragraph (1) shall provide to the individual whose records have been requested—

“(A) on or before the 20th day following the date of receipt of the request, written notice of the request and of the individual's right to receive a copy of such records; and

“(B) in accordance with paragraph (9), a copy of such records, if requested by the individual.

“(7) REASONABLE CHARGES FOR PROCESSING REQUESTS AND FURNISHING COPIES.—A person who receives a request for records under paragraph (1) or (9) may establish a reasonable charge for the cost of processing the request and furnishing copies of the requested records.

“(8) RIGHT TO CORRECT INACCURACIES.—An air carrier that receives the records of an individual under paragraph (1)(B) shall provide the individual with a reasonable opportunity to submit written comments to correct any inaccuracies contained in the records before making a final hiring decision with respect to the individual.

“(9) RIGHT OF PILOT TO REVIEW CERTAIN RECORDS.—Notwithstanding any other provision of a law or agreement, an air carrier shall, upon written request from a pilot employed by such carrier, make available, within a reasonable time of the request, to the pilot for review any and all employment records referred to in paragraph (1)(B) pertaining to the pilot's employment.

“(10) PRIVACY PROTECTIONS.—

“(A) USE OF RECORDS.—An air carrier or employee of an air carrier that receives the records of an individual under paragraph (1) may use such records only to assess the qualifications of the individual in deciding whether or not to hire the individual as a pilot.

“(B) REQUIRED ACTIONS.—Subject to subsection (c), the air carrier or employee of an air carrier shall take such actions as may be necessary to protect the privacy of the pilot and the confidentiality of the records, including ensuring that the information contained in the records is not divulged to any individual that is not directly involved in the hiring decision.

“(C) INDIVIDUALS NOT HIRED.—If the individual is not hired, the air carrier shall destroy or return the records of the individual received under paragraph (1); except that the air carrier may retain any records needed to defend its decisions not to hire the individual.

“(11) STANDARD FORMS.—The Administrator may promulgate—

“(A) standard forms which may be used by an air carrier to request the records of an individual under paragraph (1); and

“(B) standard forms which may be used by a person who receives a request for records under paragraph (1) to obtain the written consent of the individual and to inform the individual of the request and of the individual's right to receive a copy of any records furnished in response to the request.

“(12) REGULATIONS.—The Administrator may prescribe such regulations as may be necessary—

“(A) to protect the personal privacy of any individual whose records are requested under paragraph (1) and to protect the confidentiality of those records;

“(B) to preclude the further dissemination of records received under paragraph (1) by the air carrier who requested them; and

“(C) to ensure prompt compliance with any request under paragraph (1).

“(b) LIMITATION ON LIABILITY; PREEMPTION OF STATE AND LOCAL LAW.—

“(1) LIMITATION ON LIABILITY.—No action or proceeding may be brought by or on behalf of an individual who is seeking a position with an air carrier as a pilot against—

“(A) the air carrier for requesting the individual's records under subsection (a)(1);

“(B) a person who has complied with such request and in the case of a request under subsection (a)(1) (A) or (B) has obtained the written consent of the individual;

“(C) a person who has entered information contained in the individual's records; or

“(D) an agent or employee of a person described in subparagraph (A) or (B);

in the nature of an action for defamation, invasion of privacy, negligence, interference with contract, or otherwise, or under any Federal, State, or local law with respect to the furnishing or use of such records in accordance with subsection (a).

“(2) PREEMPTION.—No State or political subdivision thereof may enact, prescribe, issue, continue in effect, or enforce any law, regulation, standard, or other provision having the force and effect of law that prohibits, penalizes, or imposes liability for furnishing or using records in accordance with subsection (a).

“(3) PROVISION OF KNOWINGLY FALSE INFORMATION.—Paragraphs (1) and (2) shall not apply with respect to a person that furnishes in response to a request made under subsection (a)(1) information that the person knows is false.

“(c) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as precluding the availability of the records of a pilot in an investigation or other proceeding concerning an accident or incident conducted by the Secretary, the National Transportation Safety Board, or a court.”

(2) CHAPTER ANALYSIS AMENDMENT.—The analysis for chapter 447 is amended by adding at the end the following:

“44724. Preemployment review of prospective pilot records.”

(3) CONFORMING AMENDMENT.—Section 30305(b) is amended by redesignating paragraph (7) as paragraph (8) and by inserting after paragraph (6) the following:

“(7) An individual who is employed or seeking employment by an air carrier as a pilot may request the chief driver licensing official of a State to provide information about the individual under subsection (a) of this section to the individual's prospective employer or to the Secretary of Transportation. Information may not be obtained from the Register under this paragraph if the information was entered in the Register more than 5 years before the request, unless the information is about a revocation or suspension still in effect on the date of the request.”

(4) CIVIL PENALTIES.—Section 46301 is amended by inserting “44724.” after “44716,” in each of subsections (a)(1)(A), (a)(2)(A), (d)(2), and (f)(1)(A)(i).

(5) APPLICABILITY.—The amendments made by this subsection shall apply to an air carrier hiring an individual as a pilot if the application of the individual for employment as a pilot is initially received by the air carrier on or after the 120th day after the date of the enactment of this Act.

(b) RULEMAKING TO ESTABLISH MINIMUM STANDARDS FOR PILOT QUALIFICATIONS.—Not later than 18 months after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall issue a notice of a proposed rulemaking to establish—

(1) minimum standards and criteria for preemployment screening tests measuring the biographical factors (psychomotor coordination), general intellectual capacity, instrument and mechanical comprehension, and physical fitness of an applicant for employment as a pilot by an air carrier; and

(2) minimum standards and criteria for pilot training facilities which will be licensed by the Administrator and which will assure that pilots trained at such facilities meet the preemployment screening standards and criteria described in paragraph (1).

(c) SHARING ARMED SERVICES RECORDS.—

(1) STUDY.—The Administrator, in conjunction with the Secretary of Defense, shall conduct a study to determine the relevance and appropriateness of requiring the Secretary of Defense to provide to an air carrier, upon request in connection with the hiring of an individual as a pilot, records of the individual concerning the individual's training, qualifications, proficiency, professional competence, or terms of discharge from the Armed Forces.

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

(d) MINIMUM FLIGHT TIME.—

(1) STUDY.—The Administrator shall conduct a study to determine whether current minimum flight time requirements applicable to individuals seeking employment as a pilot with an air carrier are sufficient to ensure public safety.

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

SEC. 411. CHILD PILOT SAFETY.

(a) MANIPULATION OF FLIGHT CONTROLS.—

(1) IN GENERAL.—Chapter 447 is amended by adding at the end the following:

“§ 44725. Manipulation of flight controls

“(a) PROHIBITION.—No pilot in command of an aircraft may allow an individual who does not hold—

“(1) a valid private pilots certificate issued by the Administrator of the Federal Aviation Administration under part 61 of title 14, Code of Federal Regulations; and

“(2) the appropriate medical certificate issued by the Administrator under part 67 of such title,

to manipulate the controls of an aircraft if the pilot knows or should have known that the individual is attempting to set a record or engage in an aeronautical competition or aeronautical feat, as defined by the Administrator.

“(b) REVOCATION OF AIRMEN CERTIFICATES.—The Administrator shall issue an order revoking a certificate issued to an airman under section 44703 of this title if the Administrator finds that while acting as a pilot in command of an aircraft, the airman has permitted another individual to manipulate the controls of the aircraft in violation of subsection (a).

“(c) PILOT IN COMMAND DEFINED.—In this section, the term ‘pilot in command’ has the meaning given such term by section 1.1 of title 14, Code of Federal Regulations.”

(2) CONFORMING AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following: “44725. Manipulation of flight controls.”

(b) CHILDREN FLYING AIRCRAFT.—

(1) STUDY.—The Administrator of the Federal Aviation Administration shall conduct a study of the impacts of children flying aircraft.

(2) CONSIDERATIONS.—In conducting the study, the Administrator shall consider the effects of imposing any restrictions on children flying aircraft on safety and on the future of general aviation in the United States.

(3) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Administrator shall issue a report containing the results of the study, together with recommendations on—

(A) whether the restrictions established by the amendment made by subsection (a)(1) should be modified or repealed; and

(B) whether certain individuals or groups should be exempt from any age, altitude, or other restrictions that the Administrator may impose by regulation.

(4) REGULATIONS.—As a result of the findings of the study, the Administrator may issue regulations imposing age, altitude, or other restrictions on children flying aircraft.

SEC. 412. DISCRETIONARY AUTHORITY FOR CRIMINAL HISTORY RECORDS CHECKS.

(a) IN GENERAL.—Section 44936(a)(1) is amended—

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

(2) by striking “(1) The Administrator” and inserting the following:

“(1) EMPLOYEES.—

“(A) PERSONS WITH ACCESS TO AIRCRAFT AND OTHER SECURED AREAS.—The Administrator”;

(3) by moving the remainder of the text of subparagraph (A) (as designated by paragraph (2) of this subsection), including clauses (i) and (ii) (as designated by paragraph (1) of this subsection), 2 ems to the right; and

(4) by adding at the end the following:

“(B) PERSONS RESPONSIBLE FOR SCREENING PASSENGERS AND PROPERTY.—

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

“(ii) SPECIAL RULE.—If an individual requires a criminal history record check under clause (i), the individual may be employed as a screener until the check is completed if the individual is subject to supervision.”.

(b) CONFORMING AMENDMENTS.—Section 44936(a)(2) is amended—

(1) by striking “(2) An air carrier” and inserting the following:

“(2) RESPONSIBILITY OF AIR CARRIERS, FOREIGN AIR CARRIERS, AND AIRPORT OPERATORS.—An air carrier”;

(2) by moving the remainder of the text of the paragraph 2 ems to the right.

(c) APPLICABILITY.—The amendment made by subsection (a)(4) shall not apply to an individual employed as a screener, or a supervisor of screeners, on the day before the date of the enactment of this Act.

SEC. 413. IMPOSITION OF FEES.

(a) IN GENERAL.—Chapter 453 is amended by adding at the end the following:

“**§45304. Prohibition on imposition of unauthorized fees; fees for services provided to certain aircraft**

“(a) PROHIBITION.—Notwithstanding any other provision of law, the Administrator of the Federal Aviation Administration shall not impose any fee that is not in effect on the date of the enactment of this section unless the fee is expressly authorized by law.

“(b) AUTHORITY TO IMPOSE FEES.—

“(1) IN GENERAL.—The Administrator is authorized to establish a schedule of fees (and a collection process for such fees), to be effective not later than 60 days after the date of the enactment of this section, solely to recover the costs incurred by the Administrator in providing air traffic control serv-

ices to aircraft that neither take off from nor land in the United States.

“(2) PERSONS SUBJECT TO FEE.—Fees may be assessed under paragraph (1) only on aircraft that neither take off from nor land in the United States; except that such fees shall not apply to foreign government aircraft.

“(3) LIMITATION ON MANNER OF COLLECTION.—Fees may be assessed and collected under this subsection only in such manner as may reasonably be expected to result in the collection of an aggregate amount of fees during any fiscal year which does not exceed the aggregate costs of the Administrator for such year in providing the services referred to in paragraph (1).

“(4) LIMITATION ON AMOUNT OF FEE.—The amount of any fee assessed under this subsection on any aircraft may not exceed the amount which is reasonably based on the proportion of the services referred to in paragraph (1) which relate to such aircraft.

“(5) TARGET AMOUNT OF AGGREGATE FEES.—To the extent permitted by the preceding provisions of this subsection, fees under the schedule referred to in paragraph (1) shall be at levels that will recover not less than \$30,000,000 in the first year in which the fees are implemented.”.

(b) CONFORMING AMENDMENT.—The table of sections for such chapter is amended by adding at the end the following new item:

“45304. Prohibition on imposition of unauthorized fees; fees for services provided to certain aircraft.”.

SEC. 414. AUTHORITY TO CLOSE AIRPORT LOCATED NEAR CLOSED OR REALIGNED MILITARY BASE.

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

SEC. 415. CONSTRUCTION OF RUNWAYS.

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

SEC. 416. GADSDEN AIR DEPOT, ALABAMA.

(a) AUTHORITY TO GRANT WAIVERS.—Notwithstanding section 16 of the Federal Airport Act (as in effect on May 4, 1949), the Secretary is authorized, subject to the provisions of section 47153 of title 49, United States Code, and the provisions of subsection (b) of this section, to waive any of the terms contained in the deed of conveyance dated May 4, 1949, under which the United States conveyed certain property to the city of Gadsden, Alabama, for airport purposes.

(b) CONDITIONS.—Any waiver granted under subsection (a) shall be subject to the following conditions:

(1) The city of Gadsden, Alabama, shall agree that, in conveying any interest in the property which the United States conveyed to the city by a deed described in subsection (a), the city will receive an amount for such interest which is equal to the fair market value of such interest (as determined pursuant to regulations issued by the Secretary).

(2) Any such amount so received by the city shall be used by the city for the development, improvement, operation, or mainte-

nance of a public airport, lands (including any improvements thereto) which produce revenues that are used for airport development purposes, or both.

SEC. 417. REGULATIONS AFFECTING INTRASTATE AVIATION IN ALASKA.

In modifying regulations contained in title 14, Code of Federal Regulations, in a manner affecting intrastate aviation in Alaska, the Administrator of the Federal Aviation Administration shall consider the extent to which Alaska is not served by transportation modes other than aviation, and shall establish such regulatory distinctions as the Administrator considers appropriate.

SEC. 418. WESTCHESTER COUNTY AIRPORT, NEW YORK.

Notwithstanding sections 47107(b) and 44706(d) of title 49, United States Code, and any other law, regulation, or grant assurance, all fees received by Westchester County Airport in the State of New York may be paid into the treasury of Westchester County pursuant to section 119.31 of the Westchester County Charter if the Secretary finds that the expenditures from such treasury for the capital and operating costs of the Airport after December 31, 1990, have been and will be equal to or greater than the fees that such treasury receives from the Airport.

SEC. 419. BEDFORD AIRPORT, PENNSYLVANIA.

If the Administrator of the Federal Aviation Administration decommissions an instrument landing system in Pennsylvania, the Administrator shall, if feasible, transfer and install the system at Bedford Airport, Pennsylvania.

SEC. 420. LOCATION OF DOPPLER RADAR STATIONS, NEW YORK.

(a) PROHIBITION.—No Federal funds may be used for the construction of a Doppler radar station at the Coast Guard station in Brooklyn, New York.

(b) CONSTRUCTION OF OFFSHORE PLATFORMS.—

(1) STUDY.—The Administrator of the Federal Aviation Administration shall conduct a study of the feasibility of constructing 2 offshore platforms to serve as sites for the location of Doppler radar stations for John F. Kennedy International Airport and LaGuardia Airport in New York City, New York.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study conducted under paragraph (1), including proposed locations for the offshore platforms. Such locations shall be as far as possible from populated areas while providing appropriate safety measures for John F. Kennedy International Airport and LaGuardia Airport.

(c) LIMITATION.—The Administrator shall not begin construction of a Doppler radar station for John F. Kennedy International Airport or LaGuardia Airport at any location before submitting a report under subsection (b).

SEC. 421. WORCESTER MUNICIPAL AIRPORT, MASSACHUSETTS.

The Secretary of Transportation shall take such actions as may be necessary to improve the safety of aircraft landing at Worcester Municipal Airport, Massachusetts, including, if appropriate, providing air traffic radar service to such airport from the Providence Approach Radar Control in Coventry, Rhode Island.

SEC. 422. CENTRAL FLORIDA AIRPORT, SANFORD, FLORIDA.

The Secretary of Transportation shall take such actions as may be necessary to improve the safety of aircraft landing at Central Florida Airport, Sanford, Florida, including, if appropriate, providing a new instrument landing system on Runway 27R.

SEC. 423. AIRCRAFT NOISE OMBUDSMAN.

Section 106 is amended by redesignating subsection (k), as amended by section 103 of this Act, as subsection (l) and by inserting after subsection (j) the following:

“(k) AIRCRAFT NOISE OMBUDSMAN.—

“(1) ESTABLISHMENT.—There shall be in the Administration an Aircraft Noise Ombudsman.

“(2) GENERAL DUTIES AND RESPONSIBILITIES.—The Ombudsman shall—

“(A) be appointed by the Administrator;

“(B) serve as a liaison with the public on issues regarding aircraft noise; and

“(C) be consulted when the Administration proposes changes in aircraft routes so as to minimize any increases in aircraft noise over populated areas.”.

SEC. 424. SPECIAL RULE FOR PRIVATELY OWNED RELIEVER AIRPORTS.

Section 47109 is amended by adding at the end the following:

“(c) SPECIAL RULE FOR PRIVATELY OWNED RELIEVER AIRPORTS.—If a privately owned reliever airport contributes any lands, easements, or rights-of-way to carry out a project under this subchapter, the current fair market value of such lands, easements, or rights-of-way shall be credited toward the non-Federal share of allowable project costs.”.

TITLE V—EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURES**SEC. 501. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURES.**

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

(b) EXTENSION OF TRUST FUND PURPOSES.—Subparagraph (A) of section 9502(d)(1) of such Code is amended by inserting before the semicolon at the end “or the Federal Aviation Authorization Act of 1996”.

TITLE VI—FEDERAL AVIATION ADMINISTRATION RESEARCH, ENGINEERING, AND DEVELOPMENT**SEC. 601. SHORT TITLE.**

This title may be cited as the “FAA Research, Engineering, and Development Management Reform Act of 1996”.

SEC. 602. AUTHORIZATION OF APPROPRIATIONS.

Section 48102(a) is amended—

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

(2) by striking the period at the end of paragraph (2)(J) and inserting in lieu thereof “; and”; and

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

“(3) for fiscal year 1997—

“(A) \$10,000,000 for system development and infrastructure projects and activities;

“(B) \$39,911,000 for capacity and air traffic management technology projects and activities;

“(C) \$20,371,000 for communications, navigation, and surveillance projects and activities;

“(D) \$6,411,000 for weather projects and activities;

“(E) \$6,000,000 for airport technology projects and activities;

“(F) \$37,978,000 for aircraft safety technology projects and activities;

“(G) \$36,045,000 for system security technology projects and activities;

“(H) \$23,682,000 for human factors and aviation medicine projects and activities;

“(I) \$3,800,000 for environment and energy projects and activities; and

“(J) \$1,500,000 for innovative/cooperative research projects and activities.”.

SEC. 603. RESEARCH PRIORITIES.

Section 48102(b) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by striking “AVAILABILITY FOR RESEARCH.—(1)” and inserting in lieu thereof “RESEARCH PRIORITIES.—(1) The Administrator shall consider the advice and recommendations of the research advisory committee established by section 44508 of this title in establishing priorities among major categories of research and development activities carried out by the Federal Aviation Administration.

“(2)”.

SEC. 604. RESEARCH ADVISORY COMMITTEE.

Section 44508(a)(1) is amended—

(1) by striking “and” at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting in lieu thereof “; and”; and

(3) by inserting after subparagraph (C) the following new subparagraph:

“(D) annually review the allocation made by the Administrator of the amounts authorized by section 48102(a) of this title among the major categories of research and development activities carried out by the Administration and provide advice and recommendations to the Administrator on whether such allocation is appropriate to meet the needs and objectives identified under subparagraph (A).”.

SEC. 605. NATIONAL AVIATION RESEARCH PLAN.

Section 44501(c) is amended—

(1) in paragraph (2)(A) by striking “15-year” and inserting in lieu thereof “5-year”;

(2) by amending subparagraph (B) to read as follows:

“(B) The plan shall—

“(i) provide estimates by year of the schedule, cost, and work force levels for each active and planned major research and development project under sections 40119, 44504, 44505, 44507, 44509, 44511-44513, and 44912 of this title, including activities carried out under cooperative agreements with other Federal departments and agencies;

“(ii) specify the goals and the priorities for allocation of resources among the major categories of research and development activities, including the rationale for the priorities identified;

“(iii) identify the allocation of resources among long-term research, near-term research, and development activities; and

“(iv) highlight the research and development activities that address specific recommendations of the research advisory committee established under section 44508 of this title, and document the recommendations of the committee that are not accepted, specifying the reasons for nonacceptance.”; and

(3) in paragraph (3) by inserting “, including a description of the dissemination to the private sector of research results and a description of any new technologies developed” after “during the prior fiscal year”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. SHUSTER] and the gentleman from Minnesota [Mr. OBERSTAR] each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. Madam Speaker, I yield myself 5 minutes.

Madam Speaker, I first have the pleasant task of announcing that this is the birthday of the distinguished ranking member, the gentleman from Minnesota [Mr. OBERSTAR]. I know all of my colleagues join me in wishing him a very happy birthday.

Now, Madam Speaker, I would emphasize just as heartily that this bipar-

tisan legislation before us must be passed because if it is not passed, the airports across America will get no money in the coming year. Indeed, the recent tragedies involving ValuJet and TWA raised our consciousness about the need for improvements in aviation safety and security.

The House already passed our bill to make the FAA an independent agency. Shortly before the August recess, the House passed antiterrorism legislation. And we will soon bring to the floor a bill to address the complaints heard from the families who lost loved ones in airline disasters.

This bill takes another important step in efforts to improve safety and security. It authorizes funding for aviation security improvements such as new bomb detection systems. The bill also provides important funding for increasing airport capacity to meet the growing needs of the aviation system which will grow, we are told, by 4 to 5 percent a year. Indeed, as we move into the next century we will soon be experiencing over a billion passengers flying commercially in America each year.

FAA Administrator Hinson has continuously stated that the single most important constraint in the aviation system is the lack of airport capacity. In 1996 funding for AIP was only \$1.45 billion, even though the authorized level was \$2.2 billion and at that time there was a \$5 billion surplus in the Aviation Trust Fund. Indeed, if the Aviation Trust Fund were taken off budget, airport needs could be met and the huge surpluses in the trust fund would not be created.

Those airport needs are not uniform. Smaller airports depend even more heavily on AIP funds. When a low AIP funding level forces the FAA to turn down an airport's AIP grant, if it is a large airport that airport has lost a small amount of its funding sources. However, a small airport often cannot proceed with a project without an AIP grant.

Nevertheless, over the past few years small nonhub airports have seen their entitlement cut by as much as 23 percent. Small commercial service airports have seen their set-aside cut by 40 percent. One of our goals, therefore, in this bill is to revise the AIP program and make sure the smaller airports get their fair share.

This bill simplifies the formulas. It reauthorizes the AIP program for 3 years and ensures that every primary airport, both large hubs and small nonhubs, receive an increase in their passenger entitlement; increases the small airport fund; provides a minimum discretionary fund that contains enough money to ensure that all previously issued letters of intent are met; includes an airport privatization test program for six airports, subject to DOT approval and the airlines affected; imposes treble damages on anyone violating the prohibition against revenue diversion; and makes baggage screeners subject to background checks.

The bill before us today does differ from the one reported by the committee in the following ways:

It includes a National Civil Aviation Review Commission recommended by Congressman WOLF; it includes a pilot program allowing FAA to experiment with innovative financing techniques, as suggested by the Department of Transportation. It eliminates the dual mandate that requires FAA to both promote and regulate air commerce. Elimination of this dual mandate would not prevent the FAA from considering the costs of its regulatory actions but would make clear that safety is its No. 1 priority. Indeed, we would expect FAA to continue its rigorous cost benefit analyses. It clarifies passenger facility charges belong to airports and should not become part of a bankrupt airline's estate, that small airports do not have to seek certification if they do not want commuter service; includes H.R. 3267 the Child Pilot Safety Act, Report 104-683, includes H.R. 3536 the Airline Pilot Hiring and Safety Act, Report 104-684; makes changes to foreign airline overflight fee provisions that were requested by the Committee on Ways and Means; allows private reliever airports to use fair market value of their land as a local share for an AIP grant; drops the provision on the metropolitan Washington airports; drops the extension of the trust fund taxes so that this can be extended in separate legislation; and adds the research title developed by the committee on Science.

For all these reasons, this legislation must be passed, if we are going to provide funding to our airports across America. I strongly urge the passage of this legislation.

I want to say the following on behalf of Congressman FRISA of New York.

This bill does not make any changes in the Disadvantaged Business Enterprise [DBE] Program. This is a controversial provision especially as it applies to car rental companies.

In 1992, the FAA reauthorization bill established vendor purchases as an alternative, but unequal, method through which car rental concessionaires could meet DBE airport concession participation goals. The 1992 statute expressly states that car rental concessionaires must be permitted to include credit for the purchase of vehicles from DBE new car dealers toward their DBE compliance goals.

To ensure meaningful participation in the DBE airport concession program, car rental concessionaires must be permitted to apply the full purchase price of their fleet vehicles from qualified DBE vendors toward their compliance goals under the DBE airport concession program. Any other interpretation of this statutory mandate ignores the plain wording of the statute and would make it essentially impossible for car rental concessionaires to meet DBE goals through the vendor purchases established by the statute.

The committee report on this bill includes a directive that DOT must be careful not to adopt size standards that make the DBE airport concession program inherently unworkable for car rental concessionaires. Toward this end, DOT should adopt an employee size

standard, rather than a standard based on total revenues, for DBE new car dealers. Such an employee-based standard would avoid a situation in which many DBE dealers would be forced from the program simply because of the large number and value of cars the car rental industry buys each year.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, July 26, 1996.

Hon. BUD SHUSTER,
Chairman, House Committee on Transportation
and Infrastructure, Rayburn House Office
Building, Washington, DC.

DEAR BUD: I am writing to you regarding further consideration of H.R. 3539, the Federal Aviation Authorization Act of 1996, which was ordered reported by the Committee on Transportation and Infrastructure on June 6, 1996. The bill, as introduced, was also referred to the Committee on Ways and Means.

Specifically, Title VI of the bill, as introduced, would extend the Airport and Airway Trust Fund taxes for 3 years. On May 30, 1996, the Subcommittee on Aviation adopted an amendment concerning jet fuel excise taxes. On June 6, 1996, the full Committee on Transportation and Infrastructure adopted an amendment intended to change Title VI into a legislative "recommendation" to the Committee on Ways and Means.

The actions taken by the Committee on Transportation and Infrastructure on these tax matters was contrary to both Rule X of the Rules of the House, regarding Committee jurisdiction, and Rule XXI(5)(b) of the Rules of the House, which prohibits the reporting of a tax or tariff measure in a bill not reported by the committee of jurisdiction.

I now understand that you are seeking to have the bill considered on the Suspension Calendar as early as next week. I also understand that you have agreed to include an amendment on the Floor which I am providing (attached) to address the concerns of the Committee on Ways and Means with this legislation.

The amendment would strike the tax title previously included in the bill, and add language needed to extend the expenditure purposes and authority contained in the Internal Revenue Code of 1986 through October 1, 1999, the period of the authorization bill. In addition, I wrote to you previously regarding the "overflight fees" provision included in the reported bill, expressing my interest in working with you to ensure that this provision conforms as closely as possible to a true "fee." I have also included legislative language in this amendment to that effect. Finally, I understand that the Commission proposed in section 205 of your amendment will include appointments by the Committee on Ways and Means.

Based on this understanding, and in order to expedite consideration of this legislation, it will not be necessary for the Committee on Ways and Means to markup this legislation. This is being done with the further understanding that the Committee will be treated without prejudice as to its jurisdictional prerogatives on such or similar provisions in the future, and it should not be considered as precedent for consideration of matters of jurisdictional interest to the Committee on Ways and Means in the future.

Finally, I would ask that a copy of our exchange of letters on this matter, and my previous letter, be placed in the Record during consideration of the bill on the Floor. Thank you for your cooperation and assistance on this matter. With best personal regards.

Sincerely,

BILL ARCHER,
Chairman.

HOUSE OF REPRESENTATIVES, COM-
MITTEE ON TRANSPORTATION AND
INFRASTRUCTURE,

Washington, DC, July 29, 1996.

Hon. BILL ARCHER,
Chairman, Committee on Ways and Means,
Longworth House Office Building, Wash-
ington, DC.

DEAR BILL: This is in response to your letter of July 26, 1996, regarding H.R. 3539, the Federal Aviation Authorization Act of 1996. I concur with your statement of the agreements reached by our committees on this bill. I appreciate your willingness to forego a markup on the bill based on these agreements.

We do intend to proceed to consideration of this bill in the House as soon as possible and are currently hoping for consideration on the Suspension Calendar. If we proceed under suspension of the rules, I will include the items referred to in your letter in the suspension motion. Specifically, this will strike the tax title and insert in its place extension of the Trust Fund expenditure purposes and authority through October 1, 1999. It will also include your recommended changes to section 409 regarding overflight fees and section 205 regarding the National Civil Aviation Review Commission.

If we proceed to the consideration of this bill under a rule, I will request that the Rules Committee incorporate these provisions by self-executing rule.

Finally, I will include these letters in the Record during consideration of the bill on the Floor.

Thank you again for your cooperation in this matter. With warm personal regards, I am

Sincerely,

BUD SHUSTER,
Chairman.

Madam Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Madam Speaker, I yield myself 7 minutes.

I first want to thank my colleague, our chairman and my dear friend, for his good wishes on this day that we all face once a year. I looked in the obit column this morning and did not find my name in there so I decided to come to work.

Today we consider legislation very, very thoroughly described by our chairman to reauthorize the programs of the Federal Aviation Administration but particularly and most importantly the Airport Improvement Program.

At the outset, I want all of our colleagues on both sides of the aisle to note that this legislation in the long honored tradition of our committee has been prepared and advanced in a truly bipartisan process with complete openness and participation, not just consultation but participation on both sides of sharing of ideas, of working issues out, of coming to agreement on matters on which maybe at the first we might have had some differences. In the end we were altogether.

I want to thank Chairman SHUSTER, who has been a strong advocate for aviation and especially for small airports, as I have been, and Chairman DUNCAN, who has given aviation his full energy and effort and who has proven a really distinguished and worthy chairman of this subcommittee and has come to have a sure grasp of the issues. I salute him and congratulate him.

I also want to express my great appreciation to the leader on our side on aviation, the gentleman from Illinois [Mr. LIPINSKI], who has plunged into aviation and likewise has become thoroughly knowledgeable and self-assured on this subject.

I also see my good friend and former associate when I chaired the Subcommittee on Aviation, the gentleman from Pennsylvania [Mr. CLINGER], now chairman of the Committee on Government Reform and Oversight. I want to thank him for the partnership that we have had over 14 years working together on economic development, investigations and oversight and aviation. As he prepares to leave our company to go on to other pursuits, I just want to say what a great, distinct pleasure it has been working with the gentleman, a professorial scholar, a dear friend, one who is committed to the pursuit of truth and of good legislation in the best public interest.

This legislation establishes funding for FAA's facility and equipment operations and maintenance and airport improvement programs at levels that assume the aviation trust fund has been taken off budget. Funding levels are necessary to support vital safety and capacity enhancing projects, including upgrading air traffic control, implementing the global positioning satellite system, meeting the safety and capacity needs of the Nation's airports.

While I completely support the funding levels included in the bill and want to assert that they are more than justified in light of the needs of the system and indeed modest compared to the needs, we must unfortunately and realistically assume that these programs will receive a lower appropriation level than the authorization that we have provided for, given the current budget climate and the fact that the other body has failed to pass off-budget legislation.

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I emphasize that these levels are right, they are necessary, they are what this committee says is needed. We set that mark out there. It is important that that mark be set even though realistically the appropriation level may not come to what it should be. We will continue to argue for higher and adequate appropriation levels in the future.

This means that the different FAA accounts will essentially be competing with each other for limited funding available. So much of FAA's costs are fixed costs. That means the program likely to be most negatively affected is airport improvement. That level currently is 1.45 billion, and that represents a \$450 million decrease in funding from 1992. That was the high point for AIP funding in the history of the FAA.

This funding distribution formula in the current AIP program was drafted when we expected funding levels to

continue to increase. They work well when AIP is funded at close to \$2 billion, but the formulas create a significant problem for a large number of airports, at funding levels closer to the 1.45 level.

So the formula modifications in the bill are recognition on our part, on bipartisan basis, of a need to streamline the program in the light of diminishing resources. We are simply dealing with reality, trying to accommodate the needs of all airports, large and small, in order to project a national airport and air capacity system.

While there are understandable concerns about the effect of formula modifications, we have struck a reasonable balance with the competing priorities. The bill preserves a significant noise program, it protects existing letters of intent commitments, it provides a \$50 million discretionary account regardless of the size of the overall program.

Unfortunately, formula modifications are only one element providing adequate funding for airport needs. The effects on the system caused by extreme funding cuts cannot be remedied simply by adjusting the formula. No one disputes that projections for passenger growth will require additional airport capacity. Everybody understands our aviation system is going to go, goodness. Ninety-four percent of all paid intercity travel in America is by air. There may be dispute about existing airport needs, but everyone agrees that funding AIP at its current level or below that level in 1997 is simply not adequate to meet the demands of the projected passenger growth in this country.

We have an obligation to the future. So until we can get all the money paid by the users out of the airspace system for distribution through FAA from the trust fund, either through passage of the trust fund off budget or some other means, we have to find a way to insure that the system can meet the capacity demands placed upon it.

A critical funding issue which has significantly affected the aviation trust fund was expiration of the airline ticket tax which lasted almost 11 months and severely depleted the reserve in the trust fund account. During the time that the taxes lapsed, the uncommitted balance of the aviation trust fund was depleted at a rate of \$600 million a month. We have to take responsibility to assure that taxes do not lapse again at the end of this year, and I just want to take this opportunity to urge our colleagues on the Committee on Ways and Means to pass legislation before we adjourn to extend the airline ticket tax beyond the end of this calendar year. It is simply not responsible to let that ticket tax expire at the end of the year and have airports, airlines, wondering how they are going to meet capacity needs.

The American people also want to know that they are safe when they get on board an aircraft. We have repeatedly heard the citizens of this country

articulate their willingness to incur higher costs if those costs are going to mean more airport security and better safety. It is irresponsible to let the excise tax lapse when safety and security are on the line when we are going to put another billion dollars of cost on this system to make it more safe and more secure.

Madam Speaker, I reserve the balance of my time.

Mr. SHUSTER. Madam Speaker, I yield 5 minutes to the distinguished gentleman from Tennessee [Mr. DUNCAN], chairman of the Subcommittee on Aviation of the Committee on Transportation.

Mr. DUNCAN. Madam Speaker, I rise in strong support of H.R. 3539, the Federal Aviation Authorization Act. This bill has been developed, as the gentleman from Minnesota [Mr. OBERSTAR] noted, in a very strong bipartisan manner with primary support and leadership from our outstanding chairman, the gentleman from Pennsylvania [Mr. SHUSTER], the ranking member of the full committee, the gentleman from Minnesota [Mr. OBERSTAR] who is so dedicated to aviation, and the gentleman from Illinois [Mr. LIPINSKI], my good friend and the ranking member of the Subcommittee on Aviation. Let me also thank every member of the Subcommittee on Aviation for their contributions to this legislation as well. I think the committee has done an outstanding job in dealing with some very difficult and complex issues. While I am sure we do not have a perfect bill, I think we have crafted a product that every Member can and should support. Any changes, any minor or technical changes that might be needed in this legislation, can be addressed in conference when we meet with the Senate.

In order for needed improvements to be made to our Nation's outdated air traffic control equipment, in order for us to improve aviation security at airports around this Nation, in order for us to do all we can to improve safety for millions of traveling Americans, we must pass this legislation.

The House Subcommittee on Aviation, which I have the privilege to chair, held several days of hearings on a number of issues ranging from privatization of airports to revenue diversion.

The bill reauthorizes for 3 years programs administered by the FAA, including the Airport Improvement Program, the Airway Facilities Improvement Program and the overall operations of the FAA.

H.R. 3539 authorizes funding to help the FAA replace the 30-year-old air traffic control equipment that has been stretched beyond its useful life.

It addresses airport development financing, including the creation of a commission to review innovative financing proposals that will help both airport and FAA financing in the future.

The legislation also adjusts the AIP formula so that the smaller airports,

the general aviation airports, will get their fair share of funding.

It increases the entitlement for every airport in the Nation.

Let me repeat that, Madam Speaker. The legislation, this legislation, increases entitlement funding for every airport in the Nation, large and small alike.

The bill protects current letters of intent so that ongoing airport construction projects can continue without interruption, and it retains the set-aside for noise and military airports, the noise problems that are of so much concern to many people around this Nation.

H.R. 3539 increases the number of States participating in the State block grant program from 7 to 10, and it creates a pilot program permitting the sale or long-term lease of up to 6 airports across the Nation. In other words, a pilot experimental program for airport privatization.

The bill imposes cost limitations on FAA housing purchases, and it imposes treble damages on anyone caught illegally diverting revenue from an airport.

It also improves aviation security by permitting the FAA to require airlines to do background checks before hiring someone to screen baggage, and finally H.R. 3539 incorporates legislation that this House passed overwhelmingly last July, the Child Pilot Safety Act and the Airline Pilot Hiring and Safety Act, both very needed improvements in our aviation system.

Madam Speaker, I cannot stress enough the importance of this legislation. It makes needed improvements to various programs administered by the FAA, and it will help provide the traveling public with a safer, more secure aviation system. Experts have testified that air passenger traffic will increase to well over 800 million, possibly even 1 billion, just 10 years from now, and according to FAA forecasts the number of passengers carried on U.S. airlines will increase from 597 million this year to at least 718 million just 4 years from now, an increase of at least 20 percent by the most conservative estimates.

So obviously we are going to have to build new airports or at least expand existing airports around the country, but we need to make sure that that is done, that expansion, this expansion is done in the most cost-effective manner and the way that is best for the taxpayers.

Madam Speaker, this legislation will move our Nation in the right direction, and it will help us meet both the immediate and long-term challenges in aviation. I strongly support this legislation, I urge every Member of the House to support it as well because this is the key legislation we will have this year to improve our aviation system and make it safer and more secure for all Americans.

Mr. OBERSTAR. Madam Speaker, I reserve the balance of my time.

Mr. SHUSTER. Madam Speaker, I yield 2 minutes to the gentleman from

Pennsylvania [Mr. CLINGER], a senior member of the committee and the distinguished chairman of the Committee on Government Reform and Oversight.

Mr. CLINGER. Madam Speaker, I thank the gentleman very much for yielding to me and commend him for this legislation as well as my friends, the gentleman from Minnesota [Mr. OBERSTAR] and the gentleman from Tennessee [Mr. DUNCAN] and the gentleman from Illinois [Mr. LIPINSKI]. Before I do this, this is my last opportunity to express to my good friend Mr. OBERSTAR. He has indicated that we worked together for 14 years and 10 of those years on aviation matters. It was an incredibly rewarding experience for me and one that I think we shared in accomplishing a great deal for aviation over the years, and so I wanted to publicly express my gratitude to him for the partnership we had. He was always very fair to the minority throughout that tenure, and I was very grateful for it. I would also note that he has been my mentor in many transportation areas. Most recently he is advising me on what type of bicycle I should be purchasing, and I am grateful for that as well, and I also wanted to wish him a happy birthday.

Madam Speaker, I strongly support this legislation. The bill has been explained. In the limited time I have left I just want to speak about the fundamental role played by aviation in the lives of rural Americans. I have a congressional district that includes four airports served only by commuters, and with one exception none of these communities are on the interstate highway system. Aviation has really, as we know, become the lifeblood and well-being of small communities, and though many may equate aviation as a service enjoyed only by urban areas, it has really been my experience that quality of life in rural communities is now measured in part by the degree of air service it receives, and the challenge, Madam Speaker, to small communities is maintaining affordable service. Unlike large cities where several carriers may compete for any number of routes, rural areas generally rely on one carrier providing service to one nearby 3 or 4 times a day. The lack of competition into rural communities generally results in very high prices and also holds a community captive to one carrier to book tickets for locations beyond a nearby hub. The economies of scale clearly do play a role here and to some degree I would expect to pay more to get to a remote area. But rural residents have come to expect reliable, affordable air travel, much the same way as urban dwellers.

I say this because in my years on the committee I have come to appreciate just how price-sensitive the public is to the cost of air travel. I think it especially important as Congress and the administration work to implement new safety initiatives that careful attention be paid to cost. Rural communities served by commuters are the

least able to spread the cost among passengers and are clearly the most at risk for losing service altogether, so with that caveat I indicate my strong support for the legislation and urge its passage.

Mr. OBERSTAR. Madam Speaker, I yield 2 minutes to the gentleman from Tennessee [Mr. TANNER].

Mr. TANNER. Madam Speaker, I thank the gentleman from Minnesota [Mr. OBERSTAR] for yielding the time to me.

Madam Speaker, I rise in support of H.R. 3539, and I want to commend the chairmen and the ranking members of the Transportation and Infrastructure Committee and the Aviation Subcommittee for their work on this piece of legislation. I also want to thank them for including in H.R. 3539, title VII—the Federal Aviation Administration Research, Engineering, and Development, which are the provisions adopted by the Science Committee in H.R. 3322, the Omnibus Civilian Science Authorization Act authorizing the Federal Aviation Administration's [FAA] research and development program.

The principal purposes of title VII strengthen the role of the Federal Aviation Administration's [FAA] Research Advisory Committee in setting FAA's R&D priorities and in streamlining the National Aviation Research Plan. This language is based on the recommendations of witnesses who appeared before the Technology Subcommittee during three oversight hearings on FAA's R&D programs.

The Research Advisory Committee, established by statute, is composed of aviation experts from industry, other R&D agencies, and universities. To date the advisory committee has not had much influence on setting FAA's R&D goals. Title VII now requires the Research Advisory Committee to review and provide recommendations to FAA on its R&D budget, and it also requires FAA to consider those recommendations in establishing its R&D priorities.

In addition, FAA must report to Congress on its response to the advisory committee's recommendations.

In addition, the provisions in title VII of H.R. 3539 simplify the contents of the National Aviation Research Plan to make it more useful to Congress for tracking and assessing the FAA's goals and priorities.

The goals of title VII are to strengthen public/private cooperation to develop an R&D agenda which will effectively modernize the air traffic system and ensure the safety and reliability of air travel in the United States.

Again, I want to thank Chairman DUNCAN and Ranking Member LIPINSKI for working with the Science Committee to incorporate the R&D title into the FAA authorization bill and I urge my colleagues to support H.R. 3539.

□ 1530

Mr. SHUSTER. Madam Speaker, I am pleased to yield 1 minute to the gentleman from Pennsylvania [Mr. WALKER], the distinguished chairman of the Committee on Science.

Mr. WALKER. Madam Speaker, I rise today in support of H.R. 3539, the Federal Aviation Authorization [FAA] Act of 1996. I would like to thank the chairwoman, Congresswoman CONNIE

MORELLA, and the ranking member, Congressman JOHN TANNER, of the Science Committee's Subcommittee on Technology for their work in crafting title VI of H.R. 3539.

Title VI is the FAA Research, Engineering, and Development [RD&E] Management Reform Act of 1996. The FAA RD&E Act was originally introduced by Chairwoman MORELLA on May 16, 1996. Its major provisions were subsequently incorporated into H.R. 3322, the Omnibus Civilian Science Authorization Act of 1996 which passed the House on May 30, 1996. The language in title VI is taken directly from H.R. 3322.

Title VI authorizes \$186 million for FAA research and development activities in fiscal year 1997. The title further directs the FAA research advisory committee to annually review the FAA research and development funding allocations and requires the Administrator of the FAA to consider the advisory committee's advice in establishing its annual funding priorities. Finally, title VI streamlines the requirements of the National Aviation Research Plans and shortens the time-frame the plans must cover from 15 to 5 years.

Madam Speaker, title VI strengthens an already good bill, and I would like to thank Transportation Committee Chairman SHUSTER and Aviation Subcommittee Chairman DUNCAN along with full Committee Ranking Member OBERSTAR and Subcommittee Ranking Member LIPINSKI for their support and assistance in including the FAA RD&E Act in H.R. 3539. I urge all my colleagues to vote to suspend the rules and pass H.R. 3539.

Mr. SHUSTER. Madam Speaker, I am pleased to yield 1 minute to the distinguished gentleman from Colorado [Mr. HEFLEY].

Mr. HEFLEY. Madam Speaker, I would like to engage in a colloquy with the gentleman from Pennsylvania [Mr. SHUSTER].

I appreciate the gentleman's efforts, particularly in providing a provision on airport certification. Particularly, there is a provision in the bill which changes the FAA's requirement that all airports flying planes with more than nine passengers must have received their certification. The old requirement was 30 passengers.

I would ask the gentleman, is that correct?

Mr. SHUSTER. Madam Speaker, will the gentleman yield?

Mr. HEFLEY. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Madam Speaker, that is correct.

Mr. HEFLEY. I appreciate that provision and the improved safety it will result in, but I was concerned that reliever airports which do not intend to fly planes with over nine passengers may be forced to apply for certification. A provision has been included in the bill which states that an airport which has not currently received certification does not have to apply if

they do not intend to fly planes with over nine passengers. Is that also correct?

Mr. SHUSTER. That is correct, and I appreciate the gentleman's efforts.

Mr. HEFLEY. Another provision that I am concerned about in the bill, it allows the Secretary of Transportation to obligate funds for runway construction even if the Committee on Appropriations has specifically prohibited the runway from being built.

This section is really referring to a proposed sixth runway at Denver International Airport. Denver officials contend that this is needed. There is some argument about whether it is needed or not. There is tremendous concern about noise created by this airport that was never anticipated by the city of Denver.

Mr. SHUSTER. I would be happy to work with the gentleman in conference to try to resolve these differences.

Mr. HEFLEY. I thank the gentleman.

Mr. SHUSTER. Madam Speaker, I am pleased to yield 4 minutes to the gentleman from Virginia [Mr. WOLF], the distinguished chairman of the Subcommittee on Transportation.

(Mr. WOLF asked and was given permission to revise and extend his remarks.)

Mr. WOLF. Madam Speaker, I thank the chairman of the committee for yielding me time.

Madam Speaker, there is much in this bill that is very good. I want to put this at the outset of the statement. There are two issues that I have concerns about, one the gentleman from Colorado [Mr. HEFLEY] just raised, and that is the first provision, section 411, which states that even if the Committee on Appropriations denies funding for a runway at an international airport the Secretary of Transportation may obligate funds for such projects anyway.

Essentially, this language says that despite what the Committee on Appropriations does, it can go ahead. I was pleased to hear the gentleman's comments.

The Transportation and Infrastructure Committee report accompanying H.R. 3539 indicates that the intent of this language was to ensure funding for a sixth runway at the Denver International Airport. However, this project has been specifically denied by Congress in the appropriations process for the past 3 years. Not only has the funding been denied for 3 years, no funds are provided once again in this year's appropriations bill, considered by the House only a few short weeks ago, and no amendment to that provision was offered when the bill was debated on the House floor. That appropriations bill—with no amendments offered dealing with this issue—was passed by an overwhelming vote of 403 to 2.

The rules of the House and parliamentary precedents make clear that it is the prerogative of the Appropriations Committee to provide resources for, or make valid limitations on, the financial obligations of the Federal Government. In an unusual and clever way, section 411 of this bill takes away the unambiguous rights of the Appropriations Commit-

tee and allows the executive branch to spend funds for a project even if they have been specifically denied by the Congress. In essence, this is a reverse line item veto—it allows funds to be spent even after Congress denies them. This Congress has an excellent record of reducing the deficit and forcing the hard cuts in an oversized Government. It makes no sense to set a new precedent allowing the executive branch to undermine the prerogatives of the Appropriations Committee and the Congress, by authorizing it to spend funds for a project Congress has repeatedly denied.

And this is no ordinary airport project. The access road to the Denver Airport is called Pena Boulevard—so named after the current Secretary of Transportation and former mayor of Denver and the very individual to whom the bill gives sole power to fund the project over Congress' objections. This airport receives more funding under its letter of intent with the Federal Aviation Administration than any other airport in the country, and I question whether the Department of Transportation can truly be impartial in evaluating further grant applications, given the current Secretary's prior involvement in the Denver Airport project. The Colorado congressional delegation is divided over the need for the sixth runway, and the airport has a history of management problems including illegal diversion of airport revenues.

Simply stated, Denver has not proven the case for a new runway. Management problems continue, including diversion of airport revenues, shoddy construction of the existing runways and buildings; and significant airport noise issues. There is no compelling air traffic problem at the airport justifying a new runway at this time. Even the airport director stated last year that the proposed runway would provide "marketing and business opportunities for companies throughout the region that would not otherwise exist." This is not ample justification for Federal investment, when resources are scarce and significant airport capacity issues exist in other cities around the country, and when decisions are necessary to curb the Federal deficit.

In addition, not only would this provision grant the Secretary of Transportation authority to override congressional mandates regarding the Denver International Airport, the bill as reported would allow the Secretary to approve funding for any international runway where funding was expressly denied by the Congress. There are other runway projects in this country which are highly controversial and Congress should not cede control over these projects to the Secretary of Transportation.

Section 411 is extremely controversial, unnecessary, would establish an alarming precedent, and should not be included in this legislation.

The second provision of concern to me is section 416, which prohibits the Federal Aviation Administration from installing a terminal Doppler weather radar at the Brooklyn Coast Guard Air Station in New York and requires a study of the feasibility of siting such equipment from an offshore platform.

While politically attractive perhaps, the offshore concept appears to be unworkable and unrealistic from an engineering and cost-benefit standpoint. In fact, after years of analysis, the FAA concluded that the Coast Guard air station in Brooklyn is the best site for

this safety radar, which is badly needed in the New York metropolitan area. Furthermore, section 416 violates congressional direction contained in the statement of the managers on the fiscal year 1996 Department of Transportation Appropriations Act, which directed the FAA to provide enhanced wind shear detection capability for the New York metropolitan area as soon as possible.

More than a year later, this critical safety improvement still does not exist for the New York City area and the language in H.R. 3539 would lead to additional delays.

There is an unquestioned need for this safety radar system in New York and calling for another study will not only be unproductive, but would pose unnecessary delays in getting essential safety equipment in place. The longer we wait, the greater the risk of an accident.

The lack of Doppler weather radar was cited by the National Transportation Safety Board as one factor in the aviation accident near Charlotte, NC, just 2 years ago. On July 2, 1994, a DC-9 operating as USAir flight 1016 flew into terrain, colliding with trees and a private residence during a missed approach to the Charlotte/Douglas International Airport. The captain, first officer, one flight attendant, and one passenger received minor injuries. The remaining 37 passengers died. The airplane itself was destroyed by impact forces and a postcrash fire. What was the cause of the crash? According to the NTSB, a critical factor was the lack of real-time adverse weather and windshear hazard information which Doppler weather radar would have provided. Had the Doppler weather radar been in place, it is possible that this tragedy could have been avoided. We cannot allow the delays that plagued Charlotte to similarly plague New York. We simply cannot and should not run the risk of a similar accident in New York City.

If recent events have shown us anything, they have clearly demonstrated the need for increased emphasis on aviation safety and placing the highest priority on funding for aviation safety equipment. This provision would undermine aviation safety—for nearby residents in New York and for the millions who use the New York airports.

Madam Speaker, in July the House gave overwhelming approval to the fiscal year 1997 transportation appropriations legislation which places paramount importance on safety. Maintaining and improving aviation safety was the No. 1 priority in the appropriations legislation. In fact, we added some \$139 million not included in the President's budget request for new air traffic control equipment and systems to improve safety and airway capacity. Final approval of the fiscal year 1997 transportation appropriations bill is expected shortly and safety will continue to be the hallmark of that legislation.

I am a strong supporter of aviation programs but am convinced that the two provisions in H.R. 3539 that I just outlined pose serious problems. I regret that these provisions are included in legislation I would like to support. However, I believe these provisions are inconsistent with congressional efforts to improve aviation safety. I cannot ignore the deleterious and dangerous effects of these provisions and regretfully oppose H.R. 3539.

Mr. OBERSTAR. Madam Speaker, I yield 1½ minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

(Mrs. SCHROEDER asked and was given permission to revise and extend her remarks.)

Mrs. SCHROEDER. Madam Speaker, I thank the gentleman for yielding time to me.

Madam Speaker, I rise in strong support of section 411. I think this is terribly critical, because I must say, I am very tired of my airport in Denver being bashed around. No other airport in the Nation has a legislative funding prohibition. This funding prohibition on this runway was put in before the airport even opened. It also is the sixth busiest airport in the world now.

Now we hear people talking about noise. If you are going to talk about noise, there are at least 50 other airports that should have their funding blocked if we are going to use that as a criteria.

I guess I rise today, Madam Speaker, to say we do not mind being judged by the same standards everyone else does, but why this airport has been singled out and continually battered I do not know, because it seems to be working very well. Consumers like it. It has added tremendously to the safety. I like any airport that pilots like. I think it is terribly important that we do not so micromanage that we fall all over ourselves.

The local government, the people of Colorado, and the Federal Government spent a tremendous amount of money to open this state-of-the-art airport. It was planned with six runways. To say that we are only going to do it with five, to continue to punish it, is wrong. I salute the committee for having put in this section 411 to not micromanage, and I really urge Members not to do this type of thing, when we have made these kinds of investments in infrastructure this country so desperately needs.

Madam Speaker, I want to express my support for section 411 of the Federal Aviation Authorization Act, H.R. 3539. The Transportation Committee, under the direction of Chairman SHUSTER and ranking Democrat Mr. OBERSTAR, included section 411, which returns the authority to the Department of Transportation for determining whether an airport receives funding for additional runways.

In other words, the Department of Transportation not the appropriating committee should determine if an airport should build additional runways. This addresses an egregious prohibition on building a sixth runway at Denver International Airport [DIA] that was included in the Transportation appropriations measure.

Section 411 is needed because:

No other airport in the Nation has a legislative funding prohibition. Singling out DIA is indefensible and unprecedented. DIA has proved that is one of the most efficient airports in the Nation. Placing a Federal restriction on DIA is also detrimental to the traveling public.

DIA is the sixth busiest airport in the Nation. Moreover, DIA has begun to attract international service. DIA is beginning nonstop service to Toronto, Vancouver, and Calgary.

DIA is designed to have six runways. It provides a balanced airfield of three runways for arrivals and three runways for departures during any kind of weather. The sixth runway is on DIA's airport layout plan, which was approved by the FAA several years ago.

The prohibition was enacted before DIA opened and is no longer relevant. There were problems with DIA and the baggage system, which delayed the opening until February of 1995. Now that the airport has a proven record of service, Denver should be free to complete the airport.

Section 411 in no way provides any funding to build the sixth runway at DIA. All this provision does is allow DIA, like every other airport in the United States, to apply for funding from the FAA.

Using the noise problem at DIA to justify blocking the sixth runway is a ruse. If every airport in the Nation that has a noise problem was singled out for funding restrictions, the list would be a mile long and DIA would be near the bottom. Washington National, BWI, Memphis International, Dallas-Fort Worth, Sarasota Bradenton, Lambert St. Louis, and many others—probably 50 airports—have worse noise problems. It is a complete fabrication to say DIA should not get a sixth runway because of noise.

Mr. OBERSTAR. Madam Speaker, I yield 1 minute and 45 seconds to the distinguished gentlewoman from Maryland [Mrs. MORELLA].

(Mrs. MORELLA asked and was given permission to revise and extend her remarks.)

Mrs. MORELLA. Madam Speaker, I am very pleased to support H.R. 3539, and as chair of the Subcommittee on Technology and on the Committee on Science, I am certainly very grateful that this bill includes title VI funding of Federal Aviation Administration research, engineering, and development, something that I authored along with the gentleman from Tennessee [Mr. TANNER], the distinguished ranking member of the subcommittee on technology.

Madam Speaker, I thank the chairmen of the Transportation Committee, Mr. SHUSTER of Pennsylvania, Mr. OBERSTAR, the ranking member and the Aviation Subcommittee, Mr. DUNCAN of Tennessee, for working with our committee to create an R&D title to the bill.

Title VI of this bill contains sections of H.R. 3322, the Omnibus Civilian Science Authorization Act, which passed the House on May 30, 1996.

In addition to the authorized levels of appropriations for FAA R&D, title VI also contains a number of committee amendments created under the leadership of Mr. TANNER, the Technology Subcommittee ranking member from Tennessee.

These amendments include strengthening the FAA Research Advisory Committee, which was originally created on the initiation of the Science Committee.

By strengthening the Advisory Committee, composed of aviation experts from industry, other R&D agencies, and academia, the FAA can receive

better guidance on the goals, relevance, and quality of its r&d program.

This will also assist the FAA in better establishing its research priorities.

In addition, title VI would also streamline the national aviation research plan to make it a more useful document.

The plan should emphasize the overall national r&d goal and priorities; FAA's r&d resource allocations; and connecting FAA's overlapping r&d activities with other agencies.

Madam Speaker, I support the bill before us today which not only authorizes aviation research and development, but also funds airport improvements, air traffic control facilities and equipment, the military airport program, and various maintenance projects, among other important functions.

I urge my colleagues to support the bill.

Mr. OBERSTAR. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I listened with great interest to my colleague, the gentleman from Virginia [Mr. WOLF], chairman of the Subcommittee on Transportation of the Committee on Appropriations, about the Doppler radar issue.

I agree, Doppler radar is critically important. It has been cited by the NTSB as a factor, or absence of it as a factor in not only the Raleigh crash but in other situations. The unfortunate thing is that the location of the Doppler weather radar in New York is the issue, not the radar itself. It is not in my backyard. I have followed this issue for many years with great dismay.

There was a proposal to put the Doppler radar in a location in one part of one of the boroughs of New York City, whose name I do not recall, and there was an uproar by the citizens of that area, and the junior Senator from New York came to their defense and said, now, let us hold this off, let us not put it there now, let us find another place to locate it.

The provision in this bill directs a feasibility study of locating the terminal Doppler weather radar on an offshore platform before selecting some other site. I do not see this as a delay to installation of the radar. This is going to be a very quick study. It will be one conducted very readily, a conclusion that can be reached in a very short period of time.

Local concerns are the issue that are holding up this radar. I wish folks would just say, we understand the need for aviation safety, we do not want planes landing in our apartment buildings or in our backyards because they do not have the right radar, do not have the right weather information. But that is not the way people react.

We have this controversy in Minnesota over power lines, over long-distance power lines being too close to dairy farms, and fugitive electricity

causing double-headed cows. People have it in their minds that that is a consequence of having electricity so close to their animals. Then we have to deal with that reality. We may have to relocate that line.

Madam Speaker, this is just a technology issue, and it is a people problem as well. We have come to a compromise. I will not stand for any unreasonable delay, and I know the chairman of the committee will not stand for any unreasonable delay. We want this radar to go forward. That is an extremely busy airport. I share the gentlewoman's concern. Let us see if we can get this study accomplished, put fears to rest, and then let the location of the technology take place on its own.

I just want to make one final comment, Madam Speaker. We have heard so much in our committee and by commentators every time there is a disability in the Air Traffic Control System about problems with the Nation's Air Traffic Control System, and allusions to vacuum tubes being used in our Air Traffic Control System. Less than 1 percent of all the technology used in our Air Traffic Control System is dependent upon vacuum tubes. All of it is scheduled for replacement.

Our committee on a bipartisan basis over several years has worked very diligently to upgrade and to speed up the technology in our Air Traffic Control System. As a result of our efforts, working with both the previous administration, the Bush administration, Secretary Skinner, Admiral Busey, when he was head of FAA, and now the current head of FAA, Mr. Hinson, they have brought a new team in, and every month we get this report, an air traffic systems development status report, with which we can track month to month the progress on all of the several key items: The end route, the terminal, the tower, the oceanic and offshore and the air traffic management systems. We know what the cost is, whether they are on track, whether they are behind schedule. I just want to say that the core of this new technology system is the initial sector suite, or the display system replacement.

The first article is going to be installed in Seattle in December, the end of this year, to begin a year of operational testing, so that by 1998 we will be able to move ahead with full deployment of the system. This program was in as bad a shape as we could possibly imagine any Government program getting into, but FAA Administrator Hinson and his team of Associate Administrator George Donahue and his deputy, Bob Valone, working with the new contractor, Lockheed Martin, have turned the program around.

We ought to take credit for this. This committee has diligently worked to make sure that the public investment has paid off. We have real results and real progress to show for it. We are going to see some real solid develop-

ments, for example, in the terminal and the end route system modernization, that are actually ahead of schedule. The display channel complex project is ahead of schedule. The voice switching and control system is enabling communication between centers and between units on the ground to do things that they never believed were possible a few years ago.

Madam Speaker, I just would like to say to the listening public, this committee has done its work diligently. We have worked together. We have made sure that the public investment has been cut where it was excessive, has been moved ahead where it was necessary. We have moved to a more modular technology system in the total modernization of the Air Traffic Control System.

This is a huge undertaking, the biggest technology program in the entire Federal Government. We have it on track. We have something really to be proud of. I want to thank the chairman of the committee for his cooperation, that of the gentleman from Tennessee [Mr. DUNCAN], to the staff, and the participation of the gentleman from Illinois [Mr. LIPINSKI], and also the gentleman from Pennsylvania [Mr. CLINGER], who has devoted so many hours to this thing.

We have something good going here. The rest of the world envies our system, and they are buying up pieces of it as soon as we put them into operational use. We are the world's leader in aviation. Let us never forget it. Let us be proud of it. Let us make this bill the flagship of that leadership. I thank the chairman of the committee for his vigorous work on behalf of this legislation. This bill ought to pass overwhelmingly.

Madam Speaker, I yield back the balance of my time.

Mr. SHUSTER. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, I would emphasize that this is must-pass legislation, because each airport across America, no airport will receive funds if this does not pass. It is a bipartisan bill, and I strongly urge its support.

Mr. NADLER. Madam Speaker, I rise in strong support of the language currently in this FAA reauthorization bill concerning Doppler radar for both Kennedy and Laguardia Airports. I was actually somewhat surprised to find out that neither Kennedy nor Laguardia had Doppler to detect wind shear. I commend the FAA for wanting to install Doppler radar, but, unfortunately, the site the FAA is currently reviewing does not provide the best possible coverage of both Kennedy and Laguardia Airports.

After speaking with representatives of the FAA, I was informed that if Doppler radar were installed at the site in Brooklyn, LaGuardia Airport would only enjoy approximately 75 percent accuracy in measuring wind shear. The 75 percent would be achieved only when used in conjunction with an additional system called L-WAS, a low-level wind ananometer which is approximately ten, 40-50 foot poles with windssocks on the end of them, which would

be installed at LaGuardia to supplement the Doppler.

The best way to detect wind shear to the maximum extent possible at both LaGuardia and Kennedy and the safest way for any of our constituents flying in or out of New York, is to have a dedicated Doppler radar station for each of the airports. Each of the Washington and Chicago area airports have a dedicated Doppler radar station.

In addition to the technical safety reasons for not putting the station in Brooklyn, is the fact that the station would be put in a residential area. There is concern that this type of radar emits cancer-causing radiowaves. In an area that has some of the highest rates of cancer in the country, I do not believe we should subject these residents to even the possibility of cancer-causing radiation when there is an alternative that, as I said, would provide more effective safety measures for the flying public.

Also, the FAA has recently issued a final environmental impact statement scoping paper that identifies several other sites, in and around Brooklyn, that could prove to be better suited than Floyd Bennett Field or offshore platforms, as I have suggested. The FAA should be allowed to study these proposals and determine the best possible site that would cover both LaGuardia and Kennedy as well as protecting the health of local residents.

I urge my colleagues to allow the current language to stand. Send the message to FAA that we need the best coverage for both LaGuardia and Kennedy Airports. This language currently in the bill would help ensure the safety of all of our constituents who fly in or out of New York, and ensure the safety of local residents.

Mr. LIPINSKI. Madam Speaker, I rise in strong support of H.R. 3539, the Federal Aviation Authorization Act of 1996.

This legislation reauthorizes the Airport Improvement Program, as well as the FAA's facilities and equipment and operations and maintenance programs.

In an era of limited funding, this bill provides the national airport system with the best bang for the buck by fully funding the entitlement program while at the same time guaranteeing existing letters of intent from the discretionary portion of the program. Funding for noise mitigation also remains a priority in this legislation.

But for the longer term, we have no choice but to look toward alternate funding sources, including an increase in the passenger facility charge. FAA and airport funding needs continue to increase, and with the Congress' effort to balance the budget, there simply is not enough funding. The passenger facility charge is now being levied at airports around the country with great success. In future reauthorization cycles, I will continue to advocate increasing the PFC.

Madam Speaker, this legislation is critical. Without it, at the end of the fiscal year, the FAA will be unable to fund its crucial programs. With the tragic aviation accidents we have witnessed in recent months, funding for the air traffic control system, for security, for airport development, is more important than ever. This is must-pass legislation. I strongly urge its adoption.

Madam Speaker, I want to commend Chairman DUNCAN for his leadership in moving this critical legislation through the process, and

Chairman SHUSTER and Congressman OBERSTAR for their support. I particularly want to thank the staff of the Aviation Subcommittee on both sides for their hard work on this and all aviation matters. They are a fine group of professionals and we are fortunate to have them working with us.

Madam Speaker, I urge strong support of this legislation and yield back the balance of my time.

Mr. TRAFICANT. Madam Speaker, I rise in strong support of H.R. 3539, the Federal Aviation Authorization Act. I want to commend Mr. DUNCAN and Mr. LIPINSKI for the excellent work they have done on this legislation.

The bill includes an amendment I offered in subcommittee dealing with the Airport Improvement Program's cargo service airport entitlement.

Current law defines cargo service airports as airports that are served by cargo-only or "freighter" aircraft which all together weigh more than 100 million pounds. Under the bill, these airports would be entitled to share in a pot of money that equal 2.5 percent of total AIP funds.

Therein lies the problem. Many smaller airports across the country would like to expand their air cargo operations by expanding or adding runways and making infrastructure improvement. However, the airports are not eligible for the cargo service set-aside under the AIP because they do not meet the 100-million-pound requirement. In order to get AIP funds for air cargo projects, these airports have to compete with other airports for discretionary AIP money.

This is counterproductive. My amendment gives the FAA the discretion to award cargo service entitlement funds to airports that the FAA determines are, or will be, served primarily by aircraft providing air transportation only by cargo.

It's a commonsense amendment, one that will benefit airports across the country. I am pleased it is in the bill.

I am also pleased that the manager's amendment includes several very important provisions—especially the one that removes the FAA's dual mandates, and makes it the law of the land that the FAA's primary mission is aviation safety. In the wake of the ValuJet crash, it has become clear that the FAA's dual mandate has made it difficult, at times, for the FAA to be effective in doing everything possible to ensure aviation safety. Removing the FAA's dual mandate won't solve all of the problems, but it is a wise move in the right direction, and one I heartily support.

The manager's amendment also incorporates into the bill the text of two pieces of legislation previously approved by the House, the Child Pilot Safety Act and the Airline Pilot Hiring and Safety Act. These are two important bills that I strongly support.

We have an excellent piece of legislation before the House, and I urge all Members to support it.

Mr. DEFAZIO. Madam Speaker, as a member of the House Aviation Subcommittee, I do not plan to object to the consideration of H.R. 3539 under suspension of the rules because this bill is long overdue and greatly needed by our Nation's airports and air travelers. However, during the subcommittee's consideration of this legislation and the full committee's markup of the bill I offered an amendment that I would have also liked to offer during floor de-

bate. I was disappointed that the House of Representatives planned to consider H.R. 3539—which authorizes \$30 billion for the FAA and airport improvements—under suspension of the rules and I would not be permitted to offer my amendment.

Although much of H.R. 3539 is not controversial, a section was included in this bill that would authorize a pilot program to facilitate the privatization of publicly owned airports. I strongly object to this provision and believe that many Members would voice similar concerns were a full debate possible. At this time I would like to take a moment to outline my objections and explain what my amendment would have done.

The current privatization provisions in H.R. 3539 allow private entities to own and operate airports that have previously been operated as a public entity. However, under the bill, these private companies would have absolutely no obligation to repay the Federal investment in these properties. This is a rip-off for the U.S. taxpayers and corporate welfare at its worst. Since 1946, the Federal Government has awarded over \$23.5 billion in airport grants to finance construction, improvements, and maintenance. The U.S. taxpayers funded these grants and should be reimbursed.

My amendment would require entities that purchase or lease airports under the pilot program authorized in H.R. 3539 to repay public Federal investments made to the airport. At the discretion of the FAA these Federal grant repayments could be adjusted to account for depreciation. Funds generated by the repayment would be used to finance FAA safety programs.

Although my amendment was defeated in committee, I believe that after a full public debate on the House floor, many Members would have agreed with my argument and my efforts to make this legislation more fiscally responsible. In addition, other Members had asked to be included in the debate and would have spoken in support of my amendment.

Gifting the Federal investment in these airports to private entities is just another example of corporate welfare. The Federal grants amount to a windfall for private investors, at the expense of the U.S. taxpayers. Under the rationale of the privatization section of the bill, all public entities—including highways and office buildings—should be up for grabs without any obligation to repay the Federal investment.

This section of H.R. 3539 is highly controversial and should be carefully reviewed before enacted into law. The only current example we have of airport privatization is from Great Britain's experience. In this case commercial airports were owned and financed directly by the central government, unlike in the United States where airports are owned by local government. The British Government sold these airports for \$2.5 billion in a public share offering, generating significant capital for the taxpayers.

Even after privatization, the British Government found it necessary to impose a system of price controls on landing fees at the private airports. The airports remain subject to regulation of airlines' access, airports' charges to airlines, safety, security and environmental protection. The Government also maintains the right to veto new airport investment or divestiture.

Although I continue to object to the privatization section of this legislation, I will be supporting the bill because it includes authorization for needed Federal expenditures. In addition, I am extremely pleased that the bill also includes, at my request, language eliminating the dual mandate of the FAA. This new language will clearly direct the FAA to promote the safety of air travel, not promote the airline industry. I have long sought this change in the FAA's authorizing statute and I thank the committee for including this in the bill we are considering today.

Mr. SHUSTER. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. (Ms. GREENE of Utah). The question is on the motion offered by the gentleman from Pennsylvania [Mr. SHUSTER], that the House suspend the rules and pass the bill, H.R. 3539, as amended.

The question was taken.

Mr. CANADY of Florida. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

□ 1545

GENERAL LEAVE

Mr. SHUSTER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3539, the bill just considered.

The SPEAKER pro tempore. (Ms. GREENE of Utah). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

ANTARCTIC ENVIRONMENTAL PROTECTION ACT OF 1996

Mr. WALKER. Madam Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 3060) to implement the Protocol on Environmental Protection to the Antarctic Treaty.

The Clerk read as follows:

Senate amendment: Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Antarctic Science, Tourism, and Conservation Act of 1996".

TITLE I—AMENDMENTS TO THE ANTARCTIC CONSERVATION ACT OF 1978

SEC. 101. FINDINGS AND PURPOSE.

(a) FINDINGS.—Section 2(a) of the Antarctic Conservation Act of 1978 (16 U.S.C. 2401(a)) is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (4) and (5) respectively, and inserting before paragraph (4), as redesignated, the following:

"(1) for well over a quarter of a century, scientific investigation has been the principal activity of the Federal Government and United States nationals in Antarctica;

"(2) more recently, interest of American tourists in Antarctica has increased;

"(3) as the lead civilian agency in Antarctica, the National Science Foundation has long had responsibility for ensuring that United States scientific activities and tourism, and their supporting logistics operations, are conducted with an eye to preserving the unique values of the Antarctic region;"

(2) by striking "the Agreed Measures for the Conservation of Antarctic Fauna and Flora, adopted at the Third Antarctic Treaty Consultative Meeting, have established a firm foundation" in paragraph (4), as redesignated, and inserting "the Protocol establish a firm foundation for the conservation of Antarctic resources,"

(3) by striking paragraph (5), as redesignated, and inserting the following:

"(5) the Antarctic Treaty and the Protocol establish international mechanisms and create legal obligations necessary for the maintenance of Antarctica as a natural reserve devoted to peace and science."

(b) PURPOSE.—Section 2(b) of such Act (16 U.S.C. 2401(b)) is amended by striking "Treaty, the Agreed Measures for the Conservation of Antarctic Fauna and Flora, and Recommendation VII-3 of the Eighth Antarctic Treaty Consultative Meeting" and inserting "Treaty and the Protocol".

SEC. 102. DEFINITIONS.

Section 3 of the Antarctic Conservation Act of 1978 (16 U.S.C. 2402) is amended to read as follows:

"SEC. 3. DEFINITIONS.

"For purposes of this Act—

"(1) the term 'Administrator' means the Administrator of the Environmental Protection Agency;

"(2) the term 'Antarctica' means the area south of 60 degrees south latitude;

"(3) the term 'Antarctic Specially Protected Area' means an area identified as such pursuant to Annex V to the Protocol;

"(4) the term 'Director' means the Director of the National Science Foundation;

"(5) the term 'harmful interference' means—

"(A) flying or landing helicopters or other aircraft in a manner that disturbs concentrations of birds or seals;

"(B) using vehicles or vessels, including hovercraft and small boats, in a manner that disturbs concentrations of birds or seals;

"(C) using explosives or firearms in a manner that disturbs concentrations of birds or seals;

"(D) willfully disturbing breeding or molting birds or concentrations of birds or seals by persons on foot;

"(E) significantly damaging concentrations of native terrestrial plants by landing aircraft, driving vehicles, or walking on them, or by other means; and

"(F) any activity that results in the significant adverse modification of habitats of any species or population of native mammal, native bird, native plant, or native invertebrate;

"(6) the term 'historic site or monument' means any site or monument listed as an historic site or monument pursuant to Annex V to the Protocol;

"(7) the term 'impact' means impact on the Antarctic environment and dependent and associated ecosystems;

"(8) the term 'import' means to land on, bring into, or introduce into, or attempt to land on, bring into or introduce into, any place subject to the jurisdiction of the United States, including the 12-mile territorial sea of the United States, whether or not such act constitutes an importation within the meaning of the customs laws of the United States;

"(9) the term 'native bird' means any member, at any stage of its life cycle (including eggs), of any species of the class Aves which is indigenous to Antarctica or occurs there seasonally through natural migrations, and includes any part of such member;

"(10) the term 'native invertebrate' means any terrestrial or freshwater invertebrate, at any stage of its life cycle, which is indigenous to Antarctica, and includes any part of such invertebrate;

"(11) the term 'native mammal' means any member, at any stage of its life cycle, of any species of the class Mammalia, which is indigenous to Antarctica or occurs there seasonally through natural migrations, and includes any part of such member;

"(12) the term 'native plant' means any terrestrial or freshwater vegetation, including bryophytes, lichens, fungi, and algae, at any stage of its life cycle (including seeds and other propagules), which is indigenous to Antarctica, and includes any part of such vegetation;

"(13) the term 'non-native species' means any species of animal or plant which is not indigenous to Antarctica and does not occur there seasonally through natural migrations;

"(14) the term 'person' has the meaning given that term in section 1 of title 1, United States Code, and includes any person subject to the jurisdiction of the United States and any department, agency, or other instrumentality of the Federal Government or of any State or local government;

"(15) the term 'prohibited product' means any substance banned from introduction onto land or ice shelves or into water in Antarctica pursuant to Annex III to the Protocol;

"(16) the term 'prohibited waste' means any substance which must be removed from Antarctica pursuant to Annex III to the Protocol, but does not include materials used for balloon envelopes required for scientific research and weather forecasting;

"(17) the term 'Protocol' means the Protocol on Environmental Protection to the Antarctic Treaty, signed October 4, 1991, in Madrid, and all annexes thereto, including any future amendments thereto to which the United States is a party;

"(18) the term 'Secretary' means the Secretary of Commerce;

"(19) the term 'Specially Protected Species' means any native species designated as a Specially Protected Species pursuant to Annex II to the Protocol;

"(20) the term 'take' means to kill, injure, capture, handle, or molest a native mammal or bird, or to remove or damage such quantities of native plants that their local distribution or abundance would be significantly affected;

"(21) the term 'Treaty' means the Antarctic Treaty signed in Washington, DC, on December 1, 1959;

"(22) the term 'United States' means the several States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and any other commonwealth, territory, or possession of the United States; and

"(23) the term 'vessel subject to the jurisdiction of the United States' includes any 'vessel of the United States' and any 'vessel subject to the jurisdiction of the United States' as those terms are defined in section 303 of the Antarctic Marine Living Resources Convention Act of 1984 (16 U.S.C. 2432)."

SEC. 103. PROHIBITED ACTS.

Section 4 of the Antarctic Conservation Act of 1978 (16 U.S.C. 2403) is amended to read as follows:

"SEC. 4. PROHIBITED ACTS.

"(a) IN GENERAL.—It is unlawful for any person—

"(1) to introduce any prohibited product onto land or ice shelves or into water in Antarctica;

"(2) to dispose of any waste onto ice-free land areas or into fresh water systems in Antarctica;

"(3) to dispose of any prohibited waste in Antarctica;

"(4) to engage in open burning of waste;