Public Law 94-353
94th Congress

An Act

To amend the Airport and Airway Development Act of 1970.

July 12, 1976
[H.R. 9771]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Airport and Airway Development Act Amendments of 1976".

Airport and Airway Development Act Amendments of 1976.
49 USC 1701 note.

TITLE I—AIRPORT AND AIRWAY DEVELOPMENT ACT AMENDMENTS

DECLARATION OF POLICY

SEC. 2. Section 2 of the Airport and Airway Development Act of 1970 (49 U.S.C. 1701) is amended by striking out "June 30, 1980," the first place it appears and inserting in lieu thereof "September 30, 1980," and by striking out everything after "$250,000,000.".

DEFINITIONS

SEC. 3. (a) Section 11 of the Airport and Airway Development Act of 1970 (49 U.S.C. 1711) is amended as follows:

(1) Paragraph (2) is amended by—

(A) striking out "and (B)" and inserting in lieu thereof "and including snow removal equipment, and including the purchase of noise suppressing equipment, the construction of physical barriers, and landscaping for the purpose of diminishing the effect of aircraft noise on any area adjacent to a public airport, (B)"; and

(B) striking out the period at the end thereof and inserting in lieu thereof ", and (C) any acquisition of land or of any interest therein necessary to insure that such land is used only for purposes which are compatible with the noise levels of the operation of a public airport.".

(2) Paragraph (4) is amended by adding after "feasibility studies," the following: "including the potential use and development of land surrounding an actual or potential airport site,".

(3) Before paragraph (1), add the following new paragraph:

"(1) 'Air carrier airport' means an existing public airport regularly served, or a new public airport which the Secretary determines will be regularly served, by an air carrier certificated by the Civil Aeronautics Board under section 401 of the Federal Aviation Act of 1958 (other than a supplemental air carrier), and a commuter service airport.". 49 USC 1371.

(4) After paragraph (5), add the following new paragraphs:

"(6) 'Commuter service airport' means an air carrier airport which is not served by an air carrier certificated under section 401 of the Federal Aviation Act of 1958 and which is regularly served by one or more air carriers operating under exemption granted by the Civil Aeronautics Board from section 401(a) of the Federal Aviation Act of 1958 at which not less than two thousand five hundred passengers

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were enplaned in the aggregate by all such air carriers from such airport during the preceding calendar year.

"(7) 'General aviation airport' means a public airport which is not an air carrier airport.".

(5) After paragraph (12), add the following new paragraph:

"(13) 'Reliever airport' means a general aviation airport designated by the Secretary as having the primary function of relieving congestion at an air carrier airport by diverting from such airport general aviation traffic.".

49 USC 1711.

(b) Section 11 of the Airport and Airway Development Act of 1970 is amended by renumbering the paragraphs of such section as paragraphs (1) through (21), respectively, and renumbering all references to such paragraphs accordingly.

REVISED NATIONAL AIRPORT SYSTEM PLAN

SEC. 4. Section 12 of the Airport and Airway Development Act of 1970 (49 U.S.C. 1712) is amended by adding at the end thereof the following new subsection:

"(i) REVISED SYSTEM PLAN.—No later than January 1, 1978, the Secretary shall consult with the Civil Aeronautics Board and with each State and airport sponsor, and, in accordance with this section, prepare and publish a revised national airport system plan for the development of public airports in the United States. Estimated costs contained in such revised plan shall be sufficiently accurate so as to be capable of being used for future year apportionments. In addition to the information required by subsection (a), the revised plan shall include an identification of the levels of public service and the uses made of each public airport in the plan, and the projected airport development which the Secretary deems necessary to fulfill the levels of service and use of such airports during the succeeding ten-year period.".

PLANNING GRANTS

SEC. 5. Section 13(b) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1713) is amended as follows:

(1) The side heading is amended by striking out "APPORTIONMENT" and inserting in lieu thereof "LIMITATION".

(2) Paragraph (1) is amended by striking out "$75,000,000 and" and inserting in lieu thereof "$150,000,000,".

(3) Paragraph (2) is amended to read as follows:

"(2) The United States share of any airport master planning grant under this section shall be that per centum for which a project for airport development at that airport would be eligible under section 17 of this Act. In the case of any airport system planning grant under this section, the United States share shall be 75 per centum.".

Post, p. 877.

(4) Paragraph (3) is amended by striking out "7.5" and inserting in lieu thereof "10".

AIRPORT AND AIRWAY DEVELOPMENT PROGRAM

SEC. 6. (a) Section 14(a) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1714) is amended by adding at the end thereof the following new paragraphs:

"(3) For the purpose of developing air carrier airports in the several States, the Commonwealth of Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin

Islands, $435,000,000 for fiscal year 1976, including the period July 1, 1976, through September 30, 1976, $440,000,000 for fiscal year 1977, $465,000,000 for fiscal year 1978, $495,000,000 for fiscal year 1979, and $525,000,000 for fiscal year 1980.

"(4) For the purpose of developing general aviation airports in the several States, the Commonwealth of Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands, $65,000,000 for fiscal year 1976, including the period July 1, 1976, through September 30, 1976, $70,000,000 for fiscal year 1977, $75,000,000 for fiscal year 1978, $80,000,000 for fiscal year 1979, and $85,000,000 for fiscal year 1980.".

(b)(1) Section 14(b) of such Act is amended— 49 USC 1714.

(A) by inserting "(1)" immediately before the first sentence; and

(B) in the second, third, and fourth sentences, by striking out "subsection" and inserting in lieu thereof "paragraph".

(2) Section 14(b) of such Act is further amended by adding at the end thereof the following new paragraph:

"(2) The Secretary is authorized to incur obligations to make grants for airport development from funds made available under paragraphs (3) and (4) of subsection (a) of this section, and such authority shall exist with respect to funds available for the making of grants for any fiscal year or part thereof pursuant to subsection (a) immediately after such funds are apportioned pursuant to section 15(a) of this title. No obligation shall be incurred under this paragraph after September 30, 1980. The Secretary shall not incur more than one obligation under this paragraph with respect to any single project for airport development. Notwithstanding any other provision of this title, no part of any of the funds authorized, or authorized to be obligated, for fiscal year 1980 at the discretion of the Secretary under paragraphs (3)(B) and (4)(C) of section 15(a), and no part of the discretionary funds for reliever airports under such paragraph (4), shall be obligated or otherwise expended except in accordance with a statute enacted after the date of enactment of this sentence.". Grants. *Post*, p. 874.

(c) Section 14(c) of such Act is amended by striking out the period at the end thereof and by inserting in lieu thereof a comma and the following: "not less than $312,500,000 for fiscal year 1976, including the period July 1, 1976, through September 30, 1976, and not less than $250,000,000 per fiscal year for the fiscal years 1977 through 1980.".

(d) Section 14(e) of such Act is redesignated as section 14(f) and the following is inserted in section 14 as a new subsection (e):

"(e) OTHER EXPENSES.—The balance of the moneys available in the Airport and Airway Trust Fund may be appropriated for (1) costs of services provided under international agreements relating to the joint financing of air navigation services which are assessed against the United States Government, and (2) direct costs incurred by the Secretary to flight check and maintain air navigation facilities referred to in subsection (c) of this section in a safe and efficient condition. Eligible maintenance expenses are limited to costs incurred in the field and exclude the costs of engineering support and planning, direction, and evaluation activities. The amounts appropriated from the Airport and Airway Trust Fund for the purposes of clauses (1) and (2) may not exceed $250,000,000 for fiscal year 1977, $275,000,000 for fiscal year 1978, $300,000,000 for fiscal year 1979, and $325,000,000 for fiscal year 1980. The amounts appropriated in any fiscal year under this subsection may not exceed, when added to the minimum amounts authorized for that year under subsections (a),

(c), and (d) of this section, the amounts transferred to the Airport and Airway Trust Fund for that year under subsection 208(b) of the Airport and Airway Revenue Act of 1970. No part of the amount appropriated from the Airport and Airway Trust Fund in any fiscal year for obligation or expenditure under clause (2) of this subsection shall be obligated or expended which exceeds that amount which bears the same ratio to the maximum amount which may be appropriated under clauses (1) and (2) of this subsection for such fiscal year as the total amount obligated in that fiscal year under paragraphs (3) and (4) of subsection (a) of this section bears to the aggregate of the minimum amount made available for obligation under each such paragraph for such fiscal year.".

49 USC 1742.

(e) Paragraph (1) of subsection (f) (as redesignated by this section) of section 14 of the Airport and Airway Development Act of 1970 is amended by striking out "subsections (c) and (d) of this section, as amended" and by inserting in lieu thereof "this section".

49 USC 1714.

(f) Paragraph (2) of subsection (f) (as redesignated by this section) of section 14 of the Airport and Airway Development Act of 1970 is amended by striking out "subsections (a) and (c)" and inserting in lieu thereof "subsections (a), (c), (d) and the third sentence of subsection (e)".

(g) Paragraph (3) of subsection (f) (as redesignated by this section) of section 14 of the Airport and Airway Development Act of 1970 is amended by striking out "subsection (d)." and inserting "subsection (e).".

DISTRIBUTION OF FUNDS

SEC. 7. (a) Section 15(a) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1715) is amended by renumbering paragraphs (3) and (4) as (5) and (6), respectively, and by inserting immediately following paragraph (2) the following new paragraphs:

"(3) As soon as possible after the date of enactment of this paragraph for fiscal year 1976, including the period July 1, 1976, through September 30, 1976, and on the first day of each fiscal year which begins on or after October 1, 1976, for which any amount is authorized to be obligated for the purposes of paragraph (3) of section 14(a) of this part, the amount made available for that year shall be apportioned by the Secretary as follows:

Ante, p. 872.

"(A) To each sponsor of an air carrier airport (other than a commuter service airport) as follows:

"(i) $6.00 for each of the first fifty thousand passengers enplaned at that airport.

"(ii) $4.00 for each of the next fifty thousand passengers enplaned at that airport.

"(iii) $2.00 for each of the next four hundred thousand passengers enplaned at that airport.

"(iv) $0.50 for each passenger enplaned at that airport over five hundred thousand.

No air carrier airport (other than a commuter service airport)—

"(I) served by air carrier aircraft heavier than 12,500 pounds maximum certificated gross takeoff weight, or previously served, on or after September 30, 1968, by air carrier aircraft heavier than 12,500 pounds maximum certificated gross takeoff weight and presently served by air carrier aircraft 12,500 pounds or less maximum certificated gross takeoff weight, shall receive under this subparagraph less than $187,500 or more than $12,500,000 for fiscal year 1976, includ-

ing the period July 1, 1976 through September 30, 1976, and less than $150,000 or more than $10,000,000 per fiscal year for fiscal years 1977 through 1980; and

"(II) served by air carrier aircraft 12,500 pounds or less maximum certificated gross takeoff weight which, since September 29, 1968, has never been regularly served by air carrier aircraft heavier than 12,500 pounds maximum certificated gross takeoff weight shall receive under this subparagraph less than $62,500 or more than $12,500,000 for fiscal year 1976, including the period July 1, 1976, through September 30, 1976, and less than $50,000 or more than $10,000,000 per fiscal year for fiscal years 1977 through 1980.

In no event shall the total amount of all apportionments under this subparagraph (A) for any fiscal year exceed two-thirds of the amount authorized to be obligated for the purposes of paragraph (3) of section 14(a) of this part for such fiscal year. In any case in which an apportionment would be reduced by the preceding sentence, the Secretary shall for such fiscal year reduce the apportionment to each sponsor of an air carrier airport proportionately so that such two-thirds amount is achieved.

"(B) Any amount not apportioned under subparagraph (A) of this paragraph shall be distributed at the discretion of the Secretary as follows:

"(i) $18,750,000 for fiscal year 1976, including the period July 1, 1976, through September 30, 1976, and $15,000,000 per fiscal year for the fiscal years 1977 through 1980, to commuter service airports.

"(ii) The remainder of such amount to air carrier airports.

"(4) As soon as possible after the date of enactment of this paragraph for fiscal year 1976, including the period July 1, 1976, through September 30, 1976, and on the first day of each fiscal year which begins on or after October 1, 1976, for which any amount is authorized to be obligated for the purposes of paragraph (4) of section 14(a) of this part, the amount made available minus $18,750,000 in the case of fiscal year 1976, including such period, and minus $15,000,000 in the case of each of the fiscal years 1977 through 1980, shall be apportioned by the Secretary as follows: *Ante*, p. 872.

"(A) 75 per centum for the several States, one-half in the proportion which the population of each State bears to the total population of all the States, and one-half in the proportion which the area of each State bears to the total area of all the States.

"(B) 1 per centum for the Commonwealth of Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands to be distributed at the discretion of the Secretary.

"(C) 24 per centum to be distributed at the discretion of the Secretary to general aviation airports.

$18,750,000 of the amount made available for fiscal year 1976, including such period, and $15,000,000 of the amount made available for each of the other fiscal years shall be distributed at the discretion of the Secretary to reliever airports.".

(b) Paragraph (5) of such section 15(a) (as renumbered by this section) is amended by inserting after "(2)(A)" the following "or (4)(A)", by inserting after "(1)(B)" the following "or (3)(A)", and by adding at the end thereof the following new sentence: "For 49 USC 1715.

purposes of this paragraph funds apportioned pursuant to this section for fiscal year 1976, including the period July 1, 1976, through September 30, 1976, shall be available for obligation for the same period of time as if such funds were apportioned for fiscal year 1976 exclusive of such period.".

49 USC 1715.

(c) Section 15(b)(2) of the Airport and Airway Development Act of 1970 is amended by striking out "(3)" and inserting in lieu thereof "(5)".

(d) The first sentence of subsection (c) of section 15 of the Airport and Airway Development Act of 1970 is amended to read as follows: "The Secretary shall inform each air carrier airport sponsor and the Governor of each State, or the chief executive officer of the equivalent jurisdiction, as the case may be, on April 1 of each year of the estimated amount of the apportionment to be made on October 1 of that year.".

Enplanements.
49 USC 1715 note.
Ante, p. 874.

(e) In making the apportionment for fiscal year 1976, including the period July 1, 1976, through September 30, 1976, under section 15(a)(3)(A) of the Airport and Airway Development Act of 1970, the Secretary of Transportation shall increase the number of enplanements at each airport by 25 percent.

PROJECT APPROVAL

SEC. 8. (a) The first sentence of subsection (a) of section 16 of the Airport and Airway Development Act of 1970 (49 U.S.C. 1716) is amended by inserting after "project application" the following "for one or more projects". The second sentence of subsection (a) of section 16 of the Airport and Airway Development Act of 1970 is amended by striking out "No" and inserting in lieu thereof "Until July 1, 1975, no". Such section 16(a) is further amended by adding at the end thereof the following new sentences: "After June 30, 1975, no project application shall propose airport development except in connection with the following airports included in the current revision of the national airport system plan formulated by the Secretary under section 12 of this Act: (1) air carrier airports, (2) commuter service airports, (3) reliever airports, and (4) general aviation airports (A) which are regularly served by aircraft transporting United States mail, or (B) which are regularly used by aircraft of a unit of the Air National Guard or of a Reserve component of the Armed Forces of the United States, or (C) which the Secretary determines have a significant national interest. Except as provided in subsection (g), all proposed development shall be in accordance with standards established by the Secretary, including standards for site location, airport layout, grading, drainage, seeding, paving, lighting, and safety of approaches.".

Ante, p. 872.

(b) Section 16 of the Airport and Airway Development Act of 1970 is amended by adding at the end thereof the following new subsections:

"(g) STATE STANDARDS.—

Grants.

"(1) The Secretary is authorized to make grants to any State, upon application therefor, for not to exceed 75 per centum of the cost of developing standards for airport development at general aviation airports in such State, other than standards for safety of approaches. The aggregate of all grants made to any State under this paragraph shall not exceed $25,000.

"(2) The Secretary is authorized to approve standards established by a State for airport development at general aviation airports in such State, other than standards for safety of approaches, and upon such approval such State standards shall be the standards applicable to such general aviation airports in lieu of any comparable standard established under subsection (a) of this section. State standards approved under this subsection may be revised, from time to time, as the State or the Secretary determines necessary, subject to approval of such revisions by the Secretary.

"(3) There is authorized to be appropriated out of the Airport and Airway Trust Fund not to exceed $1,275,000 to carry out this subsection. **Appropriation authorization.**

"(h) The Secretary is authorized in connection with any project to accept a certification from a sponsor or a planning agency that such sponsor or agency will comply with all of the statutory and administrative requirements imposed on such sponsor or agency under this Act in connection with such project. Acceptance by the Secretary of a certification from a sponsor or agency may be rescinded by the Secretary at any time if, in his opinion, it is necessary to do so. Nothing in this subsection shall affect or discharge any responsibility or obligation of the Secretary under any other Federal law, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), section 4(f) of the Department of Transportation Act (49 U.S.C. 1652), title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000b), title VIII of the Act of April 11, 1968 (42 U.S.C. 3601 et seq.), and the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).". **49 USC 1653. 42 USC 2000d.**

(c) Section 12(a) of the Airport and Airway Development Act of 1970 is amended by adding at the end thereof the following new sentence: "After June 30, 1975, the Secretary shall not include in the national airport system plan any airport which is not eligible for airport development grants under the next to the last sentence of section 16(a) of this title, except that nothing in this sentence shall require the Secretary to remove from the national airport system plan any airport in such plan on June 30, 1975.". **49 USC 1712.** *Ante*, p. 876.

UNITED STATES SHARE

SEC. 9. (a) Section 17(a) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1717) is amended by striking out everything after "section 16" and inserting in lieu thereof the following:
"of this part—

"(1) may not exceed 50 per centum of the allowable project costs in the case of grants made from funds for fiscal years 1971, 1972, and 1973, and may not exceed 50 per centum for sponsors whose airports enplane not less than 1 per centum of the total annual passengers enplaned by air carriers certificated by the Civil Aeronautics Board, and may not exceed 75 per centum for sponsors whose airports enplane less than 1 per centum of the total annual passengers enplaned by air carriers certificated by the Civil Aeronautics Board and for sponsors of general aviation or reliever airports, in the case of grants made from funds for fiscal years 1974 and 1975; and

"(2)(A) shall be 90 per centum of the allowable project costs in the case of grants from funds for fiscal year 1976, including the period July 1, 1976, through September 30, 1976, and for fiscal years 1977 and 1978, and shall be 80 per centum of the allowable

project costs in the case of grants from funds for fiscal years 1979 and 1980, (i) for each air carrier airport (other than a commuter service airport) which enplanes less than one-quarter of 1 per centum of the total annual passengers enplaned as determined for purposes of making the latest annual apportionment under section 15(a)(3) of this Act, (ii) for each commuter service airport, and (iii) for each general aviation airport; and

Ante, p. 874.

"(B) shall be 75 per centum of the allowable project costs in the case of all other airports.".

(b) Section 17(b) of such Act (49 U.S.C. 1717) is amended by adding at the end thereof the following new sentence: "In no event shall such United States share, as increased by this subsection, exceed the greater of (1) the percentage share determined under subsection (a) of this section, or (2) the percentage share applying on June 30, 1975, as determined under this subsection.".

(c) Section 17(c) is amended by striking out "The" and inserting in lieu thereof "For fiscal years 1971 through 1975, the ".

(d) Section 17(d) of such Act is amended by striking out everything after "share" and inserting in lieu thereof "shall be the same percentage as is otherwise applicable to such project.".

Repeal.

(e) Section 17(e) of such Act is hereby repealed.

PROJECT SPONSORSHIP

SEC. 10. (a) Section 18 of the Airport and Airway Development Act of 1970 (49 U.S.C. 1718) is amended by inserting "(a) SPONSORSHIP.—" immediately before "As a condition precedent", by striking out "section." at the end of such section and inserting in lieu thereof "subsection.", and by adding at the end thereof the following new subsection:

"(b) CONSULTATION.—In making a decision to undertake any project under this title, any sponsor of an air carrier airport shall consult with air carriers using the airport at which such airport development project is proposed and any sponsor of a general aviation airport shall consult with fixed-base operators using the airport at which such airport development project is proposed.".

(b) Paragraph (8) of subsection (a) of section 18 of the Airport and Airway Development Act of 1970 (as redesignated by subsection (a) of this section) is amended by striking out the semicolon and inserting in lieu thereof the following: ", except that no part of the Federal share of an airport development project for which a grant is made under this title or under the Federal Airport Act (49 U.S.C. 1101 et seq.) shall be included in the rate base in establishing fees, rates, and charges for users of that airport;".

(c) Paragraph (1) of section 18(a) of the Airport and Airway Development Act of 1970 (as redesignated by subsection (a) of this section) is amended by striking out the semicolon and inserting in lieu thereof the following: ", including the requirement that (A) each air carrier, authorized to engage directly in air transportation pursuant to section 401 or 402 of the Federal Aviation Act of 1958, using such airport shall be subject to nondiscriminatory and substantially comparable rates, fees, rentals, and other charges and nondiscriminatory and substantially comparable rules, regulations, and conditions as are applicable to all such air carriers which make similar use of such airport and which utilize similar facilities, subject to reasonable classifications such as tenants or nontenants, and combined passenger and cargo flights or all cargo flights, and such classification or status

49 USC 1371, 1372.

as tenant shall not be unreasonably withheld by any airport provided an air carrier assumes obligations substantially similar to those already imposed on tenant air carriers, and (B) each fixed-based operator using a general aviation airport shall be subject to the same rates, fees, rentals, and other charges as are uniformly applicable to all other fixed-based operators making the same or similar uses of such airport utilizing the same or similar facilities;".

(d) The amendment made to section 18(a)(1)(A) of the Airport and Airway Development Act of 1970 (as amended by subsection (c) of this section) shall not require the reformation of any lease or other contract entered into by an airport before the date of enactment of this Act. The amendment made to section 18(a)(1)(B) of the Airport and Airway Development Act of 1970 (as amended by subsection (c) of this section) shall not require the reformation of any lease or other contract entered into by an airport before July 1, 1975.

Leases, reformation. 49 USC 1718 note.

MULTIYEAR PROJECTS

SEC. 11. Section 19 of the Airport and Airway Development Act of 1970 (49 U.S.C. 1719) is amended by inserting immediately after the third sentence the following new sentence: "In any case where the Secretary approves an application for a project which will not be completed in one fiscal year, the offer shall, upon request of the sponsor, provide for the obligation of funds apportioned or to be apportioned to the sponsor pursuant to section 15(a)(3)(A) of this title for such fiscal years (including future fiscal years) as may be necessary to pay the United States share of the cost of such project.".

Ante, p. 874.

TERMINAL DEVELOPMENT PROJECT COSTS

SEC. 12. (a) Section 20 of the Airport and Airway Development Act of 1970 (49 U.S.C. 1720) is amended by redesignating subsection (b) as subsection (c) and inserting immediately after subsection (a) the following new subsection:

"(b) TERMINAL DEVELOPMENT.—

"(1) Notwithstanding any other provision of this title, upon certification by the sponsor of any air carrier airport that such airport has, on the date of submittal of the project application, all the safety and security equipment required for certification of such airport under section 612 of the Federal Aviation Act of 1958, and has provided for access to the passenger enplaning and deplaning area of such airport to passengers enplaning or deplaning from aircraft other than air carrier aircraft, the Secretary may approve, as allowable project costs of a project for airport development at such airport, terminal development (including multimodal terminal development) in nonrevenue producing public-use areas which are directly related to the movement of passengers and baggage in air commerce within the boundaries of the airport, including, but not limited to, vehicles for the movement of passengers between terminal facilities or between terminal facilities and aircraft.

49 USC 1432.

"(2) Only sums apportioned under section 15(a)(3)(A) to the sponsor of an air carrier airport shall be obligated for project costs allowable under paragraph (1) of this subsection in connection with airport development at such airport, and no more than 60 per centum of such sums apportioned for any fiscal year shall be obligated for such costs.

Ante, p. 874.

"(3) Sums apportioned under section 15(a)(3)(A) to the sponsor of an air carrier airport at which terminal development was carried out on or after July 1, 1970, and before the date of enactment of this paragraph shall be available, subject to the limitations contained in paragraph (2) of this subsection, for the immediate retirement of the principal of bonds or other evidences of indebtedness the proceeds of which were used for that part of the terminal development at such airport the cost of which is allowable under paragraph (1) of this subsection subject to the following conditions:

"(A) That such sponsor submits the certification required under paragraph (1) of this subsection.

"(B) That the Secretary determines that no project for airport development at such airport outside the terminal area will be deferred if such sums are used for such retirement.

"(C) That no funds available for airport development under this Act shall be obligated for any project for additional terminal development at such airport for a period of three years beginning on the date any such sums are used for such retirement.

Ante, p. 877.

"(4) Notwithstanding section 17, the United States share of project costs allowable under paragraph (1) of this subsection shall be 50 per centum.

"(5) The Secretary shall approve project costs allowable under paragraph (1) of this subsection under such terms and conditions as may be necessary to protect the interests of the United States.".

49 USC 1720.

(b) Subsection (c) of such section 20 (as relettered by this section) is amended by striking out "The" and inserting in lieu thereof the following: "Except as provided in subsection (b) of this section, the".

STATE DEMONSTRATION PROGRAMS

SEC. 13. The Airport and Airway Development Act of 1970 (49 U.S.C. 1701 et seq.) is amended by inserting immediately after section 27 the following new section:

49 USC 1728.

"SEC. 28. STATE DEMONSTRATION PROGRAMS.

"(a) DEMONSTRATION PROGRAMS.—If the Secretary determines, after review of the certification required by subsection (b) of this section, that a State is capable of managing a demonstration program for administering United States grants for general aviation airports in that State, the Secretary may make a grant for such purpose to such State of funds apportioned to it under section 15(a)(4)(A) of this Act and of any part of the discretionary funds available under section 15(a)(4)(C) of this Act. Such a grant shall be conditioned on a requirement that such State grant funds to airport sponsors in the same manner and subject to the same conditions as the Secretary imposes in making grants to such sponsors under this title.

"(b) CERTIFICATION REQUIREMENTS.—If a State wishes to manage a demonstration program for administering United States grants for general aviation airports, the Governor or the chief executive officer of such State shall certify to the Secretary, in the form and manner prescribed by the Secretary, that—

"(1) the State complies with all eligibility requirements and criteria established by this section and by the Secretary;

"(2) such State's participation in the demonstration program has been specifically authorized by an action of such State's legislature duly taken after the date of enactment of this section, or if such State's legislature is not in regular session on such date and

will not meet again in regular session before January 1, 1977, such participation has been authorized by such State's Governor or chief executive officer; and

"(3) such State's legislature has authorized the appropriation of State funds for the development of general aviation airports in such State during the period for which funds are sought under this section.

"(c) RESTRICTIONS.—The Secretary shall not, pursuant to this section—

"(1) enter into demonstration projects in more than four States;

"(2) allow any funds granted to States to be used to pay costs incurred by the States in administering the demonstration programs;

"(3) initiate any demonstration program after January 1, 1977; and

"(4) make a grant to any State after September 30, 1978.

"(d) REPORT.—The Secretary shall evaluate and report to Congress, not later than March 31, 1978, on the results of any demonstration programs assisted under this section.".

AIR CARRIER AIRPORT DESIGNATION AND CIVIL RIGHTS

SEC. 14. The Airport and Airway Development Act of 1970 (49 U.S.C. 1701 et seq.) is amended by inserting immediately after section 28 (as added by the preceding section of this Act) the following new sections:

"SEC. 29. AIR CARRIER AIRPORT DESIGNATION. 49 USC 1729.

"Notwithstanding any other provision of this title, in the case of any public airport at which (A) an air carrier was or is certificated by the Civil Aeronautics Board under section 401 of the Federal Aviation Act of 1958 (49 U.S.C. 1371) to serve a city served through such airport, and (B) either (i) service to such city by every such certificated air carrier has been suspended as authorized by the Civil Aeronautics Board, or (ii) authority to serve such city has been deleted from the certificates of every such air carrier by the Civil Aeronautics Board after the date of enactment of this section, and (C) such airport is served by an intrastate air carrier operating in intrastate air transportation within the meaning of sections 101(22) and 101(23) of the Federal Aviation Act of 1958 (49 U.S.C. 1301), such airport shall be deemed to be an air carrier airport (other than a commuter service airport) for the purposes of this title.

"SEC. 30. CIVIL RIGHTS. 49 USC 1730.

"The Secretary shall take affirmative action to assure that no person shall, on the grounds of race, creed, color, national origin, or sex, be excluded from participating in any activity conducted with funds received from any grant made under this title. The Secretary shall promulgate such rules as he deems necessary to carry out the purposes of this section and may enforce this section, and any rules promulgated under this section, through agency and department provisions and rules which shall be similar to those established and in effect under title VI of the Civil Rights Act of 1964. The provisions of this section shall be considered to be in addition to and not in lieu of the provisions of title VI of the Civil Rights Act of 1964.". Rules. 42 USC 2000d.

LIMITING CHARGES FOR GOVERNMENT INSPECTION OF PERSONS AND PROPERTY

SEC. 15. (a) Section 53 of the Airport and Airway Development Act of 1970 (49 U.S.C. 1741) is amended by adding at the end thereof the following new subsection:

"(e) The cost of any inspection or quarantine service which is required to be performed by the Federal Government or any agency thereof at airports of entry or other places of inspection as a consequence of the operation of aircraft, and which is performed during regularly established hours of service on Sundays or holidays shall be reimbursed by the owners or operators of such aircraft only to the same extent as if such service had been performed during regularly established hours of service on weekdays. Notwithstanding any other provision of law, administrative overhead costs associated with any inspection or quarantine service required to be performed by the United States Government, or any agency thereof, at airports of entry as a result of the operation of aircraft, shall not be assessed against the owners or operators thereof.".

Effective date. 49 USC 1741 note.

(b) The amendment made by subsection (a) of this section shall take effect January 1, 1977.

PURCHASE REPORTS

SEC. 16. Section 303(e) of the Federal Aviation Act of 1958 (49 U.S.C. 1344) is amended by striking out "Interstate and Foreign Commerce" and inserting in lieu thereof "Public Works and Transportation".

AIRPORT SECURITY IN ALASKA

SEC. 17. (a) The Federal Aviation Act of 1958 (49 U.S.C. 1432 et seq.) is amended by adding at the end of title III thereof the following new section:

"AIRPORT SECURITY IN ALASKA

49 USC 1358. 49 USC 1356, 1357.

"SEC. 317. The Administrator is authorized to exempt from the provisions of sections 315 and 316 of this Act those airports in Alaska which receive service only from air carriers operating under certificates granted by the Civil Aeronautics Board under section 401 of this Act, which operate aircraft having a maximum certificated gross takeoff weight of less than 12,500 pounds, and which do not enplane any passenger, or any property intended to be carried in the aircraft cabin, which passenger or property is moving in air transportation and will not be subject to screening in accordance with such section 315 at an airport in Alaska before such passenger or property is enplaned for any point outside Alaska.".

49 USC 1371.

(b) That portion of the table of contents contained in the first section of such Act which appears under the center heading

"TITLE III—ORGANIZATION OF AGENCY AND POWERS AND DUTIES OF ADMINISTRATOR"

is amended by adding at the end thereof the following new sidehead-ing:

"Sec. 317. Airport security in Alaska.".

AIR TRANSPORTATION OF PERSONS OR PROPERTY

SEC. 18. (a) Section 401 of the Federal Aviation Act of 1958 (49 U.S.C. 1371) is amended by adding at the end thereof the following new subsection:

"(o)(1) Except as provided in paragraph (2) of this subsection, transportation of persons or property by transport category aircraft in interstate air transportation procured by the Department of Defense, including military departments within such Department, through contracts of more than 30 days duration for airlift service within the United States, shall be provided only by carriers which (1) have aircraft in the civil reserve air fleet or offer to place aircraft in such fleet, and (2) hold certificates under this section. Applications for certification under subsection (a) of this section for the purpose of providing the service referred to in this subsection shall be acted on expeditiously by the Board.

"(2) In any case in which the Secretary of Defense determines that no air carrier certificated under subsection (a) of this section is capable of providing and willing to provide the type of service described in paragraph (1) of this subsection, he may contract with an air carrier which does not hold a certificate under this section.".

(b) That portion of the table of contents contained in the first section of such Act which appears under the side heading

"Sec. 401. Certificate of Public Convenience and Necessity."

is amended by adding at the end thereof the following:

"(o) Air transportation of persons or property.".

ISSUANCE OF AIRPORT OPERATING CERTIFICATES

SEC. 19. (a) Section 612 of the Federal Aviation Act of 1958 (49 U.S.C. 1432) is amended by adding at the end thereof the following new subsection:

"EXEMPTION

"(c) The Administrator may exempt any operator of an air carrier airport enplaning annually less than one-quarter of 1 percent of the total number of passengers enplaned at all air carrier airports from the requirements imposed by subsection (b) of this section relating to firefighting and rescue equipment if he finds that such requirements are, or would be, unreasonably costly, burdensome, or impractical.".

(b) That portion of the table of contents contained in the first section of such Act which appears under the side heading

"Sec. 612. Airport operating certificates."

is amended by adding at the end thereof the following:

"(c) Exemption.".

AIRPORT STUDY

SEC. 20. The Secretary of Transportation shall conduct a study of airports in areas where land requirements, local taxes, or a low revenue return per acre may close such airports. This study, the results of which shall be reported to Congress by January 1, 1978, shall include the identification of those locations which may be converted to nonaviation uses and recommendations concerning methods for preserving those airports which in the Secretary's judgment should be preserved in the public interest.

49 USC 1724 note.

Report to Congress.

CIVIL AVIATION INFORMATION DISTRIBUTION PROGRAM

49 USC 1346a.

SEC. 21. In furtherance of his mandate to promote civil aviation, the Secretary of Transportation acting through the Administrator of the Federal Aviation Administration shall take such action as he may deem necessary, within available resources, to establish a civil aviation information distribution program within each region of the Federal Aviation Administration. Such program shall be designed so as to provide State and local school administrators, college and university officials, and officers of civil and other interested organizations, upon request, with informational materials and expertise on various aspects of civil aviation.

PROHIBITION OF FLIGHT SERVICE STATION CLOSURES

49 USC 1348 note.

SEC. 22. For the three year period beginning on the date of enactment of this Act, the Secretary of Transportation shall not close or operate by remote control any existing flight service station operated by the Federal Aviation Administration, except (A) for part-time operation by remote control during low-activity periods, and (B) for the purpose of demonstrating the quality and effectiveness of service at a consolidated flight service station facility, not more than five flight service stations, at the discretion of the Secretary, may be closed or operated by remote control from not more than one air route traffic control center. Nothing in this section shall preclude the physical separation of a combined flight service station and tower facility, the operation by remote control of the flight service station portion of a combined flight service station and tower facility from another flight service station, or the relocation of an existing flight service station at another site within the same flight service area if such flight service station continues to provide the same service to airmen without interruption.

DEMONSTRATION PROJECT

49 USC 1713 note.

SEC. 23. (a)(1) The Secretary of Transportation is authorized to undertake demonstration projects related to ground transportation services to airports which he determines will assist the improvement of the Nation's airport and airway system, and consistent regional airport system plans funded pursuant to section 13(b) of the Airport and Airway Development Act of 1970, by improving ground access to air carrier airport terminals. He may undertake such projects independently or by grant or contract (including working agreements with other Federal departments and agencies).

Ante, p. 872.

(2) In determining projects to be undertaken under this subsection, the Secretary of Transportation shall give priority to those projects which (A) affect airports in areas with operating regional rapid transit systems with existing facilities within reasonable proximity to such airports, (B) include connection of the airport terminal facilities to such systems, (C) are consistent with and supportive of a regional airport system plan adopted by the planning agency for the region and submitted to the Secretary, and (D) will improve access for all persons residing or working within the region to air transport through the encouragement of an optimum balance of use of airports in the region.

(b)(1) The Secretary of Transportation is authorized to undertake a demonstration project at South Bend, Indiana, for a multimodal terminal building and facilities for the intermodal transfer of passengers and baggage between and among the interconnecting air, rail, and highway transportation routes and facilities. He may undertake such project independently or by grant or contract (including working agreements with other Federal departments and agencies).

(2) There is authorized to be appropriated to carry out this subsection not to exceed $3,000,000. **Appropriation authorization.**

COMPENSATION FOR REQUIRED SECURITY MEASURES IN FOREIGN AIR TRANSPORTATION

SEC. 24. (a) The Secretary of Transportation shall compensate any air carrier certificated by the Civil Aeronautics Board under section 401 of the Federal Aviation Act of 1958 (49 U.S.C. 1371) which requests such compensation for that portion of the amount expended by such air carrier for security screening facilities and procedures as required by section 315(a) of such Act (49 U.S.C. 1356(a)), and any regulation issued pursuant thereto, which is attributable to the screening of passengers moving in foreign air transportation. An air carrier shall have any compensation authorized to be paid it under this section reduced by the amount (if any) by which the revenue of such carrier which is attributable to the cost of security screening facilities and procedures used in intrastate, interstate, and overseas air transportation exceeds the actual cost to such carrier of such facilities. The Secretary may issue such regulations as he deems necessary to carry out the purpose of this section. **49 USC 1356a.**

(b) The terms used in this section which are defined in the Federal Aviation Act of 1958 shall have the same meaning as such terms have in such Act. **49 USC 1301 note.**

(c) There is authorized to be appropriated out of the Airport and Airway Trust Fund to carry out this section not to exceed $3,750,000 for fiscal year 1976, including the period July 1, 1976, through September 30, 1976, and $3,000,000 per fiscal year for the fiscal years 1977 and 1978. **Appropriation authorization.**

REDUCTION OF NONESSENTIAL EXPENDITURES

SEC. 25. The Secretary of Transportation shall, in accordance with this section, attempt to reduce, to the maximum extent practicable consistent with the highest degree of aviation safety, the capital, operating, maintenance, and administrative costs of the national airport and airway system. The Secretary shall, at least annually, consult with and give due consideration to the views of users of such system on methods of reducing nonessential Federal expenditures for aviation. The Secretary shall give particular attention to any recommendations which could reduce, without any adverse effects on safety, future Federal manpower requirements and costs which are required to be recouped from charges on such users. **49 USC 1704.**

SPECIAL STUDIES

SEC. 26. The Secretary of Transportation shall conduct studies with respect to— **49 USC 1702 note.**

(1) the feasibility, practicability, and cost of land bank planning and development for future and existing airports, to be carried out through Federal, State, or local government action;

(2) the establishment of new major public airports in the United States, including (A) identifying potential locations, (B) evaluating such locations, and (C) investigating alternative methods of financing the land acquisition and development costs necessary for such establishment; and

(3) the feasibility, practicability, and cost of the soundproofing of schools, hospitals, and public health facilities located near airports.

Consultation.

The Secretary shall consult with and solicit the views of such planning agencies, airport sponsors, other public agencies, airport users, and other interested persons or groups as he deems appropriate to the conduct of such studies. The Secretary shall report to the Congress on the results of such studies, including legislative recommendations, if any, within 1 year after the date of enactment of this section.

Report to Congress.

TITLE II—RESEARCH, DEVELOPMENT, AND DEMONSTRATION ACTIVITIES

AUTHORIZATION

SEC. 201. Subsection (d) of section 14 of the Airport and Airway Development Act of 1970 (49 U.S.C. 1714) is amended to read as follows:

"(d) RESEARCH, DEVELOPMENT, AND DEMONSTRATIONS.—The Secretary is authorized to carry out under section 312(c) of the Federal Aviation Act of 1958 such demonstration projects as he determines necessary in connection with research and development activities under such section 312(c). For research, development, and demonstration projects and activities under such section 312(c), there is authorized to be appropriated from the Trust Fund in the amount of $109,350,000 for the fiscal year 1976, including the interim period beginning July 1, 1976, and ending September 30, 1976, $85,400,000 for the fiscal year 1977, and not less than $50,000,000 per fiscal year for fiscal years 1978 through 1980, to remain available until expended. The initial $50,000,000 of any sums appropriated to the Trust Fund pursuant to subsection (d) of section 208 of the Airport and Airway Revenue Act of 1970 shall be allocated to such research, development, and demonstration activities.".

49 USC 1353.

49 USC 1742.

TITLE III—AIRPORT AND AIRWAY TRUST FUND

SEC. 301. AUTHORIZATION FOR EXPENDITURES FROM TRUST FUND.

(a) AMENDMENT OF 1970 ACT.—(1) Subparagraph (A) of section 208(f)(1) of the Airport and Airway Revenue Act of 1970 (49 U.S.C. 1742(f)(1)(A)) is amended to read as follows:

"(A) incurred under title I of this Act or of the Airport and Airway Development Act Amendments of 1976 (as such Acts were in effect on the date of the enactment of the Airport and Airway Development Act Amendments of 1976);".

(2) Section 208(f) of such Act (49 U.S.C. 1742(f)) is amended by striking out "July 1, 1980" each time it appears and inserting in lieu thereof "October 1, 1980".

(b) EFFECTIVE DATE.—The amendment made by subsection (a)(1) shall apply to obligations incurred on or after the date of the enactment of this Act. The amendments made by subsection (a)(2) shall be effective on the date of enactment of this Act.

49 USC 1742 note.

Approved July 12, 1976.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 94-594 (Comm. on Public Works and Transportation) and No. 94-1292 (Comm. of Conference).

SENATE REPORTS: No. 94-643 accompanying S. 3015 (Comm. on Commerce) and No. 94-975 (Comm. of Conference).

CONGRESSIONAL RECORD:

Vol. 121 (1975): Dec. 18, considered and passed House.

Vol. 122 (1976): Mar. 25, considered and passed Senate, amended, in lieu of S. 3015.

June 23, Senate agreed to conference report.

June 30, House agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS:

Vol. 12, No. 29 (1976): July 12, Presidential statement.