

pension plan or mutual fund, the effectiveness and safety of our markets, and the existence of a vital and vigorous SEC, is neither an abstract nor an ideological issue.

The important bill brought before us today recognizes the crucial role that the SEC plays in promoting fair, honest, and successful capital markets.

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Again, I applaud the work of the gentleman from Virginia [Mr. BLILEY], chairman, the gentleman from Texas [Mr. FIELDS], chairman, and all on the majority side who worked in a bipartisan fashion, especially the gentleman from Ohio [Mr. OXLEY], so that we could bring this bill out here today. I speak for the gentleman from Michigan [Mr. DINGELL], the distinguished ranking member, in extending our plaudits to the majority for their work.

This has been done in a bipartisan fashion, working in close cooperation with Chairman Levitt of the Securities and Exchange Commission and their staff to ensure that we could produce a budget that would give predictable sources of revenue to the SEC for their very important mission, especially in these coming months and years when the aerodynamics of the existing market may in fact come into question and we have to ensure that we have got an agency there that can manage the consequences at that time.

Mr. Speaker, I reserve the balance of my time.

Mr. OXLEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington [Mr. WHITE].

Mr. WHITE. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, this House and in particular our committee this year has seen many hard bills but I am happy to say that this is an easy bill. It is easy because it eliminates a surplus that the SEC is collecting, saves a little money for the taxpayers. It makes sure that the SEC is included under the appropriations process, as it ought to be and as I think is appropriate.

It is a bipartisan bill which we have been able to work on with our Democratic colleagues, and that is always a step in the right direction and, last but not least, it does some great things for my district. We consider ourselves in the Seattle area to be the capital formation capital of the Pacific Northwest and of the entire Northwest United States. This will help us do in Seattle what we need to do to make sure we prosper and keep those capital markets running.

I was very happy to support this bill in committee, and I am delighted to support it here on the floor. I would urge all my colleagues to do the same.

Mr. RICHARDSON. Mr. Speaker, I rise in support of H.R. 2972, the Securities and Exchange Commission Reauthorization Act of 1996. I would like to commend Commerce Chairman BLILEY, Telecommunications and Finance Subcommittee Chairman FIELDS, Rank-

ing Member DINGELL and Mr. MARKEY of Massachusetts for their work on this piece of legislation that meets this Congress' objectives of proper market oversight and fiscal prudence.

H.R. 2972 is an excellent example of good government crafted with bipartisan interests taken into account. I would like to commend SEC Chairman Arthur Levitt for accepting the challenges that this tight budget will impose upon an agency that watches over a larger herd than ever.

As more and more Americans choose the securities markets to augment their incomes, it is necessary to maintain the safeguards that make U.S. markets the best.

This bill ensures that our regulatory structure remains sensible, reasonable and cost-effective so that the U.S. marketplace remains vigorous, efficient and attractive to capital formation. I am confident that the SEC will maintain a regulatory environment that encourages capital formation for small entrepreneurial businesses, which drive the U.S. economy in most states like New Mexico.

Finally, the reliance on U.S. equity markets to play a role in the income of average Americans requires vigilant enforcement of sound rules that ensure investor protection and the maintenance of the integrity and honesty of the U.S. capital markets.

In July of 1993, Chairman Levitt requested approximately \$317 million for fiscal year 1995. It is noteworthy and, indeed, a credit to the Chairman and the administration's efforts to "reinvent" government that we sit here today and request the same amount of money for fiscal year 1997. Clearly, this stands as evidence that we can get better government for less money.

The SEC has prepared itself for difficult fiscal times ahead by doubling its commitment to working with industry to provide cost-effective, efficient regulation in partnership with the private sector. Despite tight budgetary limits, the Commission has focused on the essentials by fostering small businesses who need capital formation to survive and grow.

Our actions today signal to the American people that periodic review of agency operations like that of the SEC can yield efficiency without drastic overhauls designed for political appeal. The leadership of the subcommittee and committee deserve our sport for endeavors of this nature.

Mr. OXLEY. Mr. Speaker, as an original co-sponsor of the bill, I rise in support of this reauthorization. I'm pleased to be considering it on today's suspension calendar.

This bipartisan measure is a credit to its author, Chairman TOM BLILEY, and the subcommittee chairman, JACK FIELDS. It brings coherence and stability to the issue of Securities and Exchange Commission funding, while at the same time providing well-deserved tax relief to investors. It has the support of SEC Chairman Arthur Levitt.

Currently, the SEC has a budget of approximately \$300 million, but it collects nearly twice that in fees annually. These are filing fees paid by pension funds, start-up companies, and individual investors. The excess fees amount to a tax on capital formation.

This reauthorization puts the Commission on-budget and phases out the surplus fees, saving investors more than \$750 million over the next 5 years. In so doing, it will promote investment, capital formation, and job creation.

Again, Mr. Speaker, I urge support for the bill, and I yield back the balance of my time.

Mr. MARKEY. Mr. Speaker, I have no other requests for time, and I yield back the balance of my time.

Mr. OXLEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CAMP). The question is on the motion offered by the gentleman from Ohio [Mr. OXLEY] that the House suspend the rules and pass the bill. H.R. 2972, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. OXLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2972, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

FEDERAL AVIATION ADMINISTRATION REVITALIZATION ACT OF 1995

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2276), as amended, to establish the Federal Aviation Administration as an independent establishment in the executive branch, and for other purposes.

The Clerk read as follows:

H.R. 2276

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Aviation Administration Revitalization Act of 1995".

SEC. 2. AMENDMENT OF TITLE 49, UNITED STATES CODE.

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

SEC. 3. ESTABLISHMENT OF FEDERAL AVIATION ADMINISTRATION.

Subtitle II is amended by adding at the end the following:

"CHAPTER 13—FEDERAL AVIATION ADMINISTRATION

"SUBCHAPTER I—GENERAL PROVISIONS

"1301. Definitions.

"SUBCHAPTER II—ORGANIZATION AND ADMINISTRATIVE

"1311. Establishment.

"1312. Federal Aviation Board.

"1313. Officers.

"1314. Personnel management program.

"1315. Management Advisory Committee.

"1316. Authority to carry out certain transferred functions, duties, and powers.

"SUBCHAPTER III—AUTHORITY

"1331. Functions.

"1332. Regulations.

"1333. Finality of decisions; appeals.

"1334. Procurement program.

"1335. Judicial review of actions in carrying out certain transferred duties and powers.

"SUBCHAPTER I—GENERAL PROVISIONS

"§ 1301. Definitions

"In this chapter, the following definitions apply:

"(1) ADMINISTRATION.—The term 'Administration' means the Federal Aviation Administration established by section 1311.

"(2) AERONAUTICS, AIR COMMERCE, AND AIR NAVIGATION FACILITY.—The terms 'aeronautics', 'air commerce', and 'air navigation facility' have the same meanings given those terms in section 40102(a) of this title.

"(3) AIRPORT AND AIRWAY TRUST FUND.—The term 'Airport and Airway Trust Fund' means the Airport and Airway Trust Fund established by section 9502 of the Internal Revenue Code of 1986.

"(4) BOARD.—The term 'Board' means the Federal Aviation Board established by section 1312.

"(5) CHIEF EXECUTIVE OFFICER.—The term 'Chief Executive Officer' means the Chief Executive Officer of the Federal Aviation Administration.

"SUBCHAPTER II—ORGANIZATION AND ADMINISTRATIVE

"§ 1311. Establishment

"There is established in the executive branch as an independent establishment the Federal Aviation Administration. The Administration shall succeed the Federal Aviation Administration of the Department of Transportation in existence on the day before the effective date of this section.

"§ 1312. Federal Aviation Board

"(a) IN GENERAL.—There is established a Federal Aviation Board which shall serve as the head of the Administration.

"(b) FUNCTIONS.—

"(1) IN GENERAL.—The Board shall be responsible for the major policy functions of the Administration, including the following:

"(A) The appointment and removal of the Chief Executive Officer and the approval of other senior officers of the Administration under section 1313.

"(B) The approval and submission to Congress of major contracts under section 1334(d).

"(C) The approval of major regulatory actions under section 1332(b).

"(D) The issuance of letters of intent under section 47110(e).

"(E) The approval and submission to Congress of the Administration's plans for personnel management and acquisition management programs under sections 1314 and 1334.

"(F) The approval of the agency's annual budget submission.

"(G) Long-range and strategic planning for the Administration.

"(H) The representation of the Administration at public events to the extent practicable.

"(I) Such other significant actions as the Board considers appropriate.

"(2) NONDELEGABLE FUNCTIONS.—The Board may not delegate the functions described in subparagraphs (A) through (F) of paragraph (1).

"(3) NOT SUBJECT TO ENTITIES CREATED BY EXECUTIVE ORDER.—The Administration shall not submit decisions for the approval of, and shall not be bound by the decisions or recommendations of, any committee, board, or other organization established by Executive order.

"(c) MEMBERSHIP.—

"(1) VOTING MEMBERS.—The Board shall be composed of 3 voting members to be ap-

pointed by the President, by and with the advice and consent of the Senate. The initial members of the Board shall be appointed as soon as practicable after the date of the enactment of the Federal Aviation Administration Revitalization Act of 1995.

"(2) NON-VOTING MEMBERS.—The Secretary of Transportation (or the Secretary's designee) and the Secretary of Defense (or the Secretary's designee) shall serve as non-voting members of the Board.

"(d) QUALIFICATIONS.—

"(1) IN GENERAL.—Members appointed to the Board under subsection (c)(1) shall represent the public interest and shall be selected from individuals who are knowledgeable in aviation. Members of the Board may not—

"(A) have a pecuniary interest in, or own stock in or bonds of, an aeronautical enterprise;

"(B) engage in another business, vocation, or employment; and

"(C) be a member of any organization a substantial part of whose activities are for the purpose of influencing aviation-related legislation.

"(2) DEFINITION.—In this subsection, the term 'influencing legislation' has the meaning such term has under section 4911(d) of the Internal Revenue Code of 1986 (26 U.S.C. 4911(d)).

"(e) TERMS.—

"(1) IN GENERAL.—Subject to paragraphs (2) and (3), each member of the Board appointed under subsection (c)(1) shall be appointed for a term of 7 years.

"(2) TERMS OF INITIAL APPOINTEES.—As designated by the President at the time of appointment, of the members first appointed under subsection (c)(1)—

"(A) 1 shall be appointed for a term of 3 years;

"(B) 1 shall be appointed for a term of 5 years; and

"(C) 1 shall be appointed for a term of 7 years.

"(3) VACANCIES.—Any member appointed under subsection (c)(1) to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office.

"(f) REMOVAL.—Members of the Board appointed under subsection (c)(1) may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.

"(g) CHAIRPERSON.—The Chairperson of the Board shall be appointed by the President, by and with the advice and consent of the Senate. At the time of such appointment, the President shall establish the term of the Chairperson. Such term may not exceed the term of the Chairperson's appointment to the Board.

"(h) QUORUM.—Two members of the Board appointed under subsection (c)(1) shall constitute a quorum for carrying out the duties and powers of the Board.

"(i) BASIC PAY.—

"(1) CHAIRPERSON.—The Chairperson of the Board shall be paid at a rate equal to the rate of basic pay payable for level II of the Executive Schedule.

"(2) OTHER MEMBERS.—The other voting members of the Board shall be paid at a rate equal to the rate of basic pay payable for level III of the Executive Schedule.

"§ 1313. Officers

"(a) CHIEF EXECUTIVE OFFICERS.—

"(1) APPOINTMENT.—The Board shall appoint a Chief Executive Officer.

"(2) DUTIES.—The Board shall delegate to the Chief Executive Officer the responsibility for managing the day-to-day operation of

the Administration, including (except as provided in section 1312(b)) the hiring and firing of employees, acquisition of facilities and equipment, issuance of rules, airworthiness directives, and advisory circulars, preparation of the annual budget submission, the awarding of grants, and such other functions as the Board considers appropriate.

"(3) REMOVAL.—The Chief Executive Officer shall serve at the pleasure of the Board; except that the Board shall make every effort to ensure stability and continuity in the leadership of the Administration.

"(4) BASIC PAY.—Subject to section 1314(f), the Chief Executive Officer shall be paid at a rate to be determined by the Board.

"(b) OTHER OFFICERS.—Subject to the approval of the Board, the Chief Executive Officer shall appoint other senior officers who shall each have such duties as the Chief Executive Officer may prescribe.

"(c) CHIEF COUNSEL.—Subject to the approval of the Board, the Chief Executive Officer shall appoint a Chief Counsel who shall be the chief legal officer for all legal matters arising from the activities of the Administration.

"(d) INSPECTOR GENERAL.—There shall be in the Administration an Inspector General who shall be appointed in accordance with the Inspector General Act of 1978 (5 U.S.C. App.).

"(e) AIRCRAFT NOISE OMBUDSMAN.—

"(1) ESTABLISHMENT.—There shall be in the Administration an Aircraft Noise Ombudsman who shall be appointed by the Board.

"(2) DUTIES AND RESPONSIBILITIES.—The Ombudsman shall—

"(A) serve as a liaison with the public on issues regarding aircraft noise; and

"(B) be consulted when the Administration proposes changes in aircraft routes so as to minimize any increases in aircraft noise over populated areas.

"§ 1314. Personnel management program

"(a) EXEMPTION FROM CERTAIN PROVISIONS OF TITLE 5, UNITED STATES CODE.—

"(1) IN GENERAL.—Except as otherwise provided in this Act, the Administration shall be exempt from parts II and III of title 5.

"(2) EFFECTIVE DATE.—The exemption provided by paragraph (1) shall not take effect until the expiration of the 180-period described in subsection (d)(2).

"(b) DEVELOPMENT OF PERSONNEL MANAGEMENT SYSTEM.—

"(1) IN GENERAL.—Not later than 180 days after the date of the enactment of the Federal Aviation Administration Revitalization Act of 1995, the Board shall develop a personnel management system for the Administration.

"(2) CONSULTATION AND NEGOTIATION.—In developing the personnel management system, the Board shall negotiate with the exclusive bargaining representatives of employees of the Administration certified under section 7111 of title 5 and other employees of the Administration and shall consult with nongovernmental experts in personnel management systems. The negotiation with the exclusive bargaining representatives shall be completed on or before the 90th day after the date of enactment referred to in paragraph (1).

"(3) MEDIATION.—If the Board does not reach an agreement under paragraph (2) with the exclusive bargaining representatives on any provision of the personnel management system, the services of the Federal Mediation and Conciliation Service shall be used to attempt to reach such agreement. If the services of the Federal Mediation and Conciliation Service do not lead to an agreement, the Board shall include in the plan to be submitted to Congress under subsection (d) the

objections of the exclusive bargaining representatives and the reasons for the objections.

"(4) CONTINUATION OF AGREEMENTS.—Collective bargaining agreements and labor management relations under chapter 71 of title 5 shall remain in effect for the Administration until amended or modified under the personnel management system.

"(5) GOALS.—The goal of the personnel management system to be developed by the Board under paragraph (1) shall be to provide, consistent with the requirements of this section, the Administration with the ability—

"(A) to hire and fire employees as in the private sector;

"(B) to promote and pay employees based on merit;

"(C) to provide market-based salaries (designed to attract the best qualified employees) within available resources;

"(D) to provide pay increases and other incentives to staff facilities that are difficult to staff;

"(E) to move personnel to those facilities where they are most needed; and

"(F) to provide an opportunity for collective bargaining and other consultation with employees concerning terms and conditions of employment.

"(6) SAFEGUARDS.—The personnel management system shall include safeguards to ensure that travel expenses of employees of the Administration (including meal and lodging expenses) are not excessive.

"(c) EXPERTS EVALUATION.—The arrangements entered into by the Board with the experts consulted by the Board under subsection (b) shall provide for those experts to evaluate the personnel management system developed by the Board and submit to Congress the results of such evaluation before the last day of the 180-day period referred to in subsection (b)(1).

"(d) NOTICE TO CONGRESS.—

"(1) IN GENERAL.—Upon development of the personnel management system under subsection (b), the Board shall submit to Congress a comprehensive plan describing the personnel management system, along with all existing or proposed rules or regulations relevant to the system.

"(2) IMPLEMENTATION.—The Board may begin to implement the personnel management system only after the expiration of the 180-day period that begins on the date of submission of the plan to Congress under paragraph (1).

"(e) EMPLOYEE RIGHTS AND BENEFITS.—Nothing in this section shall be construed as exempting the Administration and employees of the Administration from any of the following provisions of title 5:

"(1) Section 2302(b)(8) (relating to whistleblower protection) and related enforcement provisions.

"(2) Sections 3308 through 3320 (relating to veterans preference).

"(3) Sections 7311(3) and 7311(4) (relating to limitations on the right to strike).

"(4) Sections 2302(b)(1) and 7204 (relating to antidiscrimination) and related enforcement provisions and provisions of law referred to in section 2302(b)(1).

"(5) Chapter 71 (relating to labor-management relations).

"(6) Chapter 73 (relating to suitability, security, and conduct).

"(7) Chapter 81 (relating to compensation for work injuries).

"(8) Chapter 83 (relating to retirement).

"(9) Chapter 84 (relating to the Federal Employees' Retirement System).

"(10) Chapter 85 (relating to unemployment compensation).

"(11) Chapter 87 (relating to life insurance).

"(12) Chapter 89 (relating to health insurance).

"(f) PAY RESTRICTIONS.—

"(1) MAXIMUM RATE OF PAY.—No officer (including the Chief Executive Officer) or employee of the Administration may receive annual pay in excess of the annual rate of basic pay payable for level II of the Executive Schedule unless the Board provides written notification to Congress of such higher rate of pay and 30 days (excluding Saturdays, Sundays, and holidays, and any day on which neither House of Congress is in session because of an adjournment sine die, a recess of more than 3 days, or an adjournment of more than 3 days) have elapsed since the date of such notification.

"(2) PERCENTAGE OF EMPLOYEES ABOVE LEVEL ES-1 OF SENIOR EXECUTIVE SERVICE.—Not more than 0.35 percent of the officers (including members of the Board and the Chief Executive Officer) and employees of the Administration may be paid at a rate which equals or exceeds the rate payable for level ES-1 of the Senior Executive Service.

"(3) RAISES AND BONUSES.—No officer (including the Chief Executive Officer) or employee of the Administration who is paid at a rate which exceeds the rate payable for level ES-1 of the Senior Executive Service may receive in a calendar year raises or bonuses (excluding cost-of-living increases and increases that are the results of a promotion) that total more than 15 percent of the annual rate of pay of the officer or employee on the day before the first day of such calendar year.

"(g) CONTRACTS BETWEEN FAA AND FORMER FAA EMPLOYEES.—Before the Administration may enter into a contract with an individual who has been employed by the Administration at any time during the 2-year period preceding the expected date of entry into the contract or with a corporation, partnership, or other entity in which such a former employee is a partner, principal officer, or majority stockholder or which is otherwise controlled or predominantly staffed by 1 or more of such former employees, the Board must first approve of the entry into the contract as being essential to the mission of the Administration.

"(h) USE OF UNOBLIGATED AMOUNTS FOR BONUSES AND DEFICIT REDUCTION.—

"(1) IN GENERAL.—Of amounts available to the Administration specifically for administrative expenses for a fiscal year beginning after September 30, 1996, that the Administration estimates on September 1 of that fiscal year will not be obligated by an office of the Administration before the end of the fiscal year—

"(A) the Board may use up to 50 percent to pay bonuses to personnel of such office of the Administration; and

"(B) the remainder shall be divided between and deposited in—

"(i) the general fund of the Treasury and used exclusively for deficit reduction; and

"(ii) the Airport and Airway Trust Fund;

in the same ratio that amounts appropriated for operations of the Administration for that fiscal year from the General Fund of the Treasury bears to amounts appropriated from the Airport and Airway Trust Fund for that fiscal year.

"(2) REPORTS.—The Director of the Office of Management and Budget shall submit a report to Congress by not later than December 31 of each year on the implementation of this subsection in the preceding fiscal year, describing the effectiveness of this subsection in reducing the deficit.

"§ 1315. Management Advisory Committee

"(a) ESTABLISHMENT.—There is established an advisory committee which shall be known as the Federal Aviation Management Advi-

sory Committee (hereinafter in this section referred to as the 'Management Advisory Committee').

"(b) MEMBERSHIP.—The Management Advisory Committee shall consist of 17 members, who shall be appointed as follows:

"(1) 1 member appointed by the Speaker of the House of Representatives;

"(2) 1 member appointed by the minority leader of the House of Representatives;

"(3) 1 member appointed by the majority leader of the Senate;

"(4) 1 member appointed by the minority leader of the Senate;

"(5) 13 members appointed by the Board 12 of whom shall represent 1 of the following interests:

"(A) Airline passengers.

"(B) General aviation and sport aviation.

"(C) Business aviation.

"(D) Hub airports.

"(E) Non-hub and general aviation airports.

"(F) Major airlines and national airlines.

"(G) Regional airlines and air taxis.

"(H) Cargo airlines and charter airlines.

"(I) Aircraft manufacturers.

"(J) Airline employees.

"(K) Federal Aviation Administration employees.

"(L) State aviation officials.

"(c) FUNCTIONS.—The Management Advisory Committee shall provide advice and counsel to the Administration on issues which affect or are affected by the operations of the Administration. The Management Advisory Committee shall hold quarterly meetings. The Administration shall give the Management Advisory Committee access to internal documents (other than proprietary information and documents relating to on-going litigation) and personnel of the Administration. The Management Advisory Committee shall function as an oversight resource for management, policy, spending, and regulatory matters under the jurisdiction of the Administration.

"(d) CHAIRMAN.—The Management Advisory Committee shall elect a chairman of the Management Advisory Committee from among its members.

"(e) TERMS OF MEMBERS.—

"(1) MEMBERS APPOINTED BY CONGRESS.—Members appointed under subsections (b)(1) through (b)(4) shall be appointed for a term of 2 years.

"(2) MEMBERS APPOINTED BY THE BOARD.—Members appointed under subsection (b)(5) shall be appointed for a term of 3 years.

"(f) TRAVEL AND PER DIEM.—Each member of the Management Advisory Committee shall be paid actual travel expenses, and per diem in lieu of subsistence expenses when away from his or her usual place of residence, in accordance with section 5703 of title 5.

"(g) UTILIZATION OF PERSONNEL FROM FAA.—The Administration shall make available to the Management Advisory Committee such staff, information, and administrative services and assistance as may reasonably be required to enable the Management Advisory Committee to carry out its responsibilities under this section.

"(h) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Management Advisory Committee shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.); except that section 14(a)(2)(B) of such Act (relating to the termination of advisory committees) shall not apply to the Committee.

"§ 1316. Authority to carry out certain transferred functions, duties, and powers

"Except as otherwise provided in this chapter, in carrying out a function, duty, or power transferred under the Federal Aviation Administration Revitalization Act of

1995 (including the amendments made by such Act), the Administration has the same authority that was vested in the department, agency, or instrumentality of the United States Government carrying out the function, duty, or power immediately before the transfer. An action of the Administration in carrying out the function, duty, or power has the same effect as when carried out by the department, agency, or instrumentality.

"SUBCHAPTER III—AUTHORITY

"§ 1331. Functions

"(a) IN GENERAL.—The functions of the Federal Aviation Administration shall be all functions vested in the Board, the Chief Executive Officer, or the Federal Aviation Administration by this title or by law enacted after the date of the enactment of this chapter. Such functions include functions of the Administration, the Board, and the Chief Executive Officer under the following provisions of this title:

- "(1) Section 308(b).
- "(2) Section 353.
- "(3) Section 1114(d).
- "(4) Section 1131(c).
- "(5) Subsections (c) and (d) of section 1132.
- "(6) Section 1135.
- "(7) Section 1153(c).
- "(8) Subsections (a), (c), and (d) of section 40101.
- "(9) Section 40102(a)(8).
- "(10) Section 40103(b).
- "(11) Section 40104.
- "(12) Section 40105.
- "(13) Section 40106(a).
- "(14) Section 40107.
- "(15) Section 40108.
- "(16) Section 40109(b).
- "(17) Subsections (a) and (b) of section 40110.
- "(18) Section 40111.
- "(19) Section 40112.
- "(20) Section 40113.
- "(21) Section 40114.
- "(22) Section 40115.
- "(23) Section 40117.
- "(24) Section 40119.
- "(25) Section 41714.
- "(26) Chapter 441.
- "(27) Chapter 443.
- "(28) Chapter 445.
- "(29) Chapter 447.
- "(30) Chapter 449.
- "(31) Chapter 451.
- "(32) Chapter 453.
- "(33) Chapter 461.
- "(34) Section 46301.
- "(35) Section 46302.
- "(36) Section 46303.
- "(37) Section 46304.
- "(38) Section 46306.
- "(39) Section 46308.
- "(40) Section 46311.
- "(41) Section 46313.
- "(42) Section 46315.
- "(43) Section 46316.
- "(44) Chapter 465.
- "(45) Chapter 471.
- "(46) Chapter 473.
- "(47) Chapter 475.
- "(48) Chapter 481.
- "(49) Chapter 491.

"(b) INCIDENTAL FUNCTIONS.—In addition, the functions of the Administration shall include all functions of the Department of Transportation on the effective date of this section which the Administration determines are incidental to, helpful to, or necessary for the performance of the functions referred to in subsection (a) or which relate primarily to those functions.

"§ 1332. Regulations

"(a) GENERAL AUTHORITY.—The Administration may issue, rescind, and amend such regulations as are necessary to carry out its functions.

"(b) APPROVAL OF BOARD.—

"(1) GENERAL RULE.—The Administration may only issue a proposed regulation, final regulation, airworthiness directive, or advisory circular that may result in the expenditure by State, local, and tribal governments in the aggregate, or by the private sector, of \$10,000,000 or more (adjusted annually for inflation) in any 1 year if the Board first approves of the issuance of such regulation, directive, or circular.

"(2) EMERGENCY ACTION.—In an emergency, the Chief Executive Officer may issue a regulation, directive, or circular described in paragraph (1) without prior Board approval but subject to Board ratification following issuance.

"(c) REVIEW BY DOT.—

"(1) SUBMISSION.—Before the Administration issues any proposed or final regulation—

"(A) the Administration shall submit a copy of the regulation to the Secretary of Transportation;

"(B) the Administration shall provide the Secretary with a period of 5 days (excluding Saturdays, Sundays, and holidays) beginning on the date of such submission to determine whether or not the regulation is likely to have a significant effect on other modes of transportation in the national transportation system or the Secretary's aviation responsibilities, including national defense responsibilities; and

"(C) if the Secretary determines, before the last day of such 5-day period, that the regulation is likely to have such a significant effect, the Administration shall provide the Secretary with an additional period of 45 days to assess the effect of the regulation on other modes of transportation in the national transportation system and the Secretary's aviation responsibilities, including national defense responsibilities.

"(2) RECOMMENDATIONS.—The Secretary may recommend to the Administration modifications of a proposed or final regulation necessary to minimize the adverse effect of such regulation on other modes of transportation in the national transportation system or the Secretary's aviation responsibilities, including national defense responsibilities. The Administration may make any modifications recommended by the Secretary. If the Administration does not make a modification recommended by the Secretary, the Administration shall include in the publication of the proposed or final regulation a description of the recommended modification and the reasons for not making the modification.

"(3) EXCEPTIONS.—This subsection shall not apply to the following types of regulations:

"(A) Regulations pertaining to agency organization, procedure, or practice.

"(B) Regulations pertaining solely to navigational aids.

"(C) Regulations pertaining solely to airspace designations and configurations.

"(D) Regulations pertaining solely to standard instrument approach procedures.

"(E) Regulations pertaining solely to aircraft design.

"(F) Regulations pertaining to the personnel management system developed under section 1314.

"(G) Regulations pertaining to the acquisition management system developed under section 1334.

"(4) EMERGENCY ACTION.—In an emergency, a regulation may take effect for the duration of the emergency and before the Secretary completes review of the regulation under this subsection, as determined necessary by the Chief Executive Officer or the Board.

"(d) AUTOMATIC TERMINATION DATE.—Any regulation issued by the Administration after the effective date of this section which

is likely to result in the annual expenditure by State, local, and tribal governments in the aggregate, or by the private sector, of \$25,000,000 or more (adjusted annually for inflation) in any 1 year must contain an automatic termination date. The termination date shall also apply to any advisory circular issued by the Administration and pertaining solely to such regulation.

"(e) EMERGENCY DEFINED.—In this section, the term 'emergency' means a situation where there is good cause for finding that consideration by the Board or by the Department of Transportation is impracticable or contrary to the public interest.

"§ 1333. Finality of decisions; appeals

"Decisions of the Administration made pursuant to the exercise of the functions enumerated in subtitle VII of this title shall be administratively final, and appeals as currently authorized by law shall be taken directly to the National Transportation Safety Board or to any court of competent jurisdiction, as appropriate.

"§ 1334. Procurement program

"(a) EXEMPTION FROM PROCUREMENT LAWS.—

"(1) IN GENERAL.—The following laws and regulations shall not apply to the Federal Aviation Administration:

"(A) Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251-266).

"(B) The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.).

"(C) The Federal Acquisition Streamlining Act of 1994 (Public Law 103-355).

"(D) The Small Business Act (15 U.S.C. 631 et seq.); except that the Administration shall provide reasonable opportunities to small business concerns and small business concerns owned and controlled by socially and economically disadvantaged individuals to be awarded contracts.

"(E) Subchapter V of chapter 35 of title 31 (relating to the procurement protest system).

"(F) The Brooks Automatic Data Processing Act (40 U.S.C. 759).

"(G) Section 3709 of the Revised Statutes of the United States (41 U.S.C. 5).

"(H) The Federal Acquisition Regulation and any laws not listed in subparagraphs (A) through (G) providing authority to promulgate regulations in the Federal Acquisition Regulation.

"(2) EFFECTIVE DATE.—The exemption provided by paragraph (1) shall not take effect until the expiration of the 180-day period referred to in subsection (c)(2).

"(b) DEVELOPMENT OF ACQUISITION MANAGEMENT SYSTEM.—

"(1) IN GENERAL.—Not later than 180 days after the date of the enactment of the Federal Aviation Administration Revitalization Act of 1995, the Federal Aviation Board, in consultation with such nongovernmental experts in acquisition management systems as the Board may employ, shall develop an acquisition management system for the Administration.

"(2) CONSULTATION.—In developing the acquisition management system, the Board shall consult nongovernmental experts in acquisition management systems.

"(3) GOALS.—The acquisition management system to be developed by the Board under paragraph (1) shall be designed—

"(A) to ensure that services are procured and new equipment is installed and certified as quickly as possible without sacrificing principles of fairness and protection against waste, fraud, and abuse; and

"(B) to ensure a common interoperable air traffic control system with the military.

"(4) EXPERTS EVALUATION.—The arrangements entered into by the Board with the experts consulted by the Board under paragraph (2) shall provide for those experts to evaluate the acquisition management system developed by the Board and submit to Congress the results of such evaluation before the last day of the 180-day period referred to in paragraph (1).

"(c) NOTICE TO CONGRESS.—

"(1) IN GENERAL.—Upon the development of the acquisition management system, the Board shall submit a comprehensive plan describing the acquisition management system to Congress, along with all existing or proposed rules or regulations relevant to the system.

"(2) IMPLEMENTATION.—The Administration may begin to implement the acquisition management system only after the expiration of the 180-day period that begins on the date on which the plan is submitted to Congress under paragraph (1). The acquisition management system shall apply to contracts entered into after the expiration of such 180-day period.

"(d) CONTRACTS.—

"(1) APPROVAL OF CERTAIN CONTRACTS.—The Administration may only enter into a contract that has a total contract value, including all options, of an amount greater than \$100,000,000 if the Board first approves of the entry into the contract.

"(2) NOTICE TO CONGRESS OF CERTAIN CONTRACTS.—In addition to complying with paragraph (1), the Administration may only enter into a contract that has a total contract value, including all options, of an amount greater than \$250,000,000 if the Board provides written notice to Congress of the proposed entry into the contract, together with a description of the contract and at least 30 calendar days elapse after the date of such notification.

"§ 1335. Judicial review of actions in carrying out certain transferred duties and powers

"(a) JUDICIAL REVIEW.—An action of the Administration in carrying out a duty or power transferred under the Department of Transportation Act (Public Law 89-670) and under the Federal Aviation Administration Revitalization Act of 1995 and an action of the Administrator of the Federal Aviation Administration in carrying out a duty or power specifically assigned to the Administrator by the Department of Transportation Act and transferred to the Administration by the Federal Aviation Administration Revitalization Act of 1995 may be reviewed judicially to the same extent and in the same way as if the action had been an action by the department, agency, or instrumentality of the United States Government carrying out the duty or power immediately before the transfer.

"(b) APPLICATION OF PROCEDURAL REQUIREMENTS.—A statutory requirement related to notice, an opportunity for a hearing, action on the record, or administrative review that applied to a duty or power transferred by the Acts referred to in subsection (a) applies to the Administration when carrying out the duty or power."

SEC. 4. BUDGET OF ADMINISTRATION.

(a) IN GENERAL.—Section 48109 of title 49, United States Code, is amended to read as follows:

"§ 48109. Budget information and legislative recommendations and comments

"(a) PREPARATION.—Subject to approval of the Federal Aviation Board, the Chief Executive Officer shall prepare an annual budget for the Administration.

"(b) SUBMISSION OF BUDGET TO DOT.—

"(1) IN GENERAL.—At the same time that agencies of the Department of Transpor-

tation having jurisdiction over other modes of transportation are required to submit their budgets to the Secretary of Transportation, the Administration shall submit to the Secretary the budget prepared by the Administration and approved by the Board. The Secretary shall review the budget and may recommend to the Administration modifications in the budget necessary to ensure that the budget is consistent with the needs of the national transportation system and the Secretary's aviation responsibilities. The Administration may modify the budget to adopt any recommendation made by the Secretary.

"(2) OPPORTUNITY FOR COMMENT.—At least 30 days before submitting a budget to the Secretary under paragraph (1), the Administration shall submit a draft of the budget to the Management Advisory Committee established by section 1315 for comment.

"(c) SUBMISSION OF BUDGET TO CONGRESS.—

"(1) IN GENERAL.—When the Board submits to the President or the Director of the Office of Management and Budget any budget information, legislative recommendation, or comment on legislation about amounts authorized in section 48101 or section 48102, the Board concurrently shall submit a copy of the information, recommendation, or comment to the Speaker of the House of Representatives, the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives, the President of the Senate, and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate.

"(2) SPECIAL RULE WITH RESPECT TO ANNUAL BUDGETS.—The annual budget of the Administration submitted to Congress shall include—

"(A) budget requests and Airport and Airway Trust Fund estimates for the ensuing 4 fiscal years;

"(B) a numerical ranking, by degree of importance to the national airspace system, of the Administration's requests for funding of air traffic control modernization projects under section 48101;

"(C) the total number of man-years of direct effort the Administration estimates it will use under support service contracts (including professional, technical, engineering, site preparation, and installation and other services comparable to those performed by Government employees, but not including maintenance as part of a supply contract, janitorial, research and development, or construction services or services incidental to supply contracts) during the fiscal year for which the budget is being submitted;

"(D) any modifications made by the Administration under subsection (b) with respect to the budget; and

"(E) if the Administration does not adopt a recommendation made by the Secretary under subsection (b), a description of the recommendation and the reasons for not adopting the recommendation.

Subparagraph (C) shall take effect with the budget submission for fiscal year 1997. The estimate under subparagraph (C) for such budget submission shall include for comparison the estimated total number of man-years of direct effort the Administration used under such support service contracts in each of fiscal years 1992 and 1995."

(b) CONFORMING AMENDMENT.—The analysis for chapter 481 is amended by striking the item relating to section 48109 and inserting the following:

"48109. Budget information and legislative recommendations and comments."

SEC. 5. COST-BENEFIT ANALYSIS FOR MINIMUM SAFETY STANDARDS.

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

"(f) COST-BENEFIT ANALYSIS.—

"(1) IN GENERAL.—For any regulation or standard to be issued under subsection (a) or (b) that is likely to result in annualized compliance costs in excess of \$25,000,000, the Administration shall, in addition to other requirements in law, identify and publish together with such regulation or standard the following:

"(A) The benefits of the regulation or standard, quantified where appropriate and feasible, and otherwise qualitatively described, including in appropriate cases, the nature and number of deaths or injuries that the regulation or standard is designed to prevent.

"(B) The approximate number of aircraft, airports, airmen, or cabin crew affected by the regulation or standard.

"(C) The probable cost of fulfilling the requirements of the regulation or standard, quantified where appropriate and feasible, and otherwise qualitatively described, including in appropriate cases any adverse effects on competition or disruption or dislocation of air service or other commercial practices engaged in by the entities affected by such requirements.

"(D) Alternative means of achieving the objective of the regulation or standard while minimizing the costs, adverse effects on competition, and the disruption or dislocation of air service or the commercial practices affected by the regulation or standard and a statement as to why the Administration chose the regulation or standard adopted in preference to the alternatives considered.

"(2) EMERGENCY.—In the case of an emergency, the Chief Executive Officer or the Board may suspend the application of this subsection for the duration of the emergency.

"(3) NONAPPLICABILITY TO ADVISORY CIRCULARS.—This subsection shall not apply to advisory circulars."

SEC. 6. AMENDMENT TO INSPECTOR GENERAL ACT OF 1978.

Section 11 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (1) by inserting "or Federal Aviation Administration" after "Community Service"; and

(2) in paragraph (2) by inserting "the Federal Aviation Administration," after "United States Information Agency."

SEC. 7. PASSENGER FACILITY CHARGES.

(a) FEE RETAINED BY AIRLINES.—

(1) DEADLINE FOR RESPONSE TO PETITION.—Not later than 75 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall issue a notice of a proposed rulemaking or a denial of the petition in Docket 27791 of the Federal Aviation Administration (relating to increasing the fee that airlines retain in collecting passenger facility charges).

(2) EFFECT OF FAILURE TO RESPOND.—If the Administrator does not respond to the petition in the docket referred to in paragraph (1) as required by paragraph (1), the fee increase sought by the petitioner in such docket shall become effective after the 75th day referred to in paragraph (1) until such date as the Administrator responds to such petition.

(b) REVIEW OF PROGRAM.—The Secretary of Transportation shall complete the review required by section 121 of the Federal Aviation Administration Reauthorization Act of 1994 (108 Stat. 1581) not later than the 75th day following the date of the enactment of this Act.

SEC. 8. SELECT PANEL TO REVIEW INNOVATIVE FUNDING MECHANISMS.

(a) ESTABLISHMENT.—The Federal Aviation Board shall establish a select panel to review

and report to Congress regarding innovative financing mechanisms for ensuring adequate funding for existing and future aviation infrastructure needs and for funding the operations of the Federal Aviation Administration in a manner that would provide for future growth in the Nation's air traffic system, improve the management and performance of the air traffic control system, and make the Administration more efficient and effective. The financing mechanisms to be reviewed shall include, but not be limited to, loan guarantees, financial partnerships with for-profit private sector entities, multi-year appropriations, revolving loan funds, mandatory spending authority, authority to borrow, and restructured grant programs.

(b) **APPOINTMENT OF MEMBERS.**—Not later than 90 days after the date of the appointment of at least 2 members of the Board, the Board shall appoint members to the panel established under this section. Such members shall consist of appropriate Federal Government officials and representatives of the aviation industry, Administration employees, the financial community, and State and local governments.

(c) **INDEPENDENT AUDIT.**—Immediately following appointment of the panel, and utilizing funds appropriated for Federal Aviation Administration headquarters operations, the panel shall contract with an entity independent of the Federal Aviation Administration and the Department of Transportation to conduct a complete audit of the financial requirements of the agency, including anticipated air traffic forecasts, other workload measures, and estimated productivity gains which lead to budgetary requirements. The independent audit shall be completed no later than 180 days after contract award and shall be submitted to the panel.

(d) **TRAVEL AND PER DIEM.**—Each member of the panel established under this section shall be paid actual travel expenses, and per diem in lieu of subsistence expenses when away from his or her usual place of residence, in accordance with section 5703 of title 5, United States Code.

(e) **APPLICABILITY OF FEDERAL ADVISORY COMMITTEES ACT.**—The select panel established under this section shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(f) **REPORT.**—Not later than 1 year after the date of the appointment of the last member to the panel under subsection (b), the panel shall submit to Congress and the Federal Aviation Administration a report on the results of the review conducted under this section.

SEC. 9. TRANSFER OF PERSONNEL, PROPERTY, RECORDS, AND FUNDS.

So much of the personnel, property, records, funds, accounts, and unexpended balances of appropriations, allocations, and other funds of the Department of Transportation and the Federal Aviation Administration as are employed, used, held, available, or to be made available, in connection with the functions which under this Act (including the amendments made by this Act) are made functions of the Federal Aviation Administration established by section 1311 of title 49, United States Code, are transferred to the Federal Aviation Administration.

SEC. 10. SAVINGS PROVISIONS.

(a) **ORDERS, REGULATIONS, CONTRACTS, AND CERTIFICATES.**—All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective by the President or any Federal department or agency or official thereof or by a court of competent jurisdiction, on or after the effective date of this section in regard to functions which

under this Act (including the amendments made by this Act) are made functions of the Federal Aviation Administration established by section 1311 of title 49, United States Code; and

(2) which are in effect on the effective date of this section,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Federal Aviation Board, or other authorized officials, by a court of competent jurisdiction, or by operation of law.

(b) **PROCEEDINGS AND APPLICATIONS.**—The provisions of this Act (including the amendments made by this Act) shall not affect any proceedings or any application for any license, permit, certificate, or financial assistance pending on the effective date of this section, and such proceedings and applications, to the extent that they relate to functions under this Act that are made functions of the Administration, shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(c) **SUITS.**—

(1) **EFFECT ON PENDING SUITS.**—The provisions of this Act (including the amendments made by this Act) shall not affect suits commenced prior to the effective date of this section.

(2) **PROCEDURES.**—In all suits commenced prior to the effective date of this section, proceedings shall be had, appeals taken, and judgments rendered in the same manner and effect as if this Act had not been enacted.

(d) **ADMINISTRATOR.**—If the Chief Executive Officer of the Federal Aviation Administration is not appointed by the Federal Aviation Board on the effective date of this section, the person serving as the Administrator of the Federal Aviation Administration on the day before such effective date shall act as the Chief Executive Officer until the Chief Executive Officer is appointed as provided in section 1313 of title 49, United States Code. While so acting, such person shall receive compensation at the rate such person was receiving on the day before such effective date.

(e) **AGREEMENTS WITH DEPARTMENT OF DEFENSE.**—Any agreement between the Federal Aviation Administration and the Department of Defense in effect on the day before the date of the enactment of this Act shall remain in effect until terminated in accordance with the terms of such agreement.

SEC. 11. LAWS AND REGULATIONS.

Except to the extent otherwise provided in this Act (including the amendments made by this Act), all laws, rules, regulations, and executive orders in effect and applicable to the Federal Aviation Administration of the Department of Transportation and to the Administrator of such Administration on the day before the effective date of this Act shall, on and after such effective date, be applicable to the Federal Aviation Administration and the Federal Aviation Board established by this Act (including the amendments made by this Act), until such law, rule, regulation, or executive order is repealed or otherwise modified or amended.

SEC. 12. TERMINATION OF FAA OF DOT.

The Federal Aviation Administration of the Department of Transportation is terminated.

SEC. 13. CORRESPONDING REDUCTIONS IN OFFICE OF SECRETARY.

The Secretary of Transportation shall terminate 200 employee positions in the Office of the Secretary to reflect reductions in the aviation responsibilities in the Office of the Secretary by enactment of this Act.

SEC. 14. CONFORMING AMENDMENTS.

(a) **FEDERAL AVIATION ADMINISTRATION IN DOT.**—

(1) **IN GENERAL.**—Subject to paragraph (2), subsections (a) through (j) of section 106 are repealed.

(2) **TECHNICAL ADJUSTMENTS.**—

(A) **IN GENERAL.**—Subchapter II of chapter 13 (as inserted by section 3 of this Act) is amended—

(i) by adding at the end the following new section heading:

"§ 1317. Civil Aeromedical Institute"; and

(ii) by inserting the text of section 106(j) as an undesignated paragraph under such section heading.

(B) **CHAPTER ANALYSIS AMENDMENT.**—The analysis for such chapter is amended by adding after the item relating to section 1316 the following:

"1317. Civil Aeromedical Institute."

(3) **AUTHORIZATION OF APPROPRIATIONS FOR FAA OPERATIONS.**—

(A) **FISCAL YEAR 1996.**—Section 106(k) is amended by—

(i) striking "(k) AUTHORIZATION OF APPROPRIATIONS FOR OPERATIONS.—"; and

(ii) by striking "Secretary of Transportation" and inserting "Federal Aviation Administration".

(B) **CONFORMING AMENDMENT.**—Effective September 30, 1996, section 106, as amended by this subsection, and the item relating to section 106 in the analysis for chapter 1 are repealed.

(b) **GENERAL DUTIES AND POWERS OF THE DEPARTMENT OF TRANSPORTATION.**—

(1) **LEADERSHIP, CONSULTATION, AND CO-OPERATION.**—Section 301(6) is amended by striking ", with particular attention to aircraft noise, and including" and inserting "and".

(2) **POLICY ON LANDS, WILDLIFE AND WATER-FOWL REFUGES, AND HISTORIC SITES.**—Section 303 is amended—

(A) in subsection (b) by inserting "and the Federal Aviation Administration" after "of Transportation"; and

(B) in subsection (c) by inserting "and Administration" after "Secretary".

(3) **REPORTS.**—Section 308(b) is amended—

(A) by striking "Secretary" the 1st place it appears and inserting "Federal Aviation Board";

(B) by striking "Department" and inserting "Federal Aviation Administration"; and

(C) by striking "Secretary" the 2nd and 3rd places it appears and inserting "Board".

(4) **MEMBERS OF THE ARMED FORCES.**—Section 324 is amended—

(A) by striking subsection (a) and inserting the following:

"(a) IN GENERAL.—

"(1) FAA.—The Federal Aviation Administration, to ensure that national defense interests are safeguarded properly and that the Administration is advised properly about the needs and special problems of the armed forces, shall provide for participation of members of the armed forces in carrying out the duties and powers of the Administration related to the regulation and protection of air traffic, including providing for, and research and development of, air navigation facilities, and the allocation of airspace.

"(2) SECRETARY OF TRANSPORTATION.—The Secretary of Transportation may provide for participation of members of the armed forces in carrying out other duties and powers of the Secretary."; and

(B) in subsection (d) by inserting after "Transportation" each place it appears the following: "or Federal Aviation Administration";

(5) JUDICIAL REVIEW.—Section 351(a) is amended—

(A) by striking "An" and inserting "Subject to section 1335, an"; and

(B) by striking ", the Federal Highway Administration, or the Federal Aviation Administration" and inserting "or the Federal Highway Administration".

(6) AUTHORITY TO CARRY OUT CERTAIN TRANSFERRED DUTIES AND POWERS.—Section 352 is amended by striking ", the Federal Highway Administration, and the Federal Aviation Administration" and inserting "and the Federal Highway Administration".

(7) TOXICOLOGICAL TESTING.—Section 353(a) is amended—

(A) by inserting before "conducts" the following: "or the Federal Aviation Administration";

(B) by inserting after "Department" the second place it appears "or Administration"; and

(C) by inserting before "shall" each place it appears "or Chief Executive Officer of the Administration".

(c) FUNCTIONS OF FAA.—

(1) NATIONAL TRANSPORTATION SAFETY BOARD.—

(A) DISCLOSURE OF DRUG TEST INFORMATION TO NTSB.—Section 1114(d)(1) is amended—

(i) by inserting before "shall" the following: "and the Federal Aviation Administration";

(ii) in subparagraph (A) by inserting before "under post-accident" the following: "or the Administration"; and

(iii) in subparagraph (A) by inserting before ", when" the following: "or the Administration".

(B) INVESTIGATION OF CERTAIN ACCIDENTS.—Section 1131(c)(1) is amended by inserting "or the Federal Aviation Administration, as the case may be," after "Transportation".

(C) CIVIL AIRCRAFT ACCIDENT INVESTIGATIONS.—Section 1132 is amended—

(i) in the heading to subsection (c) by striking "SECRETARY" and inserting "FEDERAL AVIATION ADMINISTRATION";

(ii) in subsection (c) by striking "Secretary of Transportation" and inserting "Federal Aviation Administration";

(iii) in subsection (c) by striking "Secretary" the 2nd and 3rd places it appears and inserting "Administration"; and

(iv) in subsection (d) by striking "Secretary" each place it appears and inserting "Administration".

(D) REVIEW OF OTHER AGENCY ACTION.—Section 1133(l) is amended by striking "Secretary of Transportation" and inserting "Federal Aviation Administration".

(E) RESPONSES TO SAFETY RECOMMENDATIONS.—Section 1135 is amended—

(i) by striking the section heading and inserting the following:

"§ 1135. DOT's and FAA's responses to safety recommendations";

(ii) in subsection (a) by inserting after "Secretary of Transportation" the following: "or the Federal Aviation Administration";

(iii) in subsection (a) by inserting "or the Administration" after "Secretary" the 2nd and 3rd places it appears;

(iv) in subsection (d) by striking "shall" and inserting "and the Administration shall each";

(v) in subsection (d) by inserting before "during" the following: "or Administration"; and

(vi) in subsection (d) by inserting after "Secretary's" the following: "or Administration's".

(F) JUDICIAL REVIEW.—Section 1153(c) is amended—

(i) in the subsection heading by striking "ADMINISTRATOR" and inserting "ADMINISTRATION";

(ii) by striking "the Administrator of"; and

(iii) by striking "Administrator" the second and third places it appears and inserting "Administration".

(G) CONFORMING AMENDMENT.—The analysis to chapter 11 is amended by striking the item relating to section 1135 and inserting the following:

"1135. DOT's and FAA's responses to safety recommendations."

(2) INTERMODAL TRANSPORTATION ADVISORY BOARD.—Section 5502(b) is amended to read as follows:

"(b) MEMBERSHIP.—The Board consists of—
 "(1) the Secretary, who serves as chairman;

"(2) the Chief Executive Officer of the Federal Aviation Administration or the Chief Executive Officer's designee; and

"(3) the Administrator, or the Administrator's designee, of—

"(A) the Federal Highway Administration;

"(B) the Maritime Administration;

"(C) the Federal Railroad Administration;

and

"(D) the Federal Transit Administration."

(3) GENERAL PROVISIONS RELATING TO AIR COMMERCE AND SAFETY.—

(A) POLICY.—Section 40101 is amended—

(i) in subsection (a) by inserting after "Secretary of Transportation" the following: "and the Federal Aviation Administration";

(ii) in subsection (c) by striking "Administrator of the"; and

(iii) in subsection (d) by striking "Administrator" and inserting "Administration".

(B) DEFINITIONS.—Section 40102(a) is amended—

(i) in paragraphs (8)(B) and (37) by striking "the Administrator of";

(ii) in paragraph (20) by striking "Administrator" and inserting "Federal Aviation Administration"; and

(iii) by moving the second sentence of paragraph (37) 2 ems to the left.

(C) SOVEREIGNTY AND USE OF AIR SPACE.—Section 40103 is amended—

(i) in subsection (a)(2) by inserting after "Secretary of Transportation" the following: "and the Federal Aviation Administration"; and

(ii) in subsection (b)—

(I) by striking "Administrator of the"; and

(II) by striking "Administrator" each place it appears after the first and inserting "Administration".

(D) PROMOTION OF CIVIL AERONAUTICS AND AIR COMMERCE.—Section 40104 is amended—

(i) in subsection (a) by striking "Administrator of the";

(ii) in subsection (a) by striking "Administrator" each place it appears after the first and inserting "Administration"; and

(iii) in subsection (b) by striking "Secretary of Transportation" and inserting "Administration".

(E) INTERNATIONAL NEGOTIATIONS, AGREEMENTS, AND OBLIGATIONS.—Section 40105 is amended—

(i) in subsection (a) by striking "Administrator of the";

(ii) in the heading to subsection (b) by striking "ADMINISTRATOR" and inserting "ADMINISTRATION";

(iii) in subsection (b)(1) by striking "Administrator" and inserting "Administration"; and

(iv) in subsection (c)(1) by inserting before the semicolon "and the Federal Aviation Administration".

(F) EMERGENCY POWERS.—Section 40106 is amended—

(i) in subsection (a)—

(I) in paragraph (1) by striking "Administrator of the"; and

(II) in paragraph (2) by striking "Administrator" and inserting "Administration"; and

(ii) in subsection (b)(2) by inserting after "Secretary of Transportation" the following: "or the Federal Aviation Administration".

(G) PRESIDENTIAL TRANSFERS.—Section 40107 is amended—

(i) in subsection (a) by striking "Administrator of the"; and

(ii) by striking "Administrator" each place it appears after the first and inserting "Administration".

(H) TRAINING SCHOOLS.—Section 40108 is amended—

(i) in subsection (a) by striking "Administrator of the"; and

(ii) by striking "Administrator" each place it appears after the first and inserting "Administration".

(I) AUTHORITY TO EXEMPT.—Section 40109(b) is amended—

(i) by striking "Administrator of the"; and

(ii) by striking "Administrator" the second place it appears and inserting "Administration".

(J) GENERAL PROCUREMENT AUTHORITY.—Section 40110 is amended—

(i) in subsection (a) by striking "Administrator of the";

(ii) in subsection (a)(1) by striking "Administrator" and inserting "Administration";

(iii) in subsection (b) by striking "Administrator of" the first place it appears and inserting "Chief Executive Officer of";

(iv) in subsection (b)(2)(E) by striking "Administrator of the"; and

(v) in subsection (b)(2)(E) by striking "Administrator;" and inserting "Administration";

(K) MULTIYEAR PROCUREMENT CONTRACTS FOR SERVICES AND RELATED ITEMS.—Section 40111 is amended—

(i) in subsection (a) by striking "Administrator of the"; and

(ii) in subsections (b) and (c) by striking "Administrator" each place it appears and inserting "Administration".

(L) MULTIYEAR PROCUREMENT CONTRACTS FOR PROPERTY.—Section 40112 is amended—

(i) in subsection (a) by striking "Administrator of the";

(ii) in subsections (b), (c), and (e)(2) by striking "Administrator" each place it appears and inserting "Administration"; and

(iii) by adding at the end the following:

"(g) LIMITATION.—This section and section 40111 shall not be effective to the extent they are inconsistent with the acquisition management system being implemented under section 1334."

(M) ADMINISTRATIVE.—Section 40113 is amended—

(i) in subsection (a) by striking "(or the Administrator of" and inserting "and";

(ii) in subsection (a) by striking "Administrator" and inserting "Administration";

(iii) in subsection (a) by striking "Administrator" the last place it appears and inserting "Administration";

(iv) in subsection (b) by striking "has" the 1st place it appears and inserting "and the Administration have";

(v) in subsection (c) by striking "The Secretary" and all that follows through "Administrator" and inserting "In carrying out aviation safety functions, duties, and powers, the Federal Aviation Administration";

(vi) in subsection (c) by striking "to assist the Secretary or Administrator of" and inserting "to assist";

(vii) in subsection (d) by striking "Administrator of the";

(viii) in subsection (d) by striking "Administrator" the last place it appears and inserting "Administration";

(ix) in subsection (e) by striking "Administrator" each place it appears and inserting "Administration"; and

(x) by adding at the end the following:

"(f) EXEMPTIONS.—

"(1) FAA REVIEW OF REGULATIONS.—Prior to issuing any regulation or granting any exemption to a regulation issued under this chapter that affects the transportation of hazardous materials by air, the Secretary shall provide the Administration an opportunity for review, and the Administration may disapprove such action if the Administration determines that there would be an adverse effect on aviation safety.

"(2) PROPOSED CHANGES.—The Administration may, in the interest of aviation safety, propose to the Secretary regulatory changes affecting the transportation of hazardous materials by air.

"(3) ENFORCEMENT.—Enforcement actions for violations of this chapter or of any regulations issued under this chapter that affect the transportation of hazardous materials by air shall be brought by the Administration."

(N) REPORTS AND RECORDS.—Section 40114 is amended—

(i) in subsection (a)(1) by striking "(or the Administrator of" and inserting "and";

(ii) in subsection (a)(1) by striking "Administrator)" and inserting "Administration)";

(iii) in subsection (a)(1) by striking "Administrator" the last place it appears and inserting "Administration";

(iv) in subsection (a)(2) by striking "(or the Administrator" and inserting "and the Administration";

(v) in subsection (a)(2) by striking "Administrator)" and inserting "Administration"; and

(vi) in subsection (a)(2) by striking "Administrator" the last 2 places it appears and inserting "Administration".

(O) WITHHOLDING INFORMATION.—Section 40115(a) is amended by inserting after "Secretary of Transportation" each place it appears the following: "or Federal Aviation Administration".

(P) PASSENGER FACILITY FEES.—Section 40117 is amended—

(i) in subsection (b)(1) by striking "Secretary of Transportation" and inserting "Federal Aviation Administration"; and

(ii) in subsections (c) through (i) by striking "Secretary" each place it appears and inserting "Administration".

(Q) SECURITY AND RESEARCH AND DEVELOPMENT ACTIVITIES.—Section 40119 is amended—

(i) in subsection (a) by striking "Administrator of the"; and

(ii) in subsections (b) and (c) by striking "Administrator" each place it appears and inserting "Administration".

(4) NAVIGATION OF FOREIGN CIVIL AIRCRAFT.—Section 41703 is amended—

(A) in subsection (a)(3) by inserting ", after consultation with the Federal Aviation Administration," after "Secretary of Transportation"; and

(B) in subsection (b) by inserting ", after consultation with the Federal Aviation Administration," after "Secretary" the 2nd place it appears.

(5) SLOTS.—Section 41714 is amended—

(A) in subsection (a)(1) by striking "Secretary of Transportation" and inserting "Federal Aviation Administration";

(B) in subsections (a)(2), (a)(3), (a)(4), (b)(1), (b)(2), (c), (d), (f), and (g) by striking "Sec-

retary" and "SECRETARY" each place they appear and inserting "Administration" and "ADMINISTRATION", respectively;

(C) in subsection (b)(3) by striking "Secretary" the first place it appears and inserting "Administration";

(D) in subsection (b)(3) by inserting after "Secretary" the second place it appears the following: "of Transportation";

(E) in subsection (h)(2) by striking "Administrator" and inserting "Administration"; and

(F) by adding at the end the following:

"(i) CONSULTATION WITH DOT.—In making determinations with respect to essential air service, exceptional circumstances, and the public interest, the Administration shall consult with the Secretary of Transportation."

(6) REGISTRATION AND RECORDATION OF AIRCRAFT.—Chapter 441 (other than section 44109) is amended—

(A) by striking "Administrator of the" each place it appears;

(B) by striking "Administrator" each place it appears (other than a place to which subparagraph (A) applies and the 3rd place it appears in section 44111(d)) and inserting "Administration"; and

(C) in section 44102(b) by striking "Secretary of Transportation" and inserting "Federal Aviation Administration".

(7) INSURANCE.—Chapter 443 is amended—

(A) by striking "Secretary of Transportation" each place it appears and inserting "Federal Aviation Administration"; and

(B) by striking "Secretary" each place it appears (other than a place to which subparagraph (A) applies, the 2nd, 3rd, and 5th places it appears in section 44305(b), the 1st place it appears in section 44307(a)(1), the 2nd place it appears in section 44307(b), and the 3rd place it appears in section 44307(d)) and inserting "Administration".

(8) FACILITIES, PERSONNEL, AND RESEARCH.—Chapter 445 is amended—

(A) by striking "Administrator of the" each place it appears (other than the 1st place it appears in section 44501(c)(2)(B) and the last place it appears in section 44502(c)(1));

(B) by striking "Administrator" each place it appears (other than a place to which subparagraph (A) applies, the 1st place it appears in section 44501(c)(2)(B), the last place it appears in section 44502(c), and in section 44507(3)) and inserting "Administration";

(C) in section 44506(b) by striking "Administrators of the Federal Aviation Administration and" and inserting "Federal Aviation Administration and the Administrator of the";

(D) in section 44506(c) by striking "Department of Transportation" and inserting "Administration";

(E) in section 44506(d) by striking "Public Works and Transportation" and inserting "Transportation and Infrastructure";

(F) in section 44507—

(i) by striking "106(j)" and inserting "1317"; and

(ii) by striking "the Administrator" in paragraph (3) and inserting "the Federal Aviation Board";

(G) in section 44514(b) by striking "Secretary and the";

(H) by striking "Secretary of Transportation" each place it appears and inserting "Federal Aviation Administration"; and

(I) by striking "Secretary" each place it appears (other than in sections 44501(b)(1)(B), 44502(c)(1), and 44505(a)(3) and a place to which subparagraphs (G) and (H) apply) and inserting "Administration".

(9) SAFETY REGULATION.—Chapter 447 is amended—

(A) by striking "Administrator of the" each place it appears (other than the 2nd

place it appears in section 44714, the 2nd place it appears in section 44715(a)(2), the 1st, 4th, 7th, 9th, 10th, and 11th places it appears in section 44715(c), the 1st and 3rd places it appears in section 44715(d)(1), the 2nd place it appears in section 44715(d)(2), the 1st, 3rd, and 5th places it appears in section 44715(e), and the 2nd, 4th, and 6th places it appears in section 44715(f));

(B) by striking "Administrator" each place it appears (other than a place to which subparagraph (A) applies, the 3rd place it appears in section 44703(f)(2), the 3rd place it appears in section 44713(d)(2), the 2nd place it appears in section 44714, the 2nd place it appears in section 44715(a)(2), the 1st, 4th, 7th, 9th, 10th, and 11th places it appears in section 44715(c), the 1st and 3rd places it appears in section 44715(d)(1), the 2nd place it appears in section 44715(d)(2), the 1st, 3rd, and 5th places it appears in section 44715(e), the 2nd, 4th, and 6th places it appears in section 44715(f), and in section 44720(b)(2)) and inserting "Administration";

(C) in section 44702(d)(3) by striking "Administrators" and inserting "Administration's";

(D) in the subsection heading to section 44709(b) by striking "ADMINISTRATOR" and inserting "ADMINISTRATION";

(E) in section 44720(b)(2) by striking "Administrator" each place it appears and inserting "Federal Aviation Administration";

(F) by striking "Secretary of Transportation" each place it appears (other than in sections 44712(b)(2) and 44723) and inserting "Federal Aviation Administration";

(G) in section 44723 by striking "Secretary of Transportation" and inserting "Federal Aviation Board"; and

(H) by striking "Secretary" each place it appears (other than in sections 44712(b)(2) and 44720 and a place to which subparagraph (F) or (G) applies) and inserting "Administration".

(10) SECURITY.—Chapter 449 is amended—

(A) by striking "Administrator of the" each place it appears;

(B) by striking "Administrator" each place it appears (other than a place to which subparagraph (A) applies, the 1st two places it appears in section 44932(a), the 1st place it appears in section 44932(b), the 1st place it appears in section 44932(c), the 5th place it appears in section 44933(a), and each place it appears in section 44934(b)) and inserting "Administration";

(C) in section 44933(b)(4) by striking "Administrators" and inserting "Administration's";

(D) by striking the heading for section 44932 and inserting "**Civil aviation security**";

(E) by striking subsection (a) of section 44932 and redesignating subsections (b) and (c) as subsections (a) and (b), respectively;

(F) in section 44932(a), as redesignated by subparagraph (E), by striking "Assistant Administrator" and inserting "officer designated by the Chief Executive Officer of the Federal Aviation Administration";

(G) in section 44932(b), as redesignated by subparagraph (E), by striking "Assistant Administrator" and inserting "Administration";

(H) in sections 44933(a) and 44934(b) by striking "Assistant Administrator for Civil Aviation Security" and inserting "officer designated by the Chief Executive Officer of the Administration";

(I) in section 44934(b)(1) by striking "Assistant Administrator" and inserting "Administration";

(J) by striking "Secretary of Transportation" each place it appears (other than in sections 44903(b)(1), 44907(d)(1)(C), 44907(d)(3), 44907(e), 44907(f), 44911(b), 44912(a)(3), 44931, and 44938(a)) and inserting "Federal Aviation Administration";

(K) by striking "Secretary" each place it appears (other than a place to which subparagraph (J) applies, the 1st place it appears in section 44903(d), in section 44903(b)(1), the 2nd place it appears in section 44907(b), the 3rd place it appears in section 44907(c), in section 44907(d)(1)(C), the 3rd place it appears in section 44907(d)(2)(A)(ii), the 2nd and 3rd places it appears in section 44907(d)(2)(B), in section 44907(d)(3), the 2nd place it appears in section 44907(d)(4), in sections 44907(e) and 44907(f), the 4th place it appears in section 44908(a), the 1st place it appears in section 44908(b), the 2nd place it appears in section 44909(a), and in sections 44910, 44911, 44912(a)(3), 44931, 44934, and 44938(a) and inserting "Administration";

(L) in section 44905(g) by striking "Department of Transportation" and inserting "Federal Aviation Administration";

(M) in sections 44907(d)(1)(C), 44907(d)(3), 44907(e), and 44907(f) by inserting "or Federal Aviation Administration" after "of Transportation";

(N) in section 44907(d)(3) by inserting "or Administration" after "Secretary" the 2nd place it appears; and

(O) in the chapter analysis by striking the item relating to section 44932 and inserting the following:

"44932. *Civil aviation security.*."

(11) ALCOHOL AND CONTROLLED SUBSTANCES TESTING.—Chapter 451 is amended—

(A) by striking "Administrator of the" each place it appears; and

(B) by striking "Administrator" each place it appears (other than a place to which subparagraph (A) applies) and inserting "Administration";

(12) FEES.—Chapter 453 is amended—

(A) by striking "Administrator of the" each place it appears;

(B) by striking "Administrator" each place it appears (other than a place to which subparagraph (A) applies) and inserting "Administration";

(C) in section 45301(a) by inserting after "Secretary of Transportation" the following: "and the Federal Aviation Administration, as the case may be."; and

(D) in section 45301(c)(4) by striking "Administrators" and inserting "Administration's".

(13) INVESTIGATIONS AND PROCEEDINGS.—Chapter 461 is amended—

(A) in sections 46101(a)(1), 46102(a), 46103(a)(1), and 46104(a)—

(i) by striking "(or the Administrator of" and inserting "(or"; and

(ii) by striking "Administrator" and inserting "Administration";

(B) by striking "Administrator of the" each place it appears (other than a place to which subparagraph (A)(i) applies and in section 46101(b));

(C) by striking "Administrator" each place it appears (other than a place to which subparagraph (A) or (B) applies) and inserting "Administration";

(D) in section 46109 by inserting "or the Federal Aviation Administration" after "Transportation"; and

(E) in the subsection heading to section 46107(c) by striking "ADMINISTRATOR" and inserting "ADMINISTRATION".

(14) PENALTIES.—Chapter 463 is amended—

(A) in section 46301(c)—

(i) by inserting "by other than air" after "transportation" in paragraph (1)(D);

(ii) by redesignating paragraph (2) as paragraph (3);

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

"(2) FAA NOTICE AND HEARING.—The Federal Aviation Administration may impose a civil penalty for violations under subsection (a)(1) of this section related to the transpor-

tation by air of hazardous material only after notice and an opportunity for a hearing.";

(iv) by inserting "or Administration, as appropriate," after "Secretary" in paragraph (3), as so redesignated; and

(v) by striking "paragraph (1) of" in such paragraph (3).

(B) in section 46301(d)(2) by striking "Administrator of the";

(C) in subsections (d) and (e) of section 46301—

(i) by striking "Administrator" each place it appears (other than a place to which subparagraph (A) applies) and inserting "Administration"; and

(ii) by striking "Secretary" each place it appears and inserting "Administration";

(D) in section 46301(f) by inserting "or Administration, as the case may be," after "Secretary";

(E) in section 46301(g) by inserting "and an order of the Administration" before "imposing";

(F) in section 46301(h)(2) by striking the parenthetical phrase and inserting "or Administration, as appropriate.";

(G) in section 46302(b) by striking "Secretary of Transportation" and inserting "Federal Aviation Administration";

(H) in section 46303—

(i) by striking "Secretary of Transportation" and inserting "Federal Aviation Administration"; and

(ii) by striking "Administrator of the";

(I) in section 46304—

(i) by striking "Administrator of the"; and

(ii) by striking "Administrator" each place it appears (other than a place to which clause (i) applies) and inserting "Administration";

(J) in section 46306 by striking "Administrator of the" each place it appears;

(K) in section 46308(2) by striking "Administrator of the";

(L) in section 46311—

(i) by striking "Administrator of the"; and

(ii) by striking "Administrator" each place it appears (other than a place to which clause (i) applies) and inserting "Administration";

(M) in section 46313—

(i) by striking "Administrator of the"; and

(ii) by striking "Administrator" the 2nd place it appears and inserting "Administration";

(N) in section 46315(b)(1) by striking "Administrator of the"; and

(O) in section 46316(a)—

(i) by striking "Administrator of the"; and

(ii) by striking "Administrator" the 2nd place it appears and inserting "Administration".

(15) SPECIAL AIRCRAFT JURISDICTION OF UNITED STATES.—Section 46505(d)(2) is amended by striking "Administrator of the".

(16) AIRPORT DEVELOPMENT.—Chapter 471 is amended—

(A) by striking "Secretary of Transportation" each place it appears (other than in section 47102(1)(A)) and inserting "Federal Aviation Administration";

(B) by striking "Secretary" each place it appears (other than a place to which subparagraph (A) applies, in sections 47101(h), 47102(1)(A), 47102(1)(B)(i), 47103(a), 47103(c), 47106(c)(2), 47107(j)(4), 47110(e), and 47112(b), and the 2nd and 3rd places it appears in section 47153(b)) and inserting "Administration";

(C) in section 47106(c)(1)(B)(ii) by inserting "of the Environmental Protection Agency" after "Administrator";

(D) in section 47106(c)(2) by striking "Secretary" and inserting "Federal Aviation Administration";

(E) in sections 47106(c)(3) and 47110(d)(2)(B) by striking "Secretary's" and inserting "Administration's";

(F) in section 47107(k) by striking "Public Works and Transportation" and inserting "Transportation and Infrastructure";

(G) in section 47110(e)—

(i) by striking "Secretary" each place (other than the 2nd and 6th places) it appears and inserting "Federal Aviation Board"; and

(ii) by striking "Secretary" the 2nd and 6th places it appears and inserting "Federal Aviation Administration";

(H) in the heading for each of sections 47117(h), 47129(a)(3), and 47129(c) by striking "SECRETARY" and inserting "ADMINISTRATION";

(I) in the subsection heading for section 47129(a) by striking "SECRETARY'S" and inserting "ADMINISTRATION'S"; and

(J) in section 47130 by striking "Administrator of the".

(17) INTERNATIONAL AIRPORT FACILITIES.—Chapter 473 is amended—

(A) in section 47302—

(i) by striking "Secretary of Transportation" in subsection (a)(1) and inserting "Federal Aviation Administration"; and

(ii) by striking "Secretary of Transportation or" in subsection (c) and inserting "Federal Aviation Administration or the Secretary of";

(B) in section 47303—

(i) by striking "Secretary of Transportation or" and inserting "Federal Aviation Administration or the Secretary of"; and

(ii) in paragraph (1) by striking "Secretary" and inserting "agency head";

(C) in section 47304—

(i) by striking "Secretary of Transportation or" in subsection (a) and inserting "Federal Aviation Administration or the Secretary of";

(ii) by striking "Secretary" the 2nd and 3rd places it appears in subsection (a) and inserting "agency head";

(iii) by striking "Secretary of Transportation" the 1st place it appears in subsection (b) and inserting "Federal Aviation Administration";

(iv) by striking "Secretary of Transportation or" in subsection (b)(2) and inserting "Chief Executive Officer of the Federal Aviation Administration or the Secretary of";

(v) by striking "Secretary of Transportation" each place it appears in subsection (c) and inserting "Federal Aviation Administration"; and

(vi) by striking "Secretary of Transportation or" in subsection (d)(2) and inserting "Chief Executive Officer of the Federal Aviation Administration or the Secretary of";

(D) in section 47305—

(i) by striking "Secretary of Transportation" in subsection (a) and inserting "Federal Aviation Administration";

(ii) by striking "Secretary" the 3rd and 4th places it appears in subsection (a) and inserting "agency head"; and

(iii) by striking "Secretary of Transportation or" in subsection (b) and inserting "Chief Executive Officer of the Federal Aviation Administration or the Secretary of"; and

(E) in section 47306 by striking "Secretary of Transportation" and inserting "Federal Aviation Administration".

(18) NOISE.—Chapter 475 is amended—

(A) by striking "Administrator of the" each place it appears (other than the 1st place it appears in section 47502, the 2nd place it appears in section 47509(a), the 2nd place it appears in section 47509(c), the 2nd place it appears in section 47509(d), and the 2nd place it appears in section 47509(e));

(B) by striking "Administrator" each place it appears (other than a place to which subparagraph (A) applies, the 1st place it appears in section 47502, the 2nd place it appears in section 47509(a), the 2nd place it appears in section 47509(c), the 2nd place it appears in section 47509(d), and the 2nd place it appears in section 47509(e)) and inserting "Administration";

(C) by striking "Secretary of Transportation" each place it appears and inserting "Federal Aviation Administration"; and

(D) by striking "Secretary" each place it appears (other than a place to which subparagraph (C) applies) and inserting "Administration".

(19) FINANCING.—Chapter 481 (other than section 48109) is amended—

(A) by striking "Administrator of the" each place it appears;

(B) by striking "Administrator" each place it appears (other than a place to which subparagraph (A) applies) and inserting "Administration";

(C) by striking "Secretary of Transportation" each place it appears and inserting "Federal Aviation Administration";

(D) by striking "Secretary" each place it appears (other than a place to which subparagraph (C) applies and the 1st place it appears in section 48105) and inserting "Administration";

(E) in section 48102(d)(2) by striking "Public Works and Transportation" and inserting "Transportation and Infrastructure"; and

(F) in section 48108(b)(2) by striking "Department of Transportation" and inserting "Federal Aviation Administration".

(20) MISCELLANEOUS.—Chapter 491 is amended—

(A) by striking "Administrator of the" each place it appears;

(B) by striking "Administrator" each place it appears (other than a place to which subparagraph (A) applies) and inserting "Administration";

(C) by striking "Secretary of Transportation" each place it appears and inserting "Federal Aviation Administration"; and

(D) by striking "Secretary" each place it appears (other than a place to which subparagraph (C) applies and in section 49103(b)(1)) and inserting "Administration".

(21) COMMERCIAL SPACE LAUNCH ACTIVITIES.—Subtitle IX is amended—

(A) by striking "Secretary of Transportation" each place it appears and inserting "Federal Aviation Administration";

(B) by striking "Secretary" each place it appears (other than a place to which subparagraph (A) applies, the 1st place it appears in section 70109(a), the 2nd place it appears in each of sections 70109(b), 70109(c), 70112(a)(2), and 70112(b)(2), the 2nd and 3rd places it appears in each of sections 70116(a) and 70116(b), in section 70117(b)(2), and the 2nd place it appears in each of sections 70303(b)(2) and 70304(a)) and inserting "Administration"; and

(C) in the subsection heading to section 70111(c) by striking "SECRETARY" and inserting "ADMINISTRATION".

(d) TITLE 5, UNITED STATES CODE.—

(1) EXECUTIVE SCHEDULE PAY RATES.—

(A) ADMINISTRATOR.—Section 5313 of title 5, United States Code, is amended by striking "Administrator, Federal Aviation Administration".

(B) DEPUTY ADMINISTRATOR.—Section 5315 of such title is amended by striking "Deputy Administrator, Federal Aviation Administration".

(2) DEFINITIONS.—Section 2109 of title 5, United States Code, is amended—

(A) by striking "Department of Transportation" each place it appears and inserting "Federal Aviation Administration"; and

(B) by striking "Secretary of Transportation" and inserting "Chief Executive Officer of the Federal Aviation Administration".

(3) EXPENSE OF TRAINING.—Section 4109(c) of title 5, United States Code, is amended by striking "Administrator, Federal Aviation Administration," and inserting "Federal Aviation Administration".

(4) REDUCTION IN RETIREMENT PAY FOR FORMER MEMBERS OF UNIFORM SERVICES.—Section 5532(f) of title 5, United States Code, is repealed.

(5) DIFFERENTIAL PAY.—Chapter 55 of title 5, United States Code, is amended—

(A) in the heading to section 5546a by striking "the Federal Aviation Administration and";

(B) in section 5546a(a) by striking "Administrator of the Federal Aviation Administration (hereafter in this section referred to as the 'Administrator') and the";

(C) in subsections (a)(1), (a)(2), (c), (d), (e), and (f)(1) of section 5546a—

(i) by striking "Administrator or the" each place it appears; and

(ii) by striking "the Federal Aviation Administration or" each place it appears;

(D) by striking "; and" at the end of section 5546a(a)(2) and inserting a period;

(E) by striking paragraph (3) of section 5546a(a);

(F) in section 5546a(f)—

(i) by striking "(1)"; and

(ii) by striking paragraph (2); and

(G) in the item relating to section 5546a of the analysis for such chapter by striking "the Federal Aviation Administration and".

(e) COAST GUARD COOPERATION.—Chapter 5 of title 14, United States Code, is amended—

(1) in the heading to section 82 by striking "Administrator of";

(2) in sections 81, 82, and 90(b) by striking "the Administrator of" each place it appears;

(3) in section 90(b) by striking "Administrator may" and inserting "Administration may"; and

(4) in the item relating to section 82 of the analysis for such chapter by striking "Administrator of".

(f) ACCESS TO NATIONAL DRIVER REGISTER.—Section 30305(b)(3) of title 49, United States Code, is amended—

(1) by striking "the Administrator of"; and

(2) by striking "Administrator" each place it appears after the first and inserting "Administration".

(g) WOLF TRAP FARM PARK.—The Wolf Trap Farm Park Act (16 U.S.C. 284–284j) is amended—

(1) in section 4(e)—

(A) by striking "Administrator of the"; and

(B) by striking "Administrator" each place it appears after the first and inserting "Administration"; and

(2) in section 8(b) by striking "Administrator of the" each place it appears.

(h) CERTIFICATION OF FIREARMS.—Section 922(p)(5)(A) of title 18, United States Code, is amended by striking "the Administrator of".

(i) NATIONAL AIR AND SPACE MUSEUM ADVISORY BOARD.—Section 1(a) of the Act entitled "An Act to establish a national air museum, and for other purposes", approved August 12, 1946 (20 U.S.C. 77(a)), is amended by striking "Administrator of the Federal" and all that follows through the first succeeding comma and inserting "Chief Executive Officer of the Federal Aviation Administration".

(j) FEDERAL PROPERTY.—Section 602(d)(14) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 474(d)(14)) is amended by striking "Administrator of the" and all that follows through "or" and inserting "Federal Aviation Administration or".

(k) NOISE CONTROL.—The Noise Control Act of 1972 (42 U.S.C. 4901–4918) is amended—

(1) in section 12(a)(2)(B) (42 U.S.C. 4911(a)(2)(B))—

(A) by striking "Administrator of the";

(B) by striking "611 of the Federal Aviation Act of 1958" and inserting "44709(b)(1)(B) or 44715 of title 49, United States Code,"; and

(C) by striking "such Administrator" each place it appears and inserting "such Administration";

(2) in the last sentence of section 12(a) by striking "such Administrator" and inserting "the agency";

(3) in section 12(b)(1)(A) by striking "Administrator" the 2nd place it appears and inserting "Administration";

(4) in sections 12(b)(1)(B) and 12(e) by striking "Administrator" and inserting "agency";

(5) in section 12(c)—

(A) by striking "Administrator of the" the 2nd place it appears; and

(B) by striking "611 of the Federal Aviation Act of 1958," and inserting "44715 of title 49, United States Code,";

(6) in section 16(a) (42 U.S.C. 4915(a))—

(A) by striking "Administrator of the" the 2nd place it appears;

(B) by striking "611 of the Federal Aviation Act of 1958" and inserting "44715 of title 49, United States Code,"; and

(C) by striking "Administrator" the 3rd place it appears and inserting "agency";

(7) in section 16(b)—

(A) by inserting "the Federal Aviation" before "Administration"; and

(B) by striking "Administrator" each place it appears after the 1st and inserting "agency"; and

(8) in section 16(c) by striking "Administrator" and inserting "agency".

(l) PHASE-OUT OF HALON.—Section 604(d)(3) of the Clean Air Act (42 U.S.C. 7671c(d)(3)) is amended by striking "Administrator of the" each place it appears.

SEC. 15. REFERENCES.

A reference in any law, regulation, document, record, map, or other paper of the United States to the Secretary of Transportation (and any reference to the Administrator of the Federal Aviation Administration) with respect to a function which under this Act (including the amendments made by this Act) is made a function of the Federal Aviation Administration established by section 1311 of title 49, United States Code, shall be deemed to be a reference to the Federal Aviation Administration established by such section.

SEC. 16. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this Act (including the amendments made by this Act) shall take effect on the 90th day following the date of the enactment of this Act.

(b) EXCEPTIONS.—Section 1312 of title 49, United States Code, and section 7 of this Act shall take effect on the date of the enactment of this Act. The amendments made by section 14(d)(5) of this Act, relating to differential pay, shall take effect on the date the Federal Aviation Board begins implementation of the personnel management system for the Federal Aviation Administration under section 1314(d)(2) of title 49, United States Code.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. SHUSTER] and the gentleman from Minnesota [Mr. OBERSTAR] will each be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of the FAA Revitalization Act. This is

legislation which will put us in a position to move into the next century with a modern air traffic control system, with a system that will provide America and the world with the best FAA and the best air traffic control.

I am very pleased that we have 62 cosponsors. This is bipartisan legislation. The gentleman from Minnesota [Mr. OBERSTAR], the distinguished ranking member of the full committee; the gentleman from Illinois [Mr. LIPINSKI], the distinguished ranking member of the subcommittee; the gentleman from Tennessee [Mr. DUNCAN], the distinguished ranking member of the subcommittee; and myself all are among those 62 bipartisan cosponsors. This is legislation whose time has come.

Since airline deregulation in 1978, passenger traffic has more than doubled to now over 500 million passengers a year. Even more significantly, commercial air travel is increasing at a rate of between 4.5 and 5 percent a year, which means that as we move into the next century, we will soon experience 1 billion, that is with a B, commercial air travelers a year.

The 10 largest U.S. airlines conduct nearly 15,000 flights a day. If we add commuter, military and general aviation flights, there are over 107,000 flights per day. This is expected to increase by about another 20,000 flights a day by the year 2002. The FAA's existing structure simply does not give it the flexibility to cope, not only with the current situation, let alone this future growth.

As some of my colleagues know, my background is in the electronic computer industry. I was absolutely stunned to realize that vacuum tubes are still used in approximately 500 of the FAA air traffic control facilities. In fact, in 1994 the FAA spent nearly \$50 million on the purchase of vacuum tubes. Most businesses replaced their vacuum tube computers many, many years ago.

Further, the FAA's cumbersome procurement process results in these aging computers constantly breaking down. In fact, there have been at least 6 failures at the air traffic control center in Leesburg, VA. The longest was a 28-hour outage just last June 7.

FAA officials say that computers failed 20 times during a 4-month period at very important centers such as Chicago, Washington, Dallas, Cleveland, and New York. Failures have also been reported at Boston, Kansas City, Atlanta, San Juan, Houston, Oakland, and Miami.

Indeed, beyond this very serious problem which must be corrected, the FAA's bureaucratic personnel system results in some air traffic control facilities being overstaffed while others are understaffed. Indeed, under the FAA's funding systems, users pay into the trust fund with no assurance of getting their money back in the form of proposed infrastructure investments. Indeed, GAO has stated that the FAA's management structure has often been

unable to fully cope with all the problems.

The good news, however, Mr. Speaker, is that there is a solution. The solution is this legislation, which exempts the agency from current personnel and procurement laws and gives the FAA an opportunity to develop procurement and personnel systems best suited to its own unique mission. Further, this legislation makes the FAA independent so it would not be subject to the bureaucratic interference from DOT.

It creates a board to oversee the operation of the new independent agency. The board would select a CEO to actually run the agency. Indeed, this legislation is the answer to modernizing the FAA so that we can be in a position, as we move into the next century, to provide the kind of both safety and efficiency which is so necessary.

This legislation will make air travel safer. New computers, a rational personnel system, and quicker decisions will all make air travel safer.

It will also make flying more affordable. Today our airlines are experiencing delays which have an added cost of \$2.5 billion a year. Savings from reductions in these delays can be passed on to passengers, so this will permit facilities to be more efficient all across the country.

Indeed, this legislation will reform and streamline bureaucracy. At least 200 positions at DOT can be eliminated, whose only job is to oversee the FAA. This legislation will reduce the regulatory burden on the aviation industry. There are provisions in this bill to ensure that the FAA considers the costs to air travelers as well as the benefits of major new regulatory initiatives.

For all these reasons, I would urge my colleagues to vote for this bipartisan legislation. It passed by voice vote without a single dissenting vote out of our committee, has strong bipartisan support, and I urge the passage of this legislation.

Mr. Speaker, I reserve the balance of my time.

□ 1545

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today marks a watershed day that I have long looked forward to since, in fact, 1987 when I introduced the first independent FAA bill, then with bipartisan support as we have today. But this is the first time in all the years that I have introduced and reintroduced that bill that it has made its way to the floor. For that, I salute our chairman of the full committee, the gentleman from Pennsylvania [Mr. SHUSTER], for his splendid cooperation, his willingness to move this legislation along as a high priority item for our committee. For that I salute our chairman of the Subcommittee on Aviation, the gentleman from Tennessee [Mr. DUNCAN], who has taken on the burdensome task of learning all the intricacies of aviation, learning the importance of this agency

and its role in modern aviation not only in the U.S. but worldwide and who has become a champion of aviation in the brief tenure that he has had as our chairman, and to our ranking Democratic member, the gentleman from Illinois [Mr. LIPINSKI], who, though a longtime member of the Subcommittee on Aviation, has just recently assumed the role of the leader on our side for the Subcommittee on Aviation and who likewise has devoted himself and plunged in with great enthusiasm into this subject matter, and I am very grateful to the gentleman for the job he has done and for the workload and responsibility that he has shouldered.

For many years of hearings of inquiry into the FAA, of safety in the field of aviation, one issue has jumped out, and that is the role of the FAA within this huge Department of Transportation subjugated to the interest to the will, to the changing of the leadership at the top of this department, and consequently with effects upon the FAA itself, have oftentimes gone months without an administrator under both Democratic and Republican administrations, without regard to which party was in control of the government. The FAA continued to have a back door sort of relationship with the Department of Transportation and yet one in which the Secretary of Transportation was all too willing to insert himself or herself into the internal affairs of this safety-conscious agency.

It became so painfully clear to me that what Congress did in response to the Johnson administration's initiative in 1966, bringing all modes together in one Department of Transportation, was flawed in this respect: that the Federal Aviation Administration should not be included in that department, that it should be, as it rightfully ought to be, an independent agency. It ought to have its own independent status because that is the status of aviation. It stands separately in our national picture. It is at the heart of a \$600 billion sector of our national economy. Ten percent of our gross domestic product is related to aviation.

The FAA ought to stand on a par, frankly, with the other departments of government and not be subsumed under one. At the hearings that we had on FAA reform, all but one of the living former administrators of FAA endorsed a concept of an independent agency. Those former administrators served over a 30-year period from 1961 to 1991 in which there was a revolution in technology in the field of aviation. They served in Democratic and Republican administrations from President Kennedy to President Bush. They served at a time when FAA was independent and at a time when it was part of the Department of Transportation, and every one of them said the FAA should be independent.

Now, the present Secretary of Transportation does not support that concept, and I understand no sitting Secretary of Transportation ever wanted

to see the FAA become an independent agency. Of course, if the FAA is out from under DOT, the Secretary loses it as the majority of the Department of Transportation's total work force. And that is another problem that has disturbed me very much in this past year and a half when the FAA took more like 70 percent of the personnel reductions that the Department of Transportation experienced. That is unfair and unreasonable. They should not have had that kind of reduction.

Another concern that I have is in the rulemaking, particularly in the safety rulemaking side of the FAA's responsibility. And that I consider its primary responsibility. There are 15 signoffers on a rulemaking from the time it emanates from the office of certification until it becomes a rule, and more than half of that time spent in signoffs is the regulation marching its way through the Department of Transportation.

Well, as Chairman SHUSTER said a moment ago, there will be personnel savings if the FAA is moved out from under the department. There will be efficiency savings. There will be ability for the FAA to move ahead more effectively, more dynamically on modernization of the air traffic control system. And I think the whole aviation community in the United States and worldwide will have a greater sense of appreciation and respect for this autonomous, independent agency.

I use the word autonomous because the antidote for an independent FAA is a proposal to give the agency more flexibility or autonomy within the department. Friends, believe me, it will not happen. As long as the FAA is within the Department of Transportation, that agency, that department, is going to exert every measure of control that it can over the FAA, and doing business will simply be as it always has been.

We need a change. We need dynamic, progressive, forward-looking change in personnel, in procurement, in management of the safety function of the FAA, and being the leader worldwide in aviation, and restoring to FAA a leadership role as an independent agency will put it back in charge. And that is what we achieve with this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield 5 minutes to the gentleman from Tennessee [Mr. DUNCAN], the distinguished chairman of our subcommittee.

(Mr. DUNCAN asked and was given permission to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, I thank the distinguished chairman of our full committee for yielding me this time. And let me pay a special tribute to the gentleman from Pennsylvania [Mr. SHUSTER], for his outstanding leadership in helping move this legislation through our committee and to the floor today, and particularly for the really tremendous job he is doing as chairman of our full committee.

H.R. 2276 is an outstanding bill that enjoys widespread bipartisan support here in the House. It will help bring long overdue and needed reforms to the Federal Aviation Administration.

I want to also thank my ranking member, the ranking member of my subcommittee, the gentleman from Illinois [Mr. LIPINSKI]. I do not think anyone could have a kinder ranking member than I do on our subcommittee, and we have really worked well together. I want to also though mention for a few moments the gentleman from Minnesota [Mr. OBERSTAR], because I do not think that anyone in the entire Congress knows aviation issues better than the gentleman from Minnesota [Mr. OBERSTAR]. He serves as chairman of this subcommittee for many years, and he has really worked well with me in so many different ways, and I thank him for all of that and for this strong support of this legislation.

It would not be right though to go any further without mentioning our colleague from Iowa, Mr. JIM ROSS LIGHTFOOT. The gentleman from Iowa [Mr. LIGHTFOOT] really wrote the bulk, or a large portion of this bill, and his activities in regard to this legislation have also been tremendously meaningful in carrying this legislation forward.

Last year, the Subcommittee on Aviation held several days of hearings on various proposals to restructure our Nation's air traffic control system. From these hearings, it became very clear that a consensus of members as well as the aviation community supported a independent FAA. This process of which I am very proud has enabled us to develop an outstanding bill that has been endorsed by more than 30 leading aviation groups.

No other legislation in regard to aviation has ever had this kind of support. This bill has been endorsed by the Aircraft Owners' and Pilots' Association, the National Air Traffic Controllers' Association, the General Aviation Manufacturers' Association, the National Business Aircraft Association, the National Air Transportation Association, and many, many others.

I believe this legislation could be the most dramatic change in aviation since at least the Airline Deregulation Act of 1978, and perhaps since the Federal Aviation Act of 1958. I think we have a bill that the American people can and will support strongly.

I want the Members to know that this legislation is supported probably by every facet of the aviation community, business, labor, and all others.

Mr. Speaker, H.R. 2276 enjoys support from those representing general aviation, aircraft manufacturers, our Nation's small aircraft owners, the FAA air traffic controllers and many, many others. Also, as the gentleman from Minnesota [Mr. OBERSTAR] just pointed out, every living FAA former administrator, except for one who has not taken a position, supports this legislation. Since airline deregulation in 1978, air passenger traffic has doubled and is

now over 500 million per year. According to several aviation experts, traffic is expected to top at least 800 million and maybe even a billion by the year 2002.

The 10 largest U.S. airlines conduct almost 15,000 flights per day at airports all across this country. If you add in commuter, military and general aviation, there are over 107,000 flights every day. Unfortunately the FAA's existing structure does not give it the flexibility to cope with even the existing situation let alone future growth. The FAA's cumbersome procurement process brought on by years of bureaucratic inertia have resulted in aging computers and 30-year-old, air traffic control equipment that constantly breaks down. Their antiquated equipment causes airplanes to be delayed and certainly shakes public confidence in the safety of flying. In fact, air traffic computers have failed and continue to fail at centers all across this country.

Let me also say, Mr. Speaker, this legislation creates a new agency. It simply removes the FAA from the cumbersome bureaucracy and interference of the department of Transportation. This agency will create a board that will also include three members, but will include also the Secretaries of Transportation and Defense. The board would select a chief executive officer to manage FAA's day-to-day operations.

For too long, the FAA's management structure has been stymied by outdated rules and big government policies that have not allowed for innovative management styles used by successful companies in the private sector. Today nearly every Federal independent agency, almost 30, are managed by boards. The only exceptions are law enforcement-type agencies.

Basically, Mr. Speaker, just to sum up, this legislation will really bring the FAA into the 21st century. It is very needed. Almost everyone who has looked at this agrees with this legislation. I am very proud of the product of our subcommittee and our full committee, and I urge the support by our members.

Mr. OBERSTAR. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. LIPINSKI], the distinguished leader for our side on the Subcommittee on Aviation.

Mr. LIPINSKI. Mr. Speaker, I thank the ranking member of the committee, whom I affectionately call "Mr. Aviation," for yielding me this time.

Mr. Speaker, I rise in strong support of H.R. 2276, the Federal Aviation Administration Revitalization Act. I want to thank the chairman of the subcommittee, the gentleman from Tennessee, for all his work on this important legislation and for his leadership with the Aviation Subcommittee. I have enjoyed working with him and look forward to continuing to do so throughout the rest of the year.

I also want to commend the chairman of the full committee, the gentleman from Pennsylvania, and the

ranking member of the full committee—my predecessor as the ranking member on this subcommittee—the gentleman from Minnesota. I know that this legislation is the product of considerable effort on all of their parts. I look forward to working with them to see this bill enacted into law.

Mr. Speaker, H.R. 2276 directly addresses the problems at the FAA that we unfortunately see spelled out on the nightly news on a regular basis. The bill recognizes that the problems at the FAA are systematic and not related to, or greatly affected by, any particular individual's management style or philosophy. It is time to make changes at the agency so that the very capable people leading the FAA can have flexibility, resources, and management tools to anticipate and develop policies for the changes coming in the highly dynamic aviation industry.

This bipartisan legislation has strong support within the Transportation and Infrastructure Committee and currently has 62 cosponsors. It is what the FAA needs to operate effectively and efficiently to meet the needs of the 21st century.

Mr. Speaker, I urge support of the legislation.

□ 1600

Mr. SHUSTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Pennsylvania [Mr. CLINGER], the distinguished senior member of our committee.

Mr. CLINGER. Mr. Speaker, I thank the chairman very much for yielding this time to me, and want to commend him for his outstanding leadership in helping shape this important piece of legislation and bringing it to the floor today in an expedited fashion. In fact, I want to commend all of those who have been involved in shaping this legislation. As the gentleman from Minnesota [Mr. OBERSTAR] said, this is indeed an exciting day, sort of a landmark day for the entire aviation community, and I am pleased to rise in very strong support of this extremely important piece of legislation.

Mr. Speaker, I did serve for 6 years as the ranking Republican on the Subcommittee on Aviation working with my good friend and mentor, and most of what I have learned about aviation matters came from JIM OBERSTAR. We worked very hard and held countless hearings about the enormously, enormously complex regulations under which FAA has to operate to build and install a new air traffic control system.

The FAA is a case book example, Mr. Speaker, of Government regulation run amok. The result has been a monumental bungling of one of the most critically needed initiatives ever undertaken by the FAA, which is the development and purchase of an advanced automation system. This system was to have replaced our 1950's era air traffic control system. No matter the FAA began in the early 1980's to replace this outdated system, today, 25 years later

26 years later, they are still relying on the same vacuum-tube equipment to keep aircraft moving through our airways, and this is just really one example.

Mr. Speaker, I spent much of last year pursuing fundamental governmentwide procurement reform, and I am pleased in February the President signed the DOD Authorization Act, which included many of the procurement reforms I have been seeking for some time. Unfortunately, the final outcome of that legislation fell somewhat short of our initial expectations. What I had hoped for was bold procurement reform for every agency of the Federal Government.

With H.R. 2276, we have an opportunity at least to give the FAA an opportunity to make those bold reforms in procurement and personnel management. This is long overdue. Before we waste many more years and many hundreds of millions of dollars developing systems, we should enact this legislation. I urge my colleagues to support H.R. 2276.

Mr. SHUSTER. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. WELLER] the vice chairman of the Subcommittee on Aviation.

Mr. Speaker, I want to note that the hearing we held in Illinois at the request and urging of the gentleman from Illinois [Mr. WELLER] to examine the power outages at the air traffic control center in Aurora outside of Chicago, was very instrumental in helping us to develop the legislation which is before us today, and I want to thank the gentleman for his very significant contribution to this legislation.

(Mr. WELLER asked and was given permission to revise and extend his remarks.)

Mr. WELLER. Mr. Speaker, I do want to commend the gentleman from Pennsylvania, Chairman SHUSTER, and the gentleman from Tennessee, Chairman DUNCAN, and the ranking members for this bipartisan effort on an issue that is so very important. This legislation, frankly, is sorely needed.

Mr. Speaker, at the Aurora air traffic control center serving the world's busiest airport, Chicago-O'Hare, there are 30-year-old computers that are still programmed with computer punch cards, and today the FAA is still the world's largest purchaser of vacuum tubes. Clearly these technologies, computer punch cards and vacuum tubes, are technologies that have been abandoned by the private sector decades ago. This is clearly an illustration of why we need to bring the FAA into the 21st century.

Mr. Speaker, I rise in support of H.R. 2276, the FAA Revitalization Act. Recent computer shutdowns at various air traffic control centers have brought to the forefront an issue of grave concern regarding air traffic safety. Aurora air traffic control center, which serves the world's busiest airport, Chicago O'Hare, is equipped with a 1960's vintage IBM 9020 E computer.

Last year this computer was shut down at least 10 times. In fact, at one time in August this computer was shut down for 29 hours, delaying air operations throughout the country. Five other major air traffic control centers are equipped with this same computer. There have been over 50 failures among these five sites within the past year. It is clear that this outdated and antiquated equipment is more prone to experience problems and outages, and it is time to bring the FAA into the 21st century.

Unfortunately, the FAA today is operating under burdensome, cumbersome procurement personnel procedures that make it difficult to replace outdated equipment and ensure that facilities are properly staffed.

I would like to touch briefly on the situation we are facing with the replacement computers known as the Advanced Automation System. This new computer system, which was to be installed in Chicago and other centers, is 10 years behind schedule and an estimated \$4 billion over budget. The FAA has made a commitment to put in place interim computers at these centers. However they will not be operational at least for a year and a half. Mr. Speaker, I urge that this legislation be adopted.

Mr. SHUSTER. Mr. Speaker I am pleased to yield 2 minutes to the gentleman from Iowa [Mr. LIGHTFOOT], one of the architects of this legislation.

Mr. OBERSTAR. Mr. Speaker, I yield 15 seconds to the gentleman from Iowa.

The SPEAKER pro tempore [Mr. CAMP]. The gentleman from Iowa [Mr. LIGHTFOOT] is recognized for 2 1/4 minutes.

(Mr. LIGHTFOOT asked and was given permission to revise and extend his remarks.)

Mr. OBERSTAR. Mr. Speaker, will the gentleman yield?

Mr. LIGHTFOOT. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Speaker, I wish to pay compliment to the gentleman from Iowa [Mr. LIGHTFOOT] for the long years of work that he has devoted in the field of aviation and to this issue of an independent FAA. The gentleman has been a strong voice and a consistent voice, a strong point of support, and I salute him for all his contributions to the formulation of this legislation and getting us to the point where we are today.

Mr. LIGHTFOOT. Mr. Speaker, reclaiming my time, I thank the gentleman for his kind comments and would like to return the favor as well, because part of what we put together the gentleman drew the original blueprint for.

Mr. Speaker, I rise today in support of H.R. 2276, the FAA Revitalization Act. At the outset, let me commend Chairmen SHUSTER and DUNCAN and ranking members OBERSTAR and LIPINSKI for bringing forward this important legislation for our consideration today. Let me also congratulate the staff of

the Aviation Subcommittee on its hard work getting us here.

Last year, the Secretary of Transportation, Federico Peña, testified that the Clinton administration proposal for a Government owned air traffic control corporation was the only solution to the problems that exist at the FAA. I was very skeptical of this proposal because I personally do not believe we should separate the FAA's safety oversight function from the operation of the air traffic control system. Further, the General Accounting Office concluded that some of the financial assumptions used by the administration made the corporation proposal look superficially attractive to those of us trying to balance the Federal budget—but were not necessarily realistic.

In response to the problems we all agree on, that FAA needs personnel, procurement, and financial reforms, I introduced H.R. 1392, legislation restoring FAA to independent agency status. Frankly, very little in this town is original and my proposal owed a great deal to previous work on this issue by folks like JIM OBERSTAR, WENDELL FORD, and Barry Goldwater.

Shortly thereafter, the chairman of the Aviation Subcommittee, Representative DUNCAN, concluded his extensive series of hearings on FAA reform and also concluded that restoring FAA to independent agency status was the best alternative for reform. In September, working as a bipartisan team, we introduced the bill before the House today.

H.R. 2276 largely resembles my original legislation. It restores the FAA to independent agency status. It permanently exempts FAA from certain onerous procurement and personnel regulations. However, the legislation also establishes a Federal Aviation Board to make major decisions and a Management Advisory Committee composed of high level industry representatives to advise the FAA on certain management, policy, spending, and regulatory matters. I am certain these provisions will help make the FAA become a more businesslike agency.

I share the concerns expressed by Mr. LIVINGTON, Mr. WOLF, and others about the "off-budget" provisions originally included in this bill. As you all know, the issue of whether to take the trust funds off budget is a difficult and divisive one. I commend Mr. SHUSTER and Mr. DUNCAN for dropping those provisions, temporarily I am sure, so as to allow this bill to move forward today.

However, the bill does contain language creating a select panel to review innovative funding mechanisms such as loan guarantees and restructured grant programs, to ensure funds are available for future improvements in the Nation's aviation infrastructure. I hope the panel will look closely at the concept of linked funding, developed by the Aircraft Owners and Pilots Association, which will link aviation taxes collected to aviation funding. I am currently drafting legislation to imple-

ment this concept to see if it may hold part of the solution to our trust fund difficulties.

Just as importantly, the bill will allow us to terminate 200 positions at the Department of Transportation—eliminating duplicative bureaucracy that wastes taxpayer dollars. Taxpayer dollars which could be better spent funding priority transportation needs.

In closing, I would like to comment on the Secretary of Transportation's position regarding this legislation. The Secretary's opposition to an independent FAA is understandable. FAA represents most of his budget and employees.

But the Secretary chooses to deliberately misrepresent this legislation. He portrays this legislation as creating a new bureaucracy. Far from it, as we have already shown, this legislation will reduce over 200 duplicative positions within DOT. In fact, it is my hope this legislation will start another debate—about the future of the Department of Transportation.

When it became clear there was no support for the administration's ATC corporation proposal, the Secretary suddenly decided that aviation faced an imminent funding crisis. So now, the administration proposes we abandon the current system of aviation excise taxes and set up an entirely new system of aviation taxes—taxes to be determined by the administration and raised as it sees fit.

The basis of the administration's so-called funding crisis comes from a projection of FAA's future spending needs versus an extrapolation of future funding based on recommendations made by the joint budget resolution.

But this funding crisis is, in my opinion, a phony one. At the request of the Transportation Appropriations Subcommittee, the GAO has been looking into the methods and assumptions associated with this so-called funding crisis. An interim report delivered to the Transportation Subcommittee last week indicates the Administration, in documenting the so-called crisis, is once again rigging the financial assumptions to get a predetermined answer.

As an example Mr. Speaker, the administration forgot to include the \$2.4 billion in savings over the next 5 years which it estimates will come from the personnel and procurement reforms included in this legislation and last year's transportation appropriations bill. If we didn't know better, we would think this phony funding crisis was just another scare tactic from an administration whose resistance to a 7-year balanced budget is well known.

Because of the administration's ongoing practice of cooking the books to get a predetermined answer and as a means of further resolving any doubt about the future funding needs of the FAA, the bill now includes a provision directing an independent audit of the FAA. This proposal, first advanced by my friend from the other body, Senator

STEVENS, will also help Congress establish how much, if any, of a funding shortfall might lie ahead for the agency.

Companion legislation in the other body would pursue drastic measures to deal with a perceived crisis. GAO is already showing this funding shortfall may be based on unreliable information provided by the administration. In the past few years, you have heard a lot of rhetoric from the FAA about making the agency run more like a business. Well no business should be based on the sloppy propaganda we have gotten from the administration about this so-called funding crisis.

Mr. Speaker, this bill does not create the Secretary of Transportation's Government-owned corporation, or as I call it, the Postal Service of the Skies. It also does not give the Secretary the new taxes he wanted because they simply are not justified. What we have here on the floor today is a bill that everyone should support. A bill which has the support of the entire aviation community and a bill which will satisfy your constituents' demand for a safe and efficient air transportation system. I urge all my colleagues to support this legislation.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from New Jersey [Mr. FRANKS], a very important member of our committee.

Mr. FRANKS of New Jersey. Mr. Speaker, first I want to congratulate the gentleman from Pennsylvania, Chairman SHUSTER, the gentleman from Tennessee, Chairman DUNCAN, the gentleman from Illinois, Mr. LIPINSKI, and the gentleman from Minnesota, Mr. OBERSTAR, for their excellent work in bringing this bill to the floor today.

Mr. Speaker, today I rise in strong support of H.R. 2276, the Federal Aviation Administration Revitalization Act of 1995. Although this bill contains many worthwhile provisions that will modernize and improve the FAA, I want to bring to my colleagues' attention an amendment I offered in full committee that is of particular importance to my constituents, many of whom have been severely impacted by aircraft noise. Specifically, my amendment would establish the position of aircraft noise ombudsman within the FAA.

The idea of an aircraft noise ombudsman is long overdue. In my home State of New Jersey, the FAA has either arrogantly dismissed or totally ignored the pleas from my constituents for relief. After the Expanded East Coast Plan [EECP] was implemented by the FAA in 1987, it took years for the FAA to even react to the significant increase in aircraft noise over New Jersey that resulted from their policies. By passing this bill today, Congress will ensure that there will be an advocate in the FAA bureaucracy who will represent the concerns of residents affected by airline flight patterns.

This amendment also gives citizens someone to turn to should they have a

comment, complaint, or suggestion dealing with aircraft noise. As the experience in New Jersey demonstrates, the FAA views the very real concerns of our constituents regarding aircraft noise as nothing more than a minor inconvenience. For example, when the FAA was flooded by telephone calls from irate citizens after the EECF was implemented, their response was to belatedly install an answering machine on a single telephone line which was constantly jammed and to which citizens were unable to get through. The American people deserve better treatment when it comes to the decisions that directly affect their quality of life.

Moreover, by requiring the ombudsman be appointed by the FAA Board, and not by the Administrator, Congress will be assured that the position will be filled by a fair and independent individual, and not simply serve as a mouthpiece for the FAA bureaucracy. Ideally, I believe an aircraft noise activist from New Jersey would be the perfect candidate for this new position. After all, no group of citizens are more familiar with aircraft noise or the FAA bureaucracy than my constituents.

Mr. Speaker, my amendment is extremely important to the people of New Jersey, and to the residents of any area of the Nation affected by aircraft noise. I urge my colleagues to demonstrate to their constituents that Congress is genuinely interested in mitigating the effects of aircraft noise by passing this excellent bill.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Virginia [Mr. WOLF] the distinguished chairman of the Subcommittee on Transportation of the Committee on Appropriations.

Mr. WOLF. Mr. Speaker, I thank the chairman for yielding me this time.

Mr. Speaker, I understand that the gentleman has proposed an amendment in the nature of a substitute which differs in numerous ways from the bill, H.R. 2276, that was reported out. I am told the most significant of these changes involved the deletion of the off budget provisions. Is that accurate?

Mr. SHUSTER. Mr. Speaker, if the gentleman will yield, the gentleman is correct.

Mr. WOLF. Mr. Speaker, I thank the chairman for that. The other thing, for purposes of clarity, would the gentleman briefly describe what are some of the other changes that were made from the bill?

Mr. SHUSTER. I would yield to the distinguished chairman of the subcommittee, the gentleman from Tennessee, [Mr. DUNCAN], for an answer.

Mr. DUNCAN. Mr. Speaker, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Tennessee.

Mr. DUNCAN. Mr. Speaker, the main provision was to take the off budget proposal out. We have another insertion there that would allow any savings from the FAA from their appro-

priation to be used, half to go to bonuses for FAA employees and half to be applied to the deficit. This was simply a way to try to encourage some savings by a Federal agency as a way to help in a small way the deficit. But I can assure the gentleman we meant in no way to try to sneak this through or pull anything over on the Committee on Appropriations. I can assure the gentleman that we will work with the gentleman to remove any objections that either the gentleman from Virginia or the Committee on Appropriations would have in regard to this particular provision.

Mr. MARTINI. Mr. Speaker, I rise today in support of the Federal Aviation Administration Revitalization Act of 1995, H.R. 2276. As a member of the House Transportation Subcommittee on Aviation and a cosponsor of this bill, I recognize the strong need to revamp and modernize the FAA to provide the safest, most efficient, and most cost-effective delivery of service available.

It is clear that as the aviation industry grows, the FAA's existing structure does not have the flexibility to grow with it. This is a responsible bill and exemplifies our efforts to maximize resources. First, it will modernize this outdated bureaucratic structure. Next, it will help make air travel—a key component of our economy—more productive, allowing the FAA to design its own personnel rules and avoid interference within the Department of Transportation. Last, with this new structure in place, Federal dollars can finally be used for new equipment and aviation personnel, not Government bureaucrats.

Of specific concern to me and thousands of my constituents in northern New Jersey is aircraft noise. What has happened over the last 5 to 8 years has been disheartening to say the least. We have seen the FAA, a Federal bureaucracy seemingly so set in its ways, virtually dismiss the concerns raised by homeowners affected by Federal policies which have increased overhead noise. Mr. Speaker, imagine the frustration felt by the taxpaying citizens of Montclair, NJ, who continue to be ignored and watch as the quality of their life erodes in the wake of thunderous jet engines. Perhaps the FAA's ears have grown deaf to concerns from the very noise they have created.

The people of New Jersey need someone within the FAA who is receptive to legitimate noise of concerns. By supporting this important piece of legislation, Congress will ensure the residents of New Jersey that their concerns will have a seat at the policymaking table. And while I believe H.R. 2276 is a giant step in the right direction, I will continue to closely monitor all FAA policies which could adversely affect my constituents. From this time on the FAA will be accountable for its decisions.

I urge my colleagues to join me in support of this bill and give the American people what they deserve—safe and effective air travel.

Mr. BURTON of Indiana. Mr. Speaker, I rise in strong support of H.R. 2276, the Federal Aviation Administration Revitalization Act. This well-crafted bill, introduced by Congressman LIGHTFOOT and House Aviation Subcommittee Chairman JOHN DUNCAN Jr., was unanimously approved by the Aviation Subcommittee and the full House Transportation Committee, and

enjoys strong bipartisan support. Moreover, it is widely supported by the general aviation industry.

H.R. 2276 presents an opportunity to change and improve our Nation's aviation system. For years, those in the aviation industry have stressed the crucial need for FAA reform, and the need for the FAA to acquire state-of-the-art equipment in a timely manner. H.R. 2276 accomplishes this goal. This bill makes the FAA independent of the Department of Transportation, allowing the FAA to manage and regulate the safety of the air traffic control system without second-guessing or interference by the Department of Transportation, it frees the FAA from burdensome Federal procurement and personnel rules, and it establishes a commonsense management structure for the FAA.

By passage of H.R. 2276, Congress is demonstrating its commitment to strengthening the FAA and supporting general aviation and other segments of the aviation industry. I urge the prompt passage of this legislation so that we can ensure a safer and more efficient aviation system for America and its air travelers.

Mr. RAHALL. Mr. Speaker, I rise in strong support of H.R. 2276, the Federal Aviation Administration Revitalization Act which is before us today.

This bill, briefly, calls for the strengthening of the FAA by creating it as a separate agency, and will make other meaningful and much needed changes in the management of this most critical of Federal agencies.

Important to our consideration of this bill, and I call it to the attention of all my colleagues, is that it provides for the implementation of numerous reforms of the Agency's procurement and personnel management practices. When enacted, this bill will provide the FAA and its employees the necessary framework within which equipment modernization, cost savings, and labor-management teamwork can be fostered and will serve as a model for other Federal agencies.

It is urgent also that we enact this legislation in order to protect and preserve the applicability to the FAA of certain portions of title 5 of the U.S. Code critical to ensure that FAA employees can continue to have the statutory authority to be represented before the Agency and closely work with management to further implement needed reforms in a cohesive, structured fashion.

Many other changes to the Agency's structure, leadership, and operation are contained in the bill, and are equally important to ensure the continued safety of the Nation's air transportation system.

As many of my colleagues are aware, H.R. 2276 originally contained a provision to remove the aviation trust funds off-budget, but in an agreement with the Republican leadership, this portion of the bill has been removed in order for it to be considered under suspension of the rules. I remain committed to this change, and will hope for consideration of a free-standing bill, H.R. 842, that will take both aviation, highway, and other trust funds off budget later this session.

The importance of this bill is second only, in my view, of our need to increase spending on our aviation infrastructure, rather than continue the reductions in spending for such as the Airport Improvement Program [AIP] we have seen over the past several funding cycles. It is my hope that we can, through the aviation

funding study authorized in the bill, be provided useful information on innovative financing mechanisms that could be used to fund FAA operations and the development of aviation infrastructure. In the meantime, I believe that the dedicated funds, which are now in surplus, contained in the trust fund for aviation purposes should be spent for the purpose intended.

Mr. EWING. Mr. Speaker, I want to thank Chairman SHUSTER and Aviation Subcommittee Chairman DUNCAN for the expert leadership they have demonstrated in bringing this much-needed fundamental FAA reform legislation before the House of Representatives today. As a member of the Aviation Subcommittee, and as a frequent flyer, I am committed to ensuring that our Nation's aviation system remains the safest and most efficient in the world. H.R. 2276, the FAA Revitalization Act, is sound bipartisan legislation that will strengthen and improve U.S. aviation.

H.R. 2276 will restore efficiency and accountability to the FAA by removing FAA from U.S. Department of Transportation control and establishing it as an independent agency. The new FAA will have a corporate structure, with a five-member Board of Directors, and a chief executive officer from the aviation industry who will oversee the Agency's daily operation. This arrangement will provide direct accountability and improve FAA's responsiveness to the aviation community. It will also save taxpayers money by eliminating 200 FAA oversight positions in DOT.

However, the reforms contained in H.R. 2276 are not just structural. The bill implements desperately needed personnel and procurement reforms. Under current rules, the FAA does not have the flexibility to sufficiently allocate employees to facilities that are chronically understaffed, like the Chicago en route center, while other facilities are over staffed. H.R. 2276 grants FAA private sector-like powers to hire and dismiss employees, as well as the additional flexibility to offer incentives to employees for accepting jobs in hard to staff facilities. This personnel flexibility is achieved with the support of each major FAA employee union, and without weakening employee's rights to collectively bargain.

Finally, H.R. 2276 implements critical FAA procurement reforms. Current Federal procurement rules are so inefficient and cumbersome that new equipment is often outdated by the time it is installed. This problem not only deprives the traveling public and the aviation community of the latest and best equipment, but it frequently results in substantial Government waste and chronically over-budget projects. For example, the FAA's plans to replace its aging en route traffic control computers with the new advanced automation system [AAS] is nearly 10 years behind schedule and approximately \$4 billion over its original budget. These cost overruns and delays are clearly unacceptable by any reasonable standards.

Mr. Speaker, H.R. 2276 is true reform legislation. It will fundamentally improve and restructure the FAA, which will benefit anyone who flies in the United States. For all the reasons I have outlined above, I urge all of my colleagues to support passage of H.R. 2276.

Mr. FRELINGHUYSEN. Mr. Speaker, today I rise in support of H.R. 2276, the Federal Aviation Revitalization Act of 1996. This legislation assures that an independent Federal

agency will assume the current powers of the Federal Aviation Administration [FAA], for aviation safety, air traffic control, airway modernization, and yes, aircraft noise mitigation. As a Nation we are very dependent on aviation for movement of our citizens and movement of many goods and products. We need an agency that is responsible to the aviation industry, air travelers, as well as all taxpayers across our Nation.

In my view and the view of many aviation professionals, the stonewalling and arrogance which characterize the FAA's response to noise complaints, reflects the culture, attitudes, and philosophy of its parent bureaucracy, the U.S. Department of Transportation [DOT]. Making the FAA independent of the massive DOT bureaucracy, as well as the creation of the Management Advisory Committee and the Aircraft Noise Ombudsman, will enable the FAA to better represent the taxpayers. In a streamlined and independent agency, no decisionmaker will be able to hide behind layers of DOT bureaucracy. The three members of the Federal Aviation Board, who will administer the FAA, will be more visible and publicly accountable.

My colleague from New Jersey, Congressman BOB FRANKS, and his constituents, have experienced the same frustrations as I have with the FAA bureaucracy in the DOT. His successful effort to include in this legislation the creation of an Aircraft Noise Ombudsman directly addresses the needs for the taxpayers to have an advocate for their concerns regarding the very important issue of aircraft noise mitigation. The success of the Aircraft Noise Ombudsman will depend on the degree to which the FAA changes its approach toward communicating with taxpayers and Congress. The establishment of the FAA as an independent agency provides a positive starting point.

Consequently, Mr. Speaker, I ask that my colleagues support H.R. 2276 and give the American taxpayers a more responsive and efficient Federal Aviation Administration.

Ms. BROWN of Florida. Mr. Speaker, Chairman SHUSTER, Congressman OBERSTAR, Congressman DUNCAN, Congressman LIPINSKI, and I want to commend and congratulate you for working together in a bipartisan fashion to bring a good bill to the House floor. H.R. 2276, the FAA Revitalization Act, addresses FAA's serious bureaucracy and procurement problems while ensuring that Congress keeps an important oversight role. H.R. 2276 makes the FAA an independent agency separate from DOT but still part of the executive branch. H.R. 2276 exempts the Agency from personnel and procurement systems, subject to congressional review. However, this bill does require FAA to develop new personnel and procurement systems tailored to meet the FAA's specific needs while still maintaining important employee rights such as whistle-blowers protection, labor-management relations, and laws prohibiting discrimination. That's why it is important that H.R. 2276 be enacted into law before April 1.

If this bill is not enacted into law before April 1, then the fiscal year 1996 Transportation Appropriations Act's requirement that the FAA establish new personnel and procurement rules will go into effect. Unfortunately, the Appropriations Act does not require the FAA to adhere to employee rights that are clearly stated in H.R. 2276, especially the protection of labor-management relations. For the last sev-

eral months, I have been hearing from FAA employees in my district who are very concerned that Congress will not meet its April 1 deadline and that they will lose their rights to negotiate with the FAA about the new personnel system. These employees have a great deal at stake. Let's get this bill enacted before it's too late.

Again, I commend my colleagues on their fine work and would ask my colleagues to support this bill.

Mr. SHUSTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time, and ask all Members to support this very important landmark legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. SHUSTER] that the House suspend the rules and pass the bill, H.R. 2276, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2276, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

□ 1615

BI-STATE DEVELOPMENT AGENCY, BY THE STATES OF MISSOURI AND ILLINOIS

Mr. GEKAS. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 78), to grant the consent of the Congress to certain additional powers conferred upon the Bi-State Development Agency by the States of Missouri and Illinois, as amended.

The Clerk read as follows:

H.J. RES. 78

Whereas the Congress in consenting to the compact between Missouri and Illinois creating the Bi-State Development Agency and the Bi-State Metropolitan District provided that no power shall be exercised by the Bi-State Agency under the provisions of article III of such compact until such power has been conferred upon the Bi-State Agency by the legislatures of the States to the compact and approved by an Act of Congress; and

Whereas such States have now enacted certain legislation in order to confer certain additional powers on such Bi-State Development Agency: Now, therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the consent of Congress is hereby given to the additional powers conferred on the Bi-State Development Agency of the Compact Between Missouri and Illinois approved under the Joint Resolution of August 31, 1950 (64 Stat. 568) by