

106TH CONGRESS  
1ST SESSION

# S. 1174

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

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IN THE SENATE OF THE UNITED STATES

MAY 27, 1999

Mr. REID introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

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

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

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

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

7       (b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

Sec. 2. Amendments to title 49, United States Code.

Sec. 3. Administrator defined.

TITLE I—AIRPORT AND AIRWAY IMPROVEMENTS

### Subtitle A—Funding

- Sec. 101. Airport improvement program.
- Sec. 102. Airway facilities improvement program.
- Sec. 103. FAA operations.
- Sec. 104. Aviation safety accelerated program.
- Sec. 105. AIP formula changes.
- Sec. 106. Passenger facility fees.
- Sec. 107. Budget submission.

### Subtitle B—Airport Development

- Sec. 121. Runway incursion prevention devices; emergency call boxes.
- Sec. 122. Windshear detection equipment.
- Sec. 123. Enhanced vision technologies.
- Sec. 124. Pavement maintenance.
- Sec. 125. Competition plans.
- Sec. 126. Matching share.
- Sec. 127. Letters of intent.
- Sec. 128. Grants from small airport fund.
- Sec. 129. Discretionary use of unused apportionments.
- Sec. 130. Designating current and former military airports.
- Sec. 131. Contract tower cost-sharing.
- Sec. 132. Innovative use of airport grant funds.
- Sec. 133. Airport security program.
- Sec. 134. Inherently low-emission airport vehicle pilot program.
- Sec. 135. Technical amendments.
- Sec. 136. Conveyances of surplus property for public airports.

### Subtitle C—Miscellaneous

- Sec. 151. Treatment of certain facilities as airport-related projects.
- Sec. 152. Terminal development costs.
- Sec. 153. General facilities authority.
- Sec. 154. Denial of airport access to certain air carriers.
- Sec. 155. Construction of runways.
- Sec. 156. Use of recycled materials.

## TITLE II—AIRLINE SERVICE IMPROVEMENTS

### Subtitle A—Service to Airports Not Receiving Sufficient Service

- Sec. 201. Access to high density airports.
- Sec. 202. Funding for air carrier service to airports not receiving sufficient service.
- Sec. 203. Waiver of local contribution.
- Sec. 204. Policy for air service to rural areas.
- Sec. 205. Determination of distance from hub airport.

### Subtitle B—Regional Air Service Incentive Program

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

## TITLE III—FAA MANAGEMENT REFORM

- Sec. 301. Air traffic control system defined.
- Sec. 302. Air Traffic Control Oversight Board.

- Sec. 303. Chief Operating Officer.
- Sec. 304. Federal Aviation Management Advisory Council.
- Sec. 305. Environmental streamlining.
- Sec. 306. Clarification of regulatory approval process.
- Sec. 307. Independent study of FAA costs and allocations.

#### TITLE IV—FAMILY ASSISTANCE

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

#### TITLE V—SAFETY

- Sec. 501. Cargo collision avoidance systems deadlines.
- Sec. 502. Records of employment of pilot applicants.
- Sec. 503. Whistleblower protection for FAA employees.
- Sec. 504. Safety risk mitigation programs.
- Sec. 505. Flight operations quality assurance rules.
- Sec. 506. Small airport certification.
- Sec. 507. Life-limited aircraft parts.
- Sec. 508. FAA may fine unruly passengers.
- Sec. 509. Report on air transportation oversight system.
- Sec. 510. Airplane emergency locators.

#### TITLE VI—WHISTLEBLOWER PROTECTION

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

#### TITLE VII—MISCELLANEOUS PROVISIONS

- Sec. 701. Duties and powers of Administrator.
- Sec. 702. Public aircraft.
- Sec. 703. Prohibition on release of offeror proposals.
- Sec. 704. Multiyear procurement contracts.
- Sec. 705. Federal Aviation Administration personnel management system.
- Sec. 706. Nondiscrimination in airline travel.
- Sec. 707. Joint venture agreement.
- Sec. 708. Extension of war risk insurance program.
- Sec. 709. General facilities and personnel authority.
- Sec. 710. Implementation of article 83 bis of the Chicago Convention.
- Sec. 711. Public availability of airmen records.
- Sec. 712. Appeals of emergency revocations of certificates.
- Sec. 713. Government and industry consortia.
- Sec. 714. Passenger manifest.
- Sec. 715. Cost recovery for foreign aviation services.
- Sec. 716. Technical corrections to civil penalty provisions.
- Sec. 717. Waiver under Airport Noise and Capacity Act.
- Sec. 718. Metropolitan Washington Airport Authority.
- Sec. 719. Acquisition management system.
- Sec. 720. Centennial of Flight Commission.
- Sec. 721. Repeal of mail rate-setting authority.
- Sec. 722. Aircraft situational display data.
- Sec. 723. Elimination of backlog of equal employment opportunity complaints.
- Sec. 724. Newport News, Virginia.

- Sec. 725. Grant of easement, Los Angeles, California.
- Sec. 726. Regulation of Alaska guide pilots.
- Sec. 727. Pilot program for capital leasing contracts.
- Sec. 728. Aircraft repair and maintenance advisory panel.
- Sec. 729. Operations of air taxi industry.
- Sec. 730. Sense of Congress concerning completion of comprehensive national airspace redesign.
- Sec. 731. Compliance with requirements.
- Sec. 732. Aircraft noise levels at airports.
- Sec. 733. FAA consideration of certain State proposals.

#### TITLE VIII—NATIONAL PARKS AIR TOUR MANAGEMENT

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

#### TITLE IX—TRUTH IN BUDGETING

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

#### TITLE X—AVIATION SPENDING GUARANTEE

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

### 1 **SEC. 2. AMENDMENTS TO TITLE 49, UNITED STATES CODE.**

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

### 8 **SEC. 3. ADMINISTRATOR DEFINED.**

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

1   **TITLE I—AIRPORT AND AIRWAY**  
2                   **IMPROVEMENTS**  
3                   **Subtitle A—Funding**

4   **SEC. 101. AIRPORT IMPROVEMENT PROGRAM.**

5           (a) AUTHORIZATION OF APPROPRIATIONS.—Section  
6 48103 is amended by striking “shall be \$1,205,000,000”  
7 and all that follows through the period at the end and  
8 inserting the following: “shall be—

9                   “(1) \$2,410,000,000 for fiscal year 1999; and  
10                   “(2) \$5,000,000,000 for each of fiscal years  
11           2000 through 2004.”.

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

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

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

19                   “(1) \$2,131,000,000 for fiscal year 1999.

20                   “(2) \$3,000,000,000 for fiscal year 2000.

21                   “(3) \$3,200,000,000 for each of fiscal years  
22           2001 through 2004.”.

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

1       “(d) UNIVERSAL ACCESS SYSTEMS.—Of the amounts  
 2 appropriated under subsection (a) for fiscal year 2000,  
 3 \$8,000,000 may be used for the voluntary purchase and  
 4 installation of universal access systems.”.

5 **SEC. 103. FAA OPERATIONS.**

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

8           (1) by inserting “(1) IN GENERAL.—” before  
 9 “There”;

10          (2) in paragraph (1) (as designated by para-  
 11 graph (1) of this subsection) by striking “the Ad-  
 12 ministration” and all that follows through the period  
 13 at the end and inserting the following: “the  
 14 Administration—

15           “(A) \$5,632,000,000 for fiscal year 1999;

16           “(B) \$6,096,000,000 for fiscal year 2000;

17           “(C) \$6,675,000,000 for fiscal year 2001;

18           “(D) \$7,310,000,000 for fiscal year 2002;

19           “(E) \$8,004,000,000 for fiscal year 2003;

20           and

21           “(F) \$8,764,000,000 for fiscal year

22           2004.”;

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

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

4                   “(A) \$450,000 per fiscal year may be used  
5                   for wildlife hazard mitigation measures and  
6                   management of the wildlife strike database of  
7                   the Federal Aviation Administration;

8                   “(B) such sums as may be necessary may  
9                   be used to fund an office within the Federal  
10                  Aviation Administration dedicated to supporting  
11                  infrastructure systems development for both  
12                  general aviation and the vertical flight industry;

13                  “(C) such sums as may be necessary may  
14                  be used to revise existing terminal and en route  
15                  procedures and instrument flight rules to facili-  
16                  tate the takeoff, flight, and landing of tiltrotor  
17                  aircraft and to improve the national airspace  
18                  system by separating such aircraft from con-  
19                  gested flight paths of fixed-wing aircraft;

20                  “(D) such sums as may be necessary may  
21                  be used to establish helicopter approach proce-  
22                  dures using current technologies (such as the  
23                  Global Positioning System) to support all-  
24                  weather, emergency medical service for trauma  
25                  patients;

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

5           “(F) \$2,000,000 per fiscal year may be  
 6           used to support a university consortium estab-  
 7           lished to provide an air safety and security  
 8           management certificate program, working coop-  
 9           eratively with United States air carriers; except  
 10          that funds under this subparagraph—

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

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

15           “(G) such sums as may be necessary may  
 16           be used to develop or improve training pro-  
 17           grams (including model training programs and  
 18           curriculum) for security screeners at airports.”;  
 19           and

20           (4) by indenting paragraph (1) (as designated  
 21           by paragraph (1) of this subsection) and aligning  
 22           such paragraph (1) with paragraph (2) (as added by  
 23           paragraph (2) of this subsection).



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

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

8 “(1) 50 percent of the amount of funds made  
 9 available under sections 48101 through 48103 for  
 10 such fiscal year; or

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

14 “(B) the amount of funds made available under  
 15 sections 48101 through 48103 for such fiscal year.

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

20 “(1) 70 percent of the FAA guaranteed spend-  
 21 ing levels for budget resources under section 48302,  
 22 as adjusted, for such fiscal year; less

23 “(2) the amount of funds made available under  
 24 sections 48101 through 48103 and 48112 for such  
 25 fiscal year.”.

1 (c) LIMITATION ON OBLIGATING OR EXPENDING  
 2 AMOUNTS.—Section 48108(c) is amended by striking  
 3 “1998” and inserting “2004”.

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

5 (a) FUNDING.—

6 (1) ESTABLISHMENT OF FUNDING LEVELS.—

7 Chapter 481 is amended by adding at the end the  
 8 following:

9 **“§ 48112. Aviation safety accelerated program**

10 “The total amounts which shall be available after  
 11 September 30, 1999, out of the Airport and Airway Trust  
 12 Fund established under section 9502 of the Internal Rev-  
 13 enue Code of 1986 to make grants for the aviation safety  
 14 accelerated program under section 47161 shall be—

15 “(1) \$921,000,000 for fiscal year 2000;

16 “(2) \$1,254,000,000 for fiscal year 2001;

17 “(3) \$2,157,000,000 for fiscal year 2002;

18 “(4) \$2,787,000,000 for fiscal year 2003; and

19 “(5) \$3,125,000,000 for fiscal year 2004.”.

20 (2) CONFORMING AMENDMENT.—The analysis  
 21 for chapter 481 is amended by adding at the end the  
 22 following:

“48112. Aviation safety accelerated program.”.

23 (b) ESTABLISHMENT OF PROGRAM.—

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

1           “SUBCHAPTER III—AVIATION SAFETY  
2                           ACCELERATED PROGRAM

3   **“§ 47161. Project grant authority**

4           “(a) GENERAL AUTHORITY.—To provide for the  
5 aviation safety accelerated program, the Secretary of  
6 Transportation may make project grants under this sub-  
7 chapter from the Airport and Airway Trust Fund estab-  
8 lished under section 9502 of the Internal Revenue Code  
9 of 1986.

10          “(b) INCURRING OBLIGATIONS.—The Secretary may  
11 incur obligations to make grants from amounts made  
12 available for a fiscal year ending on or before September  
13 30, 2004, under section 48112 beginning on the first day  
14 of the fiscal year.

15   **“§ 47162. Eligible projects**

16          “Projects for the following purposes shall be eligible  
17 for assistance under this subchapter:

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

21               “(2) Projects to construct airport improvements  
22 or acquire air traffic equipment to enhance competi-  
23 tion among air carriers at an airport.

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

1 **“§ 47163. Allocation of amounts**

2 “Of the total amount made available under section  
3 48112 for a fiscal year—

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

6 “(2) not more than 35 percent may be used for  
7 projects described in section 47162(2); and

8 “(3) not more than 30 percent may be used for  
9 projects described in section 47162(3).

10 **“§ 47164. Procedural requirements**

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

20 (2) CONFORMING AMENDMENT.—The analysis  
21 for chapter 471 is amended by adding at the end the  
22 following:

“SUBCHAPTER III—AVIATION SAFETY ACCELERATED PROGRAM

“47161. Project grant authority.

“47162. Eligible projects.

“47163. Allocation of amounts.

“47164. Procedural requirements.”.

1 **SEC. 105. AIP FORMULA CHANGES.**

2 (a) DISCRETIONARY FUND.—Section 47115 is  
3 amended by striking subsections (g) and (h) and inserting  
4 the following:

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

6 “(1) IN GENERAL.—Subject to paragraph (2),  
7 the Secretary shall fulfill intentions to obligate under  
8 section 47110(e) with amounts available in the fund  
9 established by subsection (a) and, if such amounts  
10 are not sufficient for a fiscal year, with amounts  
11 made available to carry out sections 47114(c)(1)(A),  
12 47114(c)(2), 47114(d), and 47117(e) on a pro rata  
13 basis.

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

1 (b) AMOUNTS APPORTIONED TO SPONSORS.—Section  
 2 47114(c)(1) is amended—

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

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

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

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

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

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

19 (2) in subparagraph (B) by striking “\$500,000  
 20 nor more than \$22,000,000” and inserting  
 21 “\$1,500,000”; and

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

23 “(C) Notwithstanding subparagraph (A), the Sec-  
 24 retary shall apportion to an airport sponsor in a fiscal year

1 an amount equal to the amount apportioned to that spon-  
 2 sor in the previous fiscal year if the Secretary finds that—

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

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

9 “(iii) the cause of the decrease in passenger  
 10 boardings was a temporary but significant interrup-  
 11 tion in service by an air carrier to that airport due  
 12 to an employment action, natural disaster, or other  
 13 event unrelated to the demand for air transportation  
 14 at the airport.

15 “(D) The initial apportionment to a new airport  
 16 under subparagraph (A) shall be made on the basis of the  
 17 number of passenger boardings at the airport in the cal-  
 18 endar year that includes the first day of the fiscal year  
 19 for which the apportionment is being made.”.

20 (c) CARGO ONLY AIRPORTS.—Section  
 21 47114(c)(2)(A) is amended by striking “2.5 percent” and  
 22 inserting “3 percent”.

23 (d) ENTITLEMENT FOR GENERAL AVIATION AIR-  
 24 PORTS.—Section 47114(d) is amended—

1 (1) in the subsection heading by striking “TO  
 2 STATES” and inserting “FOR GENERAL AVIATION  
 3 AIRPORTS”;

4 (2) in paragraph (1) by striking “(1) In this”  
 5 and inserting “(1) DEFINITIONS.—In this”;

6 (3) by indenting paragraph (1) and aligning  
 7 paragraph (1) (and its subparagraphs) with para-  
 8 graph (2) (as amended by paragraph (2) of this sub-  
 9 section); and

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

12 “(2) APPORTIONMENTS.—The Secretary shall  
 13 apportion 20 percent of the amount subject to ap-  
 14 portionment for each fiscal year as follows:

15 “(A) To each airport, excluding primary  
 16 airports but including reliever and nonprimary  
 17 commercial service airports, in States the lesser  
 18 of—

19 “(i) \$200,000; or

20 “(ii)  $\frac{1}{5}$  of the most recently published  
 21 estimate of the 5-year costs for airport im-  
 22 provement for the airport, as listed in the  
 23 national plan of integrated airport systems  
 24 developed by the Federal Aviation Admin-  
 25 istration under section 47103.



1           “(B) Any remaining amount to States as  
2 follows:

3                   “(i) 0.62 percent of the remaining  
4 amount to Guam, American Samoa, the  
5 Commonwealth of the Northern Mariana  
6 Islands, and the Virgin Islands.

7                   “(ii) Except as provided in paragraph  
8 (3), 49.69 percent of the remaining  
9 amount for airports, excluding primary air-  
10 ports but including reliever and nonpri-  
11 mary commercial service airports, in States  
12 not named in clause (i) in the proportion  
13 that the population of each of those States  
14 bears to the total population of all of those  
15 States.

16                   “(iii) Except as provided in paragraph  
17 (3), 49.67 percent of the remaining  
18 amount for airports, excluding primary air-  
19 ports but including reliever and nonpri-  
20 mary commercial service airports, in States  
21 not named in clause (i) in the proportion  
22 that the area of each of those States bears  
23 to the total area of all of those States.”.

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

4 “(3) SPECIAL RULE.—An amount apportioned  
 5 under paragraph (2)(B) for airports in Alaska,  
 6 Puerto Rico, or Hawaii may be made available by  
 7 the Secretary for any public airport in those respec-  
 8 tive jurisdictions.”.

9 (f) USE OF STATE-APPORTIONED FUNDS FOR SYS-  
 10 TEM PLANNING.—Section 47114(d) is amended by adding  
 11 at the end the following:

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

17 (g) FLEXIBILITY IN PAVEMENT CONSTRUCTION  
 18 STANDARDS.—

19 Section 47114(d), as amended by subsection (f) of  
 20 this section, is amended by adding at the end the fol-  
 21 lowing:

22 “(5) FLEXIBILITY IN PAVEMENT CONSTRUC-  
 23 TION STANDARDS.—The Secretary may permit the  
 24 use of State highway specifications for airfield pave-  
 25 ment construction using funds made available under

1       this subsection at nonprimary airports serving air-  
 2       craft that do not exceed 60,000 pounds gross weight  
 3       if the Secretary determines that—

4               “(A) safety will not be negatively affected;  
 5               and

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

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

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

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

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

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

22           (2) in paragraph (1)—

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

1 (B) by striking “those airports” and in-  
 2 serting “airports in Alaska”; and

3 (C) by inserting before the period at the  
 4 end of the first sentence “and by increasing the  
 5 amount so determined for each of those airports  
 6 by 3 times”;

7 (3) in paragraph (2) by inserting “AUTHORITY  
 8 FOR DISCRETIONARY GRANTS.—” before “This sub-  
 9 section”;

10 (4) by striking paragraph (3) and inserting the  
 11 following:

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

15 (5) by indenting paragraph (1) and aligning  
 16 paragraph (1) (and its subparagraphs) and para-  
 17 graph (2) with paragraph (3) (as amended by para-  
 18 graph (4) of this subsection).

19 (j) REPEAL OF APPORTIONMENT LIMITATION ON  
 20 COMMERCIAL SERVICE AIRPORTS IN ALASKA.—Section  
 21 47117 is amended by striking subsection (f) and by red-  
 22 ignating subsections (g) and (h) as subsections (f) and (g),  
 23 respectively.

1       (k) APPLICABILITY.—The amendments made by this  
 2 section shall apply to fiscal years beginning after Sep-  
 3 tember 30, 1999.

4 **SEC. 106. PASSENGER FACILITY FEES.**

5       (a) AUTHORITY TO IMPOSE HIGHER FEE.—Section  
 6 40117(b) is amended by adding at the end the following:

7       “(4) Notwithstanding paragraph (1), the Secretary  
 8 may authorize under this section an eligible agency to im-  
 9 pose a passenger facility fee in whole dollar amounts of  
 10 more than \$3 on each paying passenger of an air carrier  
 11 or foreign air carrier boarding an aircraft at an airport  
 12 the agency controls to finance an eligible airport-related  
 13 project, including making payments for debt service on in-  
 14 debtedness incurred to carry out the project, if the Sec-  
 15 retary finds—

16               “(A) that the project will make a significant  
 17 contribution to improving air safety and security, in-  
 18 creasing competition among air carriers, reducing  
 19 current or anticipated congestion, or reducing the  
 20 impact of aviation noise on people living near the  
 21 airport;

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

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

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

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

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

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

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

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

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

21          “(1) IN GENERAL.—An amount”;

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

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

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

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

12          “(2) EFFECTIVE DATE OF REDUCTION.—A re-  
 13          duction in an apportionment required by paragraph  
 14          (1) shall not take effect until the first fiscal year fol-  
 15          lowing the year in which the collection of the fee im-  
 16          posed under section 40117 is begun.”.

17 **SEC. 107. BUDGET SUBMISSION.**

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

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

### 3 **Subtitle B—Airport Development**

#### 4 **SEC. 121. RUNWAY INCURSION PREVENTION DEVICES;** 5 **EMERGENCY CALL BOXES.**

6 (a) POLICY.—Section 47101(a)(11) is amended by  
 7 inserting “(including integrated in-pavement lighting sys-  
 8 tems for runways and taxiways and other runway and  
 9 taxiway incursion prevention devices)” after “technology”.

10 (b) MAXIMUM USE OF SAFETY FACILITIES.—Section  
 11 47101(f) is amended—

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

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

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

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

20 (c) INCLUSION OF UNIVERSAL ACCESS SYSTEMS AND  
 21 EMERGENCY CALL BOXES AS AIRPORT DEVELOPMENT.—

22 Section 47102(3)(B) is amended—

23 (1) in clause (ii)—



1 (A) by striking “and universal access sys-  
 2 tems,” and inserting “, universal access sys-  
 3 tems, and emergency call boxes,”; and

4 (B) by inserting “and integrated in-pave-  
 5 ment lighting systems for runways and taxiways  
 6 and other runway and taxiway incursion pre-  
 7 vention devices” before the semicolon at the  
 8 end; and

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

12 **SEC. 122. WINDSHEAR DETECTION EQUIPMENT.**

13 Section 47102(3)(B), as amended by section 121(c)  
 14 of this Act, is amended—

15 (1) by striking “and” at the end of clause (v);

16 (2) by striking the period at the end of clause  
 17 (vi) and inserting a semicolon; and

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

19 “(vii) windshear detection equipment;  
 20 and”.

21 **SEC. 123. ENHANCED VISION TECHNOLOGIES.**

22 (a) STUDY.—The Administrator shall conduct a  
 23 study of the feasibility of requiring United States airports  
 24 to install enhanced vision technologies to replace or en-

1 enhance conventional landing light systems over the 10-year  
2 period following the date of completion of such study.

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

8 (c) INCLUSION OF INSTALLATION AS AIRPORT DE-  
9 VELOPMENT.—Section 47102 is amended—

10 (1) in paragraph (3)(B) (as amended by section  
11 121(c) of this Act) by adding at the end the fol-  
12 lowing:

13 “(viii) enhanced vision technologies  
14 that are certified by the Administrator of  
15 the Federal Aviation Administration and  
16 that are intended to replace or enhance  
17 conventional landing light systems.”; and

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

19 “(21) ENHANCED VISION TECHNOLOGIES.—The  
20 term ‘enhanced vision technologies’ means laser  
21 guidance, ultraviolet guidance, infrared, and cold  
22 cathode technologies.”.

23 (d) CERTIFICATION.—Not later than 180 days after  
24 the date of enactment of this Act, the Administrator shall  
25 transmit to Congress a schedule for deciding whether or

1 not to certify laser guidance equipment for use as ap-  
 2 proach lighting at United States airports and of cold cath-  
 3 ode lighting equipment for use as runway and taxiway  
 4 lighting at United States airports and as lighting at  
 5 United States heliports.

6 **SEC. 124. PAVEMENT MAINTENANCE.**

7 (a) REPEAL OF PILOT PROGRAM.—

8 (1) IN GENERAL.—Section 47132 is repealed.

9 (2) CONFORMING AMENDMENT.—The analysis  
 10 for chapter 471 is amended by striking the item re-  
 11 lating to section 47132.

12 (b) ELIGIBILITY AS AIRPORT DEVELOPMENT.—Sec-  
 13 tion 47102(3) is amended by adding at the end the fol-  
 14 lowing:

15 “(H) routine work to preserve and extend  
 16 the useful life of runways, taxiways, and aprons  
 17 at airports that are not primary airports, under  
 18 guidelines issued by the Administrator.”.

19 **SEC. 125. COMPETITION PLANS.**

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

22 “(f) COMPETITION PLANS.—

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

1       may be made under this subchapter for a covered  
 2       airport unless the airport has submitted to the Sec-  
 3       retary a written competition plan in accordance with  
 4       this subsection.

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

15          “(3) COVERED AIRPORT DEFINED.—In this  
 16      subsection, the term ‘covered airport’ means a com-  
 17      mercial service airport—

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

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

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

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

9 **SEC. 126. MATCHING SHARE.**

10       Section 47109(a) is amended—

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

13               (2) by inserting after paragraph (1) the fol-  
 14 lowing:

15               “(2) not more than 90 percent for a project  
 16 funded by a grant issued to and administered by a  
 17 State under section 47128, relating to the State  
 18 block grant program;”;

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

21               (4) by striking the period at the end of para-  
 22 graph (4) (as so redesignated) and inserting “;  
 23 and”; and

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

1           “(5) 100 percent in fiscal year 2000 for any  
2       project—

3           “(A) at an airport other than a primary  
4       airport; or

5           “(B) at a primary airport having less than  
6       .05 percent of the total number of passenger  
7       boardings each year at all commercial service  
8       airports.”.

9   **SEC. 127. LETTERS OF INTENT.**

10       Section 47110(e) is amended—

11           (1) by striking paragraph (2)(C) and inserting  
12       the following:

13           “(C) that meets the criteria of section 47115(d)  
14       and, if for a project at a commercial service airport  
15       having at least 0.25 percent of the boardings each  
16       year at all such airports, the Secretary decides will  
17       enhance system-wide airport capacity significantly.”;  
18       and

19           (2) by striking paragraph (5) and inserting the  
20       following:

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

1   **SEC. 128. GRANTS FROM SMALL AIRPORT FUND.**

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

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

18           (b) NOTIFICATION OF SOURCE OF GRANT.—Section  
19 47116, as amended by subsection (a) of this section, is  
20 amended by adding at the end the following:

21           “(f) NOTIFICATION OF SOURCE OF GRANT.—When-  
22 ever the Secretary makes a grant under this section, the  
23 Secretary shall notify the recipient of the grant, in writing,  
24 that the source of the grant is from the small airport  
25 fund.”.

1       (c) TECHNICAL AMENDMENTS.—Section 47116 is  
2 amended—

3           (1) in subsection (a) by striking “75” and in-  
4 sserting “87.5”;

5           (2) in subsection (b) by striking paragraphs (1)  
6 and (2) and inserting the following:

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

9           “(2) The remaining amounts as follows:

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

13           “(B)  $\frac{2}{3}$  for grants to sponsors of each  
14 commercial service airport that each year has  
15 less than .05 percent of the total boardings in  
16 the United States in that year.”; and

17           (3) in subsection (d)—

18           (A) by striking “In making” and inserting  
19 the following:

20           “(1) CONSTRUCTION OF NEW RUNWAYS.—In  
21 making”;

22           (B) by adding at the end the following:

23           “(2) AIRPORT DEVELOPMENT FOR TURBINE  
24 POWERED AIRCRAFT.—In making grants to sponsors  
25 described in subsection (b)(1), the Secretary shall



1 give priority consideration to airport development  
 2 projects to support operations by turbine powered  
 3 aircraft, if the non-Federal share of the project is at  
 4 least 40 percent.”; and

5 (C) by aligning the remainder of para-  
 6 graph (1) (as designated by subparagraph (A)  
 7 of this paragraph) with paragraph (2) (as  
 8 added by subparagraph (B) of this paragraph).

9 **SEC. 129. DISCRETIONARY USE OF UNUSED APPORTION-**  
 10 **MENTS.**

11 (a) IN GENERAL.—Section 47117(f), as redesignated  
 12 by section 105(j) of this Act, is amended to read as fol-  
 13 lows:

14 “(f) DISCRETIONARY USE OF APPORTIONMENTS.—

15 “(1) IN GENERAL.—Subject to paragraph (2),  
 16 if the Secretary finds that all or part of an amount  
 17 of an apportionment under section 47114 is not re-  
 18 quired during a fiscal year to fund a grant for which  
 19 the apportionment may be used, the Secretary may  
 20 use the amount not so required to make grants for  
 21 airport planning and airport development under sec-  
 22 tion 47104 during such fiscal year. The finding may  
 23 be based on the notifications that the Secretary re-  
 24 ceives under section 47105(f) or on other informa-  
 25 tion received from airport sponsors.

1 “(2) RESTORATION OF APPORTIONMENTS.—

2 “(A) IN GENERAL.—If the fiscal year for  
3 which a finding is made under paragraph (1)  
4 with respect to an apportionment is not the last  
5 fiscal year of availability of the apportionment  
6 under subsection (b), the Secretary shall restore  
7 to the apportionment an amount equal to the  
8 amount of the apportionment used under para-  
9 graph (1) for a discretionary grant whenever a  
10 sufficient amount is made available under sec-  
11 tion 48103 for grant obligations under sections  
12 47104.

13 “(B) PERIOD OF AVAILABILITY.—If res-  
14 toration under this paragraph is made in the  
15 fiscal year for which the finding is made or the  
16 succeeding fiscal year, the amount restored  
17 shall be subject to the original period of avail-  
18 ability of the apportionment under subsection  
19 (b). If the restoration is made thereafter, the  
20 amount restored shall remain available in ac-  
21 cordance with subsection (b) for the original pe-  
22 riod of availability of the apportionment, plus  
23 the number of fiscal years during which a suffi-  
24 cient amount was not available for the restora-  
25 tion.

1 “(3) NEWLY AVAILABLE AMOUNTS.—

2 “(A) RESTORED AMOUNTS TO BE UN-  
3 AVAILABLE FOR DISCRETIONARY GRANTS.—Of  
4 an amount newly available under section 48103  
5 of this title, an amount equal to the amounts  
6 restored under paragraph (2) shall not be avail-  
7 able for discretionary grant obligations under  
8 section 47115.

9 “(B) USE OF REMAINING AMOUNTS.—Sub-  
10 paragraph (A) does not impair the Secretary’s  
11 authority under paragraph (1), after a restora-  
12 tion under paragraph (2), to apply all or part  
13 of a restored amount that is not required to  
14 fund a grant under an apportionment to fund  
15 discretionary grants.

16 “(4) LIMITATIONS ON OBLIGATIONS APPLY.—  
17 Nothing in this subsection shall be construed to au-  
18 thorize the Secretary to incur grant obligations  
19 under section 47104 for a fiscal year in an amount  
20 greater than the amount made available under sec-  
21 tion 48103 for such obligations for such fiscal  
22 year.”.

23 (b) APPLICABILITY.—The amendment made by this  
24 section shall apply to fiscal years beginning after Sep-  
25 tember 30, 1999.

1 **SEC. 130. DESIGNATING CURRENT AND FORMER MILITARY**  
 2 **AIRPORTS.**

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

4 (1) in subsection (a) by striking “12” and in-  
 5 serting “20”;

6 (2) by striking subsection (c) and redesignating  
 7 subsections (d) through (f) as subsections (c)  
 8 through (e), respectively;

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

10 (A) by striking “47117(e)(1)(E)” and in-  
 11 serting “47117(e)(1)(B)”;

12 (B) by striking “5-fiscal-year periods” and  
 13 inserting “periods, each not to exceed 5 fiscal  
 14 years,”; and

15 (C) by striking “each such subsequent 5-  
 16 fiscal-year period” and inserting “each such  
 17 subsequent period”; and

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

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

25 (b) TERMINAL BUILDING FACILITIES.—Section  
 26 47118(d), as redesignated by subsection (a)(2) of this sec-

tion, is amended by striking “\$5,000,000” and inserting “\$7,000,000”.

(c) ELIGIBILITY OF AIR CARGO TERMINALS.—Section 47118(e), as redesignated by subsection (a)(2) of this section, is amended—

(1) in subsection heading by striking “AND HANGERS” and inserting “HANGERS, AND AIR CARGO TERMINALS”;

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

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

(d) APPLICABILITY.—The amendments made by this section shall apply to fiscal years beginning after September 30, 1999.

**SEC. 131. CONTRACT TOWER COST-SHARING.**

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

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

“(A) IN GENERAL.—The Secretary shall establish a pilot program to contract for air traffic control services at Level I air traffic control towers, as defined by the Administrator of

the Federal Aviation Administration, that do not qualify for the Contract Tower program established under subsection (a) and continued under paragraph (1) (hereafter in this paragraph referred to as the ‘Contract Tower Program’).

“(B) PROGRAM COMPONENTS.—In carrying out the pilot program established under subparagraph (A), the Administrator shall—

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

“(ii) approve for participation only facilities willing to fund a pro rata share of the operating costs of the air traffic control tower to achieve a 1 to 1 benefit-to-cost ratio, as required for eligibility under the Contract Tower Program; and

“(iii) approve for participation no more than 2 facilities willing to fund up to 50 percent, but not less than 25 percent, of construction costs for an air traffic control tower built by the airport operator and

1           for each of such facilities the Federal share  
2           of construction cost does not exceed  
3           \$1,100,000.

4           “(C) PRIORITY.—In selecting facilities to  
5           participate in the program under this para-  
6           graph, the Administrator shall give priority to  
7           the following:

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

15                  “(ii) Air traffic control towers that  
16                  the Administrator determines have a ben-  
17                  efit-to-cost ratio of at least .85.

18                  “(iii) Air traffic control towers of the  
19                  Federal Aviation Administration that are  
20                  closed as a result of the air traffic control-  
21                  lers strike in 1981.

22                  “(iv) Air traffic control towers that  
23                  are located at airports or points at which  
24                  an air carrier is receiving compensation

under the essential air service program  
under this chapter.

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

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

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

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

**SEC. 132. INNOVATIVE USE OF AIRPORT GRANT FUNDS.**

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



1 **“§ 47135. Innovative financing techniques**

2       “(a) IN GENERAL.—The Secretary of Transportation  
3 may approve applications for not more than 25 airport  
4 development projects for which grants received under this  
5 subchapter may be used for innovative financing tech-  
6 niques. Such projects shall be located at airports that each  
7 year have less than .25 percent of the total number of  
8 passenger boardings each year at all commercial service  
9 airports.

10       “(b) PURPOSE.—The purpose of grants made under  
11 this section shall be to provide information on the benefits  
12 and difficulties of using innovative financing techniques  
13 for airport development projects.

14       “(c) LIMITATIONS.—

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

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

22                       “(A) payment of interest;

23                       “(B) commercial bond insurance and other  
24 credit enhancement associated with airport  
25 bonds for eligible airport development; and

1                   “(C) flexible non-Federal matching re-  
2                   quirements.”.

3           (b) CONFORMING AMENDMENT.—The analysis for  
4 subchapter I of chapter 471 is amended by adding at the  
5 end the following:

“47135. Innovative financing techniques.”.

6 **SEC. 133. AIRPORT SECURITY PROGRAM.**

7           (a) IN GENERAL.—Subchapter I of chapter 471, as  
8 amended by section 132 of this Act, is amended by adding  
9 the following new section:

10 **“§ 47136. Airport security program**

11           “(a) GENERAL AUTHORITY.—To improve security at  
12 public airports in the United States, the Secretary of  
13 Transportation shall carry out not less than one project  
14 to test and evaluate innovative airport security systems  
15 and related technology.

16           “(b) PRIORITY.—In carrying out this section, the  
17 Secretary shall give the highest priority to a request from  
18 an eligible sponsor for a grant to undertake a project  
19 that—

20                   “(1) evaluates and tests the benefits of innova-  
21           tive airport security systems or related technology,  
22           including explosives detection systems, for the pur-  
23           pose of improving airport and aircraft physical secu-  
24           rity and access control; and

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

4           “(c) MATCHING SHARE.—Notwithstanding section  
5   47109, the United States Government’s share of allowable  
6   project costs for a project under this section shall be 100  
7   percent.

8           “(d) TERMS AND CONDITIONS.—The Secretary may  
9   establish such terms and conditions as the Secretary de-  
10   termines appropriate for carrying out a project under this  
11   section, including terms and conditions relating to the  
12   form and content of a proposal for a project, project assur-  
13   ances, and schedule of payments.

14          “(e) ELIGIBLE SPONSOR DEFINED.—In this section,  
15   the term ‘eligible sponsor’ means a nonprofit corporation  
16   composed of a consortium of public and private persons,  
17   including a sponsor of a primary airport, with the nec-  
18   essary engineering and technical expertise to successfully  
19   conduct the testing and evaluation of airport and aircraft  
20   related security systems.

21          “(f) AUTHORIZATION OF APPROPRIATIONS.—Of the  
22   amounts made available to the Secretary under section  
23   47115 in a fiscal year, the Secretary shall make available  
24   not less than \$5,000,000 for the purpose of carrying out  
25   this section.”.

1 (b) CONFORMING AMENDMENT.—The analysis for  
 2 subchapter I of chapter 471 is further amended by adding  
 3 at the end the following:

“47136. Airport security program.”.

4 **SEC. 134. INHERENTLY LOW-EMISSION AIRPORT VEHICLE**  
 5 **PILOT PROGRAM.**

6 (a) IN GENERAL.—Subchapter I of chapter 471, as  
 7 amended by section 133 of this Act, is amended by adding  
 8 at the end the following:

9 **“§ 47137. Inherently low-emission airport vehicle**  
 10 **pilot program**

11 “(a) IN GENERAL.—The Secretary of Transportation  
 12 shall carry out a pilot program at not more than 10 public-  
 13 use airports under which the sponsors of such airports  
 14 may use funds made available under section 48103 for use  
 15 at such airports to carry out inherently low-emission vehi-  
 16 cle activities. Notwithstanding any other provision of this  
 17 subchapter, inherently low-emission vehicle activities shall  
 18 for purposes of the pilot program be treated as eligible  
 19 for assistance under this subchapter.

20 “(b) LOCATION IN AIR QUALITY NONATTAINMENT  
 21 AREAS.—A public-use airport shall be eligible for partici-  
 22 pation in the pilot program only if the airport is located  
 23 in an air quality nonattainment area (as defined in section  
 24 171(2) of the Clean Air Act (42 U.S.C. 7501(d)).

1       “(c) SELECTION CRITERIA.—In selecting from  
 2 among applicants for participation in the pilot program,  
 3 the Secretary shall give priority consideration to appli-  
 4 cants that will achieve the greatest air quality benefits  
 5 measured by the amount of emissions reduced per dollar  
 6 of funds expended under the pilot program.

7       “(d) UNITED STATES GOVERNMENT’S SHARE.—Not-  
 8 withstanding any other provision of this subchapter, the  
 9 United States Government’s share of the costs of a project  
 10 carried out under the pilot program shall be 50 percent.

11       “(e) MAXIMUM AMOUNT.—Not more than  
 12 \$2,000,000 may be expended under the pilot program at  
 13 any single public-use airport.

14       “(f) REPORT TO CONGRESS.—Not later than 18  
 15 months after the date of enactment of this section, the  
 16 Secretary shall transmit to the Committee on Transpor-  
 17 tation and Infrastructure of the House of Representatives  
 18 and the Committee on Commerce, Science, and Transpor-  
 19 tation of the Senate a report containing an evaluation of  
 20 the effectiveness of the pilot program.

21       “(g) INHERENTLY LOW-EMISSION VEHICLE ACTIV-  
 22 ITY DEFINED.—In this section, the term ‘inherently low-  
 23 emission vehicle activity’ means—

24               “(1) the construction of infrastructure facilities  
 25       necessary for the use of vehicles that are certified as

1 inherently low-emission vehicles under title 40 of the  
 2 Code of Federal Regulations, that are labeled in ac-  
 3 cordance with section 88.312–93(c) of such title,  
 4 and that are located or primarily used at public-use  
 5 airports;

6 “(2) the payment of that portion of the cost of  
 7 acquiring such vehicles that exceeds the cost of ac-  
 8 quiring other vehicles that would be used for the  
 9 same purpose; or

10 “(3) the acquisition of technological equipment  
 11 necessary for the use of vehicles described in para-  
 12 graph (1).”.

13 (b) CONFORMING AMENDMENT.—The analysis for  
 14 subchapter I of chapter 471 is further amended by adding  
 15 at the end the following:

“47137. Inherently low-emission airport vehicle pilot program.”.

16 **SEC. 135. TECHNICAL AMENDMENTS.**

17 (a) AMOUNTS IN DISCRETIONARY FUND AND AVAIL-  
 18 ABILITY.—Section 47115 is amended—

19 (1) in subsection (a)(2) by striking “25” and  
 20 inserting “12.5”; and

21 (2) by striking the second sentence of sub-  
 22 section (b).

23 (b) CONTINUATION OF PROJECT FUNDING.—Section  
 24 47108 is amended by adding at the end the following:

1       “(e) CHANGE IN AIRPORT STATUS.—In the event  
 2 that the status of a primary airport changes to a nonpri-  
 3 mary airport at a time when a terminal development  
 4 project under a multiyear agreement under subsection (a)  
 5 is not yet completed, the project shall remain eligible for  
 6 funding from discretionary funds under section 47115 at  
 7 the funding level and under the terms provided by the  
 8 agreement, subject to the availability of funds.”.

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

13           (1) by striking “and” at the end of paragraph  
 14       (1);

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

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

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

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

1 “(B) passengers traveling to an airport—  
 2 “(i) that has fewer than 2,500 pas-  
 3 senger boardings each year and receives  
 4 scheduled passenger service; and  
 5 “(ii) in a community which has a pop-  
 6 ulation of less than 10,000 and is not con-  
 7 nected by a land highway to the land-con-  
 8 nected National Highway System within a  
 9 State.”.

10 **SEC. 136. CONVEYANCES OF SURPLUS PROPERTY FOR PUB-**  
 11 **LIC AIRPORTS.**

12 (a) PROJECT GRANT ASSURANCES.—Section  
 13 47107(h) is amended by inserting “(including an assur-  
 14 ance with respect to disposal of land by an airport owner  
 15 or operator under subsection (c)(2)(B) without regard to  
 16 whether or not the assurance or grant was made before  
 17 December 29, 1987)” after “1987”.

18 (b) CONVEYANCES OF UNITED STATES GOVERN-  
 19 MENT LAND.—Section 47125(a) is amended by adding at  
 20 the end the following: “The Secretary may only release  
 21 an option of the United States for a reversionary interest  
 22 under this subsection after providing notice and an oppor-  
 23 tunity for public comment. The Secretary shall publish in  
 24 the Federal Register any decision of the Secretary to re-



1 lease a reversionary interest and the reasons for the deci-  
 2 sion.”.

3 (c) REQUESTS BY PUBLIC AGENCIES.—Section  
 4 47151 is amended by adding at the end the following:

5 “(d) REQUESTS BY PUBLIC AGENCIES.—Except with  
 6 respect to a request made by another department, agency,  
 7 or instrumentality of the executive branch of the United  
 8 States Government, such a department, agency, or instru-  
 9 mentality shall give priority consideration to a request  
 10 made by a public agency (as defined in section 47102)  
 11 for surplus property described in subsection (a) for use  
 12 at a public airport.”.

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

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

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

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

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

1       “(c) CONSIDERATIONS.—In deciding whether to  
 2 waive a term required by section 47152 or add another  
 3 term, the Secretary shall consider the current and future  
 4 needs of the users of the airport and the interests of the  
 5 owner of the property.”.

6       (f) REFERENCES TO GIFTS.—Chapter 471 is  
 7 amended—

8           (1) in section 47151—

9               (A) in subsection (a)—

10                   (i) in the matter preceding paragraph  
 11                   (1) by striking “give” and inserting “con-  
 12                   vey to”; and

13                   (ii) in paragraph (2) by striking  
 14                   “gift” and inserting “conveyance”;

15               (B) in subsection (b)—

16                   (i) by striking “giving” and inserting  
 17                   “conveying”; and

18                   (ii) by striking “gift” and inserting  
 19                   “conveyance”; and

20               (C) in subsection (c)—

21                   (i) in the subsection heading by strik-  
 22                   ing “GIVEN” and inserting “CONVEYED”;  
 23                   and

24                   (ii) by striking “given” and inserting  
 25                   “conveyed”;

1 (2) in section 47152—

2 (A) in the section heading by striking  
3 “**gifts**” and inserting “**conveyances**”; and

4 (B) in the matter preceding paragraph (1)  
5 by striking “gift” and inserting “conveyance”;

6 (3) in section 47153(a)(1)—

7 (A) by striking “gift” each place it appears  
8 and inserting “conveyance”; and

9 (B) by striking “given” and inserting  
10 “conveyed”; and

11 (4) in the analysis for such chapter by striking  
12 the item relating to section 47152 and inserting the  
13 following:

“47152. Terms of conveyances.”.

## 14 **Subtitle C—Miscellaneous**

### 15 **SEC. 151. TREATMENT OF CERTAIN FACILITIES AS AIR-** 16 **PORT-RELATED PROJECTS.**

17 Section 40117(a)(3) is amended—

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

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

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

23 “(F) to construct a terminal building (and  
24 aircraft fueling facilities adjacent to that build-  
25 ing), including structural foundations and floor

1 systems, exterior building walls and load-bear-  
2 ing interior columns or walls, windows, door  
3 and roof systems, and building utilities (includ-  
4 ing heating, air conditioning, ventilation,  
5 plumbing, and electrical service), but excluding  
6 the construction necessary for improvement or  
7 final completion of revenue-producing areas and  
8 nonpublic use areas within such terminal build-  
9 ings unless permitted under section 47110(d), if  
10 an air carrier not yet serving the airport or ac-  
11 counting for less than 40 percent of passenger  
12 boardings at the airport will initiate or increase  
13 scheduled air transportation passenger service  
14 at the airport and will occupy such terminal fa-  
15 cilities or equivalent terminal facilities otherwise  
16 made available as a result of such terminal con-  
17 struction not more than 2 years from the date  
18 that construction of such terminal facilities is  
19 complete.”.

20 **SEC. 152. TERMINAL DEVELOPMENT COSTS.**

21 (a) WITH RESPECT TO PASSENGER FACILITY  
22 CHARGES.—Section 40117(a)(3), as amended by section  
23 151 of this Act, is amended—

1           (1) by redesignating subparagraphs (C), (D),  
 2           (E), and (F) as subparagraphs (D), (E), (F), and  
 3           (G), respectively; and

4           (2) by inserting after subparagraph (B) the fol-  
 5           lowing:

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

16           (b)   REPAYING   BORROWED   MONEY.—Section  
 17   47119(a) is amended—

18                   (1) in the matter preceding paragraph (1)—

19                           (A) by striking “0.05” and inserting  
 20                           “0.25”; and

21                           (B) by striking “between January 1, 1992,  
 22                           and October 31, 1992,” and inserting “between  
 23                           August 1, 1986, and September 30, 1990, or  
 24                           between June 1, 1991, and October 31, 1992,”;  
 25                           and

1           (2) in paragraph (1)(B) by striking “an airport  
 2       development project outside the terminal area at  
 3       that airport” and inserting “any needed airport de-  
 4       velopment project affecting safety, security, or ca-  
 5       pacity”.

6       (c) NONHUB AIRPORTS.—Section 47119(c) is amend-  
 7       ed by striking “0.05” and inserting “0.25”.

8       (d) NONPRIMARY COMMERCIAL SERVICE AIR-  
 9       PORTS.—Section 47119 is amended by adding at the end  
 10      the following:

11       “(d) DETERMINATION OF PASSENGER BOARDING AT  
 12      COMMERCIAL SERVICE AIRPORT.—For the purpose of de-  
 13      termining whether an amount may be distributed for a  
 14      fiscal year from the discretionary fund in accordance with  
 15      subsection (b)(2)(A) to a commercial service airport, the  
 16      Secretary shall make the determination of whether or not  
 17      a public airport has at least 2,500 passenger boardings  
 18      under section 47102(7) on the basis of the number of pas-  
 19      senger boardings at the public airport in the calendar year  
 20      that includes the first day of such fiscal year or the pre-  
 21      ceding calendar year, whichever is more beneficial to the  
 22      airport.”.

23      **SEC. 153. GENERAL FACILITIES AUTHORITY.**

24       (a) CONTINUATION OF ILS INVENTORY PROGRAM.—  
 25      Section 44502(a)(4)(B) is amended—

1 (1) by striking “each of fiscal years 1995 and  
 2 1996” and inserting “each of fiscal years 1999  
 3 through 2004”; and

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

6 (b) LORAN-C NAVIGATION FACILITIES.—Section  
 7 44502(a) is amended by adding at the end the following:

8 “(5) MAINTENANCE AND UPGRADE OF LORAN-  
 9 C NAVIGATION FACILITIES.—The Secretary shall  
 10 maintain and upgrade Loran-C navigation facilities  
 11 throughout the transition period to satellite-based  
 12 navigation.”.

13 **SEC. 154. DENIAL OF AIRPORT ACCESS TO CERTAIN AIR**  
 14 **CARRIERS.**

15 Section 44706 is amended by adding at the end the  
 16 following:

17 “(g) INCLUDED CHARTER AIR TRANSPORTATION.—  
 18 For the purposes of subsection (a)(2), a scheduled pas-  
 19 senger operation includes charter air transportation for  
 20 which the general public is provided in advance a schedule  
 21 containing the departure location, departure time, and ar-  
 22 rival location of the flights.

23 “(h) AUTHORITY TO PRECLUDE SCHEDULED PAS-  
 24 Senger OPERATIONS.—The Administrator shall permit  
 25 an airport that will be subject to certification under sub-

1 section (a)(2) to preclude scheduled passenger operations  
 2 (including public charter operations described in sub-  
 3 section (g)) at the airport if the airport notifies the Ad-  
 4 ministrator, in writing, that it does not intend to obtain  
 5 an airport operating certificate.”.

6 **SEC. 155. CONSTRUCTION OF RUNWAYS.**

7 Notwithstanding any provision of law that specifically  
 8 restricts the number of runways at a single international  
 9 airport, the Secretary of Transportation may obligate  
 10 funds made available under chapters 471 and 481 of title  
 11 49, United States Code, for any project to construct a new  
 12 runway at such airport, unless this section is expressly re-  
 13 pealed.

14 **SEC. 156. USE OF RECYCLED MATERIALS.**

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

24 (b) CONTRACTING.—The Administrator may carry  
 25 out the study under this section by entering into a con-



1 tract with a university of higher education with expertise  
2 necessary to carry out the study.

3 (c) REPORT.—Not later than 1 year after the date  
4 of enactment of this Act, the Administrator shall transmit  
5 to Congress a report on the results of the study conducted  
6 under this section together with recommendations con-  
7 cerning the use of recycled materials in aviation pavement.

8 (d) AUTHORIZATION OF APPROPRIATIONS.—There is  
9 authorized to be appropriated \$2,000,000 to carry out this  
10 section.

11 **TITLE II—AIRLINE SERVICE**  
12 **IMPROVEMENTS**  
13 **Subtitle A—Service to Airports Not**  
14 **Receiving Sufficient Service**

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

16 (a) REPEAL OF SLOT RULE FOR CERTAIN AIR-  
17 PORTS.—Effective March 1, 2000, the requirements of  
18 subparts K and S of part 93 of title 14, Code of Federal  
19 Regulations, are of no force and effect at an airport other  
20 than Ronald Reagan Washington National Airport. The  
21 Secretary of Transportation is authorized to undertake  
22 appropriate actions to effectuate an orderly termination  
23 of these requirements.

1 (b) SLOT EXEMPTIONS FOR SERVICE TO REAGAN  
 2 NATIONAL AIRPORT.—Section 41714 is amended by strik-  
 3 ing subsections (e) and (f) and inserting the following:

4 “(e) SLOTS FOR AIRPORTS NOT RECEIVING SUFFI-  
 5 CIENT SERVICE.—

6 “(1) EXEMPTIONS.—Notwithstanding chapter  
 7 491, the Secretary may by order grant exemptions  
 8 from the requirements under subparts K and S of  
 9 part 93 of title 14, Code of Federal Regulations  
 10 (pertaining to slots at high density airports), to en-  
 11 able air carriers to provide nonstop air transpor-  
 12 tation using jet aircraft that comply with the stage  
 13 3 noise levels of part 36 of such title 14 between  
 14 Ronald Reagan Washington National Airport and an  
 15 airport that had less than 2,000,000 enplanements  
 16 in the most recent year for which such enplanement  
 17 data is available or between Ronald Reagan Wash-  
 18 ington National Airport and an airport that does not  
 19 have nonstop transportation to Ronald Reagan  
 20 Washington National Airport using such aircraft on  
 21 the date on which the application for an exemption  
 22 is filed.

23 “(2) LIMITATIONS.—

24 “(A) MAXIMUM NUMBER OF EXEMP-  
 25 TIONS.—No more than 2 exemptions per hour

1           and no more than 6 exemptions per day may be  
2           granted under this subsection for slots at Ron-  
3           ald Reagan Washington National Airport.

4           “(B) MAXIMUM DISTANCE OF FLIGHTS.—  
5           An exemption may be granted under this sub-  
6           section for a slot at Ronald Reagan Washington  
7           National Airport only if the flight utilizing such  
8           slot begins or ends within 1,250 miles of the  
9           Airport and a stage 3 aircraft is used for such  
10          flight.

11          “(3) APPLICATION.—An air carrier interested  
12          in an exemption under this subsection shall submit  
13          to the Secretary an application for such exemption.  
14          No application may be submitted to the Secretary  
15          before the last day of the 30-day period beginning  
16          on the date of the enactment of this paragraph.

17          “(4) DEADLINE FOR DECISION.—Notwith-  
18          standing any other provision of law, the Secretary  
19          shall make a decision with regard to granting an ex-  
20          emption under this subsection on or before the  
21          120th day following the date of the application for  
22          the exemption. If the Secretary does not make the  
23          decision on or before such 120th day, the air carrier  
24          applying for the service may provide such service  
25          until the Secretary makes the decision or the Admin-

1       istrator of the Federal Aviation Administration de-  
 2       termines that providing such service would have an  
 3       adverse effect on air safety.

4               “(5) PERIOD OF EFFECTIVENESS.—An exemp-  
 5       tion granted under this subsection shall remain in  
 6       effect only while the air carrier for whom the exemp-  
 7       tion is granted continues to provide the nonstop air  
 8       transportation for which the exemption is granted.

9               “(f) TREATMENT OF CERTAIN COMMUTER AIR CAR-  
 10      RIERS.—The Secretary shall treat all commuter air car-  
 11      riers that have cooperative agreements, including code  
 12      share agreements with other air carriers, equally for deter-  
 13      mining eligibility for exemptions under this section regard-  
 14      less of the form of the corporate relationship between the  
 15      commuter air carrier and the other air carrier.”.

16              (c) CONFORMING AMENDMENTS.—Effective March 1,  
 17      2000, section 41714 (as amended by subsection (b) of this  
 18      section) is amended—

19              (1) by striking subsections (a), (b), (c), (g), and  
 20              (i);

21              (2) by redesignating subsections (d), (e), (f),  
 22              and (h) as subsections (a), (b), (c), and (d), respec-  
 23              tively;

24              (3) in the heading for subsection (a) (as so re-  
 25              designated) by striking “SPECIAL RULES FOR”; and

1           (4) by striking subsection (c) (as so redesignated) and inserting the following:

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

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

9           (a) IN GENERAL.—Section 41742(a) is amended by striking “\$50,000,000” and inserting “\$60,000,000”.

11          (b) FUNDING FOR SMALL COMMUNITY AIR SERVICE.—Section 41742(b) of title 49, United States Code, is amended to read as follows:

14          “(b) FUNDING FOR SMALL COMMUNITY AIR SERVICE.—

16               “(1) IN GENERAL.—Notwithstanding any other provision of law, from moneys credited to the account established under section 45303(a), including the funds derived from fees imposed under the authority contained in section 45301(a)—

21                   “(A) not to exceed \$50,000,000 for each fiscal year beginning after September 30, 1999, shall be used to carry out the small community air service program under this subchapter; and

1           “(B) not to exceed \$10,000,000 for such  
2           fiscal year shall be used—

3           “(i) for assisting an air carrier to sub-  
4           sidize service to and from an underserved  
5           airport for a period not to exceed 3 years;

6           “(ii) for assisting an underserved air-  
7           port to obtain jet aircraft service (and to  
8           promote passenger use of that service) to  
9           and from the underserved airport; and

10          “(iii) for assisting an underserved air-  
11          port to implement such other measures as  
12          the Secretary of Transportation, in con-  
13          sultation with such airport, considers ap-  
14          propriate to improve air service both in  
15          terms of the cost of such service to con-  
16          sumers and the availability of such service,  
17          including improving air service through  
18          marketing and promotion of air service and  
19          enhanced utilization of airport facilities.

20          “(2) RURAL AIR SAFETY.—Any funds that are  
21          made available by paragraph (1) for a fiscal year  
22          and that the Secretary determines will not be obli-  
23          gated or expended before the last day of such fiscal  
24          year shall be available to the Administrator for use

1 under this subchapter in improving rural air safety  
2 at airports with less than 100,000 annual boardings.

3 “(3) ALLOCATION OF ADDITIONAL FUNDING.—

4 If, for a fiscal year beginning after September 30,  
5 1999, more than \$60,000,000 is made available  
6 under subsection (a) to carry out the small commu-  
7 nity air service program,  $\frac{1}{2}$  of the amounts in excess  
8 of \$60,000,000 shall be used for the purposes speci-  
9 fied in paragraph (1)(B), in addition to amounts  
10 made available for such purposes under paragraph  
11 (1)(B).

12 “(4) USE OF UNOBLIGATED AMOUNTS.—Any  
13 funds made available under paragraph (1)(A) for the  
14 small community air service program for a fiscal  
15 year that the Secretary determines will not be obli-  
16 gated or expended before the last day of such fiscal  
17 year shall be available for use by the Secretary for  
18 the purposes described in paragraph (1)(B).

19 “(5) AUTHORIZATION OF APPROPRIATIONS.—In  
20 addition to amounts made available under paragraph  
21 (1), there is authorized to be appropriated to the  
22 Secretary for each fiscal year beginning after Sep-  
23 tember 30, 1999, \$15,000,000—

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

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

8           “(C) to provide assistance to an under-  
9           served airport to implement such other meas-  
10          ures as the Secretary, in consultation with such  
11          airport, considers appropriate to improve air  
12          service both in terms of the cost of such service  
13          to consumers and the availability of such serv-  
14          ice, including improving air service through  
15          marketing and promotion of air service and en-  
16          hanced utilization of airport facilities.

17          “(6) PRIORITY CRITERIA FOR ASSISTING AIR-  
18          PORTS NOT RECEIVING SUFFICIENT SERVICE.—In  
19          providing assistance to airports under paragraphs  
20          (1)(B) and (5), the Administrator shall give priority  
21          to those airports for which a community will provide,  
22          from local sources (other than airport revenues), a  
23          portion of the cost of the activity to be assisted.

24          “(7) DEFINITIONS.—In this subsection, the fol-  
25          lowing definitions apply:



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

5                   “(i) the Secretary determines is not  
 6                   receiving sufficient air carrier service; or

7                   “(ii) has unreasonably high airfares.

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

18                  (c) CONFORMING AMENDMENTS.—Chapter 417 is  
 19                  amended—

20                  (1) in the heading for section 41742 by striking  
 21                  “**Essential**” and inserting “**Small commu-**  
 22                  **nity**”;

23                  (2) in each of subsections (a), (b), and (c) of  
 24                  section 41742 by striking “essential air” each place  
 25                  it appears and inserting “small community air”; and

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

“41742. Small community air service authorization.”.

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

5 Section 41736(b) of title 49, United States Code, is  
 6 amended by adding at the end the following:  
 7 “Paragraph (4) shall not apply to any place for which a  
 8 proposal was approved or that was designated as eligible  
 9 under this section in the period beginning on October 1,  
 10 1991, and ending on December 31, 1997.”.

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

12 Section 40101(a) is amended by adding at the end  
 13 the following:

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

18 **SEC. 205. DETERMINATION OF DISTANCE FROM HUB AIR-**  
 19 **PORT.**

20 The Secretary of Transportation shall not deny as-  
 21 sistance with respect to a place under subchapter II of  
 22 chapter 417 of title 49, United States Code, solely on the  
 23 basis that the place is located within 70 highway miles  
 24 of a hub airport (as defined by section 41731 of such title)

1 if the most commonly used highway route between the  
 2 place and the hub airport exceeds 70 miles.

## 3     **Subtitle B—Regional Air Service** 4                   **Incentive Program**

### 5     **SEC. 211. ESTABLISHMENT OF REGIONAL AIR SERVICE IN-** 6                   **CENTIVE PROGRAM.**

7           (a) IN GENERAL.—Chapter 417 is amended by add-  
 8 ing at the end the following:

#### 9           “SUBCHAPTER III—REGIONAL AIR SERVICE 10                                 INCENTIVE PROGRAM

#### 11    “§ 41761. Purpose

12           “The purpose of this subchapter is to improve service  
 13 by jet aircraft to underserved markets by providing assist-  
 14 ance, in the form of Federal credit instruments, to com-  
 15 muter air carriers that purchase regional jet aircraft for  
 16 use in serving those markets.

#### 17    “§ 41762. Definitions

18           “In this subchapter, the following definitions apply:

19                 “(1) AIR CARRIER.—The term ‘air carrier’  
 20 means any air carrier holding a certificate of public  
 21 convenience and necessity issued by the Secretary of  
 22 Transportation under section 41102.

23                 “(2) AIRCRAFT PURCHASE.—The term ‘aircraft  
 24 purchase’ means the purchase of commercial trans-

1 port aircraft, including spare parts normally associ-  
 2 ated with the aircraft.

3 “(3) CAPITAL RESERVE SUBSIDY AMOUNT.—

4 The term ‘capital reserve subsidy amount’ means the  
 5 amount of budget authority sufficient to cover esti-  
 6 mated long-term cost to the United States Govern-  
 7 ment of a Federal credit instrument, calculated on  
 8 a net present value basis, excluding administrative  
 9 costs and any incidental effects on government re-  
 10 cepts or outlays in accordance with provisions of the  
 11 Federal Credit Reform Act of 1990 (2 U.S.C. 661  
 12 et seq).

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

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

22 “(6) FINANCIAL OBLIGATION.—The term ‘fi-  
 23 nancial obligation’ means any note, bond, debenture,  
 24 or other debt obligation issued by an obligor in con-

nection with the financing of an aircraft purchase,  
other than a Federal credit instrument.

“(7) LENDER.—The term ‘lender’ means any  
non-Federal qualified institutional buyer (as defined  
by section 230.144A(a) of title 17, Code of Federal  
Regulations (or any successor regulation) known as  
Rule 144A(a) of the Security and Exchange Com-  
mission and issued under the Security Act of 1933  
(15 U.S.C. 77a et seq.)), including—

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

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

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

“(9) LOAN GUARANTEE.—The term ‘loan guar-  
antee’ means any guarantee or other pledge by the  
Secretary under section 41763(c) to pay all or part  
of any of the principal of and interest on a loan or

1 other debt obligation issued by an obligor and fund-  
2 ed by a lender.

3 “(10) NEW ENTRANT AIR CARRIER.—The term  
4 ‘new entrant air carrier’ means an air carrier that  
5 has been providing air transportation according to a  
6 published schedule for less than 5 years, including  
7 any person that has received authority from the Sec-  
8 retary to provide air transportation but is not pro-  
9 viding air transportation.

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

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

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

22 “(A) powered by jet propulsion; and

23 “(B) designed to have a maximum pas-  
24 senger seating capacity of not less than 30 nor  
25 more than 75.

1           “(14) SECURED LOAN.—The term ‘secured  
2           loan’ means a direct loan funded by the Secretary in  
3           connection with the financing of an aircraft purchase  
4           under section 41763(b).

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

9           “(16) UNDERSERVED MARKET.—The term ‘un-  
10          derserved market’ means a passenger air transpor-  
11          tation market (as defined by the Secretary) that—

12               “(A) is served (as determined by the Sec-  
13               retary) by a nonhub airport or a small hub air-  
14               port;

15               “(B) is not within a 40-mile radius of an  
16               airport that each year has at least .25 percent  
17               of the total annual boardings in the United  
18               States; and

19               “(C) the Secretary determines does not  
20               have sufficient air service.

21   **“§ 41763. Federal credit instruments**

22           “(a) IN GENERAL.—Subject to this section, the Sec-  
23          retary of Transportation may enter into agreements with  
24          1 or more obligors to make available Federal credit instru-

1 ments, the proceeds of which shall be used to finance air-  
 2 craft purchases.

3 “(b) SECURED LOANS.—

4 “(1) TERMS AND LIMITATIONS.—

5 “(A) IN GENERAL.—A secured loan under  
 6 this section with respect to an aircraft purchase  
 7 shall be on such terms and conditions and con-  
 8 tain such covenants, representatives, warran-  
 9 ties, and requirements (including requirements  
 10 for audits) as the Secretary determines appro-  
 11 priate.

12 “(B) MAXIMUM AMOUNT.—No secured  
 13 loan may be made under this section—

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

17 “(ii) exceeding \$100,000,000.

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

22 “(D) SUBORDINATION.—The secured loan  
 23 may be subordinate to claims of other holders  
 24 of obligations in the event of bankruptcy, insol-



1 vency, or liquidation of the obligor as deter-  
2 mined appropriate by the Secretary.

3 “(E) FEES.—The Secretary may establish  
4 fees at the level sufficient to cover all or a por-  
5 tion of the costs of the United States Govern-  
6 ment of making a secured loan under this sec-  
7 tion.

8 “(2) REPAYMENT.—

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

14 “(B) COMMENCEMENT.—Scheduled loan  
15 repayments of principal or interest on a secured  
16 loan under this section shall commence no later  
17 than 3 years after the date of execution of the  
18 loan agreement.

19 “(3) PREPAYMENT.—

20 “(A) USE OF EXCESS REVENUE.—After  
21 satisfying scheduled debt service requirements  
22 on all financial obligations and secured loans  
23 and all deposit requirements under the terms of  
24 any trust agreement, bond resolution, or similar  
25 agreement securing financial obligations, the se-

1           cured loan may be prepaid at anytime without  
2           penalty.

3           “(B) USE OF PROCEEDS OF REFI-  
4           NANCING.—The secured loan may be prepaid at  
5           any time without penalty from proceeds of refi-  
6           nancing from non-Federal funding sources.

7           “(c) LOAN GUARANTEES.—

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

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

17                 “(A) extending to more than the unpaid  
18                 interest and 50 percent of the unpaid principal  
19                 an any loan;

20                 “(B) on any loan or combination of loans  
21                 for more than 50 percent of the purchase price  
22                 of the aircraft, including spare parts, to be pur-  
23                 chased with the loan or loan combination;

1           “(C) on any loan with respect to which  
2           terms permit repayment more than 15 years  
3           after the date of execution of the loan; or

4           “(D) in any case in which the total face  
5           amount of the loan and any loans to the same  
6           air carrier that are guaranteed and outstanding  
7           under the terms of this section exceed  
8           \$100,000,000.

9           “(3) FEES.—The Secretary may establish fees  
10          at the level sufficient to cover all or a portion of the  
11          costs of the United States Government of making a  
12          loan guarantee under this section.

13          “(d) LINES OF CREDIT.—

14               “(1) IN GENERAL.—Subject to the require-  
15          ments of this subsection, the Secretary may enter  
16          into agreements to make available lines of credit to  
17          1 or more obligors in the form of direct loans to be  
18          made by the Secretary at future dates on the occur-  
19          rence of certain events for any aircraft purchase se-  
20          lected under this section.

21               “(2) TERMS AND LIMITATIONS.—

22                   “(A) IN GENERAL.—A line of credit loan  
23          under this subsection with respect to an aircraft  
24          purchase shall be on such terms and conditions  
25          and contain such covenants, representatives,

1 warranties, and requirements (including re-  
2 quirements for audits) as the Secretary deter-  
3 mines appropriate.

4 “(B) MAXIMUM AMOUNT.—

5 “(i) TOTAL AMOUNT.—The amount of  
6 any line of credit shall not exceed 50 per-  
7 cent of the reasonable anticipated eligible  
8 costs.

9 “(ii) 1-YEAR DRAWS.—The amount  
10 drawn in any year shall not exceed 20 per-  
11 cent of the total amount of the line of  
12 credit.

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

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

18 “(E) RIGHTS OF THIRD-PARTY CREDI-  
19 TORS.—

20 “(i) AGAINST UNITED STATES GOV-  
21 ERNMENT.—A third-party creditor of the  
22 obligor shall not have any right against the  
23 United States Government with respect to  
24 any draw on the line of credit.

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

4                   “(F) SUBORDINATION.—A direct loan  
5                   under this subsection may be subordinate to  
6                   claims of other holders of obligations in the  
7                   event of bankruptcy, insolvency, or liquidation  
8                   of the obligor as determined appropriate by the  
9                   Secretary.

10                  “(G) FEES.—The Secretary may establish  
11                  fees at the level sufficient to cover all the costs  
12                  of the United States Government of providing a  
13                  line of credit under this subsection.

14                  “(3) REPAYMENT.—

15                  “(A) SCHEDULE.—The Secretary shall es-  
16                  tablish a repayment schedule for each direct  
17                  loan under this section.

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

1       “(e) RISK ASSESSMENT.—Before entering into an  
2 agreement under this section to make available a Federal  
3 credit instrument, the Secretary, in consultation with the  
4 Director of the Office of Management and Budget, shall  
5 determine an appropriate capital reserve subsidy amount  
6 for the Federal credit instrument.

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

10           “(1) the aircraft to be purchased with the Fed-  
11 eral credit instrument is a regional jet aircraft need-  
12 ed to improve the service and efficiency of operation  
13 of the commuter air carrier or new entrant air car-  
14 rier;

15           “(2) the commuter air carrier or new entrant  
16 air carrier agrees to use the aircraft to provide serv-  
17 ice to underserved markets; and

18           “(3) the prospective earning power of the com-  
19 muter air carrier or new entrant air carrier, together  
20 with the character and value of the security pledged,  
21 furnish—

22           “(A) reasonable assurances of the air car-  
23 rier’s ability and intention to repay the Federal  
24 credit instrument within the terms established  
25 by the Secretary—

1 “(i) to continue its operations as an  
2 air carrier; and

3 “(ii) to the extent that the Secretary  
4 determines to be necessary, to continue its  
5 operations as an air carrier between the  
6 same route or routes being operated by the  
7 air carrier at the time of the issuance of  
8 the Federal credit instrument; and

9 “(B) reasonable protection to the United  
10 States.

11 “(g) LIMITATION ON COMBINED AMOUNT OF FED-  
12 ERAL CREDIT INSTRUMENTS.—The Secretary shall not  
13 allow the combined amount of Federal credit instruments  
14 available for any aircraft purchase under this section to  
15 exceed—

16 “(1) 50 percent of the cost of the aircraft pur-  
17 chase; or

18 “(2) \$100,000,000 for any single obligor.

19 “(h) REQUIREMENT.—Subject to subsection (i), no  
20 Federal credit instrument may be made under this section  
21 for the purchase of any regional jet aircraft that does not  
22 comply with the stage 3 noise levels of part 36 of title  
23 14 of the Code of Federal Regulations, as in effect on Jan-  
24 uary 1, 1999.

1       “(i) OTHER LIMITATIONS.—No Federal credit instru-  
 2       ment shall be made by the Secretary under this section  
 3       for the purchase of a regional jet aircraft unless the com-  
 4       muter air carrier or new entrant air carrier agrees that  
 5       it will provide scheduled passenger air transportation to  
 6       the underserved market for which the aircraft is pur-  
 7       chased for a period of not less than 36 consecutive months  
 8       after the aircraft is placed in service.

9       **“§ 41764. Use of Federal facilities and assistance**

10       “(a) USE OF FEDERAL FACILITIES.—To permit the  
 11       Secretary of Transportation to make use of such expert  
 12       advice and services as the Secretary may require in car-  
 13       rying out this subchapter, the Secretary may use available  
 14       services and facilities of other agencies and instrumental-  
 15       ities of the United States Government—

16               “(1) with the consent of the appropriate Fed-  
 17       eral officials; and

18               “(2) on a reimbursable basis.

19       “(b) ASSISTANCE.—The head of each appropriate de-  
 20       partment or agency of the United States Government shall  
 21       exercise the duties and functions of that head in such  
 22       manner as to assist in carrying out the policy specified  
 23       in section 41761.

24       “(c) OVERSIGHT.—The Secretary shall make avail-  
 25       able to the Comptroller General of the United States such



1 information with respect to any Federal credit instrument  
 2 made available under this subchapter as the Comptroller  
 3 General may require to carry out the duties of the Comp-  
 4 troller General under chapter 7 of title 31.

5 **“§ 41765. Receipts; payments**

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

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

14 “(c) ADMINISTRATIVE EXPENSES.—In carrying out  
 15 this subchapter, the Secretary shall use funds made avail-  
 16 able by appropriations to the Department of Transpor-  
 17 tation for the purpose of administration to cover adminis-  
 18 trative expenses of the Federal credit instrument program  
 19 under this subchapter.

20 **“§ 41766. Termination**

21 “The authority of the Secretary of Transportation  
 22 under section 41763 shall terminate on the date that is  
 23 5 years after the date of the enactment of this sub-  
 24 chapter.”.

1 (b) CONFORMING AMENDMENT.—The analysis for  
 2 chapter 417 is amended by adding at the end the fol-  
 3 lowing:

“SUBCHAPTER III—REGIONAL AIR SERVICE INCENTIVE PROGRAM

“Sec.

“41761. Purpose.

“41762. Definitions.

“41763. Federal credit instruments.

“41764. Use of Federal facilities and assistance.

“41765. Receipts; payments.

“41766. Termination.”.

#### 4 **SEC. 212. AUTHORIZATION OF APPROPRIATIONS.**

5 There are authorized to be appropriated for each of  
 6 fiscal years 2000 through 2004 such sums as may be nec-  
 7 essary to carry out subchapter III of chapter 417 of title  
 8 49, United States Code.

## 9 **TITLE III—FAA MANAGEMENT** 10 **REFORM**

#### 11 **SEC. 301. AIR TRAFFIC CONTROL SYSTEM DEFINED.**

12 Section 40102(a) is amended—

13 (1) by redesignating paragraphs (5) through  
 14 (41) as paragraphs (6) through (42), respectively;  
 15 and

16 (2) by inserting after paragraph (4) the fol-  
 17 lowing:

18 “(5) ‘air traffic control system’ means the com-  
 19 bination of elements used to safely and efficiently  
 20 monitor, direct, control, and guide aircraft in the

1 United States and United States-assigned airspace,  
 2 including—

3 “(A) allocated electromagnetic spectrum  
 4 and physical, real, personal, and intellectual  
 5 property assets making up facilities, equipment,  
 6 and systems employed to detect, track, and  
 7 guide aircraft movement;

8 “(B) laws, regulations, orders, directives,  
 9 agreements, and licenses;

10 “(C) published procedures that explain re-  
 11 quired actions, activities, and techniques used  
 12 to ensure adequate aircraft separation; and

13 “(D) trained personnel with specific tech-  
 14 nical capabilities to satisfy the operational, en-  
 15 gineering, management, and planning require-  
 16 ments for air traffic control.”.

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

18 (a) ESTABLISHMENT.—

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

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

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

1 “(b) MEMBERSHIP.—

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

4 “(A) Six members shall be individuals who  
5 are not otherwise Federal officers or employees  
6 and who are appointed by the President, by and  
7 with the advice and consent of the Senate.

8 “(B) One member shall be the Secretary of  
9 Transportation or, if the Secretary so des-  
10 ignates, the Deputy Secretary of Transpor-  
11 tation.

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

14 “(D) One member shall be an individual  
15 who is appointed by the President, by and with  
16 the advice and consent of the Senate, from  
17 among individuals who are the leaders of their  
18 respective unions of air traffic control system  
19 employees.

20 “(2) QUALIFICATIONS AND TERMS.—

21 “(A) QUALIFICATIONS.—Members of the  
22 Oversight Board described in paragraph (1)(A)  
23 shall—

24 “(i) have a fiduciary responsibility to  
25 represent the public interest;

1 “(ii) be citizens of the United States;

2 and

3 “(iii) be appointed without regard to  
4 political affiliation and solely on the basis  
5 of their professional experience and exper-  
6 tise in 1 or more of the following areas:

7 “(I) Management of large service  
8 organizations.

9 “(II) Customer service.

10 “(III) Management of large pro-  
11 curements.

12 “(IV) Information and commu-  
13 nications technology.

14 “(V) Organizational development.

15 “(VI) Labor relations.

16 At least 3 members of the Oversight Board ap-  
17 pointed under paragraph (1)(A) should have  
18 knowledge of, or a background in, aviation. At  
19 least one of such members should have a back-  
20 ground in managing large organizations suc-  
21 cessfully. In the aggregate, such members  
22 should collectively bring to bear expertise in all  
23 of the areas described in subclauses (I) through  
24 (VI) of clause (iii).

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

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

“(ii) engage in another business related to aviation or aeronautics; or

“(iii) be a member of any organization that engages, as a substantial part of its activities, in activities to influence aviation-related legislation.

“(C) TERMS FOR AIR TRAFFIC CONTROL REPRESENTATIVES.—A member appointed under paragraph (1)(D) shall be appointed for a term of 3 years, except that the term of such individual shall end whenever the individual no longer meets the requirements of paragraph (1)(D).

“(D) TERMS FOR NONFEDERAL OFFICERS OR EMPLOYEES.—A member appointed under paragraph (1)(A) shall be appointed for a term of 5 years, except that of the members first appointed under paragraph (1)(A)—

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

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

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

7 “(E) REAPPOINTMENT.—An individual  
8 may not be appointed under paragraph (1)(A)  
9 to more than two 5-year terms on the Oversight  
10 Board.

11 “(F) VACANCY.—Any vacancy on the Over-  
12 sight Board shall be filled in the same manner  
13 as the original appointment. Any member ap-  
14 pointed to fill a vacancy occurring before the  
15 expiration of the term for which the member’s  
16 predecessor was appointed shall be appointed  
17 for the remainder of that term.

18 “(3) ETHICAL CONSIDERATIONS.—

19 “(A) FINANCIAL DISCLOSURE.—During  
20 the entire period that an individual appointed  
21 under subparagraph (A) or (D) of paragraph  
22 (1) is a member of the Oversight Board, such  
23 individual shall be treated as serving as an offi-  
24 cer or employee referred to in section 101(f) of  
25 the Ethics in Government Act of 1978 for pur-

poses of title I of such Act, except that section 101(d) of such Act shall apply without regard to the number of days of service in the position.

“(B) RESTRICTIONS ON POST-EMPLOYMENT.—For purposes of section 207(c) of title 18, an individual appointed under subparagraph (A) or (D) of paragraph (1) shall be treated as an employee referred to in section 207(c)(2)(A)(i) of such title during the entire period the individual is a member of the Board, except that subsections (c)(2)(B) and (f) of section 207 of such title shall not apply.

“(C) WAIVER.—At the time the President nominates an individual for appointment as a member of the Oversight Board under paragraph (1)(D), the President may waive for the term of the member any appropriate provision of chapter 11 of title 18, to the extent such waiver is necessary to allow the member to participate in the decisions of the Board while continuing to serve as a full-time Federal employee or a representative of employees. Any such waiver shall not be effective unless a written intent of waiver to exempt such member (and ac-



1           tual waiver language) is submitted to the Sen-  
2           ate with the nomination of such member.

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

7           “(5) REMOVAL.—Any member of the Oversight  
8           Board appointed under subparagraph (A) or (D) of  
9           paragraph (1) may be removed for cause by the  
10          President.

11          “(6) CLAIMS.—

12                 “(A) IN GENERAL.—A member of the  
13                 Oversight Board appointed under subparagraph  
14                 (A) or (D) of paragraph (1) shall have no per-  
15                 sonal liability under Federal law with respect to  
16                 any claim arising out of or resulting from an  
17                 act or omission by such member within the  
18                 scope of service as a member of the Oversight  
19                 Board.

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

22                         “(i) to affect any other immunity or  
23                         protection that may be available to a mem-  
24                         ber of the Oversight Board under applica-  
25                         ble law with respect to such transactions;

1 “(ii) to affect any other right or rem-  
2 edy against the United States under appli-  
3 cable law; or

4 “(iii) to limit or alter in any way the  
5 immunities that are available under appli-  
6 cable law for Federal officers and employ-  
7 ees.

8 “(c) GENERAL RESPONSIBILITIES.—

9 “(1) OVERSIGHT.—The Oversight Board shall  
10 oversee the Federal Aviation Administration in its  
11 administration, management, conduct, direction, and  
12 supervision of the air traffic control system.

13 “(2) CONFIDENTIALITY.—The Oversight Board  
14 shall ensure that appropriate confidentiality is main-  
15 tained in the exercise of its duties.

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

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

22 “(A) a mission and objectives;

23 “(B) standards of performance relative to  
24 such mission and objectives, including safety,  
25 efficiency, and productivity; and

1           “(C) annual and long-range strategic  
2 plans.

3           “(2) MODERNIZATION AND IMPROVEMENT.—To  
4 review and approve—

5           “(A) methods of the Federal Aviation Ad-  
6 ministration to accelerate air traffic control  
7 modernization and improvements in aviation  
8 safety related to air traffic control; and

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

12           “(3) OPERATIONAL PLANS.—To review the  
13 operational functions of the Federal Aviation Admin-  
14 istration, including—

15           “(A) plans for modernization of the air  
16 traffic control system;

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

19           “(C) plans for training and education.

20           “(4) MANAGEMENT.—To—

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

24           “(B) review the Administrator’s selection,  
25 evaluation, and compensation of senior execu-

1           tives of the Federal Aviation Administration  
2           who have program management responsibility  
3           over significant functions of the air traffic con-  
4           trol system;

5           “(C) review and approve the Administra-  
6           tor’s plans for any major reorganization of the  
7           Federal Aviation Administration that would im-  
8           pact on the management of the air traffic con-  
9           trol system;

10          “(D) review and approve the Administra-  
11          tor’s cost accounting and financial management  
12          structure and technologies to help ensure effi-  
13          cient and cost-effective air traffic control oper-  
14          ation; and

15          “(E) review the performance and coopera-  
16          tion of managers responsible for major acquisi-  
17          tion projects, including the ability of the man-  
18          agers to meet schedule and budget targets.

19          “(5) BUDGET.—To—

20          “(A) review and approve the budget re-  
21          quest of the Federal Aviation Administration  
22          related to the air traffic control system pre-  
23          pared by the Administrator;

24          “(B) submit such budget request to the  
25          Secretary of Transportation; and

1                   “(C) ensure that the budget request sup-  
 2                   ports the annual and long-range strategic plans.  
 3   The Secretary shall submit the budget request referred to  
 4   in paragraph (5)(B) for any fiscal year to the President  
 5   who shall submit such request, without revision, to the  
 6   Committees on Transportation and Infrastructure and  
 7   Appropriations of the House of Representatives and the  
 8   Committees on Commerce, Science, and Transportation  
 9   and Appropriations of the Senate, together with the Presi-  
 10   dent’s annual budget request for the Federal Aviation Ad-  
 11   ministration for such fiscal year.

12           “(e) REPORTING OF OVERTURNING OF BOARD DECI-  
 13   SIONS.—If the Secretary or Administrator overturns a de-  
 14   cision of the Oversight Board, the Secretary or Adminis-  
 15   trator, as appropriate shall report such action to the Presi-  
 16   dent, the Committee on Transportation and Infrastructure  
 17   of the House of Representatives, and the Committee on  
 18   Commerce, Science, and Transportation of the Senate.

19           “(f) BOARD PERSONNEL MATTERS.—

20                   “(1) COMPENSATION OF MEMBERS.—

21                           “(A) IN GENERAL.—Each member of the  
 22                   Oversight Board who is—

23                                   “(i)   appointed   under   subsection  
 24                                   (b)(1)(A); or

1                   “(ii) appointed under subsection  
2                   (b)(1)(D) and is not otherwise a Federal  
3                   officer or employee,  
4                   shall be compensated at a rate of \$30,000 per  
5                   year. All other members shall serve without  
6                   compensation for such service.

7                   “(B) CHAIRPERSON.—Notwithstanding  
8                   subparagraph (A), the chairperson of the Over-  
9                   sight Board shall be compensated at a rate of  
10                  \$50,000 per year.

11                  “(2) TRAVEL EXPENSES.—

12                  “(A) IN GENERAL.—The members of the  
13                  Oversight Board shall be allowed travel ex-  
14                  penses, including per diem in lieu of subsist-  
15                  ence, at rates authorized for employees of agen-  
16                  cies under subchapter I of chapter 57 of title 5  
17                  to attend meetings of the Oversight Board and,  
18                  with the advance approval of the chairperson of  
19                  the Oversight Board, while otherwise away from  
20                  their homes or regular places of business for  
21                  purposes of duties as a member of the Over-  
22                  sight Board.

23                  “(B) REPORT.—The Oversight Board shall  
24                  include in its annual report under subsection  
25                  (g)(3)(A) information with respect to the travel

1 expenses allowed for members of the Oversight  
2 Board under this paragraph.

3 “(3) STAFF.—

4 “(A) IN GENERAL.—The chairperson of  
5 the Oversight Board may appoint and terminate  
6 any personnel that may be necessary to enable  
7 the Board to perform its duties.

8 “(B) DETAIL OF GOVERNMENT EMPLOY-  
9 EES.—Upon request of the chairperson of the  
10 Oversight Board, a Federal agency shall detail  
11 a United States Government employee to the  
12 Oversight Board without reimbursement. Such  
13 detail shall be without interruption or loss of  
14 civil service status or privilege.

15 “(4) PROCUREMENT OF TEMPORARY AND  
16 INTERMITTENT SERVICES.—The chairperson of the  
17 Oversight Board may procure temporary and inter-  
18 mittent services under section 3109(b) of title 5.

19 “(g) ADMINISTRATIVE MATTERS.—

20 “(1) CHAIR.—

21 “(A) TERM.—The members of the Over-  
22 sight Board shall elect for a 2-year term a  
23 chairperson from among the members ap-  
24 pointed under subsection (b)(1)(A).

“(B) POWERS.—Except as otherwise provided by a majority vote of the Oversight Board, the powers of the chairperson shall include—

“(i) establishing committees;

“(ii) setting meeting places and times;

“(iii) establishing meeting agendas;

and

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

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

“(3) REPORTS.—

“(A) ANNUAL.—The Oversight Board shall each year report with respect to the conduct of its responsibilities under this title to the President, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate.

“(B) ADDITIONAL REPORT.—Upon a determination by the Oversight Board under subsection (c)(1) that the organization and operation of the Federal Aviation Administration’s



1 air traffic control system are not allowing the  
 2 Federal Aviation Administration to carry out its  
 3 mission, the Oversight Board shall report such  
 4 determination to the Committee on Transpor-  
 5 tation and Infrastructure of the House of Rep-  
 6 resentatives and the Committee on Commerce,  
 7 Science, and Transportation of the Senate.

8 “(C) COMPTROLLER GENERAL’S RE-  
 9 PORT.—Not later than April 30, 2004, the  
 10 Comptroller General of the United States shall  
 11 transmit to the Committee on Transportation  
 12 and Infrastructure of the House of Representa-  
 13 tives and the Committee on Commerce, Science,  
 14 and Transportation of the Senate a report on  
 15 the success of the Oversight Board in improving  
 16 the performance of the air traffic control sys-  
 17 tem.”.

18 (2) CONFORMING AMENDMENT.—The analysis  
 19 for chapter 1 is amended by adding at the end the  
 20 following:

“113. Air Traffic Control Oversight Board.”.

21 (b) EFFECTIVE DATES.—

22 (1) IN GENERAL.—The amendments made by  
 23 this section shall take effect on the date of enact-  
 24 ment of this Act.

1           (2) INITIAL NOMINATIONS TO AIR TRAFFIC  
2 CONTROL OVERSIGHT BOARD.—The President shall  
3 submit the initial nominations of the air traffic con-  
4 trol oversight board to the Senate not later than 3  
5 months after the date of enactment of this Act.

6           (3) EFFECT ON ACTIONS PRIOR TO APPOINT-  
7 MENT OF OVERSIGHT BOARD.—Nothing in this sec-  
8 tion shall be construed to invalidate the actions and  
9 authority of the Federal Aviation Administration  
10 prior to the appointment of the members of the Air  
11 Traffic Control Oversight Board.

12 **SEC. 303. CHIEF OPERATING OFFICER.**

13       Section 106 is amended by adding at the end the fol-  
14 lowing:

15       “(r) CHIEF OPERATING OFFICER.—

16           “(1) IN GENERAL.—

17               “(A) APPOINTMENT.—There shall be a  
18 Chief Operating Officer for the air traffic con-  
19 trol system to be appointed by the Adminis-  
20 trator, with approval of the Air Traffic Control  
21 Oversight Board established by section 113.  
22 The Chief Operating Officer shall report di-  
23 rectly to the Administrator and shall be subject  
24 to the authority of the Administrator.

1           “(B) QUALIFICATIONS.—The Chief Oper-  
2           ating Officer shall have a demonstrated ability  
3           in management and knowledge of or experience  
4           in aviation.

5           “(C) TERM.—The Chief Operating Officer  
6           shall be appointed for a term of 5 years.

7           “(D) REMOVAL.—The Chief Operating Of-  
8           ficer shall serve at the pleasure of the Adminis-  
9           trator, except that the Administrator shall  
10          make every effort to ensure stability and con-  
11          tinuity in the leadership of the air traffic con-  
12          trol system.

13          “(E) VACANCY.—Any individual appointed  
14          to fill a vacancy in the position of Chief Oper-  
15          ating Officer occurring before the expiration of  
16          the term for which the individual’s predecessor  
17          was appointed shall be appointed for the re-  
18          mainder of that term.

19          “(2) ANNUAL PERFORMANCE AGREEMENT.—  
20          The Administrator and the Chief Operating Officer,  
21          in consultation with the Air Traffic Control Over-  
22          sight Board, shall enter into an annual performance  
23          agreement that sets forth measurable organization  
24          and individual goals for the Chief Operating Officer  
25          in key operational areas. The agreement shall be

1 subject to review and renegotiation on an annual  
2 basis.

3 “(3) ANNUAL PERFORMANCE REPORT.—The  
4 Chief Operating Officer shall prepare and submit to  
5 the Secretary of Transportation and Congress an  
6 annual management report containing such informa-  
7 tion as may be prescribed by the Secretary.”.

8 **SEC. 304. FEDERAL AVIATION MANAGEMENT ADVISORY**  
9 **COUNCIL.**

10 (a) MEMBERSHIP.—Section 106(p)(2)(C) is amended  
11 to read as follows:

12 “(C) 13 members representing aviation in-  
13 terests, appointed by—

14 “(i) in the case of initial appointments  
15 to the Council, the President by and with  
16 the advice and consent of the Senate; and

17 “(ii) in the case of subsequent ap-  
18 pointments to the Council, the Secretary of  
19 Transportation.”.

20 (b) TERMS OF MEMBERS.—Section 106(p)(6)(A)(i)  
21 is amended by striking “by the President”.

22 **SEC. 305. ENVIRONMENTAL STREAMLINING.**

23 (a) COORDINATED ENVIRONMENTAL REVIEW PROC-  
24 ESS.—

1           (1) DEVELOPMENT AND IMPLEMENTATION.—

2           The Secretary shall develop and implement a coordi-  
3           nated environmental review process for aviation in-  
4           frastructure projects that require—

5                   (A) the preparation of an environmental  
6                   impact statement or environmental assessment  
7                   under the National Environmental Policy Act of  
8                   1969 (42 U.S.C. 4321 et seq.), except that the  
9                   Secretary may decide not to apply this section  
10                  to the preparation of an environmental assess-  
11                  ment under such Act; or

12                  (B) the conduct of any other environ-  
13                  mental review, analysis, opinion, or issuance of  
14                  an environmental permit, license, or approval by  
15                  operation of Federal law.

16           (2) MEMORANDUM OF UNDERSTANDING.—

17                   (A) IN GENERAL.—The coordinated envi-  
18                   ronmental review process for each project shall  
19                   ensure that, whenever practicable (as specified  
20                   in this section), all environmental reviews, anal-  
21                   yses, opinions, and any permits, licenses, or ap-  
22                   provals that must be issued or made by any  
23                   Federal agency for the project concerned shall  
24                   be conducted concurrently and completed within  
25                   a cooperatively determined time period. Such

process for a project or class of project may be incorporated into a memorandum of understanding between the Department of Transportation and Federal agencies (and, where appropriate, State agencies).

(B) ESTABLISHMENT OF TIME PERIODS.—

In establishing the time period referred to in subparagraph (A), and any time periods for review within such period, the Department and all such agencies shall take into account their respective resources and statutory commitments.

(b) ELEMENTS OF COORDINATED ENVIRONMENTAL

REVIEW PROCESS.—For each project, the coordinated environmental review process established under this section shall provide, at a minimum, for the following elements:

(1) FEDERAL AGENCY IDENTIFICATION.—The

Secretary shall, at the earliest possible time, identify all potential Federal agencies that—

(A) have jurisdiction by law over environmental-related issues that may be affected by the project and the analysis of which would be part of any environmental document required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); or

1 (B) may be required by Federal law to  
2 independently—

3 (i) conduct an environmental-related  
4 review or analysis; or

5 (ii) determine whether to issue a per-  
6 mit, license, or approval or render an opin-  
7 ion on the environmental impact of the  
8 project.

9 (2) TIME LIMITATIONS AND CONCURRENT RE-  
10 VIEW.—The Secretary and the head of each Federal  
11 agency identified under paragraph (1)—

12 (A)(i) shall jointly develop and establish  
13 time periods for review for—

14 (I) all Federal agency comments with  
15 respect to any environmental review docu-  
16 ments required by the National Environ-  
17 mental Policy Act of 1969 (42 U.S.C.  
18 4321 et seq.) for the project; and

19 (II) all other independent Federal  
20 agency environmental analyses, reviews,  
21 opinions, and decisions on any permits, li-  
22 censes, and approvals that must be issued  
23 or made for the project;

1           whereby each such Federal agency's review  
2           shall be undertaken and completed within such  
3           established time periods for review; or

4                   (ii) may enter into an agreement to estab-  
5           lish such time periods for review with respect to  
6           a class of project; and

7                   (B) shall ensure, in establishing such time  
8           periods for review, that the conduct of any such  
9           analysis, review, opinion, and decision is under-  
10          taken concurrently with all other environmental  
11          reviews for the project, including the reviews re-  
12          quired by the National Environmental Policy  
13          Act of 1969 (42 U.S.C. 4321 et seq.); except  
14          that such review may not be concurrent if the  
15          affected Federal agency can demonstrate that  
16          such concurrent review would result in a signifi-  
17          cant adverse impact to the environment or sub-  
18          stantively alter the operation of Federal law or  
19          would not be possible without information de-  
20          veloped as part of the environmental review  
21          process.

22           (3) FACTORS TO BE CONSIDERED.—Time peri-  
23          ods for review established under this section shall be  
24          consistent with the time periods established by the  
25          Council on Environmental Quality under sections



1       1501.8 and 1506.10 of title 40, Code of Federal  
2       Regulations.

3           (4) EXTENSIONS.—The Secretary shall extend  
4       any time periods for review under this section if,  
5       upon good cause shown, the Secretary and any Fed-  
6       eral agency concerned determine that additional time  
7       for analysis and review is needed as a result of new  
8       information that has been discovered that could not  
9       reasonably have been anticipated when the Federal  
10      agency's time periods for review were established.  
11      Any memorandum of understanding shall be modi-  
12      fied to incorporate any mutually agreed-upon exten-  
13      sions.

14      (c) DISPUTE RESOLUTION.—When the Secretary de-  
15      termines that a Federal agency which is subject to a time  
16      period for its environmental review or analysis under this  
17      section has failed to complete such review, analysis, opin-  
18      ion, or decision on issuing any permit, license, or approval  
19      within the established time period or within any agreed-  
20      upon extension to such time period, the Secretary may,  
21      after notice and consultation with such agency, close the  
22      record on the matter before the Secretary. If the Secretary  
23      finds, after timely compliance with this section, that an  
24      environmental issue related to the project that an affected  
25      Federal agency has jurisdiction over by operation of Fed-

1 eral law has not been resolved, the Secretary and the head  
2 of the Federal agency shall resolve the matter not later  
3 than 30 days after the date of the finding by the Sec-  
4 retary.

5 (d) PARTICIPATION OF STATE AGENCIES.—For any  
6 project eligible for assistance under chapter 471 of title  
7 49, United States Code, a State, by operation of State  
8 law, may require that all State agencies that have jurisdic-  
9 tion by State or Federal law over environmental-related  
10 issues that may be affected by the project, or that are  
11 required to issue any environmental-related reviews, anal-  
12 yses, opinions, or determinations on issuing any permits,  
13 licenses, or approvals for the project, be subject to the co-  
14 ordinated environmental review process established under  
15 this section unless the Secretary determines that a State's  
16 participation would not be in the public interest. For a  
17 State to require State agencies to participate in the review  
18 process, all affected agencies of the State shall be subject  
19 to the review process.

20 (e) ASSISTANCE TO AFFECTED FEDERAL AGEN-  
21 CIES.—

22 (1) IN GENERAL.—The Secretary may approve  
23 a request by a State or other recipient of assistance  
24 under chapter 471 of title 49, United States Code,  
25 to provide funds made available from the Airport

1 and Airway Trust Fund to the State or recipient for  
2 an aviation project subject to the coordinated envi-  
3 ronmental review process established under this sec-  
4 tion to affected Federal agencies to provide the re-  
5 sources necessary to meet any time limits estab-  
6 lished under this section.

7 (2) AMOUNTS.—Such requests under paragraph  
8 (1) shall be approved only—

9 (A) for the additional amounts that the  
10 Secretary determines are necessary for the af-  
11 fected Federal agencies to meet the time limits  
12 for environmental review; and

13 (B) if such time limits are less than the  
14 customary time necessary for such review.

15 (f) JUDICIAL REVIEW AND SAVINGS CLAUSE.—

16 (1) JUDICIAL REVIEW.—Nothing in this section  
17 shall affect the reviewability of any final Federal  
18 agency action in a court of the United States or in  
19 the court of any State.

20 (2) SAVINGS CLAUSE.—Nothing in this section  
21 shall affect the applicability of the National Environ-  
22 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.)  
23 or any other Federal environmental statute or affect  
24 the responsibility of any Federal officer to comply  
25 with or enforce any such statute.

1 (g) FEDERAL AGENCY DEFINED.—In this section,  
 2 the term “Federal agency” means any Federal agency or  
 3 any State agency carrying out affected responsibilities re-  
 4 quired by operation of Federal law.

5 **SEC. 306. CLARIFICATION OF REGULATORY APPROVAL**  
 6 **PROCESS.**

7 Section 106(f)(3)(B)(i) is amended—

8 (1) by striking “\$100,000,000” each place it  
 9 appears and inserting “\$250,000,000”;

10 (2) by striking “Air Traffic Management Sys-  
 11 tem Performance Improvement Act of 1996” and in-  
 12 serting “Aviation Investment and Reform Act for  
 13 the 21st Century”;

14 (3) in subclause (I)—

15 (A) by inserting “substantial and” before  
 16 “material”; and

17 (B) by inserting “or” after the semicolon  
 18 at the end; and

19 (4) by striking subclauses (II), (III), and (IV)  
 20 and inserting the following:

21 “(II) raise novel or significant legal or  
 22 policy issues arising out of legal mandates  
 23 that may substantially and materially af-  
 24 fect other transportation modes.”.

1 **SEC. 307. INDEPENDENT STUDY OF FAA COSTS AND ALLO-**  
2 **CATIONS.**

3 (a) INDEPENDENT ASSESSMENT.—

4 (1) IN GENERAL.—The Inspector General of  
5 the Department of Transportation shall conduct the  
6 assessments described in this section. To conduct  
7 the assessments, the Inspector General may use the  
8 staff and resources of the Inspector General or con-  
9 tract with 1 or more independent entities.

10 (2) ASSESSMENT OF ADEQUACY AND ACCURACY  
11 OF FAA COST DATA AND ATTRIBUTIONS.—

12 (A) IN GENERAL.—The Inspector General  
13 shall conduct an assessment to ensure that the  
14 method for calculating the overall costs of the  
15 Federal Aviation Administration and attrib-  
16 uting such costs to specific users is appropriate,  
17 reasonable, and understandable to the users.

18 (B) COMPONENTS.—In conducting the as-  
19 sessment under this paragraph, the Inspector  
20 General shall assess the following:

21 (i) The Federal Aviation Administra-  
22 tion's cost input data, including the reli-  
23 ability of the Federal Aviation Administra-  
24 tion's source documents and the integrity  
25 and reliability of the Federal Aviation Ad-  
26 ministration's data collection process.

1 (ii) The Federal Aviation Administra-  
2 tion's system for tracking assets.

3 (iii) The Federal Aviation Administra-  
4 tion's bases for establishing asset values  
5 and depreciation rates.

6 (iv) The Federal Aviation Administra-  
7 tion's system of internal controls for ensur-  
8 ing the consistency and reliability of re-  
9 ported data.

10 (v) The Federal Aviation Administra-  
11 tion's definition of the services to which  
12 the Federal Aviation Administration ulti-  
13 mately attributes its costs.

14 (vi) The cost pools used by the Fed-  
15 eral Aviation Administration and the ra-  
16 tionale for and reliability of the bases  
17 which the Federal Aviation Administration  
18 proposes to use in allocating costs of serv-  
19 ices to users.

20 (C) REQUIREMENTS FOR ASSESSMENT OF  
21 COST POOLS.—In carrying out subparagraph  
22 (B)(vi), the Inspector General shall—

23 (i) review costs that cannot reliably be  
24 attributed to specific Federal Aviation Ad-  
25 ministration services or activities (called

1 “common and fixed costs” in the Federal  
2 Aviation Administration Cost Allocation  
3 Study) and consider alternative methods  
4 for allocating such costs; and

5 (ii) perform appropriate tests to as-  
6 sess relationships between costs in the var-  
7 ious cost pools and activities and services  
8 to which the costs are attributed by the  
9 Federal Aviation Administration.

10 (3) COST EFFECTIVENESS.—

11 (A) IN GENERAL.—The Inspector General  
12 shall assess the progress of the Federal Avia-  
13 tion Administration in cost and performance  
14 management, including use of internal and ex-  
15 ternal benchmarking in improving the perform-  
16 ance and productivity of the Federal Aviation  
17 Administration.

18 (B) ANNUAL REPORTS.—Not later than  
19 December 31, 2000, and annually thereafter  
20 until December 31, 2004, the Inspector General  
21 shall transmit to Congress an updated report  
22 containing the results of the assessment con-  
23 ducted under this paragraph.

24 (C) INFORMATION TO BE INCLUDED IN  
25 FAA FINANCIAL REPORT.—The Administrator

shall include in the annual financial report of the Federal Aviation Administration information on the performance of the Administration sufficient to permit users and others to make an informed evaluation of the progress of the Administration in increasing productivity.

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

## **TITLE IV—FAMILY ASSISTANCE**

### **SEC. 401. RESPONSIBILITIES OF NATIONAL TRANSPORTATION SAFETY BOARD.**

(a) PROHIBITION ON UNSOLICITED COMMUNICATIONS.—

(1) IN GENERAL.—Section 1136(g)(2) is amended—

(A) by striking “transportation,” and inserting “transportation and in the event of an accident involving a foreign air carrier that occurs within the United States,”;

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



1 (C) by striking “30th day” and inserting  
2 “45th day”.

3 (2) ENFORCEMENT.—Section 1151 is amended  
4 by inserting “1136(g)(2),” before “or 1155(a)” each  
5 place it appears.

6 (b) PROHIBITION ON ACTIONS TO PREVENT MENTAL  
7 HEALTH AND COUNSELING SERVICES.—Section 1136(g)  
8 is amended by adding at the end the following:

9 “(3) PROHIBITION ON ACTIONS TO PREVENT  
10 MENTAL HEALTH AND COUNSELING SERVICES.—No  
11 State or political subdivision may prevent the em-  
12 ployees, agents, or volunteers of an organization des-  
13 ignated for an accident under subsection (a)(2) from  
14 providing mental health and counseling services  
15 under subsection (c)(1) in the 30-day period begin-  
16 ning on the date of the accident. The director of  
17 family support services designated for the accident  
18 under subsection (a)(1) may extend such period for  
19 not to exceed an additional 30 days if the director  
20 determines that the extension is necessary to meet  
21 the needs of the families and if State and local au-  
22 thorities are notified of the determination.”.

23 (c) INCLUSION OF NONREVENUE PASSENGERS IN  
24 FAMILY ASSISTANCE COVERAGE.—Section 1136(h)(2) is  
25 amended to read as follows:

1           “(2) PASSENGER.—The term ‘passenger’  
2 includes—

3           “(A) an employee of an air carrier or for-  
4 eign air carrier aboard an aircraft; and

5           “(B) any other person aboard the aircraft  
6 without regard to whether the person paid for  
7 the transportation, occupied a seat, or held a  
8 reservation for the flight.”.

9       (d) LIMITATION ON STATUTORY CONSTRUCTION.—  
10 Section 1136 is amended by adding at the end the fol-  
11 lowing:

12       “(i) LIMITATION ON STATUTORY CONSTRUCTION.—  
13 Nothing in this section may be construed as limiting the  
14 actions that an air carrier may take, or the obligations  
15 that an air carrier may have, in providing assistance to  
16 the families of passengers involved in an aircraft acci-  
17 dent.”.

18 **SEC. 402. AIR CARRIER PLANS.**

19       (a) CONTENTS OF PLANS.—

20           (1) FLIGHT RESERVATION INFORMATION.—Sec-  
21 tion 41113(b) is amended by adding at the end the  
22 following:

23           “(14) An assurance that, upon request of the  
24 family of a passenger, the air carrier will inform the  
25 family of whether the passenger’s name appeared on

1 a preliminary passenger manifest for the flight in-  
2 volved in the accident.”.

3 (2) TRAINING OF EMPLOYEES AND AGENTS.—  
4 Section 41113(b), as amended by paragraph (1) of  
5 this subsection, is amended by adding at the end the  
6 following:

7 “(15) An assurance that the air carrier will  
8 provide adequate training to the employees and  
9 agents of the carrier to meet the needs of survivors  
10 and family members following an accident.”.

11 (3) SUBMISSION OF UPDATED PLANS.—The  
12 amendments made by paragraphs (1) and (2) shall  
13 take effect on the 180th day following the date of  
14 enactment of this Act. On or before such 180th day,  
15 each air carrier holding a certificate of public con-  
16 venience and necessity under section 41102 of title  
17 49, United States Code, shall submit to the Sec-  
18 retary of Transportation and the Chairman of the  
19 National Transportation Safety Board an updated  
20 plan under section 41113 of such title that meets  
21 the requirement of the amendments made by para-  
22 graphs (1) and (2).

23 (4) CONSULTATION ON CARRIER RESPONSE NOT  
24 COVERED BY A PLAN.—Section 41113(c) is amended  
25 by striking “has included as part of such applica-

1       tion” and all that follows through the period at the  
 2       end and inserting the following: “has included as  
 3       part of such application—

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

6               “(2) an agreement that in the event that the air  
 7       carrier volunteers assistance to United States citi-  
 8       zens within the United States in the case of an air-  
 9       craft accident outside the United States involving  
 10      major loss of life, the air carrier will consult with  
 11      the Board and the Department of State on the pro-  
 12      vision of the assistance.”.

13              (5)     CONFORMING     AMENDMENTS.—Section  
 14      41113 is amended—

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

19                   (B) in subsection (c) by striking “After the  
 20                   date that is 6 months after the date of the en-  
 21                   actment of this section, the Secretary” and in-  
 22                   serting “The Secretary”.

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

1 (c) LIMITATION ON STATUTORY CONSTRUCTION.—

2 Section 41113 is amended by adding at the end the fol-  
3 lowing:

4 “(f) LIMITATION ON STATUTORY CONSTRUCTION.—

5 Nothing in this section may be construed as limiting the  
6 actions that an air carrier may take, or the obligations  
7 that an air carrier may have, in providing assistance to  
8 the families of passengers involved in an aircraft acci-  
9 dent.”.

10 **SEC. 403. FOREIGN AIR CARRIER PLANS.**

11 (a) INCLUSION OF NONREVENUE PASSENGERS IN

12 FAMILY ASSISTANCE COVERAGE.—Section 41313(a)(2) is  
13 amended to read as follows:

14 “(2) PASSENGER.—The term ‘passenger’ has

15 the meaning given such term by section 1136 of this

16 title.”.

17 (b) ACCIDENTS FOR WHICH PLAN IS REQUIRED.—

18 Section 41313(b) is amended by striking “significant” and  
19 inserting “major”.

20 (c) CONTENTS OF PLANS.—

21 (1) IN GENERAL.—Section 41313(c) is amend-

22 ed by adding at the end the following:

23 “(15) An assurance that the foreign air carrier

24 will provide adequate training to the employees and

1 agents of the carrier to meet the needs of survivors  
2 and family members following an accident.”.

3 (2) SUBMISSION OF UPDATED PLANS.—The  
4 amendment made by paragraph (1) shall take effect  
5 on the 180th day following the date of enactment of  
6 this Act. On or before such 180th day, each foreign  
7 air carrier providing foreign air transportation under  
8 chapter 413 of title 49, United States Code, shall  
9 submit to the Secretary of Transportation and the  
10 Chairman of the National Transportation Safety  
11 Board an updated plan under section 41313 of such  
12 title that meets the requirement of the amendment  
13 made by paragraph (1).

14 (d) CONSULTATION ON CARRIER RESPONSE NOT  
15 COVERED BY A PLAN.—Section 41313(d) is amended by  
16 striking “has included as part of the application or request  
17 for exemption” and all that follows through the period at  
18 the end and inserting “has included as part of the applica-  
19 tion or request for exemption—

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

22 “(2) an agreement that, in the event that the  
23 foreign air carrier volunteers assistance to United  
24 States citizens within the United States in the case  
25 of an aircraft accident outside the United States in-

1       volving major loss of life, the foreign air carrier will  
 2       consult with the Board and the Department of State  
 3       on the provision of the assistance.”.

4   **SEC. 404. APPLICABILITY OF DEATH ON THE HIGH SEAS**  
 5                   **ACT.**

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

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

18                   **TITLE V—SAFETY**

19   **SEC. 501. CARGO COLLISION AVOIDANCE SYSTEMS DEAD-**  
 20                   **LINES.**

21      (a) IN GENERAL.—The Administrator shall require  
 22      by regulation that, no later than December 31, 2002,  
 23      equipment be installed, on each cargo aircraft with a max-  
 24      imum certificated takeoff weight in excess of 15,000 kilo-

1 grams, that provides protection from mid-air collisions  
2 using technology that provides—

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

5 (2) a margin of safety of at least the same level  
6 as provided by the collision avoidance system known  
7 as TCAS–II.

8 (b) EXTENSION OF DEADLINE.—The Administrator  
9 may extend the deadline established by subsection (a) by  
10 not more than 2 years if the Administrator finds that the  
11 extension is needed to promote—

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

15 (2) other safety or public interest objectives.

16 **SEC. 502. RECORDS OF EMPLOYMENT OF PILOT APPLI-**  
17 **CANTS.**

18 Section 44936(f) is amended—

19 (1) in paragraph (1)(B) by inserting “(except a  
20 branch of the United States Armed Forces, the Na-  
21 tional Guard, or a reserve component of the United  
22 States Armed Forces)” after “person” the first  
23 place it appears;



1           (2) in paragraph (1)(B)(ii) by striking “indi-  
 2       vidual” the first place it appears and inserting “indi-  
 3       vidual’s performance as a pilot”;

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

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

8           “(15)     ELECTRONIC     ACCESS     TO     FAA  
 9       RECORDS.—For the purpose of increasing timely and  
 10      efficient access to Federal Aviation Administration  
 11      records described in paragraph (1), the Adminis-  
 12      trator may allow, under terms established by the Ad-  
 13      ministrator, a designated individual to have elec-  
 14      tronic access to a specified database containing in-  
 15      formation about such records.”.

16 **SEC. 503. WHISTLEBLOWER PROTECTION FOR FAA EM-**  
 17 **PLOYEES.**

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

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

2 Section 44701 is amended by adding at the end the  
3 following:

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

9 **SEC. 505. FLIGHT OPERATIONS QUALITY ASSURANCE**  
10 **RULES.**

11 Not later than 30 days after the date of enactment  
12 of this Act, the Administrator shall issue a notice of pro-  
13 posed rulemaking to develop procedures to protect air car-  
14 riers and their employees from civil enforcement actions  
15 under the program known as Flight Operations Quality  
16 Assurance. Not later than 1 year after the last day of the  
17 period for public comment provided for in the notice of  
18 proposed rulemaking, the Administrator shall issue a final  
19 rule establishing such procedures.

20 **SEC. 506. SMALL AIRPORT CERTIFICATION.**

21 Not later than 60 days after the date of enactment  
22 of this Act, the Administrator shall issue a notice of pro-  
23 posed rulemaking on implementing section 44706(a)(2) of  
24 title 49, United States Code, relating to issuance of air-  
25 port operating certificates for small scheduled passenger  
26 air carrier operations. Not later than 1 year after the last

1 day of the period for public comment provided for in the  
 2 notice of proposed rulemaking, the Administrator shall  
 3 issue a final rule on implementing such program.

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

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

7 **“§ 44725. Life-limited aircraft parts**

8 “(a) IN GENERAL.—The Administrator of the Fed-  
 9 eral Aviation Administration shall conduct a rulemaking  
 10 proceeding to require the safe disposition of life-limited  
 11 parts removed from an aircraft. The rulemaking pro-  
 12 ceeding shall ensure that the disposition deter installation  
 13 on an aircraft of a life-limited part that has reached or  
 14 exceeded its life limits.

15 “(b) SAFE DISPOSITION.—For the purposes of this  
 16 section, safe disposition includes any of the following  
 17 methods:

18 “(1) The part may be segregated under cir-  
 19 cumstances that preclude its installation on an air-  
 20 craft.

21 “(2) The part may be permanently marked to  
 22 indicate its used life status.

23 “(3) The part may be destroyed in any manner  
 24 calculated to prevent reinstallation in an aircraft.

1           “(4) The part may be marked, if practicable, to  
2           include the recordation of hours, cycles, or other air-  
3           worthiness information. If the parts are marked with  
4           cycles or hours of usage, that information must be  
5           updated when the part is retired from service.

6           “(5) Any other method approved by the Admin-  
7           istrator.

8           “(c) DEADLINES.—In conducting the rulemaking  
9           proceeding under subsection (a), the Administrator  
10          shall—

11           “(1) not later than 180 days after the date of  
12           enactment of this section, issue a notice of proposed  
13           rulemaking; and

14           “(2) not later than 180 days after the close of  
15           the comment period on the proposed rule, issue a  
16           final rule.

17           “(d) PRIOR-REMOVED LIFE-LIMITED PARTS.—No  
18           rule issued under subsection (a) shall require the marking  
19           of parts removed before the effective date of the rules  
20           issued under subsection (a), nor shall any such rule forbid  
21           the installation of an otherwise airworthy life-limited  
22           part.”.

23           (b) CIVIL PENALTY.—Section 46301(a)(3) is  
24           amended—

1 (1) in subparagraph (A) by striking “or” at the  
2 end;

3 (2) in subparagraph (B) by striking the period  
4 at the end and inserting a semicolon; and

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

6 “(C) a violation of section 44725, relating to  
7 the safe disposal of life-limited aircraft parts; or”.

8 (c) CONFORMING AMENDMENT.—The analysis for  
9 chapter 447 is further amended by adding at the end the  
10 following:

“44725. Life-limited aircraft parts.”.

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

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

13 (1) by redesignating section 46316 as section  
14 46317; and

15 (2) by inserting after section 46315 the fol-  
16 lowing:

17 **“§ 46316. Interference with cabin or flight crew**

18 “An individual who interferes with the duties or re-  
19 sponsibilities of the flight crew or cabin crew of a civil  
20 aircraft, or who poses an imminent threat to the safety  
21 of the aircraft or other individuals on the aircraft, is liable  
22 to the United States Government for a civil penalty of not  
23 more than \$25,000.”.

1 (b) COMPROMISE AND SETOFF.—Section  
 2 46301(f)(1)(A)(i) is amended by inserting “46316,” be-  
 3 fore “or 47107(b)”.

4 (c) CONFORMING AMENDMENT.—The analysis for  
 5 chapter 463 is amended by striking the item relating to  
 6 section 46316 and inserting after the item relating to sec-  
 7 tion 46315 the following:

“46316. Interference with cabin or flight crew.

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

8 **SEC. 509. REPORT ON AIR TRANSPORTATION OVERSIGHT**  
 9 **SYSTEM.**

10 Not later than March 1, 2000, and annually there-  
 11 after for the next 5 years, the Administrator shall trans-  
 12 mit to the Committee on Transportation and Infrastruc-  
 13 ture of the House of Representatives and the Committee  
 14 on Commerce, Science, and Transportation of the Senate  
 15 a report on the progress of the Federal Aviation Adminis-  
 16 tration in implementing the air transportation oversight  
 17 system. At a minimum, the report shall indicate—

18 (1) any funding or staffing constraints that  
 19 would adversely impact the Administration’s ability  
 20 to fully develop and implement such system;

21 (2) progress in integrating the aviation safety  
 22 data derived from such system’s inspections with ex-  
 23 isting aviation data of the Administration in the

1 safety performance analysis system of the Adminis-  
2 tration; and

3 (3) the Administration’s efforts in collaboration  
4 with the aviation industry to develop and validate  
5 safety performance measures and appropriate risk  
6 weightings for the air transportation oversight sys-  
7 tem.

8 **SEC. 510. AIRPLANE EMERGENCY LOCATORS.**

9 (a) REQUIREMENT.—Section 44712(b) is amended to  
10 read as follows:

11 “(b) NONAPPLICATION.—Subsection (a) does not  
12 apply to aircraft when used in—

13 “(1) scheduled flights by scheduled air carriers  
14 holding certificates issued by the Secretary of Trans-  
15 portation under subpart II of this part;

16 “(2) training operations conducted entirely  
17 within a 50-mile radius of the airport from which  
18 the training operations begin;

19 “(3) flight operations related to the design and  
20 testing, manufacture, preparation, and delivery of  
21 aircraft;

22 “(4) research and development if the aircraft  
23 holds a certificate from the Administrator of the  
24 Federal Aviation Administration to carry out such  
25 research and development;

1           “(5) showing compliance with regulations, exhi-  
2           bition, or air racing; or

3           “(6) the aerial application of a substance for an  
4           agricultural purpose.”.

5           (b) COMPLIANCE.—Section 44712 is amended by re-  
6           designating subsection (c) as subsection (d) and by insert-  
7           ing after subsection (b) the following:

8           “(c) COMPLIANCE.—An aircraft meets the require-  
9           ment of subsection (a) if it is equipped with an emergency  
10          locator transmitter that transmits on the 121.5/243 mega-  
11          hertz frequency or the 406 megahertz frequency, or with  
12          other equipment approved by the Secretary for meeting  
13          the requirement of subsection (a).”.

14          (c) EFFECTIVE DATE; REGULATIONS.—

15               (1) REGULATIONS.—The Secretary of Trans-  
16          portation shall issue regulations under section  
17          44712(b) of title 49, United States Code, as amend-  
18          ed by this section not later than January 1, 2002.

19               (2) EFFECTIVE DATE.—The amendments made  
20          by this section shall take effect on January 1, 2002.



1       **TITLE VI—WHISTLEBLOWER**  
 2                   **PROTECTION**

3   **SEC. 601. PROTECTION OF EMPLOYEES PROVIDING AIR**  
 4                   **SAFETY INFORMATION.**

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

7       “SUBCHAPTER III—WHISTLEBLOWER  
 8                   PROTECTION PROGRAM

9   “§ 42121. **Protection of employees providing air safety**  
 10                   **information**

11       “(a) DISCRIMINATION AGAINST AIRLINE EMPLOY-  
 12 EES.—No air carrier or contractor or subcontractor of an  
 13 air carrier may discharge an employee or otherwise dis-  
 14 criminate against an employee with respect to compensa-  
 15 tion, terms, conditions, or privileges of employment be-  
 16 cause the employee (or any person acting pursuant to a  
 17 request of the employee)—

18       “(1) provided, caused to be provided, or is  
 19 about to provide (with the knowledge of the em-  
 20 ployer) or cause to be provided to the Federal Gov-  
 21 ernment information relating to any violation or al-  
 22 leged violation of any order, regulation, or standard  
 23 of the Federal Aviation Administration or any other  
 24 provision of Federal law relating to air carrier safety

1 under this subtitle or any other law of the United  
2 States;

3 “(2) has filed, caused to be filed, or is about to  
4 file (with the knowledge of the employer) or cause  
5 to be filed a proceeding relating to any violation or  
6 alleged violation of any order, regulation, or stand-  
7 ard of the Federal Aviation Administration or any  
8 other provision of Federal law relating to air carrier  
9 safety under this subtitle or any other law of the  
10 United States;

11 “(3) testified or is about to testify in such a  
12 proceeding; or

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

15 “(b) DEPARTMENT OF LABOR COMPLAINT PROCE-  
16 DURE.—

17 “(1) FILING AND NOTIFICATION.—A person  
18 who believes that he or she has been discharged or  
19 otherwise discriminated against by a person in viola-  
20 tion of subsection (a) may, not later than 90 days  
21 after the date on which such violation occurs, file (or  
22 have any person file on his or her behalf) a com-  
23 plaint with the Secretary of Labor alleging such dis-  
24 charge or discrimination. Upon receipt of such a  
25 complaint, the Secretary of Labor shall notify, in

1 writing, the person named in the complaint and the  
2 Administrator of the Federal Aviation Administra-  
3 tion of the filing of the complaint, of the allegations  
4 contained in the complaint, of the substance of evi-  
5 dence supporting the complaint, and of the opportu-  
6 nities that will be afforded to such person under  
7 paragraph (2).

8 “(2) INVESTIGATION; PRELIMINARY ORDER.—

9 “(A) IN GENERAL.—Not later than 60  
10 days after the date of receipt of a complaint  
11 filed under paragraph (1) and after affording  
12 the person named in the complaint an oppor-  
13 tunity to submit to the Secretary of Labor a  
14 written response to the complaint and an oppor-  
15 tunity to meet with a representative of the Sec-  
16 retary to present statements from witnesses,  
17 the Secretary of Labor shall conduct an inves-  
18 tigation and determine whether there is reason-  
19 able cause to believe that the complaint has  
20 merit and notify, in writing, the complainant  
21 and the person alleged to have committed a vio-  
22 lation of subsection (a) of the Secretary’s find-  
23 ings. If the Secretary of Labor concludes that  
24 there is a reasonable cause to believe that a vio-  
25 lation of subsection (a) has occurred, the Sec-

retary shall accompany the Secretary's findings with a preliminary order providing the relief prescribed by paragraph (3)(B). Not later than 30 days after the date of notification of findings under this paragraph, either the person alleged to have committed the violation or the complainant may file objections to the findings or preliminary order, or both, and request a hearing on the record. The filing of such objections shall not operate to stay any reinstatement remedy contained in the preliminary order. Such hearings shall be conducted expeditiously. If a hearing is not requested in such 30-day period, the preliminary order shall be deemed a final order that is not subject to judicial review.

“(B) REQUIREMENTS.—

“(i) REQUIRED SHOWING BY COMPLAINANT.—The Secretary of Labor shall dismiss a complaint filed under this subsection and shall not conduct an investigation otherwise required under subparagraph (A) unless the complainant makes a prima facie showing that any behavior described in paragraphs (1) through (4) of

1 subsection (a) was a contributing factor in  
2 the unfavorable personnel action alleged in  
3 the complaint.

4 “(ii) SHOWING BY EMPLOYER.—Not-  
5 withstanding a finding by the Secretary  
6 that the complainant has made the show-  
7 ing required under clause (i), no investiga-  
8 tion otherwise required under subpara-  
9 graph (A) shall be conducted if the em-  
10 ployer demonstrates, by clear and con-  
11 vincing evidence, that the employer would  
12 have taken the same unfavorable personnel  
13 action in the absence of that behavior.

14 “(iii) CRITERIA FOR DETERMINATION  
15 BY SECRETARY.—The Secretary may de-  
16 termine that a violation of subsection (a)  
17 has occurred only if the complainant dem-  
18 onstrates that any behavior described in  
19 paragraphs (1) through (4) of subsection  
20 (a) was a contributing factor in the unfa-  
21 vorable personnel action alleged in the  
22 complaint.

23 “(iv) PROHIBITION.—Relief may not  
24 be ordered under subparagraph (A) if the  
25 employer demonstrates by clear and con-

1           vincing evidence that the employer would  
2           have taken the same unfavorable personnel  
3           action in the absence of that behavior.

4           “(3) FINAL ORDER.—

5                 “(A) DEADLINE FOR ISSUANCE; SETTLE-  
6           MENT AGREEMENTS.—Not later than 120 days  
7           after the date of conclusion of a hearing under  
8           paragraph (2), the Secretary of Labor shall  
9           issue a final order providing the relief pre-  
10          scribed by this paragraph or denying the com-  
11          plaint. At any time before issuance of a final  
12          order, a proceeding under this subsection may  
13          be terminated on the basis of a settlement  
14          agreement entered into by the Secretary of  
15          Labor, the complainant, and the person alleged  
16          to have committed the violation.

17                 “(B) REMEDY.—If, in response to a com-  
18          plaint filed under paragraph (1), the Secretary  
19          of Labor determines that a violation of sub-  
20          section (a) has occurred, the Secretary of Labor  
21          shall order the person who committed such vio-  
22          lation to—

23                         “(i) take affirmative action to abate  
24                         the violation;

1           “(ii) reinstate the complainant to his  
2           or her former position together with the  
3           compensation (including back pay) and re-  
4           store the terms, conditions, and privileges  
5           associated with his or her employment; and

6           “(iii) provide compensatory damages  
7           to the complainant.

8           If such an order is issued under this paragraph,  
9           the Secretary of Labor, at the request of the  
10          complainant, shall assess against the person  
11          against whom the order is issued a sum equal  
12          to the aggregate amount of all costs and ex-  
13          penses (including attorneys’ and expert witness  
14          fees) reasonably incurred, as determined by the  
15          Secretary of Labor, by the complainant for, or  
16          in connection with, the bringing the complaint  
17          upon which the order was issued.

18          “(C) FRIVOLOUS COMPLAINTS.—If the  
19          Secretary of Labor finds that a complaint  
20          under paragraph (1) is frivolous or has been  
21          brought in bad faith, the Secretary of Labor  
22          may award to the prevailing employer a reason-  
23          able attorney’s fee not exceeding \$5,000.

24          “(4) REVIEW.—

1           “(A) APPEAL TO COURT OF APPEALS.—

2           Any person adversely affected or aggrieved by  
 3           an order issued under paragraph (3) may ob-  
 4           tain review of the order in the United States  
 5           Court of Appeals for the circuit in which the  
 6           violation, with respect to which the order was  
 7           issued, allegedly occurred or the circuit in which  
 8           the complainant resided on the date of such vio-  
 9           lation. The petition for review must be filed not  
 10          later than 60 days after the date of the  
 11          issuance of the order of the Secretary of Labor.  
 12          Review shall conform to chapter 7 of title 5.  
 13          The commencement of proceedings under this  
 14          subparagraph shall not, unless ordered by the  
 15          court, operate as a stay of the order.

16          “(B) LIMITATION ON COLLATERAL AT-  
 17          TACK.—An order of the Secretary of Labor  
 18          with respect to which review could have been  
 19          obtained under subparagraph (A) shall not be  
 20          subject to judicial review in any criminal or  
 21          other civil proceeding.

22          “(5) ENFORCEMENT OF ORDER BY SECRETARY  
 23          OF LABOR.—Whenever a person has failed to comply  
 24          with an order issued under paragraph (3), the Sec-  
 25          retary of Labor may file a civil action in the United



1 States district court for the district in which the vio-  
2 lation was found to occur to enforce such order. In  
3 actions brought under this paragraph, the district  
4 courts shall have jurisdiction to grant all appropriate  
5 relief including, but not limited to, injunctive relief  
6 and compensatory damages.

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

8 “(A) COMMENCEMENT OF ACTION.—A per-  
9 son on whose behalf an order was issued under  
10 paragraph (3) may commence a civil action  
11 against the person to whom such order was  
12 issued to require compliance with such order.  
13 The appropriate United States district court  
14 shall have jurisdiction, without regard to the  
15 amount in controversy or the citizenship of the  
16 parties, to enforce such order.

17 “(B) ATTORNEY FEES.—The court, in  
18 issuing any final order under this paragraph,  
19 may award costs of litigation (including reason-  
20 able attorney and expert witness fees) to any  
21 party whenever the court determines such  
22 award is appropriate.

23 “(c) MANDAMUS.—Any nondiscretionary duty im-  
24 posed by this section shall be enforceable in a mandamus  
25 proceeding brought under section 1361 of title 28.

1       “(d) NONAPPLICABILITY TO DELIBERATE VIOLA-  
 2 TIONS.—Subsection (a) shall not apply with respect to an  
 3 employee of an air carrier, contractor, or subcontractor  
 4 who, acting without direction from such air carrier, con-  
 5 tractor, or subcontractor (or such person’s agent), delib-  
 6 erately causes a violation of any requirement relating to  
 7 air carrier safety under this subtitle or any other law of  
 8 the United States.

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

12       (b) CONFORMING AMENDMENT.—The analysis for  
 13 chapter 421 is amended by adding at the end the fol-  
 14 lowing:

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

15 **SEC. 602. CIVIL PENALTY.**

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

19       **TITLE VII—MISCELLANEOUS**  
 20       **PROVISIONS**

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

22       Section 106(g)(1)(A) is amended by striking  
 23 “40113(a), (c), and (d),” and all that follows through

1 “45302–45304,” and inserting “40113(a), 40113(c),  
 2 40113(d), 40113(e), 40114(a), and 40119, chapter 445  
 3 (except sections 44501(b), 44502(a)(2), 44502(a)(3),  
 4 44502(a)(4), 44503, 44506, 44509, 44510, 44514, and  
 5 44515), chapter 447 (except sections 44717, 44718(a),  
 6 44718(b), 44719, 44720, 44721(b), 44722, and 44723),  
 7 chapter 449 (except sections 44903(d), 44904, 44905,  
 8 44907–44911, 44913, 44915, and 44931–44934), chapter  
 9 451, chapter 453, sections”.

10 **SEC. 702. PUBLIC AIRCRAFT.**

11 (a) RESTATEMENT OF DEFINITION OF PUBLIC AIR-  
 12 CRAFT WITHOUT SUBSTANTIVE CHANGE.—Section  
 13 40102(a)(38) (as redesignated by section 301 of this Act)  
 14 is amended to read as follows:

15 “(38) ‘public aircraft’ means an aircraft—

16 “(A) used only for the United States Gov-  
 17 ernment, and operated under the conditions  
 18 specified by section 40125(b) if owned by the  
 19 Government;

20 “(B) owned by the United States Govern-  
 21 ment, operated by any person for purposes re-  
 22 lated to crew training, equipment development,  
 23 or demonstration, and operated under the con-  
 24 ditions specified by section 40125(b);

“(C) owned and operated by the government of a State, the District of Columbia, a territory or possession of the United States, or a political subdivision of one of these governments, under the conditions specified by section 40125(c); or

“(D) exclusively leased for at least 90 continuous days by the government of a State, the District of Columbia, a territory or possession of the United States, or a political subdivision of one of these governments.”.

(b) QUALIFICATIONS FOR PUBLIC AIRCRAFT STATUS.—

(1) IN GENERAL.—Chapter 401 is amended by adding at the end the following:

**“§ 40125. Qualifications for public aircraft status**

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

“(1) COMMERCIAL PURPOSES.—The term ‘commercial purposes’ means the transportation of persons or property for compensation or hire, but does not include the operation of an aircraft by one government on behalf of another government under a cost reimbursement agreement if the government on whose behalf the operation is conducted certifies to

1 the Administrator of the Federal Aviation Adminis-  
2 tration that the operation is necessary to respond  
3 to a significant and imminent threat to life or prop-  
4 erty (including natural resources) and that no serv-  
5 ice by a private operator is reasonably available to  
6 meet the threat.

7 “(2) GOVERNMENTAL FUNCTION.—The term  
8 ‘governmental function’ means an activity under-  
9 taken by a government, such as firefighting, search  
10 and rescue, law enforcement, aeronautical research,  
11 or biological or geological resource management.

12 “(3) QUALIFIED NON-CREWMEMBER.—The  
13 term ‘qualified non-crewmember’ means an indi-  
14 vidual, other than a member of the crew, aboard an  
15 aircraft—

16 “(A) operated by the armed forces or an  
17 intelligence agency of the United States Gov-  
18 ernment; or

19 “(B) whose presence is required to per-  
20 form, or is associated with the performance of,  
21 a governmental function.

22 “(b) AIRCRAFT OWNED BY THE UNITED STATES.—  
23 An aircraft described in subparagraph (A) or (B) of sec-  
24 tion 40102(38), if owned by the Government, qualifies as  
25 a public aircraft except when it is used for commercial

1 purposes or to carry an individual other than a crew-  
 2 member or a qualified non-crewmember.

3 “(c) AIRCRAFT OWNED BY STATE AND LOCAL GOV-  
 4 ERNMENTS.—An aircraft described in 40102(38)(C)  
 5 qualifies as a public aircraft except when it is used for  
 6 commercial purposes or to carry an individual other than  
 7 a crewmember or a qualified non-crewmember.”.

8 (2) CONFORMING AMENDMENT.—The analysis  
 9 for chapter 401 is amended by adding at the end the  
 10 following:

“40125. Qualifications for public aircraft status.”.

11 **SEC. 703. PROHIBITION ON RELEASE OF OFFEROR PRO-**  
 12 **POSALS.**

13 Section 40110 is amended by adding at the end the  
 14 following:

15 “(d) PROHIBITION ON RELEASE OF OFFEROR PRO-  
 16 POSALS.—

17 “(1) GENERAL RULE.—Except as provided in  
 18 paragraph (2), a proposal in the possession or con-  
 19 trol of the Administrator may not be made available  
 20 to any person under section 552 of title 5.

21 “(2) EXCEPTION.—Paragraph (1) shall not  
 22 apply to any portion of a proposal of an offeror the  
 23 disclosure of which is authorized by the Adminis-  
 24 trator pursuant to procedures published in the Fed-  
 25 eral Register. The Administrator shall provide an

1 opportunity for public comment on the procedures  
 2 for a period of not less than 30 days beginning on  
 3 the date of such publication in order to receive and  
 4 consider the views of all interested parties on the  
 5 procedures. The procedures shall not take effect be-  
 6 fore the 60th day following the date of such publica-  
 7 tion.

8 “(3) PROPOSAL DEFINED.—In this subsection,  
 9 the term ‘proposal’ means information contained in  
 10 or originating from any proposal, including a tech-  
 11 nical, management, or cost proposal, submitted by  
 12 an offeror in response to the requirements of a solici-  
 13 tation for a competitive proposal.”.

14 **SEC. 704. MULTIYEAR PROCUREMENT CONTRACTS.**

15 Section 40111 is amended—

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

18 (2) by inserting after subsection (a) the fol-  
 19 lowing:

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

1 **SEC. 705. FEDERAL AVIATION ADMINISTRATION PER-**  
2 **SONNEL MANAGEMENT SYSTEM.**

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

7 (b) **RIGHT TO CONTEST ADVERSE PERSONNEL AC-**  
8 **TIONS.**—Section 40122 is amended by adding at the end  
9 the following:

10 “(g) **RIGHT TO CONTEST ADVERSE PERSONNEL AC-**  
11 **TIONS.**—An employee of the Federal Aviation Administra-  
12 tion who is the subject of a major adverse personnel action  
13 may contest the action either through any contractual  
14 grievance procedure that is applicable to the employee as  
15 a member of the collective bargaining unit or through the  
16 Administration’s internal process relating to review of  
17 major adverse personnel actions of the Administration,  
18 known as Guaranteed Fair Treatment or under section  
19 347(c) of the Department of Transportation and Related  
20 Agencies Appropriations Act, 1996.

21 “(h) **ELECTION OF FORUM.**—Where a major adverse  
22 personnel action may be contested through more than one  
23 of the indicated forums (such as the contractual grievance  
24 procedure, the Federal Aviation Administration’s internal  
25 process, or that of the Merit Systems Protection Board),  
26 an employee must elect the forum through which the mat-



1 ter will be contested. Nothing in this section is intended  
 2 to allow an employee to contest an action through more  
 3 than one forum unless otherwise allowed by law.

4 “(i) DEFINITION.—For purposes of this section, the  
 5 term ‘major adverse personnel action’ means a suspension  
 6 of more than 14 days, a reduction in pay or grade, a re-  
 7 moval for conduct or performance, a nondisciplinary re-  
 8 moval, a furlough of 30 days or less (but not including  
 9 placement in a nonpay status as the result of a lapse of  
 10 appropriations or an enactment by Congress), or a reduc-  
 11 tion in force action.”.

12 (c) APPLICABILITY OF MERIT SYSTEMS PROTECTION  
 13 BOARD PROVISIONS.—Section 347(b) of the Department  
 14 of Transportation and Related Agencies Appropriations  
 15 Act, 1996 (109 Stat. 460) is amended—

16 (1) by striking “and” at the end of paragraph  
 17 (6);

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

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

21 “(8) sections 1204, 1211–1218, 1221, and  
 22 7701–7703, relating to the Merit Systems Protec-  
 23 tion Board.”.

24 (d) APPEALS TO MERIT SYSTEMS PROTECTION  
 25 BOARD.—Section 347(c) of the Department of Transpor-

1 tation and Related Agencies Appropriations Act, 1996 is  
2 amended to read as follows:

3       “(c) APPEALS TO MERIT SYSTEMS PROTECTION  
4 BOARD.—Under the new personnel management system  
5 developed and implemented under subsection (a), an em-  
6 ployee of the Federal Aviation Administration may submit  
7 an appeal to the Merit Systems Protection Board and may  
8 seek judicial review of any resulting final orders or deci-  
9 sions of the Board from any action that was appealable  
10 to the Board under any law, rule, or regulation as of  
11 March 31, 1996.”.

12 **SEC. 706. NONDISCRIMINATION IN AIRLINE TRAVEL.**

13       (a) DISCRIMINATORY PRACTICES.—Section 41310(a)  
14 is amended to read as follows:

15       “(a) PROHIBITIONS.—

16               “(1) IN GENERAL.—An air carrier or foreign  
17 air carrier may not subject a person, place, port, or  
18 type of traffic in foreign air transportation to unrea-  
19 sonable discrimination.

20               “(2) DISCRIMINATION AGAINST PERSONS.—An  
21 air carrier or foreign air carrier may not subject a  
22 person in foreign air transportation to discrimina-  
23 tion on the basis of race, color, national origin, reli-  
24 gion, or sex.”.

1 (b) INTERSTATE AIR TRANSPORTATION.—Section  
2 41702 is amended—

3 (1) by striking “An air carrier” and inserting  
4 “(a) SAFE AND ADEQUATE AIR TRANSPOR-  
5 TATION.—An air carrier”; and

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

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

11 (c) DISCRIMINATION AGAINST HANDICAPPED INDIV-  
12 IDUALS.—Section 41705 is amended by inserting “or  
13 foreign air carrier” after “air carrier”.

14 (d) CIVIL PENALTY FOR VIOLATIONS OF PROHIBI-  
15 TION ON DISCRIMINATION AGAINST THE HANDI-  
16 CAPPED.—Section 46301(a)(3), as amended by section  
17 507(b) of this Act, is amended by adding at the end the  
18 following:

19 “(D) a violation of section 41705, relating to  
20 discrimination against handicapped individuals.”.

21 (e) INTERNATIONAL AVIATION STANDARDS FOR AC-  
22 COMMODATING THE HANDICAPPED.—The Secretary of  
23 Transportation shall work with appropriate international  
24 organizations and the aviation authorities of other nations  
25 to bring about the establishment of higher standards, if

1 appropriate, for accommodating handicapped passengers  
 2 in air transportation, particularly with respect to foreign  
 3 air carriers that code share with domestic air carriers.

4 **SEC. 707. JOINT VENTURE AGREEMENT.**

5 Section 41716(a)(1) is amended by striking “an  
 6 agreement entered into by a major air carrier” and insert-  
 7 ing “an agreement entered into between 2 or more major  
 8 air carriers”.

9 **SEC. 708. EXTENSION OF WAR RISK INSURANCE PROGRAM.**

10 Section 44310 is amended by striking “March 31,  
 11 1999” and inserting “December 31, 2004”.

12 **SEC. 709. GENERAL FACILITIES AND PERSONNEL AUTHOR-**  
 13 **ITY.**

14 Section 44502(a), as amended by section 153(b) of  
 15 this Act, is amended by adding at the end the following:

16 “(6) IMPROVEMENTS ON LEASED PROP-  
 17 ERTIES.—The Administrator may make improve-  
 18 ments to real property leased for an air navigation  
 19 facility, regardless of whether the cost of making the  
 20 improvements exceeds the cost of leasing the real  
 21 property, if—

22 “(A) the property is leased for free or  
 23 nominal rent;

24 “(B) the improvements primarily benefit  
 25 the Government;

1           “(C) the improvements are essential for ac-  
 2           complishment of the mission of the Federal  
 3           Aviation Administration; and

4           “(D) the interest of the Government in the  
 5           improvements is protected.”.

6 **SEC. 710. IMPLEMENTATION OF ARTICLE 83 BIS OF THE**  
 7 **CHICAGO CONVENTION.**

8       Section 44701 is amended by—

9           (1) redesignating subsection (e) as subsection  
 10          (f); and

11          (2) by inserting after subsection (d) the fol-  
 12          lowing:

13          “(e) BILATERAL EXCHANGES OF SAFETY OVER-  
 14          SIGHT RESPONSIBILITIES.—

15               “(1) IN GENERAL.—Notwithstanding the provi-  
 16          sions of this chapter, the Administrator, pursuant to  
 17          Article 83 of the Convention on International Civil  
 18          Aviation and by a bilateral agreement with the aero-  
 19          nautical authorities of another country, may ex-  
 20          change with that country all or part of their respec-  
 21          tive functions and duties with respect to registered  
 22          aircraft under the following articles of the Conven-  
 23          tion: Article 12 (Rules of the Air); Article 31 (Cer-  
 24          tificates of Airworthiness); or Article 32a (Licenses  
 25          of Personnel).

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

12          “(3) CONDITIONS.—The Administrator may  
13      predicate, in the agreement, the transfer of func-  
14      tions and duties under this subsection on any condi-  
15      tions the Administrator deems necessary and pru-  
16      dent, except that the Administrator may not transfer  
17      responsibilities for United States registered aircraft  
18      described in paragraph (4)(A) to a country that the  
19      Administrator determines is not in compliance with  
20      its obligations under international law for the safety  
21      oversight of civil aviation.

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

24              “(A) aircraft registered in the United  
25              States and operated pursuant to an agreement

1 for the lease, charter, or interchange of the air-  
 2 craft or any similar arrangement by an oper-  
 3 ator that has its principal place of business or,  
 4 if it has no such place of business, its perma-  
 5 nent residence in another country; or

6 “(B) aircraft registered in a foreign coun-  
 7 try and operated under an agreement for the  
 8 lease, charter, or interchange of the aircraft or  
 9 any similar arrangement by an operator that  
 10 has its principal place of business or, if it has  
 11 no such place of business, its permanent resi-  
 12 dence in the United States.”.

13 **SEC. 711. PUBLIC AVAILABILITY OF AIRMEN RECORDS.**

14 Section 44703 is amended—

15 (1) by redesignating subsections (c) through (f)  
 16 as subsections (d) through (g), respectively; and

17 (2) by inserting after subsection (b) the fol-  
 18 lowing:

19 “(c) PUBLIC INFORMATION.—

20 “(1) IN GENERAL.—Subject to paragraph (2)  
 21 and notwithstanding any other provision of law, the  
 22 records of the contents (as prescribed in subsection  
 23 (b)) of any airman certificate issued under this sec-  
 24 tion shall be made available to the public after the  
 25 90th day following the date of enactment of the

1 Aviation Investment and Reform Act for the 21st  
2 Century.

3 “(2) ADDRESSES OF AIRMEN.—Before making  
4 the address of an airman available to the public  
5 under paragraph (1), the airman shall be given an  
6 opportunity to elect that the airman’s address not be  
7 made available to the public.

8 “(3) DEVELOPMENT AND IMPLEMENTATION OF  
9 PROGRAM.—Not later than 60 days after the date of  
10 enactment of the Aviation Investment and Reform  
11 Act for the 21st Century, the Administrator shall  
12 develop and implement, in cooperation with rep-  
13 resentatives of the aviation industry, a one-time  
14 written notification to airmen to set forth the impli-  
15 cations of making the address of an airman available  
16 to the public under paragraph (1) and to carry out  
17 paragraph (2).”.

18 **SEC. 712. APPEALS OF EMERGENCY REVOCATIONS OF CER-**  
19 **TIFICATES.**

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

21 “(e) EFFECTIVENESS OF ORDERS PENDING AP-  
22 PEAL.—

23 “(1) IN GENERAL.—Except as provided in para-  
24 graph (2), if a person files an appeal with the Board



1 under section (d), the order of the Administrator is  
 2 stayed.

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

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

22 **SEC. 713. GOVERNMENT AND INDUSTRY CONSORTIA.**

23 Section 44903 is amended by adding at the end the  
 24 following:

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

13 Section 45301 is amended—

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

23 “(d) PRODUCTION-CERTIFICATION RELATED SERV-  
24 ICE DEFINED.—In this section, the term ‘production-cer-  
25 tification related service’ has the meaning given that term

1 in appendix C of part 187 of title 14, Code of Federal  
2 Regulations.”.

3 **SEC. 716. TECHNICAL CORRECTIONS TO CIVIL PENALTY**  
4 **PROVISIONS.**

5 Section 46301 is amended—

6 (1) in subsection (a)(1)(A) by striking “46302,  
7 46303, or”;

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

11 (3) in subsection (g) by inserting “or the Ad-  
12 ministrator” after “Secretary”.

13 **SEC. 717. WAIVER UNDER AIRPORT NOISE AND CAPACITY**  
14 **ACT.**

15 (a) **WAIVERS FOR AIRCRAFT NOT COMPLYING WITH**  
16 **STAGE 3 NOISE LEVELS.**—Section 47528(b)(1) is amend-  
17 ed in the first sentence by inserting “or foreign air car-  
18 rier” after “air carrier”.

19 (b) **EXEMPTION FOR AIRCRAFT MODIFICATION OR**  
20 **DISPOSAL.**—Section 47528 is amended—

21 (1) in subsection (a) by inserting “or (f)” after  
22 “(b)”; and

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

24 “(f) **AIRCRAFT MODIFICATION OR DISPOSAL.**—After  
25 December 31, 1999, the Secretary may provide a proce-

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

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

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

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

8 (c) LIMITED OPERATION OF CERTAIN AIRCRAFT.—

9 Section 47528(e) is amended by adding at the end the  
 10 following:

11 “(4) An air carrier operating stage 2 aircraft under  
 12 this subsection may operate stage 2 aircraft to or from  
 13 the 48 contiguous States on a nonrevenue basis in order  
 14 to—

15 “(A) perform maintenance (including major al-  
 16 terations) or preventative maintenance on aircraft  
 17 operated, or to be operated, within the limitations of  
 18 paragraph (2)(B); or

19 “(B) conduct operations within the limitations  
 20 of paragraph (2)(B).”.

21 **SEC. 718. METROPOLITAN WASHINGTON AIRPORT AUTHOR-**

22 **ITY.**

23 (a) EXTENSION OF APPLICATION APPROVALS.—Sec-  
 24 tion 49108 is amended by striking “2001” and inserting  
 25 “2004”.

1 (b) ELIMINATION OF DEADLINE FOR APPOINTMENT  
 2 OF MEMBERS TO BOARD OF DIRECTORS.—Section  
 3 49106(c)(6) is amended by striking subparagraph (C) and  
 4 by redesignating subparagraph (D) as subparagraph (C).

5 **SEC. 719. ACQUISITION MANAGEMENT SYSTEM.**

6 Section 348 of the Department of Transportation and  
 7 Related Agencies Appropriations Act, 1996 (49 U.S.C.  
 8 106 note; 109 Stat. 460) is amended by striking sub-  
 9 section (c) and inserting the following:

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

17 **SEC. 720. CENTENNIAL OF FLIGHT COMMISSION.**

18 (a) MEMBERSHIP.—

19 (1) APPOINTMENT.—Section 4(a)(5) of the  
 20 Centennial of Flight Commemoration Act (36 U.S.C.  
 21 143 note; 112 Stat. 3487) is amended by inserting  
 22 “, or his designee,” after “prominence”.

23 (2) STATUS.—Section 4 of such Act (112 Stat.  
 24 3487) is amended by adding at the end the fol-  
 25 lowing:

1       “(g) STATUS.—The members of the Commission de-  
2 scribed in paragraphs (1), (3), (4), and (5) of subsection  
3 (a) shall not be considered to be officers or employees of  
4 the United States.”.

5       (b) DUTIES.—Section 5(a)(7) of such Act (112 Stat.  
6 3488) is amended to read as follows:

7               “(7) as a nonprimary purpose, publish popular  
8 and scholarly works related to the history of aviation  
9 or the anniversary of the centennial of powered  
10 flight.”.

11       (c) CONFLICTS OF INTEREST.—Section 6 of such Act  
12 (112 Stat. 3488–3489) is amended by adding at the end  
13 the following:

14       “(e) CONFLICTS OF INTEREST.—At its second busi-  
15 ness meeting, the Commission shall adopt a policy to pro-  
16 tect against possible conflicts of interest involving its  
17 members and employees. The Commission shall consult  
18 with the Office of Government Ethics in the development  
19 of such a policy and shall recognize the status accorded  
20 its members under section 4(g).”.

21       (d) EXECUTIVE DIRECTOR.—The first sentence of  
22 section 7(a) of such Act (112 Stat. 3489) is amended by  
23 striking the period at the end and inserting the following:  
24 “or represented on the First Flight Centennial Advisory

1 Board under subparagraphs (A) through (E) of section  
2 12(b)(1).”.

3 (e) EXCLUSIVE RIGHT TO NAME, LOGOS, EMBLEMS,  
4 SEALS, AND MARKS.—

5 (1) USE OF FUNDS.—Section 9(d) of such Act  
6 (112 Stat. 3490) is amended by striking the period  
7 at the end and inserting the following: “, except that  
8 the Commission may transfer any portion of such  
9 funds that is in excess of the funds necessary to  
10 carry out such duties to any Federal agency or the  
11 National Air and Space Museum of the Smithsonian  
12 Institution to be used for the sole purpose of com-  
13 memorating the history of aviation or the centennial  
14 of powered flight.”.

15 (2) DUTIES TO BE CARRIED OUT BY ADMINIS-  
16 TRATOR OF NASA.—Section 9 of such Act (112 Stat.  
17 3490) is amended by adding at the end the fol-  
18 lowing:

19 “(f) DUTIES TO BE CARRIED OUT BY ADMINIS-  
20 TRATOR OF NASA.—The duties of the Commission under  
21 this section shall be carried out by the Administrator of  
22 the National Aeronautics and Space Administration, in  
23 consultation with the Commission.”.

1 **SEC. 721. REPEAL OF MAIL RATE-SETTING AUTHORITY.**

2       Effective December 31, 1998, section 4(k) of the Act  
3 of July 5, 1994 (Public Law 103–272, 108 Stat. 1370),  
4 as amended by section 7(a)(3)(D) of the Act of October  
5 31, 1994 (Public Law 103–429, 108 Stat. 329), is re-  
6 pealed.

7 **SEC. 722. AIRCRAFT SITUATIONAL DISPLAY DATA.**

8       (a) IN GENERAL.—A memorandum of agreement be-  
9 tween the Administrator and any person that directly ob-  
10 tains aircraft situational display data from the Federal  
11 Aviation Administration shall require that—

12           (1) the person demonstrate to the satisfaction  
13 of the Administrator that such person is capable of  
14 selectively blocking the display of any aircraft-situa-  
15 tion-display-to-industry derived data related to any  
16 identified aircraft registration number; and

17           (2) the person agree to block selectively the air-  
18 craft registration numbers of any aircraft owner or  
19 operator upon the Administration’s request.

20       (b) EXISTING MEMORANDA TO BE CONFORMED.—  
21 The Administrator shall conform any memoranda of  
22 agreement, in effect on the date of enactment of this Act,  
23 between the Administration and a person under which that  
24 person obtains aircraft situational display data to incor-  
25 porate the requirements of subsection (a) within 30 days  
26 after that date.



1 **SEC. 723. ELIMINATION OF BACKLOG OF EQUAL EMPLOY-**  
2 **MENT OPPORTUNITY COMPLAINTS.**

3 (a) **HIRING OF ADDITIONAL PERSONNEL.**—For fiscal  
4 year 2000, the Secretary of Transportation may hire or  
5 contract for such additional personnel as may be necessary  
6 to eliminate the backlog of pending equal employment op-  
7 portunity complaints to the Department of Transportation  
8 and to ensure that investigations of complaints are com-  
9 pleted not later than 180 days after the date of initiation  
10 of the investigation.

11 (b) **AUTHORIZATION OF APPROPRIATIONS.**—There is  
12 authorized to be appropriated to carry out this section  
13 \$2,000,000 for fiscal year 2000. Such sums shall remain  
14 available until expended.

15 **SEC. 724. NEWPORT NEWS, VIRGINIA.**

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

1 the Peninsula Airport Commission for airport purposes of  
2 the Commission.

3 (b) CONDITIONS.—Any waiver granted by the Sec-  
4 retary under subsection (a) shall be subject to the fol-  
5 lowing conditions:

6 (1) The Peninsula Airport Commission shall  
7 agree that, in leasing or conveying any interest in  
8 the property with respect to which waivers are  
9 granted under subsection (a), the Commission will  
10 receive an amount that is equal to the fair lease  
11 value or the fair market value, as the case may be  
12 (as determined pursuant to regulations issued by the  
13 Secretary).

14 (2) Peninsula Airport Commission shall use any  
15 amount so received only for the development, im-  
16 provement, operation, or maintenance of Newport  
17 News/Williamsburg International Airport.

18 **SEC. 725. GRANT OF EASEMENT, LOS ANGELES, CALI-**  
19 **FORNIA.**

20 The City of Los Angeles Department of Airports may  
21 grant an easement to the California Department of Trans-  
22 portation to lands required to provide sufficient right-of-  
23 way to facilitate the construction of the California State  
24 Route 138 bypass, as proposed by the California Depart-  
25 ment of Transportation.

1 **SEC. 726. REGULATION OF ALASKA GUIDE PILOTS.**

2 (a) IN GENERAL.—Beginning on the date of enact-  
3 ment of this Act, flight operations conducted by Alaska  
4 guide pilots shall be regulated under the general operating  
5 and flight rules contained in part 91 of title 14, Code of  
6 Regulations.

7 (b) RULEMAKING PROCEEDING.—

8 (1) IN GENERAL.—The Administrator shall con-  
9 duct a rulemaking proceeding and issue a final rule  
10 to modify the general operating and flight rules re-  
11 ferred to in subsection (a) by establishing special  
12 rules applicable to the flight operations conducted by  
13 Alaska guide pilots.

14 (2) CONTENTS OF RULES.—A final rule issued  
15 by the Administrator under paragraph (1) shall re-  
16 quire Alaska guide pilots—

17 (A) to operate aircraft inspected no less  
18 often than after 125 hours of flight time;

19 (B) to participate in an annual flight re-  
20 view, as described in section 61.56 of title 14,  
21 Code of Federal Regulations;

22 (C) to have at least 500 hours of flight  
23 time as a pilot;

24 (D) to have a commercial rating, as de-  
25 scribed subpart F of part 61 of such title;

1 (E) to hold at least a second-class medical  
 2 certificate, as described in subpart C of part 67  
 3 of such title;

4 (F) to hold a current letter of authoriza-  
 5 tion issued by the Administrator; and

6 (G) to take such other actions as the Ad-  
 7 ministrator determines necessary for safety.

8 (c) DEFINITIONS.—In this section, the following defi-  
 9 nitions apply:

10 (1) LETTER OF AUTHORIZATION.—The term  
 11 “letter of authorization” means a letter issued by  
 12 the Administrator once every 5 years to an Alaska  
 13 guide pilot certifying that the pilot is in compliance  
 14 with general operating and flight rules applicable to  
 15 the pilot. In the case of a multi-pilot operation, at  
 16 the election of the operating entity, a letter of au-  
 17 thorization may be issued by the Administrator to  
 18 the entity or to each Alaska guide pilot employed by  
 19 the entity.

20 (2) ALASKA GUIDE PILOT.—The term “Alaska  
 21 guide pilot” means a pilot who—

22 (A) conducts aircraft operations over or  
 23 within the State of Alaska;

24 (B) operates single engine, fixed wing air-  
 25 craft on floats, wheels, or skis, providing com-

1           merchial hunting, fishing, or other guide services  
2           and related accommodations in the form of  
3           camps or lodges; and

4                   (C) transports clients by such aircraft inci-  
5           dental to hunting, fishing, or other guide serv-  
6           ices, or uses air transport to enable guided cli-  
7           ents to reach hunting or fishing locations.

8   **SEC. 727. PILOT PROGRAM FOR CAPITAL LEASING CON-**  
9                   **TRACTS.**

10       (a) IN GENERAL.—Notwithstanding any other provi-  
11   sion of law, the Administrator may carry out a pilot pro-  
12   gram in fiscal years 2000 through 2004 to test and evalu-  
13   ate the benefits of long-term capital leasing contracts of  
14   aviation equipment and facilities.

15       (b) PROGRAM CRITERIA.—The Administrator shall  
16   establish criteria for the pilot program. The Administrator  
17   may not enter into more than 20 leasing contracts under  
18   the pilot program, and may not enter into any leasing con-  
19   tract under the pilot program unless the Administrator de-  
20   termines that the leasing contract will be of the best value  
21   to the United States. Each of such contracts shall be for  
22   a period greater than 5 years, but no greater than 20  
23   years. Under such a contract, the aviation equipment or  
24   facility shall be provided by the lessee and operated by

1 the Administrator and funding for the lease of the equip-  
 2 ment or facility shall be subject to annual appropriations.

3 **SEC. 728. AIRCRAFT REPAIR AND MAINTENANCE ADVISORY**

4 **PANEL.**

5 (a) ESTABLISHMENT OF PANEL.—The Secretary of  
 6 Transportation—

7 (1) shall establish an Aircraft Repair and Main-  
 8 tenance Advisory Panel to review issues related to  
 9 the use and oversight of aircraft and aviation com-  
 10 ponent repair and maintenance facilities (in this sec-  
 11 tion referred to as “aircraft repair facilities”) lo-  
 12 cated within, or outside of, the United States; and

13 (2) may seek the advice of the panel on any  
 14 issue related to methods to increase safety by im-  
 15 proving the oversight of aircraft repair facilities.

16 (b) MEMBERSHIP.—The panel shall consist of—

17 (1) 9 members appointed by the Secretary as  
 18 follows:

19 (A) 3 representatives of labor organiza-  
 20 tions representing aviation mechanics;

21 (B) 1 representative of cargo air carriers;

22 (C) 1 representative of passenger air car-  
 23 riers;

24 (D) 1 representative of aircraft repair fa-  
 25 cilities;

1 (E) 1 representative of aircraft manufac-  
2 turers;

3 (F) 1 representative of on-demand pas-  
4 senger air carriers and corporate aircraft oper-  
5 ations; and

6 (G) 1 representative of regional passenger  
7 air carriers;

8 (2) 1 representative from the Department of  
9 Commerce, designated by the Secretary of Com-  
10 merce;

11 (3) 1 representative from the Department of  
12 State, designated by the Secretary of State; and

13 (4) 1 representative from the Federal Aviation  
14 Administration, designated by the Administrator.

15 (c) RESPONSIBILITIES.—The panel shall—

16 (1) determine the amount and type of work  
17 that is being performed by aircraft repair facilities  
18 located within, and outside of, the United States;  
19 and

20 (2) provide advice and counsel to the Secretary  
21 with respect to the aircraft and aviation component  
22 repair work performed by aircraft repair facilities  
23 and air carriers, staffing needs, and any balance of  
24 trade or safety issues associated with that work.

1 (d) DOT TO REQUEST INFORMATION FROM AIR  
2 CARRIERS AND REPAIR FACILITIES.—

3 (1) COLLECTION OF INFORMATION.—The Sec-  
4 retary, by regulation, shall require air carriers, for-  
5 eign air carriers, domestic repair facilities, and for-  
6 eign repair facilities to submit such information as  
7 the Secretary may require in order to assess balance  
8 of trade and safety issues with respect to work per-  
9 formed on aircraft used by air carriers, foreign air  
10 carriers, United States corporate operators, and for-  
11 eign corporate operators.

12 (2) DRUG AND ALCOHOL TESTING INFORMA-  
13 TION.—Included in the information the Secretary re-  
14 quires under paragraph (1) shall be information on  
15 the existence and administration of employee drug  
16 and alcohol testing programs in place at the foreign  
17 repair facilities, if applicable. The Secretary, if nec-  
18 essary, shall work with the International Civil Avia-  
19 tion Organization to increase the number and im-  
20 prove the administration of employee drug and alco-  
21 hol testing programs at the foreign repair facilities.

22 (3) DESCRIPTION OF WORK DONE.—Included in  
23 the information the Secretary requires under para-  
24 graph (1) shall be information on the amount and



1 type of work performed on aircraft registered in and  
 2 outside of the United States.

3 (e) DOT TO FACILITATE COLLECTION OF INFORMA-  
 4 TION ABOUT AIRCRAFT MAINTENANCE.—The Secretary  
 5 shall facilitate the collection of information from the Na-  
 6 tional Transportation Safety Board, the Federal Aviation  
 7 Administration, and other appropriate agencies regarding  
 8 maintenance performed by aircraft repair facilities.

9 (f) DOT TO MAKE INFORMATION AVAILABLE TO  
 10 PUBLIC.—The Secretary shall make any relevant informa-  
 11 tion received under subsection (c) available to the public,  
 12 consistent with the authority to withhold trade secrets or  
 13 commercial, financial, and other proprietary information  
 14 under section 552 of title 5, United States Code.

15 (g) TERMINATION.—The panel established under  
 16 subsection (a) shall terminate on the earlier of—

17 (1) the date that is 2 years after the date of en-  
 18 actment of this Act; or

19 (2) December 31, 2001.

20 (h) DEFINITIONS.—The definitions contained in sec-  
 21 tion 40102 of title 49, United States Code, shall apply  
 22 to this section.

23 **SEC. 729. OPERATIONS OF AIR TAXI INDUSTRY.**

24 (a) STUDY.—The Administrator, in consultation with  
 25 the National Transportation Safety Board and other in-

1 terested persons, shall conduct a study of air taxi opera-  
 2 tors regulated under part 135 of title 14, Code of Federal  
 3 Regulations.

4 (b) CONTENTS.—The study shall include an analysis  
 5 of the size and type of the aircraft fleet, relevant aircraft  
 6 equipment, hours flown, utilization rates, safety record by  
 7 various categories of use and aircraft type, sales revenues,  
 8 and airports served by the air taxi fleet.

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

12 **SEC. 730. SENSE OF CONGRESS CONCERNING COMPLETION**  
 13 **OF COMPREHENSIVE NATIONAL AIRSPACE**  
 14 **REDESIGN.**

15 It is the sense of Congress that, as soon as is prac-  
 16 ticable, the Administrator should complete and begin im-  
 17 plementation of the comprehensive national airspace rede-  
 18 sign that is being conducted by the Administrator.

19 **SEC. 731. COMPLIANCE WITH REQUIREMENTS.**

20 Notwithstanding any other provision of law, in order  
 21 to avoid unnecessary duplication of expense and effort, the  
 22 Secretary of Transportation may authorize the use, in  
 23 whole or in part, of a completed environmental assessment  
 24 or environmental impact study for new construction  
 25 projects on the air operations area of an airport, if the

1 completed assessment or study was for a project at the  
 2 airport that is substantially similar in nature to the new  
 3 project. Any such authorized use shall meet all require-  
 4 ments of Federal law for the completion of such an assess-  
 5 ment or study.

6 **SEC. 732. AIRCRAFT NOISE LEVELS AT AIRPORTS.**

7 (a) DEVELOPMENT OF NEW STANDARDS.—The Sec-  
 8 retary of Transportation shall continue to work to develop  
 9 a new standard for aircraft and aircraft engines that will  
 10 lead to a further reduction in aircraft noise levels.

11 (b) REPORT.—Not later than March 1, 2000, and an-  
 12 nually thereafter, the Secretary shall transmit to Congress  
 13 a report regarding the application of new standards or  
 14 technologies to reduce aircraft noise levels.

15 **SEC. 733. FAA CONSIDERATION OF CERTAIN STATE PRO-**  
 16 **POSALS.**

17 The Administrator is encouraged to consider any pro-  
 18 posal with a regional consensus submitted by a State avia-  
 19 tion authority regarding the expansion of existing airport  
 20 facilities or the introduction of new airport facilities.

21 **TITLE VIII—NATIONAL PARKS**  
 22 **AIR TOUR MANAGEMENT**

23 **SEC. 801. SHORT TITLE.**

24 This title may be cited as the “National Parks Air  
 25 Tour Management Act of 1999”.

1 **SEC. 802. FINDINGS.**

2 Congress finds that—

3 (1) the Federal Aviation Administration has  
4 sole authority to control airspace over the United  
5 States;

6 (2) the Federal Aviation Administration has the  
7 authority to preserve, protect, and enhance the envi-  
8 ronment by minimizing, mitigating, or preventing  
9 the adverse effects of aircraft overflights of public  
10 and tribal lands;

11 (3) the National Park Service has the responsi-  
12 bility of conserving the scenery and natural and his-  
13 toric objects and wildlife in national parks and of  
14 providing for the enjoyment of the national parks in  
15 ways that leave the national parks unimpaired for  
16 future generations;

17 (4) the protection of tribal lands from aircraft  
18 overflights is consistent with protecting the public  
19 health and welfare and is essential to the mainte-  
20 nance of the natural and cultural resources of In-  
21 dian tribes;

22 (5) the National Parks Overflights Working  
23 Group, composed of general aviation, commercial air  
24 tour, environmental, and Native American represent-  
25 atives, recommended that the Congress enact legisla-

1       tion based on the Group’s consensus work product;  
2       and

3               (6) this title reflects the recommendations made  
4       by that Group.

5   **SEC. 803. AIR TOUR MANAGEMENT PLANS FOR NATIONAL**  
6               **PARKS.**

7       (a) IN GENERAL.—Chapter 401, as amended by sec-  
8   tion 702(b) of this Act, is amended by adding at the end  
9   the following:

10   **“§ 40126. Overflights of national parks**

11       “(a) IN GENERAL.—

12               “(1) GENERAL REQUIREMENTS.—A commercial  
13       air tour operator may not conduct commercial air  
14       tour operations over a national park (including tribal  
15       lands) except—

16                       “(A) in accordance with this section;

17                       “(B) in accordance with conditions and  
18       limitations prescribed for that operator by the  
19       Administrator; and

20                       “(C) in accordance with any applicable air  
21       tour management plan for the park.

22               “(2) APPLICATION FOR OPERATING AUTHOR-  
23       ITY.—

24                       “(A) APPLICATION REQUIRED.—Before  
25       commencing commercial air tour operations

1 over a national park (including tribal lands), a  
2 commercial air tour operator shall apply to the  
3 Administrator for authority to conduct the op-  
4 erations over the park.

5 “(B) COMPETITIVE BIDDING FOR LIMITED  
6 CAPACITY PARKS.—Whenever an air tour man-  
7 agement plan limits the number of commercial  
8 air tour operations over a national park during  
9 a specified time frame, the Administrator, in  
10 cooperation with the Director, shall issue oper-  
11 ation specifications to commercial air tour oper-  
12 ators that conduct such operations. The oper-  
13 ation specifications shall include such terms and  
14 conditions as the Administrator and the Direc-  
15 tor find necessary for management of commer-  
16 cial air tour operations over the park. The Ad-  
17 ministrator, in cooperation with the Director,  
18 shall develop an open competitive process for  
19 evaluating proposals from persons interested in  
20 providing commercial air tour operations over  
21 the park. In making a selection from among  
22 various proposals submitted, the Administrator,  
23 in cooperation with the Director, shall consider  
24 relevant factors, including—

1 “(i) the safety record of the person  
2 submitting the proposal or pilots employed  
3 by the person;

4 “(ii) any quiet aircraft technology pro-  
5 posed to be used by the person submitting  
6 the proposal;

7 “(iii) the experience of the person sub-  
8 mitting the proposal with commercial air  
9 tour operations over other national parks  
10 or scenic areas;

11 “(iv) the financial capability of the  
12 company;

13 “(v) any training programs for pilots  
14 provided by the person submitting the pro-  
15 posal; and

16 “(vi) responsiveness of the person  
17 submitting the proposal to any relevant  
18 criteria developed by the National Park  
19 Service for the affected park.

20 “(C) NUMBER OF OPERATIONS AUTHOR-  
21 IZED.—In determining the number of author-  
22 izations to issue to provide commercial air tour  
23 operations over a national park, the Adminis-  
24 trator, in cooperation with the Director, shall  
25 take into consideration the provisions of the air

1           tour management plan, the number of existing  
2           commercial air tour operators and current level  
3           of service and equipment provided by any such  
4           operators, and the financial viability of each  
5           commercial air tour operation.

6           “(D) COOPERATION WITH NPS.—Before  
7           granting an application under this paragraph,  
8           the Administrator, in cooperation with the Di-  
9           rector, shall develop an air tour management  
10          plan in accordance with subsection (b) and im-  
11          plement such plan.

12          “(3) EXCEPTION.—

13               “(A) IN GENERAL.—If a commercial air  
14               tour operator secures a letter of agreement  
15               from the Administrator and the superintendent  
16               for the national park that describes the condi-  
17               tions under which the commercial air tour oper-  
18               ation will be conducted, then notwithstanding  
19               paragraph (1), the commercial air tour operator  
20               may conduct such operations over the national  
21               park under part 91 of title 14, Code of Federal  
22               Regulations, if such activity is permitted under  
23               part 119 of such title.

24               “(B) LIMIT ON EXCEPTIONS.—Not more  
25               than 5 flights in any 30-day period over a sin-



1           gle national park may be conducted under this  
2           paragraph.

3           “(4) SPECIAL RULE FOR SAFETY REQUIRE-  
4           MENTS.—Notwithstanding subsection (d), an exist-  
5           ing commercial air tour operator shall apply, not  
6           later than 90 days after the date of enactment of  
7           this section, for operating authority under part 119,  
8           121, or 135 of title 14, Code of Federal Regulations.  
9           A new entrant commercial air tour operator shall  
10          apply for such authority before conducting commer-  
11          cial air tour operations over a national park (includ-  
12          ing tribal lands). The Administrator shall act on any  
13          such application for a new entrant and issue a deci-  
14          sion on the application not later than 24 months  
15          after it is received or amended.

16          “(b) AIR TOUR MANAGEMENT PLANS.—

17                  “(1) ESTABLISHMENT.—

18                          “(A) IN GENERAL.—The Administrator, in  
19                          cooperation with the Director, shall establish an  
20                          air tour management plan for any national park  
21                          (including tribal lands) for which such a plan is  
22                          not in effect whenever a person applies for au-  
23                          thority to conduct a commercial air tour oper-  
24                          ation over the park. The air tour management

1 plan shall be developed by means of a public  
2 process in accordance with paragraph (4).

3 “(B) OBJECTIVE.—The objective of any  
4 air tour management plan shall be to develop  
5 acceptable and effective measures to mitigate or  
6 prevent the significant adverse impacts, if any,  
7 of commercial air tours upon the natural and  
8 cultural resources, visitor experiences, and trib-  
9 al lands.

10 “(2) ENVIRONMENTAL DETERMINATION.—In  
11 establishing an air tour management plan under this  
12 subsection, the Administrator and the Director shall  
13 each sign the environmental decision document re-  
14 quired by section 102 of the National Environmental  
15 Policy Act of 1969 (42 U.S.C. 4332) (including a  
16 finding of no significant impact, an environmental  
17 assessment, and an environmental impact statement)  
18 and the record of decision for the air tour manage-  
19 ment plan.

20 “(3) CONTENTS.—An air tour management  
21 plan for a national park—

22 “(A) may limit or prohibit commercial air  
23 tour operations;

24 “(B) may establish conditions for the con-  
25 duct of commercial air tour operations, includ-

1 ing commercial air tour operation routes, max-  
2 imum or minimum altitudes, time-of-day re-  
3 strictions, restrictions for particular events,  
4 maximum number of flights per unit of time,  
5 intrusions on privacy on tribal lands, and miti-  
6 gation of adverse noise, visual, or other im-  
7 pacts;

8 “(C) may apply to all commercial air tour  
9 operations;

10 “(D) shall include incentives (such as pre-  
11 ferred commercial air tour operation routes and  
12 altitudes and relief from flight caps and cur-  
13 fews) for the adoption of quiet aircraft tech-  
14 nology by commercial air tour operators con-  
15 ducting commercial air tour operations over the  
16 park;

17 “(E) shall provide a system for allocating  
18 opportunities to conduct commercial air tours if  
19 the air tour management plan includes a limita-  
20 tion on the number of commercial air tour oper-  
21 ations for any time period; and

22 “(F) shall justify and document the need  
23 for measures taken pursuant to subparagraphs  
24 (A) through (E) and include such justifications  
25 in the record of decision.

1           “(4) PROCEDURE.—In establishing an air tour  
2 management plan for a national park (including  
3 tribal lands), the Administrator and the Director  
4 shall—

5           “(A) hold at least one public meeting with  
6 interested parties to develop the air tour man-  
7 agement plan;

8           “(B) publish the proposed plan in the Fed-  
9 eral Register for notice and comment and make  
10 copies of the proposed plan available to the  
11 public;

12           “(C) comply with the regulations set forth  
13 in sections 1501.3 and 1501.5 through 1501.8  
14 of title 40, Code of Federal Regulations (for  
15 purposes of complying with the regulations, the  
16 Federal Aviation Administration shall be the  
17 lead agency and the National Park Service is a  
18 cooperating agency); and

19           “(D) solicit the participation of any Indian  
20 tribe whose tribal lands are, or may be,  
21 overflowed by aircraft involved in a commercial  
22 air tour operation over the park, as a cooper-  
23 ating agency under the regulations referred to  
24 in subparagraph (C).

1           “(5) JUDICIAL REVIEW.—An air tour manage-  
2           ment plan developed under this subsection shall be  
3           subject to judicial review.

4           “(6) AMENDMENTS.—The Administrator, in co-  
5           operation with the Director, may make amendments  
6           to an air tour management plan. Any such amend-  
7           ments shall be published in the Federal Register for  
8           notice and comment. A request for amendment of an  
9           air tour management plan shall be made in such  
10          form and manner as the Administrator may pre-  
11          scribe.

12          “(c) DETERMINATION OF COMMERCIAL AIR TOUR  
13          OPERATION STATUS.—In making a determination of  
14          whether a flight is a commercial air tour operation, the  
15          Administrator may consider—

16               “(1) whether there was a holding out to the  
17               public of willingness to conduct a sightseeing flight  
18               for compensation or hire;

19               “(2) whether a narrative that referred to areas  
20               or points of interest on the surface below the route  
21               of the flight was provided by the person offering the  
22               flight;

23               “(3) the area of operation;

24               “(4) the frequency of flights conducted by the  
25               person offering the flight;

1 “(5) the route of flight;

2 “(6) the inclusion of sightseeing flights as part  
3 of any travel arrangement package offered by the  
4 person offering the flight;

5 “(7) whether the flight would have been can-  
6 celed based on poor visibility of the surface below  
7 the route of the flight; and

8 “(8) any other factors that the Administrator  
9 considers appropriate.

10 “(d) INTERIM OPERATING AUTHORITY.—

11 “(1) IN GENERAL.—Upon application for oper-  
12 ating authority, the Administrator shall grant in-  
13 terim operating authority under this subsection to a  
14 commercial air tour operator for commercial air tour  
15 operations over a national park (including tribal  
16 lands) for which the operator is an existing commer-  
17 cial air tour operator.

18 “(2) REQUIREMENTS AND LIMITATIONS.—In-  
19 terim operating authority granted under this  
20 subsection—

21 “(A) shall provide annual authorization  
22 only for the greater of—

23 “(i) the number of flights used by the  
24 operator to provide such tours within the

1           12-month period prior to the date of enact-  
2           ment of this section; or

3           “(ii) the average number of flights per  
4           12-month period used by the operator to  
5           provide such tours within the 36-month pe-  
6           riod prior to such date of enactment, and,  
7           for seasonal operations, the number of  
8           flights so used during the season or sea-  
9           sons covered by that 12-month period;

10          “(B) may not provide for an increase in  
11          the number of commercial air tour operations  
12          conducted during any time period by the com-  
13          mercial air tour operator above the number that  
14          the air tour operator was originally granted un-  
15          less such an increase is agreed to by the Ad-  
16          ministrator and the Director;

17          “(C) shall be published in the Federal Reg-  
18          ister to provide notice and opportunity for com-  
19          ment;

20          “(D) may be revoked by the Administrator  
21          for cause;

22          “(E) shall terminate 180 days after the  
23          date on which an air tour management plan is  
24          established for the park or the tribal lands;

1           “(F) shall promote protection of national  
2           park resources, visitor experiences, and tribal  
3           lands;

4           “(G) shall promote safe operations of the  
5           commercial air tour;

6           “(H) shall promote the adoption of quiet  
7           technology, as appropriate; and

8           “(I) shall allow for modifications of the op-  
9           eration based on experience if the modification  
10          improves protection of national park resources  
11          and values and of tribal lands.

12       “(e) EXEMPTIONS.—

13           “(1) IN GENERAL.—Except as provided by  
14          paragraph (2), this section shall not apply to—

15           “(A) the Grand Canyon National Park;

16           “(B) tribal lands within or abutting the  
17          Grand Canyon National Park; or

18           “(C) any unit of the National Park System  
19          located in Alaska or any other land or water lo-  
20          cated in Alaska.

21           “(2) EXCEPTION.—This section shall apply to  
22          the Grand Canyon National Park if section 3 of  
23          Public Law 100–91 (16 U.S.C. 1a–1 note; 101 Stat.  
24          674–678) is no longer in effect.



1       “(f) DEFINITIONS.—In this section, the following  
2 definitions apply:

3               “(1) COMMERCIAL AIR TOUR OPERATOR.—The  
4 term ‘commercial air tour operator’ means any per-  
5 son who conducts a commercial air tour operation.

6               “(2) EXISTING COMMERCIAL AIR TOUR OPER-  
7 ATOR.—The term ‘existing commercial air tour oper-  
8 ator’ means a commercial air tour operator that was  
9 actively engaged in the business of providing com-  
10 mercial air tour operations over a national park at  
11 any time during the 12-month period ending on the  
12 date of enactment of this section.

13               “(3) NEW ENTRANT COMMERCIAL AIR TOUR  
14 OPERATOR.—The term ‘new entrant commercial air  
15 tour operator’ means a commercial air tour operator  
16 that—

17                       “(A) applies for operating authority as a  
18 commercial air tour operator for a national  
19 park; and

20                       “(B) has not engaged in the business of  
21 providing commercial air tour operations over  
22 the national park (including tribal lands) in the  
23 12-month period preceding the application.

24               “(4) COMMERCIAL AIR TOUR OPERATION.—The  
25 term ‘commercial air tour operation’ means any

1 flight, conducted for compensation or hire in a pow-  
2 ered aircraft where a purpose of the flight is sight-  
3 seeing over a national park, within  $\frac{1}{2}$  mile outside  
4 the boundary of any national park, or over tribal  
5 lands, during which the aircraft flies—

6 “(A) below a minimum altitude, deter-  
7 mined by the Administrator in cooperation with  
8 the Director, above ground level (except solely  
9 for purposes of takeoff or landing, or necessary  
10 for safe operation of an aircraft as determined  
11 under the rules and regulations of the Federal  
12 Aviation Administration requiring the pilot-in-  
13 command to take action to ensure the safe op-  
14 eration of the aircraft); or

15 “(B) less than 1 mile laterally from any  
16 geographic feature within the park (unless more  
17 than  $\frac{1}{2}$  mile outside the boundary).

18 “(5) NATIONAL PARK.—The term ‘national  
19 park’ means any unit of the National Park System.

20 “(6) TRIBAL LANDS.—The term ‘tribal lands’  
21 means Indian country (as that term is defined in  
22 section 1151 of title 18) that is within or abutting  
23 a national park.

1           “(7) ADMINISTRATOR.—The term ‘Adminis-  
2           trator’ means the Administrator of the Federal Avia-  
3           tion Administration.

4           “(8) DIRECTOR.—The term ‘Director’ means  
5           the Director of the National Park Service.”.

6           (b) CONFORMING AMENDMENT.—The analysis for  
7           chapter 401 is further amended by adding at the end the  
8           following:

          “40126. Overflights of national parks.”.

9   **SEC. 804. ADVISORY GROUP.**

10          (a) ESTABLISHMENT.—Not later than 1 year after  
11          the date of enactment of this Act, the Administrator and  
12          the Director of the National Park Service shall jointly es-  
13          tablish an advisory group to provide continuing advice and  
14          counsel with respect to commercial air tour operations  
15          over and near national parks.

16          (b) MEMBERSHIP.—

17                  (1) IN GENERAL.—The advisory group shall be  
18          composed of—

19                          (A) a balanced group of—

20                                  (i) representatives of general aviation;

21                                  (ii) representatives of commercial air  
22                          tour operators;

23                                  (iii) representatives of environmental  
24                          concerns; and

25                                  (iv) representatives of Indian tribes;

1 (B) a representative of the Federal Avia-  
2 tion Administration; and

3 (C) a representative of the National Park  
4 Service.

5 (2) EX OFFICIO MEMBERS.—The Administrator  
6 (or the designee of the Administrator) and the Di-  
7 rector (or the designee of the Director) shall serve  
8 as ex officio members.

9 (3) CHAIRPERSON.—The representative of the  
10 Federal Aviation Administration and the representa-  
11 tive of the National Park Service shall serve alter-  
12 nating 1-year terms as chairman of the advisory  
13 group, with the representative of the Federal Avia-  
14 tion Administration serving initially until the end of  
15 the calendar year following the year in which the ad-  
16 visory group is first appointed.

17 (c) DUTIES.—The advisory group shall provide ad-  
18 vice, information, and recommendations to the Adminis-  
19 trator and the Director—

20 (1) on the implementation of this title and the  
21 amendments made by this title;

22 (2) on commonly accepted quiet aircraft tech-  
23 nology for use in commercial air tour operations over  
24 national parks (including tribal lands), which will re-

1       ceive preferential treatment in a given air tour man-  
2       agement plan;

3           (3) on other measures that might be taken to  
4       accommodate the interests of visitors to national  
5       parks; and

6           (4) at request of the Administrator and the Di-  
7       rector, safety, environmental, and other issues re-  
8       lated to commercial air tour operations over a na-  
9       tional park (including tribal lands).

10       (d) COMPENSATION; SUPPORT; FACA.—

11           (1) COMPENSATION AND TRAVEL.—Members of  
12       the advisory group who are not officers or employees  
13       of the United States, while attending conferences or  
14       meetings of the group or otherwise engaged in its  
15       business, or while serving away from their homes or  
16       regular places of business, may be allowed travel ex-  
17       penses, including per diem in lieu of subsistence, as  
18       authorized by section 5703 of title 5, United States  
19       Code, for persons in the Government service em-  
20       ployed intermittently.

21           (2) ADMINISTRATIVE SUPPORT.—The Federal  
22       Aviation Administration and the National Park  
23       Service shall jointly furnish to the advisory group  
24       clerical and other assistance.

1           (3) NONAPPLICATION OF FACA.—Section 14 of  
2       the Federal Advisory Committee Act (5 U.S.C.  
3       App.) does not apply to the advisory group.

4   **SEC. 805. REPORTS.**

5       (a) OVERFLIGHT FEE REPORT.—Not later than 180  
6       days after the date of enactment of this Act, the Adminis-  
7       trator shall transmit to Congress a report on the effects  
8       overflight fees are likely to have on the commercial air  
9       tour operation industry. The report shall include, but shall  
10      not be limited to—

11           (1) the viability of a tax credit for the commer-  
12       cial air tour operators equal to the amount of any  
13       overflight fees charged by the National Park Service;  
14       and

15           (2) the financial effects proposed offsets are  
16       likely to have on Federal Aviation Administration  
17       budgets and appropriations.

18       (b) QUIET AIRCRAFT TECHNOLOGY REPORT.—Not  
19       later than 2 years after the date of enactment of this Act,  
20       the Administrator and the Director shall jointly transmit  
21       a report to Congress on the effectiveness of this title in  
22       providing incentives for the development and use of quiet  
23       aircraft technology.

24   **SEC. 806. EXEMPTIONS.**

25       This title shall not apply to—

1 (1) any unit of the National Park System lo-  
 2 cated in Alaska; or

3 (2) any other land or water located in Alaska.

4 **SEC. 807. DEFINITIONS.**

5 In this title, the following definitions apply:

6 (1) ADMINISTRATOR.—The term “Adminis-  
 7 trator” means the Administrator of the Federal  
 8 Aviation Administration.

9 (2) DIRECTOR.—The term “Director” means  
 10 the Director of the National Park Service.

11 **TITLE IX—TRUTH IN BUDGETING**

12 **SEC. 901. SHORT TITLE.**

13 This title may be cited as the “Truth in Budgeting  
 14 Act”.

15 **SEC. 902. BUDGETARY TREATMENT OF AIRPORT AND AIR-  
 16 WAY TRUST FUND.**

17 Notwithstanding any other provision of law, the re-  
 18 ceipts and disbursements of the Airport and Airway Trust  
 19 Fund established by section 9502 of the Internal Revenue  
 20 Code of 1986—

21 (1) shall not be counted as new budget author-  
 22 ity, outlays, receipts, or deficit or surplus for pur-  
 23 poses of—

24 (A) the budget of the United States Gov-  
 25 ernment as submitted by the President,

1 (B) the congressional budget (including al-  
 2 locations of budget authority and outlays pro-  
 3 vided therein), or

4 (C) the Balanced Budget and Emergency  
 5 Deficit Control Act of 1985; and

6 (2) shall be exempt from any general budget  
 7 limitation imposed by statute on expenditures and  
 8 net lending (budget outlays) of the United States  
 9 Government.

10 **SEC. 903. SAFEGUARDS AGAINST DEFICIT SPENDING OUT**  
 11 **OF AIRPORT AND AIRWAY TRUST FUND.**

12 (a) IN GENERAL.—Subchapter I of chapter 471, as  
 13 amended by section 134(a) of this Act, is amended by add-  
 14 ing at the end the following:

15 **“§ 47138. Safeguards against deficit spending**

16 “(a) ESTIMATES OF UNFUNDED AVIATION AUTHOR-  
 17 IZATIONS AND NET AVIATION RECEIPTS.—Not later than  
 18 March 31 of each year, the Secretary of Transportation,  
 19 in consultation with the Secretary of the Treasury, shall  
 20 estimate—

21 “(1) the amount which would (but for this sec-  
 22 tion) be the unfunded aviation authorizations at the  
 23 close of the first fiscal year that begins after that  
 24 March 31, and



1           “(2) the net aviation receipts to be credited to  
2           the Airport and Airway Trust Fund during the fiscal  
3           year.

4           “(b) PROCEDURE IF EXCESS UNFUNDED AVIATION  
5 AUTHORIZATIONS.—If the Secretary of Transportation  
6 determines for any fiscal year that the amount described  
7 in subsection (a)(1) exceeds the amount described in sub-  
8 section (a)(2), the Secretary shall determine the amount  
9 of such excess.

10          “(c) ADJUSTMENT OF AUTHORIZATIONS IF UN-  
11 FUNDED AUTHORIZATIONS EXCEED RECEIPTS.—

12           “(1) DETERMINATION OF PERCENTAGE.—If the  
13 Secretary determines that there is an excess referred  
14 to in subsection (b) for a fiscal year, the Secretary  
15 shall determine the percentage which—

16                   “(A) such excess, is of

17                   “(B) the total of the amounts authorized  
18 to be appropriated from the Airport and Airway  
19 Trust Fund for the next fiscal year.

20          “(2) ADJUSTMENT OF AUTHORIZATIONS.—If  
21 the Secretary determines a percentage under para-  
22 graph (1), each amount authorized to be appro-  
23 priated from the Airport and Airway Trust Fund for  
24 the next fiscal year shall be reduced by such percent-  
25 age.

1       “(d) AVAILABILITY OF AMOUNTS PREVIOUSLY WITH-  
2 HELD.—

3           “(1) ADJUSTMENT OF AUTHORIZATIONS.—If,  
4 after a reduction has been made under subsection  
5 (c)(2), the Secretary determines that the amount de-  
6 scribed in subsection (a)(1) does not exceed the  
7 amount described in subsection (a)(2) or that the ex-  
8 cess referred to in subsection (b) is less than the  
9 amount previously determined, each amount author-  
10 ized to be appropriated that was reduced under sub-  
11 section (c)(2) shall be increased, by an equal per-  
12 centage, to the extent the Secretary determines that  
13 it may be so increased without causing the amount  
14 described in subsection (a)(1) to exceed the amount  
15 described in subsection (a)(2) (but not by more than  
16 the amount of the reduction).

17           “(2) APPORTIONMENT.—The Secretary shall  
18 apportion amounts made available for apportionment  
19 by paragraph (1).

20           “(3) PERIOD OF AVAILABILITY.—Any funds ap-  
21 portioned under paragraph (2) shall remain available  
22 for the period for which they would be available if  
23 such apportionment took effect with the fiscal year  
24 in which they are apportioned under paragraph (2).

1       “(e) REPORTS.—Any estimate under subsection (a)  
 2 and any determination under subsection (b), (c), or (d)  
 3 shall be reported by the Secretary to Congress.

4       “(f) DEFINITIONS.—For purposes of this section, the  
 5 following definitions apply:

6               “(1) NET AVIATION RECEIPTS.—The term ‘net  
 7 aviation receipts’ means, with respect to any period,  
 8 the excess of—

9                       “(A) the receipts (including interest) of the  
 10 Airport and Airway Trust Fund during such  
 11 period, over

12                      “(B) the amounts to be transferred during  
 13 such period from the Airport and Airway Trust  
 14 Fund under section 9502(d) of the Internal  
 15 Revenue Code of 1986 (other than paragraph  
 16 (1) thereof).

17               “(2) UNFUNDED AVIATION AUTHORIZATIONS.—  
 18 The term ‘unfunded aviation authorization’ means,  
 19 at any time, the excess (if any) of—

20                      “(A) the total amount authorized to be ap-  
 21 propriated from the Airport and Airway Trust  
 22 Fund which has not been appropriated, over

23                      “(B) the amount available in the Airport  
 24 and Airway Trust Fund at such time to make  
 25 such appropriation (after all other unliquidated

1 obligations at such time which are payable from  
 2 the Airport and Airway Trust Fund have been  
 3 liquidated).”.

4 (b) CONFORMING AMENDMENT.—The analysis for  
 5 subchapter I of chapter 471 is further amended by adding  
 6 at the end the following:

“47138. Safeguards against deficit spending.”.

7 **SEC. 904. APPLICABILITY.**

8 This title (including the amendments made by this  
 9 Act) shall apply to fiscal years beginning after September  
 10 30, 1999.

11 **TITLE X—AVIATION SPENDING**  
 12 **GUARANTEE**

13 **SEC. 1001. DISCRETIONARY SPENDING CATEGORIES.**

14 (a) ESTABLISHMENT OF SEPARATE CATEGORIES.—  
 15 Section 251(c) of the Balanced Budget and Emergency  
 16 Deficit Control Act of 1985 is amended as follows:

17 (1) FY 2000.—In paragraph (4)—

18 (A) strike “and” at the end of subpara-  
 19 graph (C);

20 (B) insert “and” at the end of subpara-  
 21 graph (D); and

22 (C) after subparagraph (D), add the fol-  
 23 lowing:

1           “(E) for the traditional aviation general  
2 fund share category: \$4,580,000,000 in budget  
3 authority and outlays flowing therefrom;”.

4           (2) FY 2001.—In paragraph (5)—

5                 (A) strike “and” at the end of subpara-  
6 graph (B);

7                 (B) insert “and” at the end of subpara-  
8 graph (C); and

9                 (C) after subparagraph (C), add the fol-  
10 lowing:

11                 “(D) for the traditional aviation general  
12 fund share category: \$4,914,000,000 in budget  
13 authority and outlays flowing therefrom;”.

14           (3) FY 2002.—In paragraph (6)—

15                 (A) strike “and” at the end of subpara-  
16 graph (B); and

17                 (B) after subparagraph (C), add the fol-  
18 lowing:

19                 “(D) for the traditional aviation general  
20 fund share category: \$5,375,000,000 in budget  
21 authority and outlays flowing therefrom;”.

22           (4) FY 2003.—In paragraph (7)—

23                 (A) strike “and” at the end of subpara-  
24 graph (A);

1 (B) strike the period at the end of sub-  
 2 paragraph (B) and insert “; and”; and

3 (C) after subparagraph (B), add the fol-  
 4 lowing:

5 “(C) for the traditional aviation general  
 6 fund share category: \$5,772,000,000 in budget  
 7 authority and outlays flowing therefrom; and”.

8 (5) FY 2004.—After paragraph (7), add the fol-  
 9 lowing:

10 “(8) with respect to fiscal year 2004, for the  
 11 traditional aviation general fund share category:  
 12 \$6,102,000,000 in budget authority and outlays  
 13 flowing therefrom;”.

14 (b) OFFSETTING ADJUSTMENT IN DISCRETIONARY  
 15 SPENDING LIMITS.—

16 (1) ADJUSTMENT OF DISCRETIONARY CAT-  
 17 EGORY FOR FISCAL YEAR 2000.—The discretionary  
 18 spending limits set forth in section 251(c)(4)(A) of  
 19 the Balanced Budget and Emergency Deficit Control  
 20 Act of 1985, as adjusted in conformance with sec-  
 21 tion 251(b) of that Act, is reduced by  
 22 \$1,455,000,000 in new budget authority and  
 23 \$1,484,000,000 in outlays.

24 (2) ADJUSTMENT OF DISCRETIONARY CAT-  
 25 EGORY FOR FISCAL YEAR 2001.—The discretionary

1 spending limits set forth in section 251(c)(5)(A) of  
 2 the Balanced Budget and Emergency Deficit Control  
 3 Act of 1985, as adjusted in conformance with sec-  
 4 tion 251(b) of that Act, is reduced by  
 5 \$1,455,000,000 in new budget authority and  
 6 \$1,460,000,000 in outlays.

7 (3) ADJUSTMENT OF DISCRETIONARY CAT-  
 8 EGORY FOR FISCAL YEAR 2002.—The discretionary  
 9 spending limits set forth in section 251(c)(6)(A) of  
 10 the Balanced Budget and Emergency Deficit Control  
 11 Act of 1985, as adjusted in conformance with sec-  
 12 tion 251(b) of that Act, is reduced by  
 13 \$1,455,000,000 in new budget authority and  
 14 \$1,455,000,000 in outlays.

15 (c) DEFINITION OF TRADITIONAL AVIATION GEN-  
 16 ERAL FUND SHARE CATEGORY.—Section 250(c)(4) of the  
 17 Balanced Budget and Emergency Deficit Control Act of  
 18 1985 is amended by adding at the end the following:

19 “(E) The term ‘traditional aviation general  
 20 fund share category’ refers to the general funds por-  
 21 tion of the Federal Aviation Administration oper-  
 22 ation account (69–1301–0–1–402). Such portion  
 23 shall consist of an amount equal to 30 percent of the  
 24 FAA guaranteed spending levels for budget re-  
 25 sources set forth in section 48302 of title 49, United

1 States Code and shall be adjusted for a fiscal year  
2 whenever the Director of Management and Budget  
3 makes an adjustment for that fiscal year under sec-  
4 tion 48302(c) of such title.”.

5 (d) ENFORCEMENT OF GUARANTEE.—Rule XXI of  
6 the Rules of the House of Representatives is amended by  
7 adding at the end the following new clause:

8 “6. It shall not be in order to consider a bill, joint  
9 resolution, amendment, or conference report that would  
10 cause total budget authority and obligation limitations for  
11 the Federal Aviation Administration to be below the FAA  
12 guaranteed spending level for budget resources set forth  
13 in section 48302 of title 49, United States Code, as ad-  
14 justed, for any fiscal year.”.

15 **SEC. 1002. BUDGET ESTIMATES.**

16 Upon the enactment of this Act, the Director of the  
17 Office of Management and Budget shall not make any es-  
18 timates under section 252(d) of the Balanced Budget and  
19 Emergency Deficit Control Act of 1985 of changes in di-  
20 rect spending outlays and receipts for any fiscal year re-  
21 sulting from this title.

22 **SEC. 1003. GUARANTEED EXPENDITURE OF AVIATION REV-**  
23 **ENUE.**

24 (a) IN GENERAL.—Part C of subtitle VII is amended  
25 by adding at the end the following:



1                   **“CHAPTER 483—GUARANTEED**  
 2                                   **EXPENDITURES**

“Sec.

“48301. Definitions.

“48302. Guaranteed expenditure of aviation revenues.

“48303. Revenue aligned budget authority.

“48304. Enforcement of FAA guaranteed spending levels.

“48305. Estimated aviation income.

3   **“§ 48301. Definitions**

4           “In this chapter, the following definitions apply:

5                   “(1) BASE YEAR.—The term ‘base year’ means  
 6           the second fiscal year before the fiscal year for  
 7           which the calculation is being made.

8                   “(2) BUDGET RESOURCES.—The term ‘budget  
 9           resources’ means an amount equal to the sum of dis-  
 10          cretionary budget authority and obligation limita-  
 11          tions.

12                  “(3) AIP PROGRAM.—The term ‘AIP program’  
 13          means the programs for which amounts are made  
 14          available under section 48103.

15                  “(4) AVIATION INCOME.—The term ‘aviation in-  
 16          come’ means the tax receipts credited to the Airport  
 17          and Airway Trust Fund established under section  
 18          9502 of the Internal Revenue Code of 1986 and any  
 19          interest attributable to the Fund.

1 **“§ 48302. Guaranteed expenditure of aviation reve-**  
 2 **nues**

3 “(a) IN GENERAL.—For the purposes of this chapter  
 4 and rule XXI of the Rules of the House of Representa-  
 5 tives, the FAA guaranteed spending level for budget re-  
 6 sources is the level specified for the fiscal year in sub-  
 7 section (b), as adjusted by subsection (c).

8 “(b) FAA GUARANTEED SPENDING LEVELS FOR  
 9 BUDGET RESOURCES.—The FAA guaranteed spending  
 10 levels for budget resources are as follows:

11 “(1) \$15,267,000,000 for fiscal year 2000.

12 “(2) \$16,379,000,000 for fiscal year 2001.

13 “(3) \$17,917,000,000 for fiscal year 2002.

14 “(4) \$19,241,000,000 for fiscal year 2003.

15 “(5) \$20,339,000,000 for fiscal year 2004.

16 “(c) ADJUSTMENT TO ALIGN AVIATION SPENDING  
 17 WITH REVENUES.—Beginning with fiscal year 2002,  
 18 when the President submits a budget for a fiscal year  
 19 under section 1105 of title 31, United States Code, the  
 20 Director of the Office of Management and Budget shall  
 21 calculate and the budget shall include adjustments in the  
 22 FAA guaranteed spending level for budget resources for  
 23 such fiscal year as follows:

24 “(1) If the actual level of aviation income for  
 25 the base year is greater than the estimated aviation  
 26 income level specified in section 48305 for the base

1       year, increase the FAA guaranteed spending limit  
2       for budget resources for such fiscal year by the  
3       amount of the excess.

4               “(2) If the actual level of aviation income for  
5       the base year is less than the estimated aviation in-  
6       come level specified in section 48305 for the base  
7       year, decrease the FAA guaranteed spending limit  
8       for budget resources for such fiscal year by the  
9       amount of the reduction.

10   **“§ 48303. Revenue aligned budget authority**

11       “(a) DETERMINATION OF AMOUNT.—On the effective  
12   date of a general appropriations Act providing budget re-  
13   sources for the Federal Aviation Administration, the Sec-  
14   retary shall allocate to the AIP program an amount of  
15   contract authority equal to any excess determined pursu-  
16   ant to section 48302(c)(1).

17       “(b) AUTHORIZATION OF APPROPRIATIONS.—There  
18   are authorized to be appropriated from the Airport and  
19   Airway Trust Fund established under section 9502 of the  
20   Internal Revenue Code of 1986 such sums as may be nec-  
21   essary to carry out this section for fiscal year 2002 and  
22   each fiscal year thereafter.

1   **“§ 48304. Enforcement of FAA guaranteed spending**  
2                   **levels**

3           “(a) DETERMINATION OF AMOUNT.—On the effective  
4   date of a general appropriations Act providing budget re-  
5   sources for a fiscal year beginning after September 30,  
6   1999, for the Federal Aviation Administration, the Sec-  
7   retary shall allocate to the AIP program—

8           “(1) any additional amount of contract author-  
9       ity for the fiscal year necessary to ensure that the  
10      total amount of contract authority available for the  
11      AIP program is equal to the sum of the obligation  
12      limitations provided for such program in the appro-  
13      priations Act; and

14          “(2) any additional amount of contract author-  
15      ity for the fiscal year necessary to ensure that the  
16      sum of—

17           “(A) the total amount of contract author-  
18      ity available for the AIP program; and

19           “(B) the budget resources provided for the  
20      programs for which amounts are made available  
21      under sections 106(k), 48101, 48102, and  
22      48112,

23      equals the FAA guaranteed spending levels for  
24      budget resources for that fiscal year.

25          “(b) INCURRING OBLIGATIONS.—The Secretary may  
26   incur obligations to make grants from amounts allocated

1 under subsection (a) as soon as the amounts are so allo-  
 2 cated.

3 “(c) AUTHORIZATION OF APPROPRIATIONS.—There  
 4 are authorized to be appropriated from the Airport and  
 5 Airway Trust Fund established under section 9502 of the  
 6 Internal Revenue Code of 1986 such sums as may be nec-  
 7 essary to carry out this section for fiscal year 2000 and  
 8 each fiscal year thereafter.

9 **“§ 48305. Estimated aviation income**

10 “For purposes of section 48302(c), the estimated  
 11 aviation income levels are as follows:

12 “(1) \$10,097,000,000 for fiscal year 2000.

13 “(2) \$10,666,000,000 for fiscal year 2001.

14 “(3) \$11,442,000,000 for fiscal year 2002.

15 “(4) \$12,043,000,000 for fiscal year 2003.

16 “(5) \$12,657,000,000 for fiscal year 2004.”.

17 (b) CONFORMING AMENDMENT.—The table of chap-  
 18 ters for subtitle VII of such title is amended by inserting  
 19 after the item relating to chapter 482 the following:

“483. GUARANTEED EXPENDITURES ..... 48301”.

