

106TH CONGRESS
1ST SESSION

S. 1682

To amend title 49, United States Code, to authorize management reforms of the Federal Aviation Administration, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 1, 1999

Mr. ROCKEFELLER (for himself and Mr. GORTON) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend title 49, United States Code, to authorize management reforms 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.**

4 This Act may be cited as the “Air Traffic Manage-
5 ment Improvement Act of 1999”.

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

7 Except as otherwise specifically provided, whenever in
8 this Act an amendment or repeal is expressed in terms
9 of an amendment to, or repeal of, a section or other provi-

1 sion of law, the reference shall be considered to be made
2 to a section or other provision of title 49, United States
3 Code.

4 **SEC. 3. DEFINITIONS.**

5 In this Act:

6 (1) ADMINISTRATOR.—The term “Adminis-
7 trator” means the Administrator of the Federal
8 Aviation Administration.

9 (2) SECRETARY.—The term “Secretary” means
10 the Secretary of the Department of Transportation.

11 **SEC. 4. FINDINGS.**

12 The Congress makes the following findings:

13 (1) The nation’s air transportation system is
14 projected to grow by 3.4 percent per year over the
15 next 12 years.

16 (2) Passenger enplanements are expected to
17 rise to more than 1 billion by 2009, from the cur-
18 rent level of 660 million.

19 (3) The aviation industry is one of our Nation’s
20 critical industries, providing a means of travel to
21 people throughout the world, and a means of moving
22 cargo around the globe.

23 (4) The ability of all sectors of American soci-
24 ety, urban and rural, to to access and to compete ef-
25 fectively in the new and dynamic global economy re-

1 quires the ability of the aviation industry to serve all
2 the Nation's communities effectively and efficiently.

3 (5) The Federal government's role is to pro-
4 mote a safe and efficient national air transportation
5 system through the management of the air traffic
6 control system and through effective and sufficient
7 investment in aviation infrastructure, including the
8 Nation's airports.

9 (6) Numerous studies and reports, including
10 the National Civil Aviation Review Commission, have
11 concluded that the projected expansion of air service
12 may be constrained by gridlock in our Nation's air-
13 ways, unless substantial management reforms are
14 initiated for the Federal Aviation Administration.

15 (7) The Federal Aviation Administration is re-
16 sponsible for safely and efficiently managing the Na-
17 tional Airspace System 365 days a year, 24 hours a
18 day.

19 (8) The Federal Aviation Administration's abil-
20 ity to efficiently manage the air traffic system in the
21 United States is restricted by antiquated air traffic
22 control equipment.

23 (9) The Congress has previously recognized
24 that the Administrator needs relief from the Federal
25 government's cumbersome personnel and procure-

1 ment laws and regulations to take advantage of
2 emerging technologies and to hire and retain effec-
3 tive managers.

4 (10) The ability of the Administrator to achieve
5 greater efficiencies in the management of the air
6 traffic control system requires additional manage-
7 ment reforms, such as the ability to offer incentive
8 pay for excellence in the employee workforce.

9 (11) The ability of the Administrator to effec-
10 tively manage finances is dependent in part on the
11 Federal Aviation Administration's ability to enter
12 into long-term debt and lease financing of facilities
13 and equipment, which in turn are dependent on sus-
14 tained sound audits and implementation of a cost
15 management program.

16 (12) The Administrator should use the full au-
17 thority of the Federal Aviation Administration to
18 make organizational changes to improve the effi-
19 ciency of the air traffic control system, without com-
20 promising the Federal Aviation Administration's pri-
21 mary mission of protecting the safety of the travel-
22 ing public.

23 **SEC. 5. AIR TRAFFIC CONTROL SYSTEM DEFINED.**

24 Section 40102(a) is amended—

1 (1) by redesignating paragraphs (5) through
2 (41) as paragraphs (6) through (42), respectively;
3 and

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

6 “(5) ‘air traffic control system’ means the com-
7 bination of elements used to safely and efficiently
8 monitor, direct, control, and guide aircraft in the
9 United States and United States-assigned airspace,
10 including—

11 “(A) allocated electromagnetic spectrum
12 and physical, real, personal, and intellectual
13 property assets making up facilities, equipment,
14 and systems employed to detect, track, and
15 guide aircraft movement;

16 “(B) laws, regulations, orders, directives,
17 agreements, and licenses;

18 “(C) published procedures that explain re-
19 quired actions, activities, and techniques used
20 to ensure adequate aircraft separation; and

21 “(D) trained personnel with specific tech-
22 nical capabilities to satisfy the operational, en-
23 gineering, management, and planning require-
24 ments for air traffic control.”.

1 **SEC. 6. CHIEF OPERATING OFFICER FOR AIR TRAFFIC**
 2 **SERVICES.**

3 (a) Section 106 is amended by adding at the end the
 4 following:

5 ‘(r) CHIEF OPERATING OFFICER.—

6 “(1) IN GENERAL.—

7 “(A) APPOINTMENT.—There shall be a
 8 Chief Operating Officer for the air traffic con-
 9 trol system to be appointed by the Adminis-
 10 trator, after consultation with the Management
 11 Advisory Council. The Chief Operating Officer
 12 shall report directly to the Administrator and
 13 shall be subject to the authority of the Adminis-
 14 trator.

15 “(B) QUALIFICATIONS.—The Chief Oper-
 16 ating Officer shall have a demonstrated ability
 17 in management and knowledge of or experience
 18 in aviation.

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

21 “(D) REMOVAL.—The Chief Operating Of-
 22 ficer shall serve at the pleasure of the Adminis-
 23 trator, except that the Administrator shall
 24 make every effort to ensure stability and con-
 25 tinuity in the leadership of the air traffic con-
 26 trol system.

“(E) COMPENSATION.—

“(i) The Chief Operating Officer shall be paid at an annual rate of basic pay not to exceed that of the Administrator, including any applicable locality-based payment. This basic rate of pay shall subject the chief operating officer to the post-employment provisions of section 207 of title 18 as if this position were described in section 207(c)(2)(A)(i) of that title.

“(ii) In addition to the annual rate of basic pay authorized by paragraph (1) of this subsection, the Chief Operating Officer may receive a bonus not to exceed 50 percent of the annual rate of basic pay, based upon the Administrator’s evaluation of the Chief Operating Officer’s performance in relation to the performance goals set forth in the performance agreement described in subsection (b) of this section. A bonus may not cause the Chief Operating Officer’s total aggregate compensation in a calendar year to equal or exceed the amount of the President’s salary under section 102 of title 3, United States Code.

1 “(2) ANNUAL PERFORMANCE AGREEMENT.—

2 The Administrator and the Chief Operating Officer
3 shall enter into an annual performance agreement
4 that sets forth measurable organization and indi-
5 vidual goals for the Chief Operating Officer in key
6 operational areas. The agreement shall be subject to
7 review and renegotiation on an annual basis.

8 “(3) ANNUAL PERFORMANCE REPORT.—The
9 Chief Operating Officer shall prepare and submit to
10 the Secretary of Transportation and Congress an
11 annual management report containing such informa-
12 tion as may be prescribed by the Secretary.’.

13 “(4) RESPONSIBILITIES.—The Administrator
14 may delegate to the Chief Operating Officer, or any
15 other authority within the Federal Aviation Adminis-
16 tration responsibilities, including, but not limited to
17 the following:

18 “(A) STRATEGIC PLANS.—To develop a
19 strategic plan of the Federal Aviation Adminis-
20 tration for the air traffic control system, includ-
21 ing the establishment of—

22 “(i) a mission and objectives;

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

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

3 “(iv) methods of the Federal Aviation
4 Administration to accelerate air traffic
5 control modernization and improvements in
6 aviation safety related to air traffic con-
7 trol.

8 “(B) OPERATIONS.—To review the oper-
9 ational functions of the Federal Aviation Ad-
10 ministration, including—

11 “(i) modernization of the air traffic
12 control system;

13 “(ii) increasing productivity or imple-
14 menting cost-saving measures; and

15 “(iii) training and education.

16 “(C) BUDGET.—To—

17 “(i) develop a budget request of the
18 Federal Aviation Administration related to
19 the air traffic control system prepared by
20 the Administrator;

21 “(ii) submit such budget request to the
22 Administrator and the Secretary of Trans-
23 portation; and

24 “(iii) ensure that the budget request
25 supports the annual and long-range stra-

1 tegic plans developed under paragraph
2 (4)(A) of this subsection.

3 “(5) BUDGET SUBMISSION.—The Secretary
4 shall submit the budget request prepared under
5 paragraph (4)(D) of this subsection for any fiscal
6 year to the President who shall submit such request,
7 without revision, to the Committees on Transpor-
8 tation and Infrastructure and Appropriations of the
9 House of Representatives and the Committees on
10 Commerce, Science, and Transportation and Appro-
11 priations of the Senate, together with the Presi-
12 dent’s annual budget request for the Federal Avia-
13 tion Administration for such fiscal year.”.

14 **SEC. 7. FEDERAL AVIATION MANAGEMENT ADVISORY**
15 **COUNCIL.**

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

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

20 (i) in the case of initial appointments
21 to the Council, the President by and with
22 the advice and consent of the Senate; and

23 “(ii) in the case of subsequent ap-
24 pointments to the Council, the Secretary of
25 Transportation.”.

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

3 (c) AIR TRAFFIC SERVICES SUBCOMMITTEE.—Sec-
4 tion 106(p)(6) is amended by adding at the end thereof
5 the following:

6 “(E) AIR TRAFFIC SERVICES SUB-
7 COMMITTEE.—The Chairman of the Manage-
8 ment Advisory Council shall constitute an Air
9 Traffic Services Subcommittee to provide com-
10 ments, recommend modifications, and provide
11 dissenting views to the Administrator on the
12 performance of air traffic services, including—

13 “(i) the performance of the Chief Op-
14 erating Officer and other senior managers
15 within the air traffic organization of the
16 Federal Aviation Administration;

17 “(ii) long-range and strategic plans
18 for air traffic services;

19 “(iii) review the Administrator’s selec-
20 tion, evaluation, and compensation of sen-
21 ior executives of the Federal Aviation Ad-
22 ministration who have program manage-
23 ment responsibility over significant func-
24 tions of the air traffic control system;

1 “(iv) review and make recommenda-
 2 tions to the Administrator’s plans for any
 3 major reorganization of the Federal Avia-
 4 tion Administration that would effect the
 5 management of the air traffic control sys-
 6 tem;

7 “(v) review, and make recommenda-
 8 tions the Administrator’s cost allocation
 9 system and financial management struc-
 10 ture and technologies to help ensure effi-
 11 cient and cost-effective air traffic control
 12 operation.

13 “(vi) review the performance and co-
 14 operation of managers responsible for
 15 major acquisition projects, including the
 16 ability of the managers to meet schedule
 17 and budget targets; and

18 “(vii) other significant actions that
 19 the Subcommittee considers appropriate
 20 and that are consistent with the implemen-
 21 tation of this Act.”.

22 **SEC. 8. COMPENSATION OF THE ADMINISTRATOR.**

23 Section 106(b) is amended—

24 (1) by inserting “(1)” before “The”; and

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

1 “(2) In addition to the annual rate of pay au-
2 thorized for the Administrator, the Administrator
3 may receive a bonus not to exceed 50 percent of the
4 annual rate of basic pay, based upon the Secretary’s
5 evaluation of the Administrator’s performance in re-
6 lation to the performance goals set forth in a per-
7 formance agreement. A bonus may not cause the
8 Administrator’s total aggregate compensation in a
9 calendar year to equal or exceed the amount of the
10 President’s salary under section 102 of title 3,
11 United States Code.”.

12 **SEC. 9. NATIONAL AIRSPACE REDESIGN.**

13 (a) FINDINGS RELATING TO THE NATIONAL AIR-
14 SPACE.—The Congress makes the following additional
15 findings:

16 (1) The National airspace, comprising more
17 than 29 million square miles, handles more than
18 55,000 flights per day.

19 (2) Almost 2,000,000 passengers per day tra-
20 verse the United States through 20 major en route
21 centers including more than 700 different sectors.

22 (3) Redesign and review of the National air-
23 space may produce benefits for the travelling public
24 by increasing the efficiency and capacity of the air
25 traffic control system and reducing delays.

1 (4) Redesign of the National airspace should be
2 a high priority for the Federal Aviation Administra-
3 tion and the air transportation industry.

4 (b) REDESIGN REPORT.—The Administrator, with
5 advice from the aviation industry and other interested par-
6 ties, shall conduct a comprehensive redesign of the na-
7 tional airspace system and shall submit a report to the
8 Committee on Commerce, Science, and Transportation of
9 the Senate and to the Committee on Transportation and
10 Infrastructure of the House on the Administrator’s com-
11 prehensive national airspace redesign. The report shall in-
12 clude projected milestones for completion of the redesign
13 and shall also include a date for completion. The report
14 must be submitted to the Congress no later than Decem-
15 ber 31, 2000. There are authorized to be appropriated to
16 the Administrator to carry out this section \$12,000,000
17 for fiscal years 2000, 2001, and 2002.

18 **SEC. 10. FAA COSTS AND ALLOCATIONS SYSTEM MANAGE-**
19 **MENT.**

20 (a) REPORT ON THE COST ALLOCATION SYSTEM.—
21 No later than July 9, 2000, the Administrator shall sub-
22 mit a report to the Committee on Commerce, Science, and
23 Transportation of the Senate and the Committee on
24 Transportation and Infrastructure of the House on the
25 cost allocation system currently under development by the

1 Federal Aviation Administration. The report shall include
2 a specific date for completion and implementation of the
3 cost allocation system throughout the agency and shall
4 also include the timetable and plan for the implementation
5 of a cost management system.

6 (b) INDEPENDENT ASSESSMENT.—

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

13 (2) ASSESSMENT OF ADEQUACY AND ACCURACY
14 OF FEDERAL AVIATION ADMINISTRATION COST DATA
15 AND ATTRIBUTIONS.—

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

22 (B) COMPONENTS.—In conducting the as-
23 sessment under this paragraph, the Inspector
24 General shall assess the Federal Aviation Ad-
25 ministration's definition of the services to which

1 the Federal Aviation Administration ultimately
2 attributes its costs.

3 (3) COST EFFECTIVENESS.—

4 (A) IN GENERAL.—The Inspector General
5 shall assess the progress of the Federal Avia-
6 tion Administration in cost and performance
7 management, including use of internal and ex-
8 ternal benchmarking in improving the perform-
9 ance and productivity of the Federal Aviation
10 Administration.

11 (B) ANNUAL REPORTS.—Not later than
12 December 31, 2000, the Inspector General shall
13 transmit to Congress an updated report con-
14 taining the results of the assessment conducted
15 under this paragraph.

16 (C) INFORMATION TO BE INCLUDED IN
17 FEDERAL AVIATION ADMINISTRATION FINAN-
18 CIAL REPORT.—The Administrator shall include
19 in the annual financial report of the Federal
20 Aviation Administration information on the per-
21 formance of the Administration sufficient to
22 permit users and others to make an informed
23 evaluation of the progress of the Administration
24 in increasing productivity.

1 **SEC. 11. AIR TRAFFIC MODERNIZATION PILOT PROGRAM.**

2 (a) IN GENERAL.—Chapter 445 is amended by add-
3 ing at the end thereof the following:

4 **“§ 44516. Air traffic modernization joint venture**
5 **pilot program**

6 “(a) PURPOSE.—It is the purpose of this section to
7 improve aviation safety and enhance mobility of the na-
8 tion’s air transportation system by facilitating the use of
9 joint ventures and innovative financing, on a pilot pro-
10 gram basis, between the Federal Aviation Administration
11 and industry, to accelerate investment in critical air traffic
12 control facilities and equipment.

13 “(b) DEFINITIONS.—As used in this section:

14 “(1) ASSOCIATION.—The term ‘Association’
15 means the Air Traffic Modernization Association es-
16 tablished by this section.

17 “(2) PANEL.—The term ‘panel’ means the exec-
18 utive panel of the Air Traffic Modernization Associa-
19 tion.

20 “(3) OBLIGOR.—The term ‘obligor’ means a
21 public airport, an air carrier or foreign air carrier,
22 or a consortium consisting of 2 or more of such enti-
23 ties.

24 “(4) ELIGIBLE PROJECT.—The term ‘eligible
25 project’ means a project relating to the nation’s air
26 traffic control system that promotes safety, effi-

1 ciency or mobility, and is included in the Airway
2 Capital Investment Plan required by section 44502,
3 including—

4 “(A) airport-specific air traffic facilities
5 and equipment, including local area augmenta-
6 tion systems, instrument landings systems,
7 weather and wind shear detection equipment,
8 lighting improvements and control towers;

9 “(B) automation tools to effect improve-
10 ments in airport capacity, including passive
11 final approach spacing tools and traffic man-
12 agement advisory equipment; and

13 “(C) facilities and equipment that enhance
14 airspace control procedures, including consolida-
15 tion of terminal radar control facilities and
16 equipment, or assist in en route surveillance, in-
17 cluding oceanic and off-shore flight tracking.

18 “(5) SUBSTANTIAL COMPLETION.—The term
19 ‘substantial completion’ means the date upon which
20 a project becomes available for service.

21 “(c) AIR TRAFFIC MODERNIZATION ASSOCIATION.—

22 (1) IN GENERAL.—There may be established in
23 the District of Columbia a private, not for profit cor-
24 poration, which shall be known as the Air Traffic
25 Modernization Association, for the purpose of pro-

1 viding assistance to obligors through arranging lease
2 and debt financing of eligible projects.

3 “(2) NON-FEDERAL ENTITY.—The Association
4 shall not be an agency, instrumentality or establish-
5 ment of the United States Government and shall not
6 be a ‘wholly-owned Government controlled corpora-
7 tion’ as defined in section 9101 of title 31, United
8 States Code. No action under section 1491 of title
9 28, United States Code, shall be allowable against
10 the United States based on the actions of the Asso-
11 ciation.

12 “(3) EXECUTIVE PANEL.—

13 “(A) The Association shall be under the di-
14 rection of an executive panel made up of 3
15 members, as follows:

16 “(i) 1 member shall be an employee of
17 the Federal Aviation Administration to be
18 appointed by the Administrator;

19 “(ii) 1 member shall be a representa-
20 tive of commercial air carriers, to be ap-
21 pointed by the Management Advisory
22 Council; and

23 “(iii) 1 member shall be a representa-
24 tive of operators of primary airports, to be

1 appointed by the Management Advisory
2 Council.

3 “(B) The panel shall elect from among its
4 members a chairman who shall serve for a term
5 of 1 year and shall adopt such bylaws, policies,
6 and administrative provisions as are necessary
7 to the functioning of the Association.

8 “(4) POWERS, DUTIES AND LIMITATIONS.—Con-
9 sistent with sound business techniques and provisions of
10 this chapter, the Association is authorized—

11 “(A) to borrow funds and enter into lease
12 arrangements as lessee with other parties relat-
13 ing to the financing of eligible projects, pro-
14 vided that any public debt issuance shall be
15 rated investment grade by a nationally recog-
16 nized statistical rating organization;

17 “(B) to lend funds and enter into lease ar-
18 rangements as lessor with obligors, but—

19 “(i) the term of financing offered by
20 the Association shall not exceed the useful
21 life of the eligible project being financed,
22 as estimated by the Administrator; and

23 “(ii) the aggregate amount of com-
24 bined debt and lease financing provided

1 under this subsection for air traffic control
2 facilities and equipment—

3 “(I) may not exceed
4 \$500,000,000 per fiscal year for fiscal
5 years 2000, 2001, and 2002;

6 “(II) shall be used for not more
7 than 10 projects; and

8 “(III) may not provide funding in
9 excess of \$50,000,000 for any single
10 project; and

11 “(C) to exercise all other powers that
12 are necessary and proper to carry out the
13 purposes of this section.

14 “(5) PROJECT SELECTION CRITERIA.—In se-
15 lecting eligible projects from applicants to be funded
16 under this section, the Association shall consider the
17 following criteria:

18 “(A) The eligible project’s contribution to
19 the national air transportation system, as out-
20 lined in the Federal Aviation Administration’s
21 modernization plan for alleviating congestion,
22 enhancing mobility, and improving safety.

23 “(B) The credit-worthiness of the revenue
24 stream pledged by the obligor.

1 “(C) The extent to which assistance by the
2 Association will enable the obligor to accelerate
3 the date of substantial completion of the
4 project.

5 “(D) The extent of economic benefit to be
6 derived within the aviation industry, including
7 both public and private sectors.

8 “(d) AUTHORITY TO ENTER INTO JOINT VEN-
9 TURE.—

10 (1) IN GENERAL.—Subject to the conditions set
11 forth in this section, the Administrator of the Fed-
12 eral Aviation Administration is authorized to enter
13 into a joint venture, on a pilot program basis, with
14 Federal and non-Federal entities to establish the Air
15 Traffic Modernization Association described in sub-
16 section (c) for the purpose of acquiring, procuring or
17 utilizing of air traffic facilities and equipment in ac-
18 cordance with the Airway Capital Investment Plan.

19 “(2) COST SHARING.—The Administrator is au-
20 thorized to make payments to the Association from
21 amounts available under section 4801(a) of this title,
22 provided that the agency’s share of an annual pay-
23 ment for a lease or other financing agreement does
24 not exceed the direct or imputed interest portion of
25 each annual payment for an eligible project. The

1 share of the annual payment to be made by an obli-
2 gor to the lease or other financing agreement shall
3 be in sufficient amount to amortize the asset cost.
4 If the obligor is an airport sponsor, the sponsor may
5 use revenue from a passenger facility fee, provided
6 that such revenue does not exceed 25 cents per en-
7 planed passenger per year.

8 “(3) PROJECT SPECIFICATIONS.—The Adminis-
9 trator shall have the sole authority to approve the
10 specifications, staffing requirements, and operating
11 and maintenance plan for each eligible project, tak-
12 ing into consideration the recommendations of the
13 Air Traffic Services Subcommittee of the Manage-
14 ment Advisory Council.

15 “(e) INCENTIVES FOR PARTICIPATION.—An airport
16 sponsor that enters into a lease or financial arrangement
17 financed by the Air Traffic Modernization Association may
18 use its share of the annual payment as a credit toward
19 the non-Federal matching share requirement for any
20 funds made available to the sponsor for airport develop-
21 ment projects under chapter 471 of this title.

22 “(f) UNITED STATES NOT OBLIGATED.—The con-
23 tribution of Federal funds to the Association pursuant to
24 subsection (d) of this section shall not be construed as
25 a commitment, guarantee, or obligation on the part of the

1 United States to any third party, nor shall any third party
2 have any right against the United States by virtue of the
3 contribution. The obligations of the Association do not
4 constitute any commitment, guarantee or obligation of the
5 United States.

6 “(g) REPORT TO CONGRESS.—Not later than 3 years
7 after establishment of the Association, the Administrator
8 shall provide a comprehensive and detailed report to the
9 Senate Committee on Commerce, Science, and Transpor-
10 tation and the House Committee on Transportation and
11 Infrastructure on the Association’s activities including—

12 “(1) an assessment of the Association’s effec-
13 tiveness in accelerating the modernization of the air
14 traffic control system;

15 “(2) a full description of the projects financed
16 by the Association and an evaluation of the benefits
17 to the aviation community and general public of
18 such investment; and

19 “(3) recommendations as to whether this pilot
20 program should be expanded or other strategies
21 should be pursued to improve the safety and effi-
22 ciency of the nation’s air transportation system.

23 “(h) AUTHORIZATION.—Not more than the following
24 amounts may be appropriated to the Administrator from
25 amounts made available under section 4801(a) of this title

1 for the agency's share of the organizational and adminis-
 2 trative costs for the Air Traffic Modernization Association:

3 “(1) \$500,000 for fiscal year 2000;

4 “(2) \$500,000 for fiscal year 2001; and

5 “(3) \$500,000 for fiscal year 2002.

6 “(i) RELATIONSHIP TO OTHER AUTHORITIES.—

7 Nothing in this section is intended to limit or diminish
 8 existing authorities of the Administrator to acquire, estab-
 9 lish, improve, operate, and maintain air navigation facili-
 10 ties and equipment.”.

11 (b) CONFORMING AMENDMENTS.—

12 (1) Section 40117(b)(1) is amended by striking
 13 “controls.” and inserting “controls, or to finance an
 14 eligible project through the Air Traffic Moderniza-
 15 tion Association in accordance with section 44516 of
 16 this title.”.

17 (2) The analysis for chapter 445 is amended by
 18 adding at the end the following:

“44516. Air traffic modernization pilot program.”.

19 **SEC. 12. EMERGENCY AUTHORIZATION FOR AIR NAVIGA-**
 20 **TION FACILITIES AND EQUIPMENT.**

21 Section 48101(a) is amended—

22 (1) by striking “a total of the following
 23 amounts” and inserting \$100,000,000 for fiscal year
 24 2000 to fund critically needed, and already devel-
 25 oped, air traffic control equipment that can be effi-

1 ciently installed into the National airspace to more
2 safely and efficiently move traffic”; and
3 (2) striking “title:” and all that follows and in-
4 serting “title.”.

○