

Public Law 103-305
103d Congress

An Act

To amend the Airport and Airway Improvement Act of 1982 to authorize appropriations for fiscal years 1994, 1995, and 1996, and for other purposes.

Aug. 23, 1994
[H.R. 2739]

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 Administration Authorization Act of 1994”.

(b) TABLE OF CONTENTS.—

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- Sec. 3. Amendment of title 49, United States Code.

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TITLE VI—INTRASTATE TRANSPORTATION OF PROPERTY

- Sec. 601. Preemption of intrastate transportation of property.

SEC. 2. DEFINITIONS.

In this Act, the following definitions apply:

- (1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Federal Aviation Administration.
- (2) SECRETARY.—The term “Secretary” means the Secretary of Transportation.

SEC. 3. AMENDMENT OF TITLE 49, UNITED STATES CODE.

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

TITLE I—AIRPORT AND AIRWAY IMPROVEMENT

SEC. 101. AIRPORT IMPROVEMENT PROGRAM.

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

- (1) by striking “Not more” and all that follows through “1993,” and inserting “The total amounts which shall be avail-

able after September 30, 1981, to the Secretary of Transportation"; and

(2) by inserting before the period at the end "shall be \$17,583,500,000 for fiscal years ending before October 1, 1994, \$19,744,500,000 for fiscal years ending before October 1, 1995, and \$21,958,500,000 for fiscal years ending before October 1, 1996".

(b) OBLIGATIONAL AUTHORITY.—Section 47104(c) is amended by striking "After" and all that follows through "Secretary" and inserting "After September 30, 1996, the Secretary".

SEC. 102. AIRWAY IMPROVEMENT PROGRAM.

(a) AIRWAY FACILITIES AND EQUIPMENT.—Section 48101(a) is amended—

(1) in paragraph (1) by striking "for" and inserting "For";

(2) in paragraph (2)—

(A) by striking "for" and inserting "For"; and

(B) by striking "\$11,100,000,000" and inserting "\$10,724,000,000";

(3) in paragraph (3)—

(A) by striking "for" and inserting "For"; and

(B) by striking "\$14,000,000,000" and inserting "\$13,394,000,000"; and

(4) by adding at the end the following:

"(4) For the fiscal years ending September 30, 1991–1996, \$16,129,000,000."

(b) CERTAIN DIRECT COSTS AND JOINT AIR NAVIGATION SERVICES.—Section 48104 is amended—

(1) in the heading for subsection (b) by inserting "FOR FISCAL YEARS 1993" after "LIMITATION";

(2) in subsection (b) by striking "each" and all that follows through "1995," and inserting "fiscal year 1993"; and

(3) by adding at the end the following:

"(c) LIMITATION FOR FISCAL YEARS 1994–1996.—The amount appropriated from the Trust Fund for the purposes of paragraphs (1) and (2) of subsection (a) for each of fiscal years 1994, 1995, and 1996 may not exceed the lesser of—

"(1) 50 percent of the amount of funds made available under sections 48101–48103 of this title for such fiscal year; or

"(2)(A) 70 percent of the amount of funds made available under sections 106(k) and 48101–48103 of this title for such fiscal year; less

"(B) the amount of funds made available under sections 48101–48103 of this title for such fiscal year."

(c) LIMITATION ON OBLIGATING OR EXPENDING FUNDS.—Section 48108(c) is amended by striking "1995" and inserting "1996".

SEC. 103. OPERATIONS OF FAA.

Section 106(k) is amended by striking ", \$5,100,000,000" and all that follows through "1995" and inserting ", \$4,576,000,000 for fiscal year 1994, \$4,674,000,000 for fiscal year 1995, and \$4,810,000,000 for fiscal year 1996".

SEC. 104. INNOVATIVE TECHNOLOGY POLICY.

Section 47101(a) is amended—

(1) by striking "and" at the end of paragraph (9)(C);

(2) by striking the period at the end of paragraph (10) and inserting a semicolon; and

(3) by adding at the end the following:

“(11) that the airport improvement program should be administered to encourage projects that employ innovative technology, concepts, and approaches that will promote safety, capacity, and efficiency improvements in the construction of airports and in the air transportation system (including the development and use of innovative concrete and other materials in the construction of airport facilities to minimize initial laydown costs, minimize time out of service, and maximize lifecycle durability) and to encourage and solicit innovative technology proposals and activities in the expenditure of funding pursuant to this subchapter;”.

SEC. 105. INCLUSION OF EXPLOSIVE DETECTION DEVICES AND UNIVERSAL ACCESS SYSTEMS.

Section 47102(3)(B)(ii) is amended by inserting after “or security equipment” the following: “, including explosive detection devices and universal access systems.”.

SEC. 106. SUBMISSION AND APPROVAL OF PROJECT GRANT APPLICATIONS.

Section 47105(a)(1)(B) is amended—

(1) by striking “at least 2” each place it appears and inserting “1 or more”; and

(2) by striking “similar”.

SEC. 107. PREVENTIVE MAINTENANCE.

(a) **CONDITION OF ASSISTANCE.**—Section 47105 is amended—
(1) by redesignating subsection (e) as subsection (f); and
(2) by inserting after subsection (d) the following new subsection:

“(e) **PREVENTIVE MAINTENANCE.**—After January 1, 1995, the Secretary may approve an application under this subchapter for the replacement or reconstruction of pavement at an airport only if the sponsor has provided such assurances or certifications as the Secretary may determine appropriate that such airport has implemented an effective airport pavement maintenance-management program. The Secretary may require such reports on pavement condition and pavement management programs as the Secretary determines may be useful.”.

(b) **STUDY.**—

(1) **IN GENERAL.**—The Secretary shall study the products used for airport pavement maintenance and rehabilitation. Such study shall consider, at a minimum, the cost and benefits of the following:

(A) A requirement that the manufacturer or installer of such products provide minimum warranties.

(B) Establishment of enhanced minimum specifications or performance standards for such products.

(C) The use of insurance or other means to improve the performance and value of such products.

(2) **SOLICITATION OF VIEWS.**—In conducting the study under this subsection, the Secretary shall solicit and consider the views of airport operators, manufacturers of airport pavement maintenance and rehabilitation products, installers of such

products, appropriate Federal agencies, and other relevant persons.

(3) REPORT.—Not later than June 1, 1995, the Secretary shall report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives on the results of the study conducted under this subsection.

SEC. 108. REPEAL OF GENERAL AVIATION AIRPORT PROJECT GRANT APPLICATION APPROVAL.

Section 47106 is amended—

(1) by striking subsection (d); and

(2) by redesignating subsection (e) as subsection (d).

SEC. 109. REPORTS ON IMPACTS OF NEW AIRPORT PROJECTS.

Section 47106 is amended by adding at the end the following:

“(e) REPORTS RELATING TO CONSTRUCTION OF CERTAIN NEW HUB AIRPORTS.—At least 90 days prior to the approval under this subchapter of a project grant application for construction of a new hub airport that is expected to have 0.25 percent or more of the total annual enplanements in the United States, the Secretary shall submit to Congress a report analyzing the anticipated impact of such proposed new airport on—

“(1) the fees charged to air carriers (including landing fees), and other costs that will be incurred by air carriers, for using the proposed airport;

“(2) air transportation that will be provided in the geographic region of the proposed airport; and

“(3) the availability and cost of providing air transportation to rural areas in such geographic region.”.

SEC. 110. AIRPORT FEES POLICY.

Section 47101(a) is further amended by adding at the end the following:

“(12) that airport fees, rates, and charges must be reasonable and may only be used for purposes not prohibited by this Act; and

“(13) that airports should be as self-sustaining as possible under the circumstances existing at each particular airport and in establishing new fees, rates, and charges, and generating revenues from all sources, airport owners and operators should not seek to create revenue surpluses that exceed the amounts to be used for airport system purposes and for other purposes for which airport revenues may be spent under section 47107(b)(1) of this title, including reasonable reserves and other funds to facilitate financing and cover contingencies.”.

SEC. 111. AIRPORT FINANCIAL REPORTS.

(a) IN GENERAL.—Section 47107(a) is amended—

(1) by inserting before the semicolon at the end of paragraph (15) “and make such reports available to the public”;

(2) by striking “and” at the end of paragraph (17);

(3) by striking the period at the end of paragraph (18) and inserting “; and”; and

(4) by adding at the end the following:

“(19) the airport owner or operator will submit to the Secretary and make available to the public an annual report listing in detail—

Public
information.

“(A) all amounts paid by the airport to any other unit of government and the purposes for which each such payment was made; and

“(B) all services and property provided to other units of government and the amount of compensation received for provision of each such service and property.”

49 USC 47107
note.

(b) **FORMAT FOR REPORTING.**—Within 180 days after the date of the enactment of this Act, the Secretary shall prescribe a uniform simplified format for reporting that is applicable to airports. Such format shall be designed to enable the public to understand readily how funds are collected and spent at airports, and to provide sufficient information relating to total revenues, operating expenditures, capital expenditures, debt service payments, contributions to restricted funds, accounts, or reserves required by financing agreements or covenants or airport lease or use agreements or covenants. Such format shall require each commercial service airport to report the amount of any revenue surplus, the amount of concession-generated revenue, and other information as required by the Secretary.

(c) **ANNUAL SUMMARIES.**—Section 47107 is amended by adding at the end the following:

“(k) **ANNUAL SUMMARIES OF FINANCIAL REPORTS.**—The Secretary shall provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives an annual summary of the reports submitted to the Secretary under subsection (a)(19) of this section and under section 111(b) of the Federal Aviation Administration Authorization Act of 1994.”

SEC. 112. ADDITIONAL ENFORCEMENT AGAINST ILLEGAL DIVERSION OF AIRPORT REVENUE.

(a) **NEW POLICIES AND PROCEDURES.**—Section 47107 is further amended by adding at the end the following:

“(1) **POLICIES AND PROCEDURES TO ENSURE ENFORCEMENT AGAINST ILLEGAL DIVERSION OF AIRPORT REVENUE.**—

“(1) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this subsection, the Secretary of Transportation shall establish policies and procedures that will assure the prompt and effective enforcement of subsections (a)(13) and (b) of this section and grant assurances made under such subsections. Such policies and procedures shall recognize the exemption provision in subsection (b)(2) of this section and shall respond to the information contained in the reports of the Inspector General of the Department of Transportation on airport revenue diversion and such other relevant information as the Secretary may by law consider.

“(2) **REVENUE DIVERSION.**—Policies and procedures to be established pursuant to paragraph (1) of this subsection shall prohibit, at a minimum, the diversion of airport revenues (except as authorized under subsection (b) of this section) through—

“(A) direct payments or indirect payments, other than payments reflecting the value of services and facilities provided to the airport;

“(B) use of airport revenues for general economic development, marketing, and promotional activities unrelated to airports or airport systems;

“(C) payments in lieu of taxes or other assessments that exceed the value of services provided; or

“(D) payments to compensate nonsponsoring governmental bodies for lost tax revenues exceeding stated tax rates.

“(3) EFFORTS TO BE SELF-SUSTAINING.—With respect to subsection (a)(13) of this section, policies and procedures to be established pursuant to paragraph (1) of this subsection shall take into account, at a minimum, whether owners and operators of airports, when entering into new or revised agreements or otherwise establishing rates, charges, and fees, have undertaken reasonable efforts to make their particular airports as self-sustaining as possible under the circumstances existing at such airports.

“(4) ADMINISTRATIVE SAFEGUARDS.—Policies and procedures to be established pursuant to paragraph (1) shall mandate internal controls, auditing requirements, and increased levels of Department of Transportation personnel sufficient to respond fully and promptly to complaints received regarding possible violations of subsections (a)(13) and (b) of this section and grant assurances made under such subsections and to alert the Secretary to such possible violations.”.

(b) WITHHOLDING OF APPROVAL OF APPLICATIONS FOR GRANTS OR PASSENGER FACILITY CHARGES; JUDICIAL ENFORCEMENT.—Section 47111 is amended by adding at the end the following:

“(e) ACTION ON GRANT ASSURANCES CONCERNING AIRPORT REVENUES.—If, after notice and opportunity for a hearing, the Secretary finds a violation of section 47107(b) of this title, as further defined by the Secretary under section 47107(l) of this title, or a violation of an assurance made under section 47107(b) of this title, and the Secretary has provided an opportunity for the airport sponsor to take corrective action to cure such violation, and such corrective action has not been taken within the period of time set by the Secretary, the Secretary shall withhold approval of any new grant application for funds under this chapter, or any proposed modification to an existing grant that would increase the amount of funds made available under this chapter to the airport sponsor, and withhold approval of any new application to impose a fee under section 40117 of this title. Such applications may thereafter be approved only upon a finding by the Secretary that such corrective action as the Secretary requires has been taken to address the violation and that the violation no longer exists.

“(f) JUDICIAL ENFORCEMENT.—For any violation of this chapter or any grant assurance made under this chapter, the Secretary may apply to the district court of the United States for any district in which the violation occurred for enforcement. Such court shall have jurisdiction to enforce obedience thereto by a writ of injunction or other process, mandatory or otherwise, restraining any person from further violation.”.

(c) CIVIL PENALTIES.—

(1) GENERAL PENALTY.—Section 46301(a) is amended—

(A) in paragraph (1) by striking “or 46303” and inserting “46303, 47107(b) (including any assurance made under such section)”; and

(B) by adding at the end the following:

“(5) In the case of a violation of section 47107(b) of this title, the maximum civil penalty for a continuing violation shall not exceed \$50,000.”.

(2) ADMINISTRATIVE PENALTY.—Section 46301(d)(2) is amended by striking “or 46303” and inserting “46303, or 47107(b) (as further defined by the Secretary under section 47107(l) and including any assurance made under section 47107(b))”.

(3) PROCEDURES.—Section 46301(d)(7) is amended by adding at the end the following:

“(D) In the case of a violation of section 47107(b) of this title or any assurance made under such section—

“(i) a civil penalty shall not be assessed against an individual;

“(ii) a civil penalty may be compromised as provided under subsection (f); and

“(iii) judicial review of any order assessing a civil penalty may be obtained only pursuant to section 46110 of this title.”.

(d) CONSIDERATION OF DIVERSION OF REVENUES IN AWARDING DISCRETIONARY GRANTS.—Section 47115 is amended by adding at the end the following new subsection:

“(f) CONSIDERATION OF DIVERSION OF REVENUES IN AWARDING DISCRETIONARY GRANTS.—

“(1) GENERAL RULE.—Subject to paragraph (2), in deciding whether or not to distribute funds to an airport from the discretionary funds established by subsection (a) of this section and section 47116 of this title, the Secretary shall consider as a factor militating against the distribution of such funds to the airport the fact that the airport is using revenues generated by the airport or by local taxes on aviation fuel for purposes other than capital or operating costs of the airport or the local airports system or other local facilities which are owned or operated by the owner or operator of the airport and directly and substantially related to the actual air transportation of passengers or property.

“(2) REQUIRED FINDING.—Paragraph (1) shall apply only when the Secretary finds that the amount of revenues used by the airport for purposes other than capital or operating costs in the airport's fiscal year preceding the date of the application for discretionary funds exceeds the amount of such revenues in the airport's first fiscal year ending after the date of the enactment of this subsection, adjusted by the Secretary for changes in the Consumer Price Index of All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.”.

(e) UNREASONABLE BURDEN ON INTERSTATE COMMERCE.—Section 40116(d)(2)(A) is amended by adding at the end the following:

“(iv) Levy or collect a tax, fee, or charge, first taking effect after the date of the enactment of this clause, exclusively upon any business located at a commercial service airport or operating as a permittee of such an airport other than a tax, fee, or charge wholly utilized for airport or aeronautical purposes.”.

SEC. 113. RESOLUTION OF AIRPORT-AIR CARRIER DISPUTES CONCERNING AIRPORT FEES.

(a) IN GENERAL.—Subchapter I of chapter 471 of subtitle VII is amended—

(1) by redesignating section 47129 (and any references thereto) as section 47131; and

(2) by inserting after section 47128 the following new section:

“§ 47129. Resolution of airport-air carrier disputes concerning airport fees

“(a) AUTHORITY TO REQUEST SECRETARY’S DETERMINATION.—

“(1) IN GENERAL.—The Secretary of Transportation shall issue a determination as to whether a fee imposed upon one or more air carriers (as defined in section 40102 of this subtitle) by the owner or operator of an airport is reasonable if—

“(A) a written request for such determination is filed with the Secretary by such owner or operator; or

“(B) a written complaint requesting such determination is filed with the Secretary by an affected air carrier within 60 days after such carrier receives written notice of the establishment or increase of such fee.

“(2) CALCULATION OF FEE.—A fee subject to a determination of reasonableness under this section may be calculated pursuant to either a compensatory or residual fee methodology or any combination thereof.

“(3) SECRETARY NOT TO SET FEE.—In determining whether a fee is reasonable under this section, the Secretary may only determine whether the fee is reasonable or unreasonable and shall not set the level of the fee.

“(b) PROCEDURAL REGULATIONS.—Not later than 90 days after the date of the enactment of this section, the Secretary shall publish in the Federal Register final regulations, policy statements, or guidelines establishing—

“(1) the procedures for acting upon any written request or complaint filed under subsection (a)(1); and

“(2) the standards or guidelines that shall be used by the Secretary in determining under this section whether an airport fee is reasonable.

“(c) DECISIONS BY SECRETARY.—The final regulations, policy statements, or guidelines required in subsection (b) shall provide the following:

“(1) Not more than 120 days after an air carrier files with the Secretary a written complaint relating to an airport fee, the Secretary shall issue a final order determining whether such fee is reasonable.

“(2) Within 30 days after such complaint is filed with the Secretary, the Secretary shall dismiss the complaint if no significant dispute exists or shall assign the matter to an administrative law judge; and thereafter the matter shall be handled in accordance with part 302 of title 14, Code of Federal Regulations, or as modified by the Secretary to ensure an orderly disposition of the matter within the 120-day period and any specifically applicable provisions of this section.

“(3) The administrative law judge shall issue a recommended decision within 60 days after the complaint is

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assigned or within such shorter period as the Secretary may specify.

"(4) If the Secretary, upon the expiration of 120 days after the filing of the complaint, has not issued a final order, the decision of the administrative law judge shall be deemed to be the final order of the Secretary.

"(5) Any party to the dispute may seek review of a final order of the Secretary under this subsection in the Circuit Court of Appeals for the District of Columbia Circuit or the court of appeals in the circuit where the airport which gives rise to the written complaint is located.

"(6) Any findings of fact in a final order of the Secretary under this subsection, if supported by substantial evidence, shall be conclusive if challenged in a court pursuant to this subsection. No objection to such a final order shall be considered by the court unless objection was urged before an administrative law judge or the Secretary at a proceeding under this subsection or, if not so urged, unless there were reasonable grounds for failure to do so.

"(d) PAYMENT UNDER PROTEST; GUARANTEE OF AIR CARRIER ACCESS.—

"(1) PAYMENT UNDER PROTEST.—

"(A) IN GENERAL.—Any fee increase or newly established fee which is the subject of a complaint that is not dismissed by the Secretary shall be paid by the complainant air carrier to the airport under protest.

"(B) REFERRAL OR CREDIT.—Any amounts paid under this subsection by a complainant air carrier to the airport under protest shall be subject to refund or credit to the air carrier in accordance with directions in the final order of the Secretary within 30 days of such order.

"(C) ASSURANCE OF TIMELY REPAYMENT.—In order to assure the timely repayment, with interest, of amounts in dispute determined not to be reasonable by the Secretary, the airport shall obtain a letter of credit, or surety bond, or other suitable credit facility, equal to the amount in dispute that is due during the 120-day period established by this section, plus interest, unless the airport and the complainant air carrier agree otherwise.

"(D) DEADLINE.—The letter of credit, or surety bond, or other suitable credit facility shall be provided to the Secretary within 20 days of the filing of the complaint and shall remain in effect for 30 days after the earlier of 120 days or the issuance of a timely final order by the Secretary determining whether such fee is reasonable.

"(2) GUARANTEE OF AIR CARRIER ACCESS.—Contingent upon an air carrier's compliance with the requirements of paragraph (1) and pending the issuance of a final order by the Secretary determining the reasonableness of a fee that is the subject of a complaint filed under subsection (a)(1)(B), an owner or operator of an airport may not deny an air carrier currently providing air service at the airport reasonable access to airport facilities or service, or otherwise interfere with an air carrier's prices, routes, or services, as a means of enforcing the fee.

"(e) APPLICABILITY.—This section does not apply to—

"(1) a fee imposed pursuant to a written agreement with air carriers using the facilities of an airport;

“(2) a fee imposed pursuant to a financing agreement or covenant entered into prior to the date of the enactment of this section; or

“(3) any other existing fee not in dispute as of such date of enactment.

“(f) EFFECT ON EXISTING AGREEMENTS.—Nothing in this section shall adversely affect—

“(1) the rights of any party under any existing written agreement between an air carrier and the owner or operator of an airport; or

“(2) the ability of an airport to meet its obligations under a financing agreement, or covenant, that is in force as of the date of the enactment of this section.

“(g) DEFINITION.—In this section, the term ‘fee’ means any rate, rental charge, landing fee, or other service charge for the use of airport facilities.”.

(b) CONFORMING AMENDMENT.—The analysis to such chapter is amended—

(1) by striking “47129” and inserting “47131”; and

(2) by inserting after the item relating to section 47128 the following:

“47129. Resolution of airport-air carrier disputes concerning airport fees.”.

SEC. 114. TERMINAL DEVELOPMENT.

Section 47109 is amended—

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

(2) by striking subsection (c).

SEC. 115. LETTERS OF INTENT.

Section 47110(e) is amended by adding at the end the following:

“(6) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to prohibit the obligation of amounts pursuant to a letter of intent under this subsection in the same fiscal year as the letter of intent is issued.”.

SEC. 116. MILITARY AIRPORT PROGRAM.

(a) MILITARY AIRPORT SET-ASIDE.—Section 47117(e)(1)(E) is amended by striking “, and 1995” and inserting “, 1995, and 1996”.

(b) DESIGNATION OF MILITARY AIRPORTS.—Section 47118(a) is amended—

(1) by striking “12” and inserting “15”; and

(2) by adding at the end the following: “The Secretary may only designate an airport for such grants (other than an airport designated for such grants on or before the date of the enactment of this sentence) if the Secretary finds that grants under such section for projects at such airport would reduce delays at an airport with more than 20,000 hours of annual delays in commercial passenger aircraft takeoffs and landings.”.

(c) ELIMINATION OF EXTENSION OF 5-YEAR PERIOD OF ELIGIBILITY.—Section 47118(d) is amended by striking the last sentence.

(d) CONSTRUCTION OF PARKING LOTS, FUEL FARMS, AND UTILITIES.—Section 47118(f) is amended by striking “-1995” and inserting “-1996”.

SEC. 117. TERMINAL DEVELOPMENT COSTS.

Section 47119 is amended—

(1) in subsection (a) by inserting “or, in the case of a commercial service airport which annually had less than 0.05 percent of the total enplanements in the United States, between January 1, 1992, and October 31, 1992,” after “July 12, 1976,”; and

(2) by adding at the end the following:

“(c) NONHUB AIRPORTS.—With respect to a project at a commercial service airport which annually has less than 0.05 percent of the total enplanements in the United States, the Secretary may approve the use of the amounts described in subsection (a) notwithstanding the requirements of sections 47107(a)(17), 47112, and 47113.”.

SEC. 118. AIRPORT SAFETY DATA COLLECTION.

(a) IN GENERAL.—Chapter 471 of subtitle VII is further amended by inserting after section 47129 the following:

“§ 47130. Airport safety data collection

“Notwithstanding any other provision of law, the Administrator of the Federal Aviation Administration may contract, using sole source or limited source authority, for the collection of airport safety data.”.

(b) CLERICAL AMENDMENT.—The analysis for such chapter 471 is further amended by inserting after the item relating to section 47129 the following:

“47130. Airport safety data collection.”.

SEC. 119. SOUNDPROOFING AND ACQUISITION OF CERTAIN RESIDENTIAL BUILDINGS AND PROPERTIES.

Section 47504(c) is amended—

(1) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively;

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

“(2) SOUNDPROOFING AND ACQUISITION OF CERTAIN RESIDENTIAL BUILDINGS AND PROPERTIES.—The Secretary may incur obligations to make grants from amounts made available under section 48103 of this title—

“(A) for projects to soundproof residential buildings—

“(i) if the airport operator received approval for a grant for a project to soundproof residential buildings pursuant to section 301(d)(4)(B) of the Airport and Airway Safety and Capacity Expansion Act of 1987;

“(ii) if the airport operator submits updated noise exposure contours, as required by the Secretary; and

“(iii) if the Secretary determines that the proposed projects are compatible with the purposes of this chapter; and

“(B) to an airport operator and unit of local government referred to in paragraph (1)(A) or (1)(B) of this subsection to soundproof residential buildings located on residential properties, and to acquire residential properties, at which noise levels are not compatible with normal operations of an airport—

“(i) if the airport operator amended an existing local aircraft noise regulation during calendar year 1993 to increase the maximum permitted noise levels for scheduled air carrier aircraft as a direct result of implementation of revised aircraft noise departure

procedures mandated for aircraft safety purposes by the Administrator of the Federal Aviation Administration for standardized application at airports served by scheduled air carriers;

“(ii) if the airport operator submits updated noise exposure contours, as required by the Secretary; and

“(iii) if the Secretary determines that the proposed projects are compatible with the purposes of this chapter.”; and

(3) in paragraph (4), as so redesignated, by striking “paragraph (1) of”.

SEC. 120. LANDING AIDS AND NAVIGATIONAL EQUIPMENT INVENTORY POOL.

(a) **PURCHASE.**—Section 44502(a) is amended by adding at the end the following new paragraph:

“(4) **PURCHASE OF INSTRUMENT LANDING SYSTEM.**—

“(A) **ESTABLISHMENT OF PROGRAM.**—The Secretary shall purchase precision approach instrument landing system equipment for installation at airports on an expedited basis.

“(B) **AUTHORIZATION.**—No less than \$30,000,000 of the amounts appropriated under section 48101(a) for each of fiscal years 1995 and 1996 shall be used for the purpose of carrying out this paragraph, including acquisition, site preparation work, installation, and related expenditures.”.

(b) **COST SAVINGS ASSOCIATED WITH PURCHASE.**—Notwithstanding other provisions of law or regulations to the contrary, the Administrator shall establish, within 120 days after the date of the enactment of this Act, a process through which airport sponsors may take advantage of cost savings associated with the purchase and installation of instrument landing systems, along with associated equipment, under existing or future Federal Aviation Administration contracts. The process established by the Administrator may provide for the direct reimbursement (including administrative costs) of the Administrator by an airport sponsor using grants funds under subchapter I of chapter 471 of subtitle VII of title 49, United States Code, relating to airport improvement, for the ordering of such equipment and installation or for the direct ordering of such equipment and installation by an airport sponsor, using such grant funds, from the suppliers with which the Administrator has contracted.

49 USC 44502
note.

SEC. 121. REVIEW OF PASSENGER FACILITY CHARGE PROGRAM.

The Secretary shall conduct a review of section 158.49(b) of title 14, Code of Federal Regulations, to assess the effectiveness of such section in light of the objectives of section 40117 of title 49, United States Code, and shall take such corrective action as the Secretary determines to be necessary to address any problems discovered in the review.

TITLE II—OTHER AVIATION PROGRAMS

SEC. 201. TERM OF OFFICE OF FAA ADMINISTRATOR.

Section 106(b) is amended by adding at the end the following: “The term of office for any individual appointed as Administrator after the date of the enactment of this sentence shall be 5 years.”.

SEC. 202. ASSISTANCE TO FOREIGN AVIATION AUTHORITIES.

Section 40113 is amended by adding at the end the following new subsection:

“(e) ASSISTANCE TO FOREIGN AVIATION AUTHORITIES.—

“(1) SAFETY-RELATED TRAINING AND OPERATIONAL SERVICES.—The Administrator may provide safety-related training and operational services to foreign aviation authorities with or without reimbursement, if the Administrator determines that providing such services promotes aviation safety. To the extent practicable, air travel reimbursed under this subsection shall be conducted on United States air carriers.

“(2) REIMBURSEMENT SOUGHT.—The Administrator shall actively seek reimbursement for services provided under this subsection from foreign aviation authorities capable of providing such reimbursement.

“(3) CREDITING APPROPRIATIONS.—Funds received by the Administrator pursuant to this section shall be credited to the appropriation from which the expenses were incurred in providing such services.

“(4) REPORTING.—Not later than December 31, 1995, and annually thereafter, the Administrator shall transmit to Congress a list of the foreign aviation authorities to which the Administrator provided services under this subsection in the preceding fiscal year. Such list shall specify the dollar value of such services and any reimbursement received for such services.”.

Records.

SEC. 203. USE OF PASSENGER FACILITY CHARGES TO MEET FEDERAL MANDATES.

Section 40117(a)(3) is amended—

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

(2) by striking the period at the end of subparagraph (E) and inserting “; and”; and

(3) by adding at the end the following:

“(F) in addition to projects eligible under subparagraph (A), the construction, reconstruction, repair, or improvement of areas of an airport used for the operation of aircraft or actions to mitigate the environmental effects of such construction, reconstruction, repair, or improvement when the construction, reconstruction, repair, improvement, or action is necessary for compliance with the responsibilities of the operator or owner of the airport under the Americans with Disabilities Act of 1990, the Clean Air Act, or the Federal Water Pollution Control Act with respect to the airport.”.

SEC. 204. PASSENGER FACILITY CHARGES.

(a) CLARIFICATION OF APPLICABILITY.—

(1) GENERAL RULE.—Section 40117(e)(2) is amended—

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

(B) by striking the period at the end of subparagraph (C)(ii) and inserting “; and”; and

(C) by adding at the end the following:

“(D) enplaning at an airport if the passenger did not pay for the air transportation which resulted in such enplanement, including any case in which the passenger obtained the ticket for the air transportation with a frequent flier award coupon without monetary payment.”.

(2) LIMITATION ON STATUTORY CONSTRUCTION.—The amendment made by paragraph (1) shall not be construed as requiring any person to refund any fee paid before the date of the enactment of this Act.

49 USC 40117
note.

(b) USE OF REVENUES AND RELATIONSHIP BETWEEN FEES AND REVENUES.—Section 40117(d) is amended—

- (1) by striking “and” at the end of paragraph (1);
- (2) by striking the period at the end of paragraph (2)(C) and inserting “; and”; and
- (3) by adding at the end the following:
“(3) the application includes adequate justification for each of the specific projects.”.

SEC. 205. GAMBLING ON COMMERCIAL AIRCRAFT.

(a) IN GENERAL.—

(1) RESTRICTIONS.—Chapter 413 of subtitle VII is amended by adding at the end the following:

“§ 41311. Gambling restrictions

“(a) IN GENERAL.—An air carrier or foreign air carrier may not install, transport, or operate, or permit the use of, any gambling device on board an aircraft in foreign air transportation.

“(b) DEFINITION.—In this section, the term ‘gambling device’ means any machine or mechanical device (including gambling applications on electronic interactive video systems installed on board aircraft for passenger use)—

“(1) which when operated may deliver, as the result of the application of an element of chance, any money or property; or

“(2) by the operation of which a person may become entitled to receive, as the result of the application of an element of chance, any money or property.”.

(2) CLERICAL AMENDMENT.—The analysis of such chapter 413 is amended by inserting at the end the following new item:

“41311. Gambling restrictions.”.

(b) STUDY OF GAMBLING ON COMMERCIAL AIRCRAFT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall complete a study of—

49 USC 41311
note.

(1) the aviation safety effects of gambling applications on electronic interactive video systems installed on board aircraft for passenger use, including an evaluation of the effect of such systems on the navigational and other electronic equipment of the aircraft, on the passengers and crew of the aircraft, and on issues relating to the method of payment;

(2) the competitive implications of permitting foreign air carriers only, but not United States air carriers, to install, transport, and operate gambling applications on electronic interactive video systems on board aircraft in the foreign commerce of the United States on flights over international waters, or in fifth freedom city-pair markets; and

(3) whether gambling should be allowed on international flights, including proposed legislation to effectuate any recommended changes in existing law.

The Secretary shall, within 5 days after the completion of the study, submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public

Reports.

Works and Transportation of the House of Representatives on the results of the study.

SEC. 206. SLOTS FOR AIR CARRIERS AT AIRPORTS.

(a) AVAILABILITY OF SLOTS.—

(1) **IN GENERAL.**—Subchapter I of chapter 417 of subtitle VII is amended by adding at the end the following:

“§ 41714. Availability of slots

“(a) MAKING SLOTS AVAILABLE FOR ESSENTIAL AIR SERVICE.—

“(1) OPERATIONAL AUTHORITY.—If basic essential air service under subchapter II of this chapter is to be provided from an eligible point to a high density airport (other than Washington National Airport), the Secretary of Transportation shall ensure that the air carrier providing or selected to provide such service has sufficient operational authority at the high density airport to provide such service. The operational authority shall allow flights at reasonable times taking into account the needs of passengers with connecting flights.

“(2) EXEMPTIONS.—If necessary to carry out the objectives of paragraph (1), the Secretary shall by order grant exemptions from the requirements of subparts K and S of part 93 of title 14, Code of Federal Regulations (pertaining to slots at high density airports), to air carriers using Stage 3 aircraft or to commuter air carriers, unless such an exemption would significantly increase operational delays.

“(3) ASSURANCE OF ACCESS.—If the Secretary finds that an exemption under paragraph (2) would significantly increase operational delays, the Secretary shall take such action as may be necessary to ensure that an air carrier providing or selected to provide basic essential air service is able to obtain access to a high density airport; except that the Secretary shall not be required to make slots available at O'Hare International Airport in Chicago, Illinois, if the number of slots available for basic essential air service (including slots specifically designated as essential air service slots and slots used for such purposes) to and from such airport is at least 132 slots.

“(4) ACTION BY THE SECRETARY.—The Secretary shall issue a final order under this subsection on or before the 60th day after receiving a request from an air carrier for operational authority under this subsection.

“(b) SLOTS FOR FOREIGN AIR TRANSPORTATION.—

“(1) EXEMPTIONS.—If the Secretary finds it to be in the public interest at a high density airport (other than Washington National Airport), the Secretary may grant by order exemptions from the requirements of subparts K and S of part 93 of title 14, Code of Federal Regulations (pertaining to slots at high density airports), to enable air carriers and foreign air carriers to provide foreign air transportation using Stage 3 aircraft.

“(2) SLOT WITHDRAWALS.—The Secretary may not withdraw a slot from an air carrier in order to allocate that slot to a carrier to provide foreign air transportation if the withdrawal of that slot would result in the withdrawal of slots from an air carrier at O'Hare International Airport under section 93.223

of title 14, Code of Federal Regulations, in excess of the total withdrawn from that air carrier as of October 31, 1993.

"(3) EQUIVALENT RIGHTS OF ACCESS.—The Secretary shall not take a slot at a high density airport from an air carrier and award such slot to a foreign air carrier if the Secretary determines that air carriers are not provided equivalent rights of access to airports in the country of which such foreign air carrier is a citizen.

"(4) PERIOD OF EFFECTIVENESS.—This subsection and exemptions issued under this subsection shall cease to be in effect when the final rules issued under subsection (f) become effective.

"(c) SLOTS FOR NEW ENTRANTS.—

"(1) IN GENERAL.—If the Secretary finds it to be in the public interest and the circumstances to be exceptional, the Secretary may by order grant exemptions from the requirements under subparts K and S of part 93 of title 14, Code of Federal Regulations (pertaining to slots at high density airports), to enable new entrant air carriers to provide air transportation at high density airports (other than Washington National Airport).

"(2) PERIOD OF EFFECTIVENESS.—Exemptions issued under this subsection shall cease to be in effect on or after the date on which the final rules issued under subsection (f) become effective.

"(d) SPECIAL RULES FOR WASHINGTON NATIONAL AIRPORT.—

"(1) IN GENERAL.—Notwithstanding sections 6005(c)(5) and 6009(e) of the Metropolitan Washington Airports Act of 1986, or any provision of this section, the Secretary may, only under circumstances determined by the Secretary to be exceptional, grant by order to an air carrier currently holding or operating a slot at Washington National Airport an exemption from requirements under subparts K and S of part 93 of title 14, Code of Federal Regulations (pertaining to slots at Washington National Airport), to enable that carrier to provide air transportation with Stage 3 aircraft at Washington National Airport; except that such exemption shall not—

"(A) result in an increase in the total number of slots per day at Washington National Airport;

"(B) result in an increase in the total number of slots at Washington National Airport from 7:00 ante meridiem to 9:59 post meridiem;

"(C) increase the number of operations at Washington National Airport in any 1-hour period by more than 2 operations;

"(D) result in the withdrawal or reduction of slots operated by an air carrier;

"(E) result in a net increase in noise impact on surrounding communities resulting from changes in timing of operations permitted under this subsection; and

"(F) continue in effect on or after the date on which the final rules issued under subsection (f) become effective.

"(2) LIMITATION ON APPLICABILITY.—Nothing in this subsection shall adversely affect Exemption No. 5133, as from time-to-time amended and extended.

"(e) STUDY.—

“(1) MATTERS TO BE CONSIDERED.—The Secretary shall continue the Secretary’s current examination of slot regulations and shall ensure that the examination includes consideration of—

“(A) whether improvements in technology and procedures of the air traffic control system and the use of quieter aircraft make it possible to eliminate the limitations on hourly operations imposed by the high density rule contained in part 93 of title 14 of the Code of Federal Regulations or to increase the number of operations permitted under such rule;

“(B) the effects of the elimination of limitations or an increase in the number of operations allowed on each of the following:

“(i) congestion and delay in any part of the national aviation system;

“(ii) the impact of noise on persons living near the airport;

“(iii) competition in the air transportation system;

“(iv) the profitability of operations of airlines serving the airport; and

“(v) aviation safety;

“(C) the impact of the current slot allocation process upon the ability of air carriers to provide essential air service under subchapter II of this chapter;

“(D) the impact of such allocation process upon the ability of new entrant air carriers to obtain slots in time periods that enable them to provide service;

“(E) the impact of such allocation process on the ability of foreign air carriers to obtain slots;

“(F) the fairness of such process to air carriers and the extent to which air carriers are provided equivalent rights of access to the air transportation market in the countries of which foreign air carriers holding slots are citizens;

“(G) the impact, on the ability of air carriers to provide domestic and international air service, of the withdrawal of slots from air carriers in order to provide slots for foreign air carriers; and

“(H) the impact of the prohibition on slot withdrawals in subsections (b)(2) and (b)(3) of this section on the aviation relationship between the United States Government and foreign governments, including whether the prohibition in such subsections will require the withdrawal of slots from general and military aviation in order to meet the needs of air carriers and foreign air carriers providing foreign air transportation (and the impact of such withdrawal on general aviation and military aviation) and whether slots will become available to meet the needs of air carriers and foreign air carriers to provide foreign air transportation as a result of the planned relocation of Air Force Reserve units and the Air National Guard at O’Hare International Airport.

“(2) REPORT.—Not later than January 31, 1995, the Secretary shall complete the current examination of slot regulations and shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee

on Public Works and Transportation of the House of Representatives a report containing the results of such examination.

“(f) RULEMAKING.—The Secretary shall conduct a rulemaking proceeding based on the results of the study described in subsection (e). In the course of such proceeding, the Secretary shall issue a notice of proposed rulemaking not later than August 1, 1995, and shall issue a final rule not later than 90 days after public comments are due on the notice of proposed rulemaking.

“(g) WEEKEND OPERATIONS.—The Secretary shall consider the advisability of revising section 93.227 of title 14, Code of Federal Regulations, so as to eliminate weekend schedules from the determination of whether the 80 percent standard of subsection (a)(1) of that section has been met.

“(h) DEFINITIONS.—In this section and section 41734(h), the following definitions apply:

“(1) COMMUTER AIR CARRIER.—The term ‘commuter air carrier’ means a commuter operator as defined or applied in subpart K or S of part 93 of title 14, Code of Federal Regulations.

“(2) HIGH DENSITY AIRPORT.—The term ‘high density airport’ means an airport at which the Administrator limits the number of instrument flight rule takeoffs and landings of aircraft.

“(3) NEW ENTRANT AIR CARRIER.—The term ‘new entrant air carrier’ means an air carrier that does not hold a slot at the airport concerned and has never sold or given up a slot at that airport after December 16, 1985, and a limited incumbent carrier as defined in subpart S of part 93 of title 14, Code of Federal Regulations.

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

(b) CLERICAL AMENDMENT.—The analysis for chapter 417 of subtitle VII is amended by inserting after the item relating to section 41713 the following:

“41714. Availability of slots.”

(c) NONCONSIDERATION OF SLOT AVAILABILITY.—Section 41734 is amended by adding at the end the following:

“(h) NONCONSIDERATION OF SLOT AVAILABILITY.—In determining what is basic essential air service and in selecting an air carrier to provide such service, the Secretary shall not consider as a factor whether slots at a high density airport are available for providing such service.”

SEC. 207. AIR SERVICE TERMINATION NOTICE.

(a) IN GENERAL.—Subchapter I of chapter 417 of subtitle VII is further amended by adding at the end the following new section:

“§ 41715. Air service termination notice

“(a) IN GENERAL.—An air carrier may not terminate interstate air transportation from a nonhub airport included on the Secretary’s latest published list of such airports, unless such air carrier has given the Secretary at least 45 days’ notice before such termination.

“(b) EXCEPTIONS.—The requirements of subsection (a) shall not apply when—

“(1) the carrier involved is experiencing a sudden or unforeseen financial emergency, including natural weather related emergencies, equipment-related emergencies, and strikes;

"(2) the termination of transportation is made for seasonal purposes only;

"(3) the carrier involved has operated at the affected nonhub airport for 180 days or less;

"(4) the carrier involved provides other transportation by jet from another airport serving the same community as the affected nonhub airport; or

"(5) the carrier involved makes alternative arrangements, such as a change of aircraft size, or other types of arrangements with a part 121 or part 135 air carrier, that continues uninterrupted service from the affected nonhub airport.

"(c) **WAIVERS FOR REGIONAL/COMMUTER CARRIERS.**—Before January 1, 1995, the Secretary shall establish terms and conditions under which regional/commuter carriers can be excluded from the termination notice requirement.

"(d) **DEFINITIONS.**—In this section, the following definitions apply:

"(1) **NONHUB AIRPORT.**—The term 'nonhub airport' has the meaning that term has under section 41731(a)(3).

"(2) **PART 121 AIR CARRIER.**—The term 'part 121 air carrier' means an air carrier to which part 121 of title 14, Code of Federal Regulations, applies.

"(3) **PART 135 AIR CARRIER.**—The term 'part 135 air carrier' means an air carrier to which part 135 of title 14, Code of Federal Regulations, applies.

"(4) **REGIONAL/COMMUTER CARRIERS.**—The term 'regional/commuter carrier' means—

"(A) a part 135 air carrier; or

"(B) a part 121 air carrier that provides air transportation exclusively with aircraft having a seating capacity of no more than 70 passengers.

"(5) **TERMINATION.**—The term 'termination' means the cessation of all service at an airport by an air carrier."

(b) **CONFORMING AMENDMENTS.**—The analysis of such chapter 417 is amended by inserting after the item relating to section 41714 the following new item:

"41715. Air service termination notice."

(c) **CIVIL PENALTIES.**—Section 46301(a), as amended by section 1121(d) of this Act, is further amended—

(1) in paragraph (1)(A) by inserting ", or 41715" before "of this title";

(2) in paragraph (4) by inserting "(other than a violation of section 41715)" after "violation" the second and third place it appears; and

(3) by adding at the end the following:

"(6) Notwithstanding paragraph (1), the maximum civil penalty for violating section 41715 shall be \$5,000 instead of \$1,000."

(d) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on February 1, 1995.

SEC. 208. STATE TAXATION OF AIR CARRIER EMPLOYEES.

Section 40116(f) is amended by adding at the end the following:

"(3) Compensation paid by an air carrier to an employee described in subsection (a) in connection with such employee's authorized leave or other authorized absence from regular duties on the carrier's aircraft in order to perform services on behalf of the employee's airline union shall be subject to the income tax laws of only the following:

“(A) The State or political subdivision of the State that is the residence of the employee.

“(B) The State or political subdivision of the State in which the employee’s scheduled flight time would have been more than 50 percent of the employee’s total scheduled flight time for the calendar year had the employee been engaged full time in the performance of regularly assigned duties on the carrier’s aircraft.”.

SEC. 209. FOREIGN FEE COLLECTION.

Section 45301 is amended—

(1) in subsection (b) by striking “This section” and inserting “Subsection (a)”; and

(2) by adding at the end the following:

“(c) RECOVERY OF COST OF FOREIGN AVIATION SERVICES.—

“(1) ESTABLISHMENT OF FEES.—The Administrator may establish and collect fees for providing or carrying out the following aviation services outside the United States: any test, authorization, certificate, permit, rating, evaluation, approval, inspection, review.

“(2) FOREIGN REPAIR STATION CERTIFICATION AND INSPECTION FEES.—The Administrator must establish and collect under this subsection fees for certification and inspection of repair stations outside of the United States.

“(3) LEVEL OF FEES.—Fees shall be established under this subsection as necessary to recover the additional cost of providing or carrying out such services outside the United States, as compared to the cost of providing or carrying out such services within the United States; except that the Administrator may for such services as the Administrator designates (and shall for certification and inspection of repair stations outside the United States) establish fees at a level necessary to recover the full cost of providing such services.

“(4) EFFECT ON OTHER AUTHORITY.—The provisions of this subsection do not limit the Administrator’s authority to establish and collect fees under subsection (a).

“(5) CREDITING OF PREESTABLISHED FEES.—Fees described in paragraph (1) that were not established before the date of the enactment of this subsection may be credited in accordance with section 45302(d).”.

TITLE III—RESEARCH, ENGINEERING, AND DEVELOPMENT

SEC. 301. SHORT TITLE.

This title may be cited as the “Federal Aviation Administration Research, Engineering, and Development Authorization Act of 1994”.

SEC. 302. AVIATION RESEARCH AUTHORIZATION OF APPROPRIATIONS.

Section 48102(a) of title 49, United States Code, is amended by striking paragraphs (1) and (2) and inserting the following:

“(1) for fiscal year 1995—

“(A) \$7,673,000 for management and analysis projects and activities;

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Engineering, and
Development Act
of 1994.
49 USC 40101
note.

“(B) \$80,901,000 for capacity and air traffic management technology projects and activities;

“(C) \$39,242,000 for communications, navigation, and surveillance projects and activities;

“(D) \$2,909,000 for weather projects and activities;

“(E) \$8,660,000 for airport technology projects and activities;

“(F) \$51,004,000 for aircraft safety technology projects and activities;

“(G) \$36,604,000 for system security technology projects and activities;

“(H) \$26,484,000 for human factors and aviation medicine projects and activities;

“(I) \$8,124,000 for environment and energy projects and activities; and

“(J) \$5,199,000 for innovative/cooperative research projects and activities; and

“(2) for fiscal year 1996—

“(A) \$8,056,000 for management and analysis projects and activities;

“(B) \$84,946,000 for capacity and air traffic management technology projects and activities;

“(C) \$41,204,000 for communications, navigation, and surveillance projects and activities;

“(D) \$3,054,000 for weather projects and activities;

“(E) \$9,093,000 for airport technology projects and activities;

“(F) \$53,554,000 for aircraft safety technology projects and activities;

“(G) \$38,434,000 for system security technology projects and activities;

“(H) \$27,808,000 for human factors and aviation medicine projects and activities;

“(I) \$8,532,000 for environment and energy projects and activities; and

“(J) \$5,459,000 for innovative/cooperative research projects and activities.”

49 USC 40101
note.

SEC. 303. JOINT AVIATION RESEARCH AND DEVELOPMENT PROGRAM.

(a) ESTABLISHMENT.—The Administrator, in consultation with the heads of other appropriate Federal agencies, shall jointly establish a program to conduct research on aviation technologies that enhance United States competitiveness. The program shall include—

(1) next-generation satellite communications, including global positioning satellites;

(2) advanced airport and airplane security;

(3) environmentally compatible technologies, including technologies that limit or reduce noise and air pollution;

(4) advanced aviation safety programs; and

(5) technologies and procedures to enhance and improve airport and airway capacity.

(b) PROCEDURES FOR CONTRACTS AND GRANTS.—The Administrator and the heads of the other appropriate Federal agencies shall administer contracts and grants entered into under the program established under subsection (a) in accordance with procedures developed jointly by the Administrator and the heads of

the other appropriate Federal agencies. The procedures should include an integrated acquisition policy for contract and grant requirements and for technical data rights that are not an impediment to joint programs among the Federal Aviation Administration, the other Federal agencies involved, and industry.

(c) **PROGRAM ELEMENTS.**—The program established under subsection (a) shall include—

(1) selected programs that jointly enhance public and private aviation technology development;

(2) an opportunity for private contractors to be involved in such technology research and development; and

(3) the transfer of Government-developed technologies to the private sector to promote economic strength and competitiveness.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—Of amounts authorized to be appropriated for fiscal years 1995 and 1996 under section 48102(a) of title 49, United States Code, as amended by section 302 of this title, there are authorized to be appropriated for fiscal years 1995 and 1996, respectively, such sums as may be necessary to carry out this section.

SEC. 304. AIRCRAFT CABIN AIR QUALITY RESEARCH PROGRAM.

49 USC 40101
note.

(a) **ESTABLISHMENT.**—The Administrator, in consultation with the heads of other appropriate Federal agencies, shall establish a research program to determine—

(1) what, if any, aircraft cabin air conditions, including pressure altitude systems, on flights within the United States are harmful to the health of airline passengers and crew, as indicated by physical symptoms such as headaches, nausea, fatigue, and lightheadedness; and

(2) the risk of airline passengers and crew contracting infectious diseases during flight.

(b) **CONTRACT WITH CENTER FOR DISEASE CONTROL.**—In carrying out the research program established under subsection (a), the Administrator and the heads of the other appropriate Federal agencies shall contract with the Center for Disease Control and other appropriate agencies to carry out any studies necessary to meet the goals of the program set forth in subsection (c).

(c) **GOALS.**—The goals of the research program established under subsection (a) shall be—

(1) to determine what, if any, cabin air conditions currently exist on domestic aircraft used for flights within the United States that could be harmful to the health of airline passengers and crew, as indicated by physical symptoms such as headaches, nausea, fatigue, and lightheadedness, and including the risk of infection by bacteria and viruses;

(2) to determine to what extent, changes in, cabin air pressure, temperature, rate of cabin air circulation, the quantity of fresh air per occupant, and humidity on current domestic aircraft would reduce or eliminate the risk of illness or discomfort to airline passengers and crew; and

(3) to establish a long-term research program to examine potential health problems to airline passengers and crew that may arise in an airplane cabin on a flight within the United States because of cabin air quality as a result of the conditions and changes described in paragraphs (1) and (2).

(d) **PARTICIPATION.**—In carrying out the research program established under subsection (a), the Administrator shall encourage participation in the program by representatives of aircraft manufacturers, air carriers, aviation employee organizations, airline passengers, and academia.

(e) **REPORT.**—(1) Within six months after the date of enactment of this Act, the Administrator shall submit to the Congress a plan for implementation of the research program established under subsection (a).

(2) The Administrator shall annually submit to the Congress a report on the progress made during the year for which the report is submitted toward meeting the goals set forth in subsection (c).

(f) **AUTHORIZATION OF APPROPRIATIONS.**—Of amounts authorized to be appropriated for fiscal years 1995 and 1996 under section 48102(a) of title 49, United States Code, as amended by section 302 of this title, there are authorized to be appropriated for fiscal years 1995 and 1996, respectively, such sums as may be necessary to carry out this section.

49 USC 49101
note.

SEC. 305. USE OF DOMESTIC PRODUCTS.

(a) **PROHIBITION AGAINST FRAUDULENT USE OF "MADE IN AMERICA" LABELS.**—(1) A person shall not intentionally affix a label bearing the inscription of "Made in America", or any inscription with that meaning, to any product sold in or shipped to the United States, if that product is not a domestic product.

(2) A person who violates paragraph (1) shall not be eligible for any contract for a procurement carried out with amounts authorized under this title, including any subcontract under such a contract pursuant to the debarment, suspension, and ineligibility procedures in subpart 9.4 of chapter 1 of title 48, Code of Federal Regulations, or any successor procedures thereto.

(b) **COMPLIANCE WITH BUY AMERICAN ACT.**—(1) Except as provided in paragraph (2), the head of each office within the Federal Aviation Administration that conducts procurements shall ensure that such procurements are conducted in compliance with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a through 10c, popularly known as the "Buy American Act").

(2) This subsection shall apply only to procurements made for which—

(A) amounts are authorized by this title to be made available; and

(B) solicitations for bids are issued after the date of the enactment of this Act.

(3) The Secretary, before January 1, 1995, shall report to the Congress on procurements covered under this subsection of products that are not domestic products.

(c) **DEFINITIONS.**—For the purposes of this section, the term "domestic product" means a product—

(1) that is manufactured or produced in the United States; and

(2) at least 50 percent of the cost of the articles, materials, or supplies of which are mined, produced, or manufactured in the United States.

Reports.

SEC. 306. PURCHASE OF AMERICAN MADE EQUIPMENT AND PRODUCTS.49 USC 49101
note.

(a) SENSE OF CONGRESS.—It is the sense of Congress that any recipient of a grant under this title, or under any amendment made by this title, should purchase, when available and cost-effective, American made equipment and products when expending grant monies.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In allocating grants under this title, or under any amendment made by this title, the Secretary shall provide to each recipient a notice describing the statement made in subsection (a) by the Congress.

SEC. 307. COOPERATIVE AGREEMENTS FOR RESEARCH, ENGINEERING, AND DEVELOPMENT.

Section 44505 of title 49, United States Code, is amended by adding at the end the following new subsection:

“(d) COOPERATIVE AGREEMENTS.—The Administrator may enter into cooperative agreements on a cost-shared basis with Federal and non-Federal entities that the Administrator may select in order to conduct, encourage, and promote aviation research, engineering, and development, including the development of prototypes and demonstration models.”.

SEC. 308. RESEARCH PROGRAM ON QUIET AIRCRAFT TECHNOLOGY.

(a) IN GENERAL.—Subchapter I of chapter 475 of part B of subtitle VII is amended by adding at the end the following new section:

“§ 47509. Research program on quiet aircraft technology for propeller and rotor driven aircraft

“(a) ESTABLISHMENT.—The Administrator of the Federal Aviation Administration and the Administrator of the National Aeronautics and Space Administration shall conduct a study to identify technologies for noise reduction of propeller driven aircraft and rotorcraft.

“(b) GOAL.—The goal of the study conducted under subsection (a) is to determine the status of research and development now underway in the area of quiet technology for propeller driven aircraft and rotorcraft, including technology that is cost beneficial, and to determine whether a research program to supplement existing research activities is necessary.

“(c) PARTICIPATION.—In conducting the study required under subsection (a), the Administrator of the Federal Aviation Administration and the Administrator of the National Aeronautics and Space Administration shall encourage the participation of the Department of Defense, the Department of the Interior, the airtour industry, the aviation industry, academia and other appropriate groups.

“(d) REPORT.—Not less than 280 days after the date of the enactment of this section, the Administrator of the Federal Aviation Administration and the Administrator of the National Aeronautics and Space Administration shall transmit to Congress a report on the results of the study required under subsection (a).

“(e) RESEARCH AND DEVELOPMENT PROGRAM.—If the Administrator of the Federal Aviation Administration and the Administrator of the National Aeronautics and Space Administration determine that additional research and development is necessary and would

substantially contribute to the development of quiet aircraft technology, then the agencies shall conduct an appropriate research program in consultation with the entities listed in subsection (c) to develop safe, effective, and economical noise reduction technology (including technology that can be applied to existing propeller driven aircraft and rotorcraft) that would result in aircraft that operate at substantially reduced levels of noise to reduce the impact of such aircraft and rotorcraft on the resources of national parks and other areas.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 47508 the following new item:

“47509. Research program on quiet aircraft technology for propeller and rotor driven aircraft.”

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

SEC. 401. EXPENDITURES FROM AIRPORT AND AIRWAY TRUST FUND.

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, 1995” and inserting “October 1, 1996”;

(2) by inserting “or the Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation Act of 1992” after “Capacity Expansion Act of 1990” in subparagraph (A);

(3) by striking “(as such Acts were in effect on the date of the enactment of the Airport Improvement Program Temporary Extension Act of 1994)” in subparagraph (A) and inserting “or the Federal Aviation Administration Authorization Act of 1994”; and

(4) by adding at the end the following new flush sentence: “Any reference in subparagraph (A) to an Act shall be treated as a reference to such Act and the corresponding provisions (if any) of title 49, United States Code, as such Act and provisions were in effect on the date of the enactment of the last Act referred to in subparagraph (A).”

TITLE V—MISCELLANEOUS PROVISIONS

49 USC 45102
note.

SEC. 501. RULEMAKING ON RANDOM TESTING FOR PROHIBITED DRUGS.

Not later than 180 days after the date of the enactment of this Act, the Secretary shall complete a rulemaking proceeding and issue a final decision on whether there should be a reduction in the annualized rate now required by the Secretary of random testing for prohibited drugs for personnel engaged in aviation activities.

SEC. 502. TRANSPORTATION SECURITY REPORT.

Section 44938(a) is amended by striking "December 31" and inserting "March 31".

SEC. 503. REPEAL OF ANNUAL REPORT REQUIREMENT.

Section 401 of the Aviation Safety and Noise Abatement Act of 1979 (Public Law 96-193; 94 Stat. 57) is repealed.

49 USC app.
1348 note.

SEC. 504. ADVANCED LANDING SYSTEM.

Notwithstanding any other provision of law or regulation, the Administrator shall consider for approval under part 171 of title 14, Code of Federal Regulations, the new generation, low cost, advanced landing system being developed by the Department of Defense. The charter for approval of such system shall be considered and acted upon expeditiously by the Federal Aviation Administration in the region where such system is being developed.

SEC. 505. ASBESTOS REMOVAL AND BUILDING DEMOLITION AND REMOVAL, VACANT AIR FORCE STATION, MARIN COUNTY, CALIFORNIA.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated in fiscal year 1995 to the account for the Department of Transportation for facilities and equipment of the Federal Aviation Administration such amount as may be necessary to permit the Administrator to carry out asbestos abatement activities and the demolition and removal of buildings at the site of the vacant Air Force station located on Mount Tamalpais, Marin County, California. The amount authorized to be appropriated by the preceding sentence shall not exceed the Federal Aviation Administration's share of the costs of carrying out such activities, demolitions, and removals.

(b) **AUTHORITY TO USE FUNDS.**—The Administrator may use the funds appropriated pursuant to the authorization of appropriations in subsection (a) to carry out the abatement activities and demolition and removal described in that subsection. Such funds shall be available for such purpose until expended.

SEC. 506. LAND ACQUISITION COSTS.

Notwithstanding section 47108 of title 49, United States Code, the Secretary may approve an upward adjustment not to exceed \$750,000 in the maximum obligation of the United States under an airport improvement program grant made under subchapter I of chapter 471 of subtitle VII of such title to a reliever airport after September 1, 1989, and before October 1, 1989, in order to assist in funding increased land acquisition costs (as determined in judicial proceedings) and associated eligible project costs.

SEC. 507. INFORMATION ON DISINSECTION OF AIRCRAFT.

(a) **AVAILABILITY OF INFORMATION.**—In the interest of protecting the health of air travelers, the Secretary shall publish a list of the countries (as determined by the Secretary) that require disinsection of aircraft landing in such countries while passengers and crew are on board such aircraft.

(b) **REVISION.**—The Secretary shall revise the list required under subsection (a) on a periodic basis.

(c) **PUBLICATION.**—The Secretary shall publish the list required under subsection (a) not later than 30 days after the date of the enactment of this Act. The Secretary shall publish a revision to

Records.
Publication.
49 USC 40101
note.

the list not later than 30 days after completing the revision under subsection (b).

49 USC 47124
note.

SEC. 508. CONTRACT TOWER ASSISTANCE.

The Secretary shall take appropriate action to assist communities where the Secretary deems such assistance appropriate in obtaining the installation of a Level I Contract Tower for those communities.

SEC. 509. DISCONTINUATION OF AVIATION SAFETY JOURNAL.

(a) **IN GENERAL.**—The Administrator may not publish, nor contract with any other organization for the publication of, the magazine known as the "Aviation Safety Journal".

(b) **CANCELLATION OF EXISTING CONTRACTS.**—Not later than 30 days after the date of the enactment of this Act, the Administrator shall cancel any existing contract for publication of the Aviation Safety Journal.

Louisiana.

SEC. 510. MONROE AIRPORT IMPROVEMENT.

(a) **AUTHORITY TO GRANT WAIVERS.**—Notwithstanding section 16 of the Federal Airport Act (as in effect on the date of transfer of Selman Field, Louisiana, from the United States to the city of Monroe, Louisiana), 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 term contained in the 1949 deed of conveyance, or any other deed of conveyance occurring subsequent to that initial transference and before the date of enactment of this Act, under which the United States conveyed certain property then constituting Selman Field, Louisiana, to the city of Monroe, Louisiana, for airport purposes.

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

(1) The city of Monroe, Louisiana, 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 (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 maintenance of a public airport.

Alaska.

SEC. 511. SOLDOTNA AIRPORT IMPROVEMENT.

(a) **AUTHORITY TO GRANT WAIVERS.**—Notwithstanding section 16 of the Federal Airport Act (as in effect on December 12, 1963), 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 December 12, 1963, under which the United States conveyed certain property to the city of Soldotna, Alaska, for airport purposes.

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

(1) The city of Soldotna, Alaska, shall agree that, in conveying any interest in the property which the United States conveyed to the city by deed dated December 12, 1963, the city will receive an amount for such interest which is equal to

the fair market value (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 maintenance of a public airport.

SEC. 512. STURGIS, KENTUCKY.

(a) **AUTHORITY TO GRANT WAIVERS.**—Notwithstanding any other provision of law, the Secretary is authorized, subject to section 47153 of title 49, United States Code, and subsection (b) of this section, to waive with respect to such parcels of land, or portions of such parcels, as the Administrator determines are no longer required for airport purposes, from any term contained in the deed of conveyance dated July 13, 1948, under which the United States conveyed such property to the Union County Air Board, State of Kentucky, for airport purposes of the Sturgis Municipal Airport.

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

(1) The Union County Air Board shall agree that, in leasing or conveying any interest in the property with respect to which waivers are granted under subsection (a), such Board will receive an amount that is equal to the fair lease value or the fair market value, as the case may be (as determined pursuant to regulations issued by the Secretary).

Regulations.

(2) Such Board shall use any amount so received only for the development, improvement, operation, or maintenance of the Sturgis Municipal Airport.

(3) Any other conditions that the Secretary considers necessary to protect or advance the interests of the United States in civil aviation.

SEC. 513. ROLLA AIRPORT IMPROVEMENT.

Missouri.

(a) **AUTHORITY TO GRANT WAIVERS.**—Notwithstanding section 16 of the Federal Airport Act (as in effect on December 30, 1957), 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 December 30, 1957, or any other deed of conveyance dated after such date and before the date of enactment of this Act, under which the United States conveyed certain property to the city of Rolla, Missouri, for airport purposes.

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

(1) The city of Rolla, Missouri, 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 (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 maintenance of a public airport.

SEC. 514. PALM SPRINGS, CALIFORNIA.

(a) **AUTHORITY TO GRANT WAIVERS.**—Notwithstanding section 47153 of title 49, United States Code, and subject to the provisions of subsection (b), the Secretary shall grant waivers from all of

the terms contained in the deed of conveyance dated September 15, 1949, under which the United States conveyed certain property to Palm Springs, California, for airport purposes. The waivers shall apply only to approximately 11 acres of lot 16 of section 13, and approximately 39.07 acres of lots 19 and 20 of section 19, used by the city of Palm Springs, California, for general governmental purposes.

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

(1) The Secretary shall waive any requirement that there be credited to the account of the airport any amount attributable to the city's use for governmental purposes of any land conveyed under the deed of conveyance referred to in subsection (a) before the date of the enactment of this section.

(2) The city shall abandon all claims, against income of the Palm Springs Regional Airport or other assets of that airport, for reimbursement of general revenue funds that the city may have expended before the date of the enactment of this section for acquisition of 523.39 acres of land conveyed August 28, 1961, for airport purposes and for expenses incurred at any time in connection with such acquisition, and such claims shall not be eligible for reimbursement under the Airport and Airway Improvement Act or any successor law.

SEC. 515. REAL ESTATE TRANSFERS IN ALASKA AND WEATHER OBSERVATION SERVICES.

(a) **TRANSFER OF SITE IN LAKE MINCHUMINA, ALASKA.**—The Administrator shall convey to the Iditarod Area School District the Federal Aviation Administration building number 106 and a reasonable amount of land to make use of the property, at Lake Minchumina, Alaska, for the purpose of providing educational facilities, under the terms set forth in Agreement No. DTFA04-93-J-82007, between the Federal Aviation Administration and the Iditarod Area School District, and such other terms as are mutually agreed on between the Administrator and the Iditarod Area School District.

(b) **TRANSFER OF SITE IN FORT YUKON, ALASKA.**—The Administrator shall convey to the city of Fort Yukon, Alaska, the buildings of the Federal Aviation Administration and land in Fort Yukon, Alaska (described as that portion of Lot 4, U.S. Survey 7161, within section 8, T.20 N., R.12E., Fairbanks Meridian consisting of 7.14 acres, and containing the health clinic and staff housing for the aforementioned clinic) for the purpose of providing health services, under terms that are mutually agreed on between the Administrator and the city of Fort Yukon.

(c) **WEATHER OBSERVATION SERVICES.**—Not later than 90 days after the date of the enactment of this Act, the Administrator shall designate airports, as described in this section, and provide human observers at such airports to offer real time weather information to pilots by direct radio contact. Airports to be designated shall be located in a State that averaged, during the period 1989-1993, 3 or more accidents per year involving serious or fatal injury to crew or passengers on regularly scheduled flights operating single-engine aircraft under visual flight rules, and shall be designated as follows:

(1) Not to exceed 5 airports where terrain and conditions do not lend themselves to IFR operations supported solely by automated weather observing systems.

(2) Not to exceed 1 airport where an automated surface observing system is scheduled to be accepted on September 1, 1994, with such weather services to be provided until such time as the Administrator determines that the automated surface observing system is fully operational.

(3) Not to exceed 8 airports (where such weather observation services shall be on a cost-reimbursable basis) that are minor hub stations or strategic visual flight rules alternate airports at times when an observer is needed to supplement the automated weather observing system or immediately replace it in the event of failure.

SEC. 516. RELOCATION OF AIRWAY FACILITIES.

Texas.

Compensation received by the United States for transfer of the San Jacinto Disposal Area by the United States to the city of Galveston, Texas, shall include compensation to be provided to the Federal Aviation Administration for all costs of establishing airway facilities to replace existing airway facilities on the San Jacinto Disposal Area. Such compensation shall include but is not limited to compensation for the replacement of the land, clear zones, buildings and equipment, and demolition and disposal of the existing facilities on the San Jacinto Disposal Area.

SEC. 517. SAFETY AT ASPEN-PITKIN COUNTY AIRPORT.

Colorado.

(a) NIGHTTIME OPERATIONS.—On and after November 1, 1994, nighttime operations (takeoffs and landings) at Aspen-Pitkin County Airport in the State of Colorado shall be allowed for a pilot operating under instrument flight rules or visual flight rules under parts 91 and 135 of title 14, Code of Federal Regulations, between 30 minutes after official sunset and 11 p.m., local time, as follows:

(1) A pilot may operate under instrument flight rules between 30 minutes after official sunset and 11 p.m., local time (or such other operating hours as are established uniformly for all classes of operators), only if the pilot—

(A) is granted clearance by air traffic control;

(B) is instrument-rated;

(C) is operating an aircraft that is equipped as required under section 91.205(d) of such title 14 for instrument flight; and

(D) is operating an instrument approach or departure procedure approved by the Federal Aviation Administration.

(2) A pilot may operate under visual flight rules between 30 minutes after official sunset and 11:00 p.m., local time (or such other operating hours as are established uniformly for all classes of operators), only if the pilot—

(A) is instrument-rated;

(B) has completed at least one takeoff or landing in the preceding 12 calendar months at such airport; and

(C) operates an aircraft equipped as required under section 91.205(d) of such title 14 for instrument flight.

(b) COMMITMENTS OF AIRPORT OWNER OR OPERATOR.—The owner or operator of the Aspen-Pitkin County Airport shall be considered to be in compliance with the requirements of subchapter II of chapter 475 of title 49, United States Code, and not otherwise

unjustly discriminatory when such owner or operator notifies the Administrator that such owner or operator—

(1) commits to modify its existing regulation to expand access to general aviation operations under such special operating restrictions as are created under subsection (a) and such conditions applicable to aircraft noise certification as are currently in effect for night operations at such airport; and

(2) commits permanently not to enforce its 1990 regulatory action eliminating the so-called “ski season exception” to its nighttime curfew.

To remain in compliance, such owner or operator shall carry out both such commitments on or before November 1, 1994.

Proposed rule.

(c) MOUNTAIN FLYING.—The Administrator shall issue a notice of proposed rulemaking on mountain flying.

SEC. 518. COLLECTIVE BARGAINING AT WASHINGTON AIRPORTS.

(a) STUDY.—The Secretary and the Secretary of Labor shall undertake a study of whether employees of airports operated by the Metropolitan Washington Airports Authority (hereinafter in this section referred to as the “Airports Authority”) should be given the right to bargain collectively. The study shall consider whether the benefits of collective bargaining for employees of the Airports Authority outweighs the burdens of collective bargaining.

(b) MATTERS TO BE CONSIDERED.—In conducting the study under subsection (a), the Secretary and the Secretary of Labor shall investigate the following matters and reach conclusions as to the relevance of such matters to the question of whether employees of airports operated by the Airports Authority should be given collective bargaining rights:

(1) The employment status of employees of the Airports Authority.

(2) The wages and working conditions of firefighters and other employees at the airports operated by the Airports Authority and other airports.

(3) The collective bargaining rights of employees at the airports operated by the Airports Authority and other airports.

(4) Whether other airports are governed by Federal labor laws.

(5) The existing rights of employees of the Airports Authority to collective representation regarding the terms and conditions of employment.

(6) Any other factors that the Secretary and the Secretary of Labor consider relevant to the study.

In conducting such study, the Secretary and the Secretary of Labor shall also consider procedures for impasse resolution of collective bargaining disputes that will avoid the disruption of essential public services at the Airports Authority.

(c) REPORT.—Not later than March 1, 1995, the Secretary and the Secretary of Labor shall transmit to Congress a report containing the results of the study to be conducted under subsection (a). If the study concludes that employees of the airports operated by the Airports Authority should be afforded collective bargaining rights, the report shall also include specific legislative recommendations.

SEC. 519. REPORT ON CERTAIN BILATERAL NEGOTIATIONS.

The Secretary shall report every other month to the Committee on Public Works and Transportation of the House of Representatives

and the Committee on Commerce, Science, and Transportation of the Senate on the status of all active aviation bilateral and multilateral negotiations and informal government-to-government consultations with United States aviation trade partners.

SEC. 520. STUDY ON INNOVATIVE FINANCING.

49 USC 47101
note.

(a) **STUDY.**—The Secretary shall conduct a study on innovative approaches for using Federal funds to finance airport development as a means of supplementing financing available under the Airport Improvement Program.

(b) **MATTERS TO BE CONSIDERED.**—In conducting the study under subsection (a), the Secretary shall consider, at a minimum, the following:

(1) Mechanisms that will produce greater investments in airport development per dollar of Federal expenditure.

(2) Approaches that would permit entering into agreements with non-Federal entities, such as airport sponsors, for the loan of Federal funds, guarantee of loan repayment, or purchase of insurance or other forms of enhancement for borrower debt, including the use of unobligated Airport Improvement Program contract authority and unobligated balances in the Airport and Airway Trust Fund.

(3) Means to lower the cost of financing airport development.

(c) **CONSULTATION.**—In considering innovative financing pursuant to this section, the Secretary may consult with airport owners and operators and public and private sector experts.

(d) **REPORT TO CONGRESS.**—Not later than 12 months after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under subsection (a).

SEC. 521. SAFETY OF JUNEAU INTERNATIONAL AIRPORT.

Alaska.

(a) **STUDY.**—Not later than 30 days after the date of the enactment of this Act, the Secretary, in cooperation with the National Transportation Safety Board, the National Guard, and the Juneau International Airport, shall undertake a study of the safety of the approaches to the Juneau International Airport.

(b) **MATTERS TO BE CONSIDERED.**—In conducting the study under subsection (a), the Secretary shall examine—

(1) the crash of Alaska Airlines Flight 1866 on September 4, 1971;

(2) the crash of a Lear Jet on October 22, 1985;

(3) the crash of an Alaska Army National Guard aircraft on November 12, 1992;

(4) the adequacy of NAVAIDS in the vicinity of the Juneau International Airport;

(5) the possibility of inaccurate data from Sisters Island DVOR and the possibility of confusion between Elephant Island Non-Directional Beacon and Coghlan Island Non-Directional Beacon;

(6) the need for a singular Approach Surveillance Radar site on top of Heintzleman Ridge;

(7) the need for a Terminal Very High Frequency Omnidirectional Range (Terminal VOR) navigational aid in Gastineau Channel; and

(8) any other matter that a participant in the study specified in subsection (a) considers appropriate to the safety of

aircraft approaching or leaving the Juneau International Airport.

(c) **REPORT.**—Not later than 6 months after the date of the enactment of this Act, the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report which—

(1) details the matters considered by the study conducted under subsection (a);

(2) summarizes any conclusions reached by the participants in the study;

(3) proposes specific recommendations to improve or enhance the safety of aircraft approaching or leaving the Juneau International Airport or contains a detailed explanation of why no recommendations are being proposed;

(4) estimates the cost of any proposed recommendations;

(5) includes any other matters the Secretary deems appropriate; and

(6) includes any minority views if a consensus is not reached among the participants in the study specified in subsection (a).

SEC. 522. STUDY ON CHILD RESTRAINT SYSTEMS.

(a) **STUDY.**—The Secretary shall conduct a study on the availability, effectiveness, cost, and usefulness of restraint systems that may offer protection to a child carried in the lap of an adult aboard an air carrier aircraft or provide for the attachment of a child restraint device to the aircraft.

(b) **STUDY CRITERIA.**—Among other issues, the study shall examine the impact of the following:

(1) The direct cost to families of requiring air carriers to provide restraint systems and requiring infants to use them, including whether airlines will charge a fare for use of seats containing infant restraining systems; such estimate to cover a ten-year period.

(2) The impact on air carrier aircraft passenger volume by requiring use of infant restraint systems, including whether families will choose to travel to destinations by other means, including automobiles; such estimate to cover a ten-year period.

(3) The impact over a 10-year period on fatality rates of infants using other modes of transportation, including automobiles.

(4) The efficacy of infant restraint systems currently marketed as able to be used for air carrier aircraft.

(c) **REPORT.**—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report on the results of the study conducted under subsection (a).

SEC. 523. SENSE OF SENATE RELATING TO DOT INSPECTOR GENERAL.

It is the sense of the Senate that the Inspector General of the Department of Transportation in carrying out the duties and responsibilities of the Inspector General Act of 1978 has oversight responsibilities and may conduct and supervise audits and investigations relating to any funds appropriated by the Congress and made available for any programs or operations at Washington

National Airport and Washington Dulles International Airport, and that the Inspector General shall—

(1) provide leadership and coordination and recommend policies for activities designed to promote the economy, efficiency, and effectiveness of such programs and operations;

(2) act to prevent and detect fraud and abuse in such programs and operations; and

(3) inform the Secretary and the Congress about problems and deficiencies relating to the administration of such programs and operations.

SEC. 524. SENSE OF SENATE ON ISSUANCE OF REPORT ON USAGE OF RADAR AT THE CHEYENNE, WYOMING, AIRPORT.

It is the sense of the Senate that the Secretary should—

(1) take such action as may be necessary to revise the cost and benefit analysis process of the Department of Transportation to fully take projected military enplanement and cost savings figures into consideration with regard to radar installations at joint-use civilian and military airports;

(2) require the Administrator to reevaluate the aircraft radar needs at the Cheyenne, Wyoming, airport and enter into an immediate dialogue with officials of the Wyoming Air Guard, F.E. Warren Air Force Base, and Cheyenne area leaders in the phase II radar installation reevaluation of the Administration and adjust cost and benefit determinations based to some appropriate degree on already provided military figures and concerns and other enplanement projections in the region; and

(3) report to Congress not later than 60 days after the date of the enactment of this Act on the results of the reevaluation of the aircraft radar needs of the Cheyenne, Wyoming, airport and of Southeast Wyoming, and explain how military figures and concerns will be appropriately solicited in future radar decisions involving joint-use airport facilities.

SEC. 525. NORTH KOREA.

(a) FINDINGS.—(1) President Clinton stated in November 1993 that it is the official policy of the United States that North Korea cannot be allowed to become a nuclear power.

(2) The United States seeks to persuade North Korea, through negotiations, the imposition of sanctions, or other means, to act in accordance with its freely undertaken obligations under the Treaty on the Non-Proliferation of Nuclear Weapons and to abandon its efforts to develop nuclear weapons.

(3) North Korea has repeatedly threatened to withdraw from the Treaty on the Non-Proliferation of Nuclear Weapons, has resisted efforts of the International Atomic Energy Agency to conduct effective inspections of its nuclear program, and has stated that it would consider the imposition of economic sanctions as an act of war and has threatened retaliatory action.

(4) The North Korean Government has constructed and has operated a reprocessing facility at Yongbyon solely designed to convert spent nuclear fuel into plutonium with which to make nuclear weapons. Further, the existence of this facility and the development of these weapons gravely threaten security in the region and increases the likelihood of worldwide nuclear terrorism.

(5) The Secretary of Defense stated that the United States must act on the assumption that there will be some increase in the risk of war if sanctions are imposed on North Korea.

(6) It is incumbent on the United States to take all necessary and prudent action to act together with the Republic of Korea to ensure the preparedness of United States and Republic of Korea forces to repel as quickly as possible any attack from North Korea and to protect the safety and security of United States and Republic of Korea forces, as well as the safety and security of the civilian population of the peninsula.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the United States should immediately take all necessary and prudent actions to enhance the preparedness and safety of United States forces and urge and assist the Republic of Korea to do likewise in order to deter and, if necessary, repel an attack from North Korea.

SEC. 526. SENSE OF SENATE ON FINAL REGULATIONS UNDER CIVIL RIGHTS ACT OF 1964.

(a) FINDINGS.—The Senate finds that—

(1) the liberties protected by our Constitution include religious liberty protected by the first amendment;

(2) citizens of the United States profess the beliefs of almost every conceivable religion;

(3) Congress has historically protected religious expression even from governmental action not intended to be hostile to religion;

(4) the Supreme Court has written that “the free exercise of religion means, first and foremost, the right to believe and profess whatever religious doctrine one desires”;

(5) the Supreme Court has firmly settled that under our Constitution the public expression of ideas may not be prohibited merely because the content of the ideas is offensive to some;

(6) Congress enacted the Religious Freedom Restoration Act of 1993 to restate and make clear again our intent and position that religious liberty is and should forever be granted protection from unwarranted and unjustified government intrusions and burdens;

(7) the Equal Employment Opportunity Commission has written proposed guidelines to title VII of the Civil Rights Act of 1964, published in the Federal Register on October 1, 1993, that may result in the infringement of religious liberty;

(8) such guidelines do not appropriately resolve issues related to religious liberty and religious expression in the workplace;

(9) properly drawn guidelines for the determination of religious harassment should provide appropriate guidance to employers and employees and assist in the continued preservation of religious liberty as guaranteed by the first amendment;

(10) the Commission states in its proposed guidelines that it retains wholly separate guidelines for the determination of sexual harassment because the Commission believes that sexual harassment raises issues about human interaction that are to some extent unique in comparison to other harassment and may warrant separate treatment; and

(11) the subject of religious harassment also raises issues about human interaction that are to some extent unique in comparison to other harassment.

(b) It is the sense of the Senate that, for purposes of issuing final regulations under title VII of the Civil Rights Act of 1964 in connection with the proposed guidelines published by the Equal Employment Opportunity Commission on October 1, 1993 (58 Fed. Reg. 51266)—

(1) the category of religion should be withdrawn from the proposed guidelines at this time;

(2) any new guidelines for the determination of religious harassment should be drafted so as to make explicitly clear that symbols or expressions of religious belief consistent with the first amendment and the Religious Freedom Restoration Act of 1993 are not to be restricted and do not constitute proof of harassment;

(3) the Commission should hold public hearings on such new proposed guidelines; and

(4) the Commission should receive additional public comment before issuing similar new regulations.

TITLE VI—INTRASTATE TRANSPORTATION OF PROPERTY

SEC. 601. PREEMPTION OF INTRASTATE TRANSPORTATION OF PROPERTY.

(a) FINDINGS.—Congress finds and declares that—

(1) the regulation of intrastate transportation of property by the States has—

(A) imposed an unreasonable burden on interstate commerce;

(B) impeded the free flow of trade, traffic, and transportation of interstate commerce; and

(C) placed an unreasonable cost on the American consumers; and

(2) certain aspects of the State regulatory process should be preempted.

(b) TRANSPORTATION BY AIR CARRIER OR CARRIER AFFILIATED WITH A DIRECT AIR CARRIER.—

(1) IN GENERAL.—Section 41713(b) is amended by adding at the end the following new paragraph:

“(4) TRANSPORTATION BY AIR CARRIER OR CARRIER AFFILIATED WITH A DIRECT AIR CARRIER.—

“(A) GENERAL RULE.—Except as provided in subparagraph (B), a State, political subdivision of a State, or political authority of 2 or more States may not enact or enforce a law, regulation, or other provision having the force and effect of law related to a price, route, or service of an air carrier or carrier affiliated with a direct air carrier through common controlling ownership when such carrier is transporting property by aircraft or by motor vehicle (whether or not such property has had or will have a prior or subsequent air movement).

“(B) MATTERS NOT COVERED.—Subparagraph (A)—

“(i) shall not restrict the safety regulatory authority of a State with respect to motor vehicles, the author-

49 USC 11501
note.

ity of a State to impose highway route controls or limitations based on the size or weight of the motor vehicle or the hazardous nature of the cargo, or the authority of a State to regulate motor carriers with regard to minimum amounts of financial responsibility relating to insurance requirements and self-insurance authorization; and

“(ii) does not apply to the transportation of household goods, as defined in section 10102 of this title.

“(C) APPLICABILITY OF PARAGRAPH (1).—This paragraph shall not limit the applicability of paragraph (1).”.

(2) CONFORMING AMENDMENTS.—

(A) SECTION 41713.—Section 41713(b)(2) is amended by striking “Paragraph (1) of this subsection does” and inserting “Paragraphs (1) and (4) of this subsection do”.

(B) SECTION 40102.—Section 40102(a)(35) is amended by striking “for air transportation”.

(C) SECTION 10521.—Section 10521(b)(1) is amended by striking “and 11501(e)” and inserting “11501(e), and 11501(h)”.

(c) TRANSPORTATION BY MOTOR CARRIER.—Section 11501 is amended by adding at the end the following new subsection:

“(h) PREEMPTION OF STATE ECONOMIC REGULATION OF MOTOR CARRIERS.—

“(1) GENERAL RULE.—Except as provided in paragraphs (2) and (3), a State, political subdivision of a State, or political authority of 2 or more States may not enact or enforce a law, regulation, or other provision having the force and effect of law related to a price, route, or service of any motor carrier (other than a carrier affiliated with a direct air carrier covered by section 41713(b)(4) of this title) or any motor private carrier with respect to the transportation of property.

“(2) MATTERS NOT COVERED.—Paragraph (1)—

“(A) shall not restrict the safety regulatory authority of a State with respect to motor vehicles, the authority of a State to impose highway route controls or limitations based on the size or weight of the motor vehicle or the hazardous nature of the cargo, or the authority of a State to regulate motor carriers with regard to minimum amounts of financial responsibility relating to insurance requirements and self-insurance authorization; and

“(B) does not apply to the transportation of household goods.

“(3) STATE STANDARD TRANSPORTATION PRACTICES.—

“(A) CONTINUATION.—Paragraph (1) shall not affect any authority of a State, political subdivision of a State, or political authority of 2 or more States to enact or enforce a law, regulation, or other provision, with respect to the intrastate transportation of property by motor carriers, related to—

“(i) uniform cargo liability rules,

“(ii) uniform bills of lading or receipts for property being transported,

“(iii) uniform cargo credit rules, or

“(iv) antitrust immunity for joint line rates or routes, classifications and mileage guides,

if such law, regulation, or provision meets the requirements of subparagraph (B).

“(B) REQUIREMENTS.—A law, regulation, or provision of a State, political subdivision, or political authority meets the requirements of this subparagraph if—

“(i) the law, regulation, or provision covers the same subject matter as, and compliance with such law, regulation, or provision is no more burdensome than compliance with, a provision of this subtitle or a regulation issued by the Interstate Commerce Commission or the Secretary of Transportation under this subtitle; and

“(ii) the law, regulation, or provision only applies to a carrier upon request of such carrier.

“(C) ELECTION.—Notwithstanding any other provision of law, a carrier affiliated with a direct air carrier through common controlling ownership may elect to be subject to a law, regulation, or provision of a State, political subdivision, or political authority under this paragraph.”

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on January 1, 1995; except that with respect to the State of Hawaii the amendment made by subsection (c) shall take effect on the last day of the 3-year period beginning on the date of the enactment of this Act.

49 USC 10521
note.

Approved August 23, 1994.

LEGISLATIVE HISTORY—H.R. 2739 (S. 1491):

HOUSE REPORTS: Nos. 103-240 (Comm. on Public Works and Transportation) and 103-677 (Comm. of Conference).

SENATE REPORTS: No. 103-181 accompanying S. 1491 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD:

Vol. 139 (1993): Oct. 7, 13, considered and passed House.

Vol. 140 (1994): June 9, 10, 14-16, considered and passed House amended, in lieu of S. 1491.

Aug. 8, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 30 (1994):

Aug. 23, Presidential statement.