

PROVIDING FOR THE CONSIDERATION OF H.R. 1000, THE
AVIATION INVESTMENT AND REFORM ACT FOR THE 21ST
CENTURY (AIR21)

JUNE 14, 1999.—Referred to the House Calendar and ordered to be printed

Mr. REYNOLDS, from the Committee on Rules,
submitted the following

REPORT

[To accompany H. Res. 206]

The Committee on Rules, having had under consideration House Resolution 206, by a non-record vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF RESOLUTION

The resolution provides for the consideration of H.R. 1000, the “Aviation Investment and Reform Act for the 21st Century (AIR21),” under a structured rule. The rule provides one hour of general debate divided equally between the chairman and ranking minority member of the Committee on Transportation and Infrastructure Committee.

The rule waives all points of order against consideration of the bill. The rule also makes in order the Committee on Transportation and Infrastructure amendment in the nature of a substitute as an original bill for purpose of amendment, modified by the amendment printed in part A of this report. The rule waives all points of order against consideration of the amendment in the nature of a substitute.

The rule makes in order only those amendments printed in part B of this. Amendments made in order may be offered only in the order printed in the report, may be offered only by a Member designated of this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The

rule waives all points of order against the amendments printed in this report.

The rule allows for the Chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce voting time to five minutes on a postponed question if the vote follows a fifteen minute vote. Finally, the rule provides for one motion to recommit, with or without instructions.

The waivers of all points of order against consideration of the bill and the amendment in the nature of a substitute include sections 302 (prohibiting consideration of legislation providing new entitlement or contract authority in excess of a committee's allocation) and 311 (prohibiting consideration of legislation that would cause the total level of new budget authority or outlays in the most recent budget resolution to be exceeded or would cause revenues to be less) of the Congressional Budget Act.

SUMMARY OF AMENDMENTS MADE IN ORDER FOR H.R. 1000, THE AVIATION INVESTMENT AND REFORM ACT FOR THE 21ST CENTURY (AIR21)

Part A—Amendment Modifying the Amendment in the Nature of a Substitute

Archer: Extends the general expenditure authority and purposes of the Airport and Airway Trust Fund through FY 2004.

Part B—Amendments Made in Order Under the Rule

Shuster: Manager's amendment (includes 40 specific provisions). Eliminates all slot restrictions at O'Hare Airport on March 1, 2002, and at LaGuardia and Kennedy Airports on January 1, 2007, but makes additional slots available for new airlines; makes intermodal connections, including capital equipment, eligible for AIP grants; amends section 508 to add the additional penalty on unruly passengers of a ban for 1 year from flying; allows the sale of Blue Ash Airport; adds language to the definition of public aircraft; allows surplus military aircraft to be sold and used for emergency oil dispersing services; prohibits landfills within 6 miles of a small airport; adds a new purpose for which noise money can be spent; allows an AIP grant to an airport to buy land for noise mitigation purposes even when military aircraft cause the noise; requires foreign airlines to comply with the prohibition on discrimination against the handicapped only when that is consistent with our international obligations; permits U.S. based computer reservation systems to file unfair competition complaints against foreigners; requires that methodologies used to assess air tour noise in any unit of the National Park System (including the Grand Canyon) shall be based on reliable scientific methods; increases the number of state block grant states from 9 to 10; clarifies that the discretionary budget authority and outlays from the aviation trust fund that are moved off budget are removed from the discretionary budget caps for FY 2001 and 2002; makes the loan guarantee program in section 211 subject to appropriation; and includes several other small provisions. (10 minutes)

Young (FL)/Kasich/Obey/Spratt: Strikes section 103(b) (authorization of appropriations from the Trust Fund) and strikes titles IX

and X (Truth in Budgeting and Aviation Spending Guarantee) of the bill. (60 minutes)

Jackson/Hyde: Diverts 50 percent of the future Passenger Facilities Charges (PFCs) collected by Chicago's airports from the Chicago Airport Authority to the Illinois Department of Transportation. (10 minutes)

Graham: Strikes section 105 (which allows the increase in the Passenger Facility Charge (PFC)). (40 minutes)

Andrews: Waives any matching fund airports are currently required to supply when receiving a grant from FAA if they enter into an agreement with FEMA or a state of local emergency response agency to allow their airport to be run by that agency in a time of emergency. (10 minutes)

Moran (VA): Conditions new air service at Reagan National, JFK, LaGuardia, and O'Hare airports on Department of Transportation approval of an airport noise reduction program that must include local public input and can include restrictions on the use of aircraft originally built for stage II compliance (10 minutes)

Hyde/Morella: Strikes section 201 (which eliminates the slot restrictions at O'Hare, LaGuardia, and Kennedy airports and allows for slot increases at Reagan National airport). (40 minutes)

PART A—TEXT OF AMENDMENT MODIFYING THE AMENDMENT IN THE NATURE OF A SUBSTITUTE

At the end of the bill insert the following new title (and conform the table of contents accordingly):

TITLE XI—EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY

SEC. 1101. EXTENSION OF EXPENDITURE AUTHORITY.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 (relating to expenditures from Airport and Airway Trust Fund) is amended—

(1) by striking “October 1, 1998” and inserting “October 1, 2004”, and

(2) by inserting before the semicolon at the end of subparagraph (A) the following “or the provisions of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 providing for payments from the Airport and Airway Trust Fund or the Interim Federal Aviation Administration Authorization Act or section 6002 of the 1999 Emergency Supplemental Appropriations Act or the Aviation Investment and Reform Act for the 21st Century”.

(b) LIMITATION ON EXPENDITURE AUTHORITY.—Section 9502 of such Code is amended by adding at the end the following new subsection:

“(f) LIMITATION ON TRANSFERS TO TRUST FUND.—

“(1) IN GENERAL.—Except as provided in paragraph (2), no amount may be appropriated or credited to the Airport and Airway Trust Fund on and after the date of any expenditure

from the Airport and Airway Trust Fund which is not permitted by this section. The determination of whether an expenditure is so permitted shall be made without regard to—

“(A) any provision of law which is not contained or referenced in this title or in a revenue Act, and

“(B) whether such provision of law is a subsequently enacted provision or directly or indirectly seeks to waive the application of this subsection.

“(2) EXCEPTION FOR PRIOR OBLIGATIONS.—Paragraph (1) shall not apply to any expenditure to liquidate any contract entered into (or for any amount otherwise obligated) before October 1, 1999, in accordance with the provisions of this section.”.

PART B—TEXT OF AMENDMENTS MADE IN ORDER UNDER THE RULE

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SHUSTER OF PENNSYLVANIA, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of section 102 of the bill, insert the following:

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

“(e) ALASKA NATIONAL AIR SPACE COMMUNICATIONS SYSTEM.—Of the amounts appropriated under subsection (a) for fiscal year 2001, \$7,200,000 may be used by the Administrator for the Alaska National Air Space Interfacility Communications System if the Administrator issues a report supporting the use of such funds for the System.”.

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

“(f) AUTOMATED SURFACE OBSERVATION SYSTEM/AUTOMATED WEATHER OBSERVING SYSTEM UPGRADE.—Of the amounts appropriated under subsection (a) for fiscal years beginning after September 30, 2000, such sums as may be necessary for the implementation and use of upgrades to the current automated surface observation system/automated weather observing system, if the upgrade is successfully demonstrated.”.

In the matter to be added by section 103(a)(3) of the bill as paragraph (2) of section 106(k) of title 49, United States Code, strike “and” at the end of subparagraph (F)(ii) and strike the period at the end of subparagraph (G) and insert “; and” and the following:

“(H) such sums as may be necessary for the Secretary to hire additional inspectors in order to enhance air cargo security programs.

At the end of section 103 of the bill, insert the following:

(d) OFFICE OF AIRLINE INFORMATION.—There is authorized to be appropriated from the Airport and Airway Trust Fund to the Secretary \$4,000,000 for fiscal years beginning after September 30, 2000, to fund the activities of the Office of Airline Information in the Bureau of Transportation Statistics of the Department of Transportation.

In section 104(h) of the bill, strike paragraph (1) and insert the following:

(1) in subparagraph (A)—

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

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

(C) by striking the period at the end of the first sentence and inserting the following: “, and for noise mitigation projects approved in the environmental record of decision for an airport development project under this chapter.”.

In section 122 of the bill, strike “and” the last place it appears.

In section 123(c)(1) of the bill, strike the period following “landing light systems” and insert “; and”.

In section 130(a)(1) of the bill, strike “12 for fiscal year 2000” and insert “15 for fiscal year 2000”.

In section 130(a) of the bill, in the matter to be added as section 47118(f) of title 49, United States Code, strike “at least 3 of the airports designated under subsection (a)” and insert “1 airport of the airports designated under subsection (a) for fiscal year 2000 and 3 airports for each fiscal year thereafter”.

In section 134 of the bill, in the matter proposed to be added as section 47137 of title 49, United States Code, redesignate subsections (d) through (g) as subsections (e) through (h), respectively, and insert after subsection (c) the following:

“(d) TECHNICAL ASSISTANCE.—

“(1) IN GENERAL.—The sponsor of a public-use airport carrying out inherently low-emission vehicle activities under the pilot program may use not to exceed 10 percent of the amounts made available for expenditure at the airport in a fiscal year under the pilot program to receive technical assistance in carrying out such activities.

“(2) ELIGIBLE CONSORTIUM.—To the maximum extent practicable, a sponsor shall use an eligible consortium (as defined in section 5506 of this title) in the region of the airport to receive technical assistance described in paragraph (1).

At the end of subtitle B of title I of the bill, add the following (and conform the table of contents of the bill accordingly):

SEC. 137. INTERMODAL CONNECTIONS.

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

“(5) to encourage the development of intermodal connections between airports and other transportation modes and systems to promote economic development in a way that will serve States and local communities efficiently and effectively;”.

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

“(I) constructing, reconstructing, or improving an airport, or purchasing capital equipment for an airport, for the purpose of transferring passengers, cargo, or baggage between the airport and ground transportation modes.”.

SEC. 138. STATE BLOCK GRANT PROGRAM.

Section 47128(a) is amended by striking “9 qualified” and inserting “10 qualified”.

SEC. 139. ENGINEERED MATERIALS ARRESTING SYSTEMS.

(a) **ELIGIBILITY.**—Section 47102(3)(B) (as amended by this Act) is amended by adding at the end the following:

“(ix) engineered materials arresting systems as described in the Advisory Circular No. 150/5220–22 published by the Federal Aviation Administration on August 21, 1998.”.

(b) **RULEMAKING.**—The Administrator shall initiate a rulemaking proceeding to consider revisions to part 139 of title 14, Code of Federal Regulations, to improve runway safety through the use of engineered materials arresting systems, longer runways, and such other techniques as the Administrator considers appropriate.

In section 153(a)(1) of the bill, strike “1999 through 2004” and insert “2000 through 2002”.

At the end of subtitle C of title I of the bill add the following (and conform the table of contents of the bill accordingly):

SEC. 157. AIRCRAFT NOISE PRIMARILY CAUSED BY MILITARY AIRCRAFT.

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

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

SEC. 158. TIMELY ANNOUNCEMENT OF GRANTS.

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

At the end of title III of the bill, add the following:

SEC. 308. FAILURE TO MEET RULEMAKING DEADLINE.

Section 106(f)(3)(A) is amended by adding at the end the following: “If the Administrator does not meet a deadline specified in this subparagraph, the Administrator shall transmit to Congress notification of the missed deadline, including an explanation for missing the deadline and a projected date on which the action that was subject to the deadline will be taken.”.

SEC. 309. FEDERAL PROCUREMENT INTEGRITY ACT.

Section 348(b)(2) of the Department of Transportation and Related Agencies Appropriations Act, 1996 (49 U.S.C. 40110 note; 109 Stat. 460) is amended by striking the period and inserting the following: “, other than section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423); except that subsections (f) and (g) of such section 27 shall not apply to the Federal Aviation Administration’s acquisition management system. Within 90 days following the date of enactment of the Aviation Investment and Reform Act for the 21st Century, the Administrator of the Federal Aviation Administration shall adopt definitions for the acquisition management system that are consistent with the purpose and intent of this section and that will allow the application of the criminal, civil and administrative remedies provided. The Administrator shall have the authority to take an adverse personnel action provided in sub-

section (e)(3)(A)(iv) of such section 27, but shall take any such actions in accordance with the procedures contained in the Federal Aviation Administration's personnel management system."

In the matter to be added by section 507(a) of the bill to chapter 447 of title 49, United States Code, as section 44725(b)(4) of the bill, insert "every time the part is removed from service or" after "updated".

In section 507(b)(3) of the bill, in the matter proposed to be added as section 46201(a)(3)(C) of title 49, United States Code, strike "or".

In section 508 of the bill, in the matter to be inserted as section 46316 of title 49, United States Code—

(1) insert "(a) CIVIL PENALTY.—" before "An individual"; and

(2) strike the closing quotation marks and the final period at the end of subsection (a) (as so designated) and insert the following:

"(b) BAN ON FLYING.—If the Secretary finds that an individual has interfered with the duties or responsibilities of the flight crew or cabin crew of a civil aircraft in a way that poses an imminent threat to the safety of the aircraft or individuals aboard the aircraft, the individual may be banned by the Secretary for a period of 1 year from flying on any aircraft operated by an air carrier.

"(c) REGULATIONS.—The Secretary shall issue regulations to carry out subsection (b), including establishing procedures for imposing bans on flying, implementing such bans, and providing notification to air carriers of the imposition of such bans."

At the end of title V of the bill, add the following (and conform the table of contents of the bill accordingly):

SEC. 511. LANDFILLS INTERFERING WITH AIR COMMERCE.

(a) FINDINGS.—Congress finds that—

(1) collisions between aircraft and birds have resulted in fatal accidents;

(2) bird strikes pose a special danger to smaller aircraft;

(3) landfills near airports pose a potential hazard to aircraft operating there because they attract birds;

(4) even if the landfill is not located in the approach path of the airport's runway, it still poses a hazard because of the birds' ability to fly away from the landfill and into the path of oncoming planes;

(5) while certain mileage limits have the potential to be arbitrary, keeping landfills at least 6 miles away from an airport, especially an airport served by small planes, is an appropriate minimum requirement for aviation safety; and

(6) closure of existing landfills (due to concerns about aviation safety) should be avoided because of the likely disruption to those who use and depend on such landfills.

(b) LIMITATION ON CONSTRUCTION.—Section 44718(d) is amended to read as follows:

"(d) LIMITATION ON CONSTRUCTION OF LANDFILLS.—

"(1) IN GENERAL.—No person shall construct or establish a landfill within 6 miles of an airport primarily served by general aviation aircraft or aircraft designed for 60 passengers or less unless the State aviation agency of the State in which the airport is located requests that the Administrator of the Fed-

eral Aviation Administration exempt the landfill from this prohibition and the Administrator, in response to such a request, determines that the landfill would not have an adverse impact on aviation safety.

“(2) LIMITATION ON APPLICABILITY.—Paragraph (1) shall not apply to construction or establishment of a landfill if a permit relating to construction or establishment of such landfill was issued on or before June 1, 1999.”.

(c) CIVIL PENALTY FOR VIOLATIONS OF LIMITATION ON CONSTRUCTION OF LANDFILLS.—Section 46201(a)(3) is further amended by adding at the end the following:

“(D) a violation of section 41718(d), relating to limitation on construction of landfills; or”.

SEC. 512. AMENDMENT OF STATUTE PROHIBITING THE BRINGING OF HAZARDOUS SUBSTANCES ABOARD AN AIRCRAFT.

Section 46312 is amended—

(1) by striking “A person” and inserting “(a) GENERAL.—A person”; and

(2) by adding at the end the following:

“(b) KNOWLEDGE OF REGULATIONS.—For purposes of subsection (a), knowledge by the person of the existence of a regulation or requirement related to the transportation of hazardous material prescribed by the Secretary under this part is not an element of an offense under this section but shall be considered in mitigation of the penalty.”.

SEC. 513. AIRPORT SAFETY NEEDS.

The Administrator shall initiate a rulemaking proceeding to consider revisions of part 139 of title 14, Code of Federal Regulations, to meet current and future airport safety needs—

(1) focusing, but not limited to, on the mission of rescue personnel, rescue operations response time, and extinguishing equipment; and

(2) taking into account the need for different requirements for airports depending on their size.

SEC. 514. LIMITATION ON ENTRY INTO MAINTENANCE IMPLEMENTATION PROCEDURES.

The Administrator may not enter into any maintenance implementation procedure through a bilateral aviation safety agreement unless the Administrator determines that the participating nations are inspecting repair stations so as to ensure their compliance with the standards of the Federal Aviation Administration.

SEC. 515. OCCUPATIONAL INJURIES OF AIRPORT WORKERS.

(a) STUDY.—The Administrator shall conduct a study to determine the number of persons working at airports who are injured or killed as a result of being struck by a moving vehicle while on an airport tarmac, the seriousness of the injuries to such persons, and whether or not reflective safety vests or other actions should be required to enhance the safety of such workers.

(b) 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 this section.

SEC. 516. AIRPORT DISPATCHERS.

(a) **STUDY.**—The Administrator shall conduct a study of the role of airport dispatchers in enhancing aviation safety. The study shall include an assessment of whether or not aircraft dispatchers should be required for those operations not presently requiring aircraft dispatcher assistance, operational control issues related to the aircraft dispatching function, and whether or not designation of positions within the Federal Aviation Administration for oversight of dispatchers would enhance aviation safety.

(b) **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 this section.

SEC. 517. IMPROVED TRAINING FOR AIRFRAME AND POWERPLANT MECHANICS.

The Administrator shall form a partnership with industry to develop a model program to improve the curriculum, teaching methods, and quality of instructors for training individuals that need certification as airframe and powerplant mechanics.

In section 702(a) of the bill, in the proposed section 40102(a)(38) of title 49, United States Code, strike the closing quotation marks and the final period and insert the following:

“(E) owned by the armed forces or chartered to provide transportation to the armed forces under the conditions specified by section 40125(d).”.

In section 702(b) of the bill, in the matter to be added as section 40125(a) of title 49, United States Code—

(1) in paragraph (1) after “does not include the operation of an aircraft” insert “by the armed forces for reimbursement when that reimbursement is required by Federal law or”; and

(2) in paragraph (2)—

(A) after “such as” insert “national defense, intelligence missions,”; and

(B) after “law enforcement” insert “(including transport of prisoners, detainees, and illegal aliens)”.

In section 702(b) of the bill, at the end of the matter to be added as section 40125(a) of title 49, United States Code, add the following:

“(4) **ARMED FORCES.**—The term ‘armed forces’ has the meaning given such term by section 101 of title 10.

In section 702(b) of the bill, in the matter to be added as section 40125(c), strike the closing quotation marks and the final period and insert the following:

“(d) **AIRCRAFT OWNED OR OPERATED BY THE ARMED FORCES.**—An aircraft described in section 40102(38)(E) qualifies as a public aircraft if—

“(1) the aircraft is operated in accordance with title 10; or

“(2) the aircraft is chartered to provide transportation to the armed forces and the Secretary of Defense (or the Secretary of the department in which the Coast Guard is operating) designates the operation of the aircraft as being required in the national interest.”.

At the end of section 702 of the bill, add the following:

(c) **SAFETY OF PUBLIC AIRCRAFT.**—

(1) **STUDY.**—The National Transportation Safety Board shall conduct a study to compare the safety of public aircraft and civil aircraft. In conducting the study, the Board shall review safety statistics on aircraft operations since 1993.

(2) **REPORT.**—Not later than 6 months after the date of enactment of this Act, the National Transportation Safety Board shall transmit to Congress a report containing the results of the study conducted under paragraph (1).

Strike section 706(c) of the bill and insert the following:

(c) **DISCRIMINATION AGAINST HANDICAPPED INDIVIDUALS BY FOREIGN AIR CARRIERS.**—Section 41705 is amended—

(1) by inserting “(a) **GENERAL PROHIBITION.**—” before “In providing”; and

(2) by adding at the end the following:

“(b) **PROHIBITION APPLICABLE TO FOREIGN AIR CARRIERS.**—Subject to section 40105(b), the prohibition on discrimination against an otherwise qualified individual set forth in subsection (a) shall apply to a foreign air carrier in providing foreign air transportation.”.

In section 706(d) of the bill, in the matter to be added as section 46201(a)(3)(D) of title 49, United States Code, strike “(D)” and insert “(E)”.

In section 711 of the bill, in the matter to be inserted as subsection (c)(1), strike “date of birth”.

At the end of title VII of the bill, add the following (and conform the table of contents of the bill accordingly):

SEC. 732. CINCINNATI-MUNICIPAL BLUE ASH AIRPORT.

(a) **APPROVAL OF SALE.**—To maintain the efficient utilization of airports in the high-growth Cincinnati local airport system, and to ensure that the Cincinnati-Municipal Blue Ash Airport continues to operate to relieve congestion at Cincinnati-Northern Kentucky International Airport and to provide greater access to the general aviation community beyond the expiration of the city of Cincinnati’s grant obligations, the Secretary of Transportation may approve the sale of Cincinnati-Municipal Blue Ash Airport from the city of Cincinnati to the city of Blue Ash upon a finding that the city of Blue Ash meets all applicable requirements for sponsorship and if the city of Blue Ash agrees to continue to maintain and operate Blue Ash Airport, as generally contemplated and described within the Blue Ash Master Plan Update dated November 30, 1998, for a period of 20 years from the date existing grant assurance obligations of the city of Cincinnati expire.

(b) **TREATMENT OF PROCEEDS FROM SALE.**—The proceeds from the sale approved under subsection (a) shall not be considered to be airport revenue for purposes of section 47107 and 47133 of title 49, United States Code, grant obligations of the city of Cincinnati, or regulations and policies of the Federal Aviation Administration.

SEC. 733. AIRCRAFT AND AIRCRAFT PARTS FOR USE IN RESPONDING TO OIL SPILLS.

(a) **AUTHORITY TO SELL.**—

(1) **IN GENERAL.**—Notwithstanding section 202 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483) and subject to subsections (b) and (c), the Secretary of De-

fense may, during the period beginning June 15, 1999, and ending September 30, 2002, sell aircraft and aircraft parts referred to in paragraph (2) to a person or governmental entity that contracts to deliver oil dispersants by air in order to disperse oil spills, and that has been approved by the Secretary of the Department in which the Coast Guard is operating for the delivery of oil dispersants by air in order to disperse oil spills.

(2) COVERED AIRCRAFT AND AIRCRAFT PARTS.—The aircraft and aircraft parts that may be sold under paragraph (1) are aircraft and aircraft parts of the Department of Defense that are determined by the Secretary of Defense to be—

- (A) excess to the needs of the Department;
- (B) acceptable for commercial sale; and
- (C) with respect to aircraft, 10 years old or older.

(b) CONDITIONS OF SALE.—Aircraft and aircraft parts sold under subsection (a)—

(1) may be used only for oil spill spotting, observation, and dispersant delivery; and

(2) may not be flown outside of or removed from the United States, except for the purpose of fulfilling an international agreement to assist in oil spill dispersing efforts or for other purposes that are jointly approved by the Secretary of Defense and the Secretary of Transportation.

(c) CERTIFICATION OF PERSONS AND ENTITIES.—The Secretary of Defense may sell aircraft and aircraft parts to a person or governmental entity under subsection (a) only if the Secretary of Transportation certifies to the Secretary of Defense, in writing, before the sale, that the person or governmental entity is capable of meeting the terms and conditions of a contract to deliver oil spill dispersants by air.

(d) REGULATIONS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Defense, in consultation with the Secretary of Transportation and the Administrator of General Services, shall issue regulations relating to the sale of aircraft and aircraft parts under this section.

(2) CONTENTS.—The regulations shall—

(A) ensure that the sale of the aircraft and aircraft parts is made at a fair market value as determined by the Secretary of Defense, and, to the extent practicable, on a competitive basis;

(B) require a certification by the purchaser that the aircraft and aircraft parts will be used in accordance with the conditions set forth in subsection (b);

(C) establish appropriate means of verifying and enforcing the use of the aircraft and aircraft parts by the purchaser and other users in accordance with the conditions set forth in subsection (b) or pursuant to subsection (e); and

(D) ensure, to the maximum extent practicable, that the Secretary of Defense consults with the Administrator of General Services and with the heads of other appropriate departments and agencies of the Federal Government re-

garding alternative uses for such aircraft and aircraft parts before the sale of such aircraft and aircraft parts under this section.

(e) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary of Defense may require such other terms and conditions in connection with each sale of aircraft and aircraft parts under this section as the Secretary of Defense considers appropriate for such sale. Such terms and conditions shall meet the requirements of regulations issued under subsection (d).

(f) **REPORT.**—Not later than March 31, 2002, the Secretary of Defense shall submit to the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Armed Services and the Committee on Transportation and Infrastructure of the House of Representatives a report on the Secretary of Defense's exercise of authority under this section. The report shall set forth—

(1) the number and types of aircraft sold under this section, and the terms and conditions under which the aircraft were sold;

(2) the persons or entities to which the aircraft were sold; and

(3) an accounting of the current use of the aircraft sold.

(g) **CONSTRUCTION.**—Nothing in this section may be construed as affecting the authority of the Administrator of the Federal Aviation Administration under any other provision of law.

(h) **PROCEEDS FROM SALE.**—The net proceeds of any amounts received by the Secretary of Defense from the sale of aircraft and aircraft parts under this section shall be deposited into the general fund of the Treasury as miscellaneous receipts.

SEC. 734. DISCRIMINATORY PRACTICES BY COMPUTER RESERVATIONS SYSTEMS OUTSIDE THE UNITED STATES.

(a) **ACTIONS AGAINST DISCRIMINATORY ACTIVITY BY FOREIGN CRS SYSTEMS.**—Section 41310 is amended by adding at the end the following:

“(g) **ACTIONS AGAINST DISCRIMINATORY ACTIVITY BY FOREIGN CRS SYSTEMS.**—The Secretary of Transportation may take such actions as the Secretary considers are in the public interest to eliminate an activity of a foreign air carrier that owns or markets a computer reservations system, or of a computer reservations system firm whose principal offices are located outside the United States, when the Secretary, on the initiative of the Secretary or on complaint, decides that the activity, with respect to airline service—

“(1) is an unjustifiable or unreasonable discriminatory, predatory, or anticompetitive practice against a computer reservations system firm whose principal offices are located inside the United States; or

“(2) imposes an unjustifiable or unreasonable restriction on access of such a computer reservations system to a foreign market.”.

(b) **COMPLAINTS BY CRS FIRMS.**—Section 41310 is amended—

(1) in subsection (d)(1)—

(A) by striking “air carrier” in the first sentence and inserting “air carrier, computer reservations system firm,”;

- (B) by striking “subsection (c)” and inserting “subsection (c) or (g)”; and
- (C) by striking “air carrier” in subparagraph (B) and inserting “air carrier or computer reservations system firm”; and
- (2) in subsection (e)(1) by inserting “or a computer reservations system firm is subject when providing services with respect to airline service” before the period at the end of the first sentence.

SEC. 735. ALKALI SILICA REACTIVITY DISTRESS.

(a) **IN GENERAL.**—The Administrator may make a grant to, or enter into a cooperative agreement with, a nonprofit organization for the conduct of a study on the impact of alkali silica reactivity distress on airport runways and taxiways and the use of lithium salts and other alternatives for mitigation and prevention of such distress.

(b) **REPORT.**—Not later than 18 months after making a grant, or entering into a cooperative agreement, under subsection (a) the Administrator shall transmit a report to Congress on the results of the study.

SEC. 736. PROCUREMENT OF PRIVATE ENTERPRISE MAPPING, CHARTING, AND GEOGRAPHIC INFORMATION SYSTEMS.

The Administrator shall consider procuring mapping, charting, and geographic information systems necessary to carry out the duties of the Administrator under title 49, United States Code, from private enterprises, if the Administrator determines that such procurement furthers the mission of the Federal Aviation Administration and is cost effective.

SEC. 737. LAND USE COMPLIANCE REPORT.

Section 47131 is amended—

- (1) by striking “and” at the end of paragraph (3);
- (2) by striking the period at the end of paragraph (4) and inserting “; and”; and
- (3) by adding at the end the following:
 - “(5) a detailed statement listing airports that are not in compliance with grant assurances or other requirements with respect to airport lands and including the circumstances of such noncompliance, the timelines for corrective action, and the corrective action the Secretary intends to take to bring the airport sponsor into compliance.”.

SEC. 738. NATIONAL TRANSPORTATION DATA CENTER OF EXCELLENCE.

Of the amounts made available pursuant to section 5117(b)(6)(B) of the Transportation Equity Act for the 21st Century (23 U.S.C. 502 note; 112 Stat. 450), not to exceed \$1,000,000 for each of fiscal years 2000 and 2001 may be made available by the Secretary of Transportation to establish, at an Army depot that has been closed or realigned, a national transportation data center of excellence that will—

- (1) serve as a satellite facility for the central data repository that is hosted by the computer center of the Transportation Administrative Service; and

(2) analyze transportation data collected by the Federal Government, States, cities, and the transportation industry.

SEC. 739. MONROE REGIONAL AIRPORT LAND CONVEYANCE.

The Secretary of Transportation shall waive all terms contained in the 1949 deed of conveyance under which the United States conveyed certain property then constituting Selman Field, Louisiana, to the city of Monroe, Louisiana, subject to the following conditions:

(1) The city agrees that in conveying any interest in such property the city will receive an amount for such interest that is equal to the fair market value for such interest.

(2) The amount received by the city for such conveyance shall be used by the city—

(A) for the development, improvement, operation, or maintenance of a public airport; or

(B) for the development or improvement of the city's airport industrial park co-located with the Monroe Regional Airport to the extent that such development or improvement will result in an increase, over time, in the amount the industrial park will pay to the airport to an amount that is greater than the amount the city received for such conveyance.

SEC. 740. AUTOMATED WEATHER FORECASTING SYSTEMS.

(a) **CONTRACT FOR STUDY.**—The Administrator shall contract with the National Academy of Sciences to conduct a study of the effectiveness of the automated weather forecasting systems of covered flight service stations solely with regard to providing safe and reliable airport operations.

(b) **COVERED FLIGHT SERVICE STATIONS.**—In this section, the term “covered flight service station” means a flight service station where automated weather observation constitutes the entire observation and no additional weather information is added by a human weather observer.

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

SEC. 741. NOISE STUDY OF SKY HARBOR AIRPORT, PHOENIX, ARIZONA.

(a) **IN GENERAL.**—The Administrator of the Federal Aviation Administration shall conduct a study on recent changes to the flight patterns of aircraft using Sky Harbor Airport in Phoenix, Arizona, and the effects of such changes on the noise contours in the Phoenix, Arizona, region.

(b) **REPORT.**—

(1) **IN GENERAL.**—Not later than 90 days after the enactment of this section, the Administrator shall submit a report to Congress containing the results of the study conducted under subsection (a) and recommendations for measures to mitigate aircraft noise over populated areas in the Phoenix, Arizona, region.

(2) **AVAILABILITY TO THE PUBLIC.**—The Administrator shall make the report described in paragraph (1) available to the public.

SEC. 742. NONMILITARY HELICOPTER NOISE.

(a) **IN GENERAL.**—The Secretary of Transportation shall conduct a study—

(1) on the effects of nonmilitary helicopter noise on individuals; and

(2) to develop recommendations for the reduction of the effects of nonmilitary helicopter noise.

(b) **CONSIDERATION OF VIEWS.**—In conducting the study under this section, the Secretary shall consider the views of representatives of the helicopter industry and representatives of organizations with an interest in reducing nonmilitary helicopter noise.

(c) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study under this section.

At the end of section 40126(e) to be added to chapter 401 of title 49, United States Code, by section 803(a) of the bill, insert the following:

“(3) **LAKE MEAD.**—This section shall not apply to any air tour operator while flying over or near the Lake Mead National Recreation Area solely, as a transportation route, to conduct an air tour over the Grand Canyon National Park.

In title VIII of the bill, redesignate section 806 and 807 as sections 807 and 808, respectively, and insert after section 805 the following:

SEC. 806. METHODOLOGIES USED TO ASSESS AIR TOUR NOISE.

Any methodology adopted by a Federal agency to assess air tour noise in any unit of the national park system (including the Grand Canyon and Alaska) shall be based on reasonable scientific methods.

Strike section 202 of the bill and insert the following:

SEC. 202. FUNDING FOR AIR CARRIER SERVICE TO AIRPORTS NOT RECEIVING SUFFICIENT SERVICE.

(a) **FUNDING FOR AIRPORTS NOT RECEIVING SUFFICIENT SERVICE.**—Chapter 417 is amended by adding at the end the following:

“§ 41743. Airports not receiving sufficient service

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

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

“(2) to provide assistance to an underserved airport to obtain jet aircraft service (and to promote passenger use of that service) to and from the underserved airport; and

“(3) to provide assistance to an underserved airport to implement such other measures as the Secretary, in consultation with such airport, considers appropriate to improve air service both in terms of the cost of such service to consumers and the availability of such service, including improving air service through marketing and promotion of air service and enhanced utilization of airport facilities.

“(b) **PRIORITY CRITERIA FOR ASSISTING AIRPORTS NOT RECEIVING SUFFICIENT SERVICE.**—In providing assistance to airports under subsection (a), the Secretary shall give priority to those airports for

which a community will provide, from local sources (other than airport revenues), a portion of the cost of the activity to be assisted.

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

“(1) UNDERSERVED AIRPORT.—The term ‘underserved airport’ means a nonhub airport or small hub airport (as such terms are defined in section 41731) that—

“(A) the Secretary determines is not receiving sufficient air carrier service; or

“(B) has unreasonably high airfares.

“(2) UNREASONABLY HIGH AIRFARE.—The term ‘unreasonably high airfare’, as used with respect to an airport, means that the airfare listed in the table entitled ‘Top 1,000 City-Pair Market Summarized by City’, contained in the Domestic Airline Fares Consumer Report of the Department of Transportation, for one or more markets for which the airport is a part of has an average yield listed in such table that is more than 19 cents.

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

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

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

(c) CONFORMING AMENDMENT.—The analysis for chapter 417 is amended by adding at the end the following:

“41743. Airports not receiving sufficient service.”.

In section 211(a) of the bill, in the second sentence of the matter proposed to be added as section 41763(b)(1)(E), insert “, subject to appropriations,” after “the Secretary”.

In section 211(a) of the bill, in the second sentence of the matter proposed to be added as section 41763(c)(3), insert “, subject to appropriations,” after “the Secretary”.

In section 211(a) of the bill, in the second sentence of the matter proposed to be added as section 41763(d)(2)(G), insert “, subject to appropriations,” after “the Secretary”.

Redesignate section 904 of the bill as section 905 and insert after section 903 of the bill the following (and conform the table of contents of the bill accordingly):

SEC. 904. ADJUSTMENTS TO DISCRETIONARY SPENDING LIMITS.

When the President submits the budget under section 1105(a) of title 31, United States Code, for fiscal year 2001, the Director of the Office of Management and Budget shall, pursuant to section 251(b)(1)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, calculate and the budget shall include appropriate reductions to the discretionary spending limits for each of fiscal years

2001 and 2002 set forth in section 251(c)(5)(A) and section 251(c)(6)(A) of that Act (as adjusted under section 251 of that Act) to reflect the discretionary baseline trust fund spending (without any adjustment for inflation) for the Federal Aviation Administration that is subject to section 902 of this Act for each of those two fiscal years.

Strike section 201 of the bill and insert the following:

SEC. 201. ACCESS TO HIGH DENSITY AIRPORTS.

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

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

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

“(A) effective March 1, 2000—

“(i) with respect to a regional jet aircraft providing air transportation between O'Hare International Airport and a small hub or nonhub airport—

“(I) if the operator of the regional jet aircraft was not providing such air transportation during the week of June 15, 1999; or

“(II) if the level of air transportation to be provided between such airports by the operator of the regional jet aircraft during any week will exceed the level of air transportation provided by such operator between such airports during the week of June 15, 1999; and

“(ii) with respect to any aircraft providing foreign air transportation;

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

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

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

“(A) effective March 1, 2000, with respect to a regional jet aircraft providing air transportation between LaGuardia Airport or John F. Kennedy International Airport and a small hub or nonhub airport—

“(I) if the operator of the regional jet aircraft was not providing such air transportation during the week of June 15, 1999; or

“(II) if the level of air transportation to be provided between such airports by the operator of the regional jet aircraft during any week will exceed the level of air transportation provided by such operator between such airports during the week of June 15, 1999; and

“(B) effective January 1, 2007, with respect to any aircraft.”.

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

“(e) ADDITIONAL EXEMPTIONS FROM SLOT RULE.—

“(1) SLOT EXEMPTIONS FOR AIRPORTS NOT RECEIVING SUFFICIENT SERVICE.—

“(A) IN GENERAL.—Notwithstanding chapter 491, the Secretary may by order grant exemptions from the slot rule for Ronald Reagan Washington National Airport and O’Hare International Airport to enable air carriers to provide nonstop air transportation using jet aircraft that comply with the stage 3 noise levels of part 36 of title 14, Code of Federal Regulations, between the airport and a small hub or nonhub airport that the Secretary determines has (i) insufficient air carrier service to and from Reagan National Airport or O’Hare International Airport, as the case may be, or (ii) unreasonably high airfares.

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

“(i) REAGAN NATIONAL.—

“(I) MAXIMUM NUMBER OF EXEMPTIONS.—No more than 2 exemptions from the slot rule per hour and no more than 6 exemptions from the slot rule per day may be granted under this paragraph for Ronald Reagan Washington National Airport.

“(II) MAXIMUM DISTANCE OF FLIGHTS.—An exemption from the slot rule may be granted under this paragraph for Ronald Reagan Washington National Airport only if the flight utilizing the exemption begins or ends within 1,250 miles of such airport and a stage 3 aircraft is used for such flight.

“(ii) O’HARE AIRPORT.—20 exemptions from the slot rule per day shall be granted under this paragraph for O’Hare International Airport.

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

“(A) IN GENERAL.—The Secretary shall grant 30 exemptions from the slot rule to enable new entrant air carriers to provide air transportation at O’Hare International Airport using stage 3 aircraft.

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

“(3) INSUFFICIENT APPLICATIONS.—If, on the 180th day following the date of enactment of the Aviation Investment and Reform Act for the 21st Century, the Secretary has not granted all of the exemptions from the slot rule made available under this subsection at an airport because an insufficient number of eligible applicants have submitted applications for the exemptions, the Secretary may grant the remaining exemptions at the airport to any air carrier applying for the exemptions for the provision of any type of air transportation. An exemption

granted under paragraph (1) or (2) pursuant to this paragraph may be reclaimed by the Secretary for issuance in accordance with the terms of paragraph (1) or (2), as the case may be, if subsequent applications under paragraph (1) or (2), as the case maybe, so warrant.

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

“(1) APPLICATIONS.—An air carrier interested in obtaining an exemption from the slot rule under subsection (e) shall submit to the Secretary an application for the exemption. No application may be submitted to the Secretary under subsection (e) before the last day of the 30-day period beginning on the date of enactment of the Aviation Investment and Reform Act for the 21st Century.

“(2) PERIOD OF EFFECTIVENESS.—An exemption from the slot rule granted under subsection (e) shall remain in effect only while the air carrier for whom the exemption is granted continues to provide the air transportation for which the exemption is granted.

“(3) TREATMENT OF CERTAIN COMMUTER AIR CARRIERS.—The Secretary shall treat all commuter air carriers that have cooperative agreements, including code share agreements with other air carriers, equally for determining eligibility for exemptions from the slot rule under subsection (e) regardless of the form of the corporate relationship between the commuter air carrier and the other air carrier.”.

(c) DEFINITIONS.—

(1) IN GENERAL.—Section 41714(h) is amended by adding at the end the following:

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

“(6) REGIONAL JET AIRCRAFT.—The term ‘regional jet aircraft’ means a 2-engine jet aircraft with a design capacity of 70 or fewer seats, manufactured after January 1, 1992, that has an effective perceived noise level on takeoff not exceeding 83 decibels when measured according to the procedures described in part 36 of title 14, Code of Federal Regulations.

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

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

“(9) UNREASONABLY HIGH AIRFARE.—The term ‘unreasonably high airfare’, as used with respect to an airport, means that the airfare listed in the table entitled ‘Top 1,000 City-Pair Market Summarized by City’, contained in the Domestic Airline Fares Consumer Report of the Department of Transportation, for one or more markets for which the airport is a part of has an average yield listed in such table that is more than 19 cents.”.

(2) REGULATORY DEFINITION OF LIMITED INCUMBENT CARRIER.—The Secretary shall modify the definition of the term “limited incumbent carrier” in subpart S of part 93 of title 14, Code of Federal Regulations, to require an air carrier or commuter operator to hold or operate fewer than 20 slots (instead of 12 slots) to meet the criteria of the definition. For purposes of this section, such modification shall be treated as in effect on the date of enactment of this Act.

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

(1) in paragraph (2)—

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

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

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

“(4) CONVERSION OF SLOTS.—Effective March 1, 2000, slots at O’Hare International Airport allocated to an air carrier as of June 15, 1999, to provide foreign air transportation shall be made available to such carrier to provide interstate or intrastate air transportation.”.

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

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

(2) by striking paragraph (2).&

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

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

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

(3) in the heading for subsection (a) (as so redesignated) by striking “SPECIAL RULES FOR”; and

(4) by adding at the end the following:

“(c) DEFINITIONS.—

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

“(2) REGIONAL JET AIRCRAFT.—The term ‘regional jet aircraft’ means a 2-engine jet aircraft with a design capacity of 70 or fewer seats, manufactured after January 1, 1992, that has an effective perceived noise level on takeoff not exceeding 83 decibels when measured according to the procedures described in part 36 of title 14, Code of Federal Regulations.

“(3) SLOT.—The term ‘slot’ means a reservation for an instrument flight rule takeoff or landing by an air carrier or an aircraft in air transportation.”.

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

“(5) SMALL HUB AIRPORT.—The term ‘small hub airport’ means an airport that each year has at least .05 percent, but

less than .25 percent, of the total annual boardings in the United States.

“(6) UNREASONABLY HIGH AIRFARE.—The term ‘unreasonably high airfare’, as used with respect to an airport, means that the airfare listed in the table entitled ‘Top 1,000 City-Pair Market Summarized by City’, contained in the Domestic Airline Fares Consumer Report of the Department of Transportation, for one or more markets for which the airport is a part of has an average yield listed in such table that is more than 19 cents.”.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE YOUNG OF FLORIDA, OR REPRESENTATIVE KASICH OF OHIO, OR A DESIGNEE, DEBATABLE FOR 60 MINUTES

In section 103 of the bill, strike subsection (b) and redesignate subsequent subsections accordingly.

Strike titles IX and X of the bill and conform the table of contents of the bill accordingly.

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JACKSON OF ILLINOIS, OR REPRESENTATIVE HYDE OF ILLINOIS, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

In section 105(a) of the bill, at the end of the matter proposed to be added as section 40117(b)(4) of title 49, United States Code, strike the closing quotation marks and the final period and insert the following:

“(5)(A) If a passenger facility fee is being imposed (or will be imposed) at O’Hare International Airport under paragraph (1) or (4), the Secretary may authorize under this section the State of Illinois to impose a passenger facility fee of not to exceed \$1.50 on each paying passenger of an air carrier or foreign air carrier boarding an aircraft at the Airport to finance an eligible airport-related project, including making payments for debt service on indebtedness incurred to carry out the project, at an airport located (or to be located) in the State if the Secretary finds that the project meets the criteria described in paragraph (4)(A).

“(B) The maximum amount of a passenger facility fee that can be imposed at O’Hare International Airport by an eligible entity under paragraph (4) shall be reduced by the amount of any passenger facility fee imposed at the airport by the State of Illinois under this paragraph.

“(C) Except as otherwise determined by the Secretary, if the State of Illinois submits an application to impose a passenger facility fee under this paragraph, the State shall be subject to the same requirements as an eligible entity submitting an application to impose a passenger facility fee under paragraph (1) or (4).

“(D) Paragraph (2) shall not apply to a passenger facility fee imposed under this paragraph.”.

Strike section 105(c)(2) of the bill and insert the following:

(2) by striking “an amount equal to” and all that follows through the period at the end and inserting the following: “an amount equal to—

“(A) in the case of a fee of \$3 or less, 50 percent of the projected revenues to the airport from the fee in the fiscal year but not by more than 50 percent of the amount that otherwise would be apportioned under this section; and

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

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GRAHAM OF SOUTH CAROLINA, OR A DESIGNEE, DEBATABLE FOR 40 MINUTES

Strike section 105 of the bill and redesignate section 106 of the bill as section 105. Conform the table of contents of the bill accordingly.

5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ANDREWS OF NEW JERSEY, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

In section 126 of the bill—

(1) insert “(a) STATE BLOCK GRANT PROGRAM AND FISCAL YEAR 2000.—” before “Section 47109(a)”; and

(2) insert at the end the following:

(b) AIRPORTS SUBJECT TO EMERGENCY RESPONSE AGREEMENTS.—Section 47109 is amended—

(1) in subsection (a) by striking “subsection (b)” and inserting “subsections (b) and (d)”; and

(2) by adding at the end the following:

“(d) AIRPORTS SUBJECT TO EMERGENCY RESPONSE AGREEMENTS.—If the sponsor of an airport and the Federal Emergency Management Agency or a State or local government entity, that has jurisdiction over emergency responses at the airport or in an area that includes the airport, enter into an agreement that makes the airport subject to the control of such Agency or entity during an emergency for the conduct of emergency response activities by such Agency or entity and such sponsor submits to the Secretary of Transportation a copy of such agreement, the United States Government share of allowable project costs incurred for a project at the airport while the agreement is in effect shall be 100 percent.”.

6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MORAN OF VIRGINIA, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of section 201 of the bill, insert the following:

(c) MITIGATION PROGRAMS.—

(1) IN GENERAL.—Before the Secretary of Transportation may take any action under subsections (e), (f), and (j) of section 41714 of title 49, United States Code (as amended by subsections (a) and (b) of this section), that would result in additional flights to or from a high density airport (as defined in section 41714(h) of such title), the airport operator must submit to the Secretary, and the Secretary must approve, a pro-

gram for mitigating aviation noise in areas surrounding the airport that would otherwise result from the additional flights.

(2) CONSULTATION AND PUBLIC NOTICE.—An operator may submit a program to the Secretary under paragraph (1) only after—

(A) consulting with public agencies and planning authorities in the area surrounding the airport, United States Government officials having local responsibility for the airport, and air carriers using the airport; and

(B) providing notice and an opportunity for a public hearing.

(3) CONTENTS.—A program submitted under paragraph (1) shall state the measures the operator has taken or proposes to take to mitigate aviation noise described in paragraph (1).

(4) APPROVALS.—

(A) IN GENERAL.—The Secretary shall approve or disapprove a program submitted under paragraph (1) not later than 180 days after receiving the program. The Secretary shall approve a program that—

(i) has been developed in accordance with the requirements of this subsection; and

(ii) provides satisfactory mitigation of aviation noise described in paragraph (1).

(B) DEADLINE.—A program is deemed to be approved if the Secretary does not act within the 180-day period.

(C) FLIGHT PROCEDURES.—The Secretary shall submit any part of a program related to flight procedures to control the operation of aircraft to the Administrator of the Federal Aviation Administration. The Administrator shall approve or disapprove that part of the program.

(5) AIRPORT NOISE OR ACCESS RESTRICTIONS.—Notwithstanding section 47524 or any other provision of law, the Secretary may approve, and an airport operator may implement, as part of a program submitted under paragraph (1) airport noise or access restrictions on the operation of any aircraft that was not originally constructed as a stage 3 aircraft.

7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HYDE OF ILLINOIS, OR REPRESENTATIVE MORELLA OF MARYLAND, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

Strike section 201 of the bill.

Redesignate subsequent sections of the bill, and conform the table of contents of the bill, accordingly.