

CONDEMNING THE NATIONAL ISLAMIC FRONT (NIF) GOVERNMENT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 75, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ROYCE) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 75, as amended, on which the yeas and nays are ordered.

This will be a five-minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 1, answered “present” 1, not voting 16, as follows:

[Roll No. 206]

YEAS—416

Abercrombie	Clyburn	Gejdenson
Ackerman	Coble	Gekas
Aderholt	Coburn	Gibbons
Allen	Collins	Gilchrest
Andrews	Combest	Gillmor
Archer	Condit	Gilman
Armey	Conyers	Gonzalez
Bachus	Cook	Goode
Baird	Cooksey	Goodlatte
Baker	Costello	Goodling
Baldacci	Cox	Gordon
Baldwin	Cramer	Goss
Ballenger	Crane	Graham
Barcia	Crowley	Granger
Barrett (NE)	Cubin	Green (TX)
Barrett (WI)	Cummings	Green (WI)
Bartlett	Cunningham	Gutierrez
Barton	Davis (FL)	Gutknecht
Bass	Davis (IL)	Hall (OH)
Bateman	Davis (VA)	Hall (TX)
Becerra	Deal	Hansen
Bentsen	DeFazio	Hastings (FL)
Bereuter	DeGette	Hastings (WA)
Berkley	Delahunt	Hayes
Berman	DeLauro	Hayworth
Berry	DeLay	Hefley
Biggert	DeMint	Herger
Blibray	Deutsch	Hill (IN)
Bilirakis	Diaz-Balart	Hill (MT)
Bishop	Dickey	Hilleary
Blagojevich	Dicks	Hilliard
Bliley	Dingell	Hinchey
Blumenauer	Dixon	Hinojosa
Blunt	Doggett	Hobson
Boehlert	Dooley	Hoeffel
Boehner	Doolittle	Hoekstra
Bonilla	Doyle	Holden
Bonior	Dreier	Holt
Bono	Duncan	Hooley
Borski	Dunn	Horn
Boswell	Edwards	Hostettler
Boucher	Ehlers	Hoyer
Boyd	Ehrlich	Hulshof
Brady (PA)	Emerson	Hunter
Brown (FL)	Engel	Hutchinson
Brown (OH)	English	Hyde
Bryant	Eshoo	Inslee
Burr	Etheridge	Isakson
Burton	Evans	Istook
Buyer	Everett	Jackson (IL)
Callahan	Ewing	Jackson-Lee
Calvert	Farr	(TX)
Camp	Fattah	Jefferson
Campbell	Filner	Jenkins
Canady	Fletcher	John
Cannon	Foley	Johnson (CT)
Capps	Forbes	Johnson, E. B.
Capuano	Ford	Johnson, Sam
Carson	Fossella	Jones (NC)
Castle	Fowler	Jones (OH)
Chabot	Frank (MA)	Kanjorski
Chambliss	Franks (NJ)	Kaptur
Chenoweth	Frelinghuysen	Kasich
Clay	Frost	Kelly
Clayton	Gallegly	Kennedy
Clement	Ganske	Kildee

Kilpatrick	Northup	Sisisky
Kind (WI)	Norwood	Skeen
King (NY)	Nussle	Skelton
Kingston	Oberstar	Slaughter
Klecza	Obey	Smith (MI)
Klink	Olver	Smith (NJ)
Knollenberg	Ortiz	Smith (TX)
Kolbe	Ose	Smith (WA)
Kucinich	Owens	Snyder
Kuykendall	Oxley	Souder
LaFalce	Packard	Spence
LaHood	Pallone	Spratt
Lampson	Pascrell	Stabenow
Lantos	Pastor	Stark
Largent	Payne	Stearns
Larson	Pease	Stenholm
Latham	Pelosi	Strickland
LaTourette	Peterson (MN)	Stump
Lazio	Peterson (PA)	Stupak
Leach	Petri	Sununu
Lee	Phelps	Sweeney
Levin	Pickering	Talent
Lewis (CA)	Pickett	Tancredo
Lewis (KY)	Pitts	Tanner
Linder	Pombo	Tauscher
Lipinski	Pomeroy	Tauzin
LoBiondo	Porter	Taylor (MS)
Lofgren	Portman	Taylor (NC)
Lowe	Price (NC)	Terry
Lucas (KY)	Quinn	Thomas
Lucas (OK)	Radanovich	Thompson (CA)
Luther	Rahall	Thompson (MS)
Maloney (CT)	Ramstad	Thornberry
Maloney (NY)	Rangel	Thune
Manzullo	Regula	Thurman
Markey	Reyes	Tiahrt
Martinez	Reynolds	Tierney
Mascara	Riley	Toomey
Matsui	Rivers	Towns
McCarthy (MO)	Rodriguez	Traficant
McCollum	Roemer	Turner
McCrery	Rogan	Udall (CO)
McDermott	Rogers	Udall (NM)
McGovern	Rohrabacher	Upton
McHugh	Ros-Lehtinen	Velazquez
McInnis	Rothman	Vento
McIntosh	Roukema	Visclosky
McIntyre	Roybal-Allard	Vitter
McKeon	Royce	Walden
McKinney	Ryan (WI)	Walsh
McNulty	Sabo	Wamp
Meehan	Salmon	Waters
Meek (FL)	Sanchez	Watkins
Meeks (NY)	Sanders	Watt (NC)
Menendez	Sandlin	Watts (OK)
Mica	Sanford	Waxman
Millender	Sawyer	Weiner
McDonald	Saxton	Weldon (FL)
Miller (FL)	Scarborough	Weldon (PA)
Miller, Gary	Schaffer	Weller
Minge	Schakowsky	Wexler
Mink	Scott	Weygand
Moakley	Sensenbrenner	Whitfield
Mollohan	Serrano	Wicker
Moore	Sessions	Wilson
Moran (KS)	Shadegg	Wise
Moran (VA)	Shaw	Wolf
Morella	Shays	Woolsey
Murtha	Sherman	Wu
Myrick	Sherwood	Wynn
Nadler	Shimkus	Young (AK)
Neal	Shows	Young (FL)
Nethercutt	Shuster	
Ney	Simpson	

NAYS—1

Paul

ANSWERED “PRESENT”—1

Barr

NOT VOTING—16

Brady (TX)	Greenwood	Napolitano
Brown (CA)	Houghton	Pryce (OH)
Cardin	Lewis (GA)	Rush
Coyne	McCarthy (NY)	Ryun (KS)
Danner	Metcalf	
Gephardt	Miller, George	

□ 1237

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AVIATION INVESTMENT AND REFORM ACT FOR THE 21ST CENTURY

Mr. REYNOLDS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 206 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 206

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1000) to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill, modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. No further amendment to that amendment in the nature of a substitute shall be in order except those printed in part B of the report of the Committee on Rules. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in the report are waived. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from New York (Mr. REYNOLDS) is recognized for one hour.

Mr. REYNOLDS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my neighbor, the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Yesterday, the Committee on Rules met and granted a structured rule for H.R. 1000, the Aviation Investment and Reform Act for the 21st Century, or Air 21.

The rule provides for one hour of general debate to be equally divided between the chairman and the ranking minority member of the Committee on Transportation and Infrastructure.

Mr. Speaker, this rule makes in order the Committee on Transportation and Infrastructure amendment in the nature of a substitute as an original bill for the purpose of an amendment, modified by the amendment printed in part A in the report of the Committee on Rules accompanying the resolution.

Additionally, the rule makes in order only those amendments printed in part B of the Committee on Rules report accompanying the resolution.

The rule provides that amendments made in order may be offered only in the order printed in the report; may be offered only by a Member designated in the report and shall be considered as read; shall be debatable for the time specified in the report equally divided and controlled by the proponent and opponent; shall not be subject to an amendment and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole.

Further, this rule waives all points of order against consideration of the bill, against consideration of the amendment in the nature of a substitute, and waives all points of order against the amendments printed in the report.

In addition, the rule allows for the chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce voting time to 5 minutes on a postponed question if the vote follows a 15-minute vote.

Finally, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, after their historic flight in Kitty Hawk, North Carolina, Orville and Wilbur Wright cabled home a simple dispatch to their father, the Reverend Milton Wright. They spoke of the success of their four flights and finished the telegram with a simple pronouncement: "Inform press, home Christmas."

Of course, that may have been the last time two air travelers were that confident they would be home by Christmas.

Much has changed in the 96 years since the Wright brothers sent that

telegram and much more needs to be changed to ensure safety at our airports and fairness in the airline industry.

Mr. Speaker, this bill provides for the reauthorization of the Federal Aviation Administration and the air improvement program. It seeks to address many of the problems burdening our aviation system by making our airports and skies safer, by injecting immediate competition into the airline industry. The bill also addresses many safety concerns by ensuring that the FAA has adequate funding to hire and retrain air traffic controllers, maintenance technicians and safety inspectors needed to ensure the safety of the aviation system.

It provides the resources for the FAA to modernize their antiquated air traffic control system. In addition, the bill provides whistleblower protection for both FAA and airline employees so they can reveal legitimate safety problems without fear of retaliation.

Mr. Speaker, the safety of our skies and of our citizens must remain a paramount concern of this Congress and clearly this bill addresses those needs and concerns, but there is another issue in this reauthorization that means much to consumers, economic development and job growth across our Nation, and that is the issue of increasing competition and making air travel more affordable to more Americans.

In my own district in upstate New York, the high cost of air travel has been a tremendous concern in cities such as Buffalo, Rochester and Syracuse.

□ 1245

Earlier this year, I had the opportunity to submit testimony to Transportation Secretary Rodney Slater, asking for his intervention in making adjustments to the slot process, which controls the take-off and landing rights at our Nation's busiest airports, to encourage airline competition and lower airfare costs.

Airline customers in my community still pay some of the highest airfares in the Nation. In fact, in Rochester, New York, air travelers pay the fourth highest airfares in the United States. This is not only a tremendous burden for leisure travelers, it is a direct impediment to economic growth and job creation.

Business travelers account for more than 70 percent of Rochester's flying public. They are also burdened with some of the highest-priced airfares. A published report noted that a last-minute round-trip airfare from Rochester to Chicago would cost nearly \$1,100 on U.S. Airways. That same ticket from Baltimore would cost only \$242.

This bill addresses much of that concern by setting a dated elimination of slot restrictions at O'Hare, LaGuardia and Kennedy airports and, equally important, making additional slots available for new airlines.

Making slots available to regional jet service providers will ensure that this

Congress does what is needed to inject much-needed competition into the airline industry.

This legislation does much to increase competition with the clear goal of lowering the cost of air travel for the American people.

I would also encourage Secretary Slater to continue to use the power of his office to further identify other creative ways to help increase competition in the airline industry.

Representing a number of smaller, general aviation airports in need of improvement, I am pleased that this bill addresses many of the hurdles small airports face in trying to serve their specialized markets with commercial and private aircraft.

In addition, H.R. 1000 allows the States to control Airport Improvement Program grants to small airports. Under this provision, the State, not the FAA, will determine which general aviation airports are eligible for Federal funds.

Additionally, the bill requires medium and large hub airports to file a competition plan so that the resources can be directed to those projects that will do the most to enhance competition.

In conclusion, I would like to commend the gentleman from Pennsylvania (Chairman SHUSTER) of the Committee on Transportation and Infrastructure and the gentleman from Minnesota (Mr. OBERSTAR), the ranking member, for their hard work on this measure.

I urge my colleagues to support this rule and the underlying bill.

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

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from New York (Mr. REYNOLDS) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, this resolution calls for a structured rule, which makes in order only those amendments printed in the rules report accompanying the resolution. These restrictions are totally unnecessary and limit the full debate on what is a most important issue. I would note once more that the open rule best protects all Members' rights to fully represent their constituents.

The underlying bill we are considering attempts to ensure that America's aviation system remains safe and competitive as we enter the 21st century. Mr. Speaker, there is nothing more critical to the economic well-being of our Nation. Our aviation system was once the envy of the world. Now many communities find themselves cut off from the booming economy as a result of their inability to move their goods and services and people where they need to go.

This problem has enormous economic implications for certain regions of the country, including my own. Mr. Speaker, we are going to hear vigorous floor debate on a variety of issues but we

know this: economic development cannot occur without affordable, accessible air transportation.

My district of Rochester, New York, is the largest per capita exporting district in the United States. This region exports more goods than all but nine States. Indeed, we are among the top 10 exporting areas in the entire country. Last year, 1.2 million people flew out of our airport.

The 28th District of New York is the proud birthplace of a number of Fortune 500 companies, such as Eastman Kodak, Xerox Corporation, Bausch and Lomb, making it the world's image center. Of equal importance are the hundreds of small and mid-sized high-technology firms that have been growing in the region over the last several years. Indeed, these companies are now critical to the lifeblood of our community.

But that continued success is by no means certain. Many firms or businesses are either moving out or choosing to expand in other regions of the country. The reason? Exorbitant airfares and the inability to get a decent flight schedule.

Last year we learned that Eastman Kodak plans to move the marketing headquarters to Atlanta because of cheaper and more frequent flights out of Atlanta's airport. That effect on our area's smaller companies is equally pronounced. A relatively young and growing Rochester-based firm recently wrote me that high fares to and from Rochester are the primary reason it froze professional positions in its local office, opting instead to expand its mid-Atlantic offices.

Rochester is like many mid-sized communities that got left out of the benefits promised by deregulation. To be blunt, deregulation failed us. During the 1980s, 13 air carriers served our region, affording consumers choices and creating a competitive environment that produced reasonable fares. Now one dominant carrier and four additional carriers effectively serve our region, but not effectively. They barely serve us. My constituents pay the second highest airfares in the United States, second only to Richmond, Virginia.

The major airline carriers have clipped the wings of any would-be start-up carriers. While more than one carrier may service our region, they do not compete among themselves on most routes. For example, let me say that competition is not the answer, because we have two airlines that will take persons from Rochester, New York, to Chicago round trip, but both airlines charge \$1,267, to the penny, very same price. The result has been the creation of de facto monopolies on individual routes that are gouging business people and consumers when they fly.

Congress can and must level the playing field for start-up air carriers so that they can compete with the major carriers. The low-cost airlines formed

after deregulation are the primary source of price competition in other areas of the country. When they enter the market, these airlines force the big carriers to reduce fares. Without the pressure from the bargain airlines, the large competitors charge the consumers exorbitant prices. In fact, we are fairly certain that, if one lives in an area where one's airfares are reasonable, the people of Rochester, New York, are helping to subsidize that.

Two years ago, I pledged to my constituents to confront this problem head on. I authored legislation calling on the Department of Transportation and the Department of Justice to get tough on the predatory behavior of major carriers. I have testified numerous times before both House and Senate colleagues, and we had hearings last February with the Secretary of Transportation Rodney Slater on the high cost of airfares.

The major carriers attacked my efforts claiming I was addressing a non-existing problem. This was no small attack because the carriers had spent millions of dollars on lobbyists, on law firms, public relations firms, and focus groups. Fortunately, the flying public has not been fooled, and the drumbeat for greater action from their leaders continues, and we have been successful.

As I stand here today, the Department of Justice has launched a full antitrust investigation into the behavior of the major carriers. The Department of Transportation, for the first time in 20 years, drafted comprehensive guidelines to prevent anticompetitive behavior.

But, Mr. Speaker, just recently four major airlines raised their prices over a weekend together. In the old days, we used to call that collusion. Now it is simply called free enterprise. Thirty-six States' attorneys general are pressing their State courts into action, and the full House, the full Senate and administration are all moving forward with comprehensive measures to tackle the problem.

My bill, the Airline Competition and Lower Fares Act, includes measures to address the distribution of landing and take-off rights at airports, known as slots, and the predatory practices of the major carriers. I commend the gentleman from Pennsylvania (Chairman SHUSTER) and the ranking member for including provisions in AIR 21 to address the slot issue.

Slots are critical to this debate. Currently the major carriers have a stranglehold on the slots, effectively preventing low-cost carriers from entering the market. In the 18 years since airline deregulation, major airlines have increased their grips on the access to slots at the major airports.

At four airports in the country, LaGuardia and Kennedy Airports in New York, O'Hare Airport in Chicago, and National Airport near Washington, D.C., the dominant airlines use their control of slots to squeeze out the smaller carriers, and consumers are getting crushed in the process.

Deregulation of the airline industry increased the demand for slots at these airports. The DOT, I think, out of a moment of sheer madness, gave permission to the major airlines to use these slots as their personal property. They did, however, retain those slots as the property of the people of the United States.

However, the major airlines have been allowed to buy and sell them to each other, to use them as collateral for loans; and we must stop that. As many as one slot, if an airline decides to rent it to another smaller start-up airline, can cost as much as \$2 million a year during peak hours. That is money they are making off of our landing rights, Mr. Speaker. Few start-up companies can overcome such a financial barrier to enter the market.

When the slots were first distributed, it was made clear that they were government property, and we retain the right to reclaim them; and the time for that is now.

We heard testimony at the Committee on Rules yesterday to the effect that the elimination of the slot rule would pose a threat to safety. Mr. Speaker, this is not true. In testimony before the House Subcommittee on Aviation, the top officials of the Department of Transportation refuted this notion. Indeed, when asked directly by the gentleman from Illinois (Mr. LIPINSKI), ranking member, whether any safety reasons existed that would warrant maintaining the current slot system, FAA Administrator Jane Garvey issued an emphatic no.

Indeed, Mr. Speaker, if the slot control density was a safety issue, there are several airports in the United States that are far more used and more dense than the four airports that are slot-controlled. If it were safety, one may believe that the Atlanta airport, for one, would be one of those recommended. It is not a safety issue.

Again, I commend the gentleman from Pennsylvania (Chairman SHUSTER) and the ranking member for tackling the problem. Last fall, the "Economist" magazine, surely a publication with capitalist credentials in order, noted that "if passengers are to benefit fully from airline deregulation, they also need to be protected from what could all too easily turn into just another bunch of price-gouging cartels."

I could not agree more. There may have been benefits promised by deregulation, but we do not have them. Without effective competition in this market, businesses and consumers cannot get a fair shake. AIR 21 will provide additional airport capacity and help to improve large and small airports to ensure that we have fair competition in an industry where individual air carriers have market dominance over many communities.

Mr. Speaker, I feel it is necessary to say again that we found out last year, when Northwest Airline employees

went on strike, that they left whole States in the Northwestern United States without service.

Mr. Speaker, while I will not call for a recorded vote, I do say that we will have a vigorous debate on this bill before it is over.

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

Mr. REYNOLDS. Mr. Speaker, I yield 4 minutes to the gentleman from Florida (Mr. GOSS), the distinguished vice chairman of the Committee on Rules.

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

Mr. GOSS. Mr. Speaker, I thank the distinguished gentleman from New York (Mr. REYNOLDS) for yielding me this time.

I rise in support of this very reasonable and appropriate rule. I honestly believe that it should lead to full opportunity for debate on many relevant issues that we heard on this subject yesterday before the Committee on Rules, matters that were brought to our attention by Members of the appropriate committee.

I commend the bipartisan work of the Committee on Transportation and Infrastructure under the leadership of the gentleman from Pennsylvania (Mr. SHUSTER) in bringing the House this comprehensive authorization bill for our Nation's airports and critical aviation needs.

We have all been reading about the horror stories when things go wrong in aviation, and I am not just talking about the tragic accidents, I am talking about the passenger inconvenience from overcrowding and management problems.

Every single Member in this House wants to ensure that our airports are ready to move into the next century before it gets here, and it is hard upon us. My district encompasses one of the fastest growing parts of the Nation, an area that also happens to be one of the country's most desired vacation spots, and I cordially invite anybody to visit southwest Florida.

As a result, southwest Floridians certainly understand the importance of continuing to invest wisely in our aviation system. That need is even more acute now that we have gone global in southwest Florida and other parts of our country with free trade zone designation that is promoting world-class business and economic development throughout our entire region, and obviously of great importance, our economic well-being of our Nation.

All of this good news, though, is contingent upon an airport system that works, and it has got to work well and better than it is working now. At our peak in March, our area airports handled more than 800,000 passengers. The biggest of our airports in southwest Florida, Southwest Florida International, is a model for the entire Nation on how to stay ahead of growth and meet demand without jeopardizing safety or efficiency.

□ 1300

And I want to publicly congratulate the individuals involved in the management of that airport and the policies of that airport.

The next big project they have for that airport is the construction of a new midfield terminal, the result of yet another successful Federal-local partnership. And I am grateful to the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) and people like that who have recognized needs and given attention to needy situations.

Suffice it to say in my part of Florida we are positive witnesses on the importance of passenger air travel and, of course, air cargo. However, Mr. Speaker, we also know there is no free lunch. When it comes to using taxpayer money we have to find out where it is coming from. We have to balance our priorities and understand the trade-offs, and that means we cannot overpromise. I am concerned that this bill, for all of its merits in supporting vital infrastructure, may be raising expectations just a trifle too high.

Specifically, the bill makes a technical change to the Federal budget process that has far-reaching consequences. The argument here is not about whether we are going to provide proper funding for our airports and aviation safety. That is a given. Rather it is about how we make that happen and whether we unnecessarily tie our own hands for future spending decisions.

This bill seeks to wall off the Aviation Trust Fund from the rest of the budget, a precedent that could lead us down the road of even less fiscal control than we have today and, obviously, would be of concern. One of the primary reasons that we have been able to achieve this remarkable era of budget surplus is that we have examined the Federal budget as a whole and made tough decisions about living within our means. I oppose creating separate budget entities for airport expenditures, or just about anything else, because they are not subject to the same overall control.

Our colleagues will have the chance later in this debate to consider an amendment to strip H.R. 1000 of that technical language and restore the proper balance between deciding on national priorities and allocating the money to foot the bill. I hope Members will support that amendment.

In the meantime, I urge support for this appropriate rule so we can get to that debate and again I congratulate the managers of the bill, the chairman and ranking member of the full Committee on Transportation and Infrastructure, for their hard work in bringing something forward that is timely and necessary for the well-being of our Nation.

Ms. SLAUGHTER. Madam Speaker, I yield 3 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Madam Speaker, I rise today in strong support of the rule and

the bill, AIR 21, the Aviation Improvement Act for the 21st century.

As a member of the Committee on Transportation and Infrastructure, and a Member whose district is just minutes from our international border with Mexico, I know that the path to the 21st century is about more than just ground transportation on America's roads, rails and bridges. And as a Member whose district is also on the Pacific Rim, I know that today the path to the 21st century is also very much about the aviation system in our Nation's airways.

Because of that, I firmly believe that this legislation is more than a transportation bill and more than an aviation bill. Like its sister bill TEA 21, this legislation is a job creator, a winged engine for the Nation's trading economy and a critical tool for the economic development of my own Congressional District.

The enhanced aviation infrastructure and updated air traffic control system that this provides will improve our ability to more efficiently and effectively move people and goods. By removing delays caused by an aging and crumbling infrastructure and an inadequate air traffic control system, we will be better able to continue to grow the economy and shrink our global community.

Despite arguments to the contrary, this legislation is also about fiscal responsibility and accountability. We Americans are taxed when we fly. We are told that those taxes will go to fund our aviation infrastructure. What we are not told is that in reality our tax dollars are allowed to accumulate vast balances that are used by bureaucrats in a classic Washington shell game of hide-the-budget deficit. Americans pay aviation taxes for aviation infrastructure. It is time we instill some discipline into the Federal budget and spend these funds for their intended purpose. This bill will finally restore the trust the American people place in this account.

I believe AIR 21's increased investment in our aviation infrastructure is desperately needed at this time. America's investment in its transportation infrastructure has helped create the strongest economy in the history of the world. It invigorates the Nation's productive power, creates new jobs and raises revenues. This investment in transportation today boosts the economy and creates jobs today, tomorrow, and for years to come.

Madam Speaker, I will vote for my constituents' job interests and for the Nation's economic interests today and vote for this critical legislation. I urge my colleagues to support this rule and to support this bill.

Ms. SLAUGHTER. Madam Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. JACKSON).

(Mr. JACKSON of Illinois asked and was given permission to revise and extend his remarks.)

Mr. JACKSON of Illinois. Madam Speaker, I thank the gentlewoman

from New York for yielding me this time, and I want to rise today in support of this rule.

I want to talk about a contentious issue for which we will be debating at great length throughout consideration of AIR 21, and that is the passenger facility charge. In 1990, Congress responded to concerns that the aviation trust funds and other existing sources of funds for airport development were insufficient to meet national needs by creating the PFC.

The Aviation Safety and Capacity Expansion Act of 1990 allowed designated commercial airports the option of imposing a PFC on each passenger boarding an aircraft at the airport. PFCs are not Federal taxes. Rather, PFCs can be viewed as local taxes that require Federal approval.

Unlike Federal airport improvement program funds, AIP, PFC monies can be used for a wide range of projects and can also be used for debt service and related expenses. As a result of this broad project eligibility, PFC funds are more likely to be spent on landside activity, such as terminal development, road construction, and debt service.

The PFC system has been enormously popular with airports. According to some estimates, the FAA has already approved PFC collections in excess of \$18.5 billion. This large and growing source of airport funding is also viewed by many observers as a way to fund needed airport improvements without raising Federal Aviation taxes.

It is clear, however, that there are some concerns by many Members of Congress with respect to legislative intent. It is clear that additional capacity was a major goal of the authors of this legislation. What is less clear is how capacity is defined. As suggested in previous announcements, the Federal Aviation Administration has taken a broad view of the types of airport projects eligible for PFC funding.

It has been suggested by critics of several PFC projects that the FAA view is overly broad and that a redefinition of capacity would be appropriate and appropriate in AIR 21. This issue, generally referred to as an appropriate use issue, will be discussed in great detail in today's debate.

The single most controversial issue associated with PFCs has been the issue of appropriate use. Recent FAA approval of PFC funding for a \$1.5 billion light rail system connecting JFK Airport with New York's subway system has raised the visibility of appropriate use. Recent testimony before the Subcommittee on Aviation of the House Committee on Transportation and Infrastructure indicates that airlines are still very opposed to this project and other types of projects that airports wish to undertake using PFC funds on the site of airports and not off site from airports.

The city of Chicago has chosen to use much of its PFC income to undertake large terminal-related projects. These

terminal improvements are largely aimed at upgrading existing infrastructure as opposed to creating new infrastructure. The first terminal upgrades are aiding incumbent carriers. That is, the gates and terminal space being rehabilitated will already be under control of an air carrier. As a result, the space is unlikely to be available to new air carriers who might provide new and competitive services at the airport.

Second, this type of project has been historically subject to bond financing. In this historical financing framework, the airports would have to work with the incumbent air carrier to create new or improved terminal capacity by using its landing or other fees to support the bonds financing. Unfortunately, PFCs are acting as a subsidy for existing carriers and are not consistent with Congress' legislative intent to enhance competition amongst the carriers, which we will discuss in great measure.

The failure to concentrate PFC funds on the airside improvements is having the effect of increasing existing congestion in the air traffic control system. In this view, using PFC funds to build new airports, such as DIA and perhaps, even in my own district, Peotone, Illinois, has the effect of reducing ATC congestion at major transportation hubs. New runways, new taxiways, even at existing airports, are also seen as enhancing ATC capacity in an area and in a way that new terminals and parking loss indeed cannot.

On the issue of competition, by choosing not to spend money on new air site capacity and gates for potential new competitors, some airports seem to be working to maintain the status quo, thereby benefiting incumbent air carriers. Just this past Friday, the gentlewoman from Illinois (Ms. SCHAKOWSKY) sat on the runway at Reagan National Airport for 5 hours, not because there were not enough terminals at Chicago at its airport, not because there were not enough parking lots at Chicago at its airport, she sat on the runway because of bad weather at the airport and had nowhere else to go.

In the future, Chicago's airports will have to lengthen their runways from their present lengths, expand space between runways and taxiways so that generation and series 4, 5 and 6 aircraft will be able to land at those airports and, indeed, enhance competition amongst the carriers.

Madam Speaker, I look forward to continuing this debate and offering several corrective amendments to this bill to make Congress' intent a reality.

Ms. SLAUGHTER. Madam Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. LIPINSKI).

Mr. LIPINSKI. Madam Speaker, I thank the gentlewoman for yielding me this time, and I want to say that I rise in strong support of this rule.

Madam Speaker, I would like to comment upon a few statements made by my good friend and colleague, the gentleman from Illinois (Mr. JACKSON) as

it pertains principally to the Jackson-Hyde amendment which we will be dealing with later on today.

First of all, PFCs are collected locally and spent locally. The Jackson-Hyde amendment is an unprecedented attack on local authority. The law establishing the PFC clearly states that only FAA-recognized airports or airport authorities can collect and distribute PFC revenue.

The city of Chicago is the airport authority for both O'Hare Airport and Midway Airport. The Illinois Department of Transportation, the beneficiary of the Jackson-Hyde amendment, has tried before to grant the PFC revenue collected by the city of Chicago. In that case the U.S. Court of Appeals, 7th Circuit, ruled that the Illinois Department of Transportation had no rights to the revenues collected by the city of Chicago.

In fact, the court stated that PFC revenues belonged to the agency levying the charges, in this case the city of Chicago. They do not belong to the Illinois Department of Transportation or any other organ of the State. The Illinois Department of Transportation controls neither the airports, which are controlled by a municipal authority, the city of Chicago, nor the airspace, a Federal responsibility. The Hyde-Jackson amendment would set a precedent allowing entities that do not participate in the operations of airports to benefit from the PFC revenue.

It is airport operators, not State agencies, that know how to best use scarce aviation funds. The city of Chicago has wisely used its PFC revenues to address pressing airport needs. As is required by law, PFC revenues collected by the city of Chicago have only been used on projects approved by the FAA.

The city of Chicago began collecting PFCs in 1992, and since that time has had FAA approval for more than well over \$700 million to rehabilitate and improve existing runways and taxiways, and more than \$300 million to soundproof schools and homes surrounding O'Hare and Midway Airport.

I would like to run that by my colleagues once again. There has been \$300 million from the PFCs set aside to soundproof schools and homes surrounding O'Hare and Midway Airport.

The city of Chicago also used PFC funds to build shared- or common-use gates that ensure access for any carrier wishing to serve the airport. This has helped foster competition at both O'Hare and Midway Airport and is a very important ingredient in this debate.

□ 1315

Midway Airport is beginning a \$762 million development program to replace the 50-year-old terminal at the airport. Midway Airport has an airfield that can accommodate as many as 8.5 million enplanements.

Unfortunately, the terminal was built and later renovated to accommodate only 1.1 million annual passengers. By improving the terminal

building, Midway will be able to utilize its operational capacity.

The gentleman from Illinois (Mr. JACKSON) when he spoke here a few minutes ago on the rule mentioned that neither O'Hare nor Midway will be able to accommodate the soon-to-be-built new generation of larger "series 6" aircraft.

O'Hare's main runways range from 13,000 feet to 10,000 feet and can easily accommodate today's largest aircraft. The Boeing 747-400 and the 777 all fly into and out of O'Hare on a regular basis. Midway's largest runway is 6,500 feet and Boeing's 757-200s regularly fly in and out of Midway.

In fact, ATA Airlines has started the one-stop service to Ireland using the 757-200; and once customs facilities are constructed at Midway, they will begin nonstop international service.

In conclusion, I would simply say, in Governor Ryan's inaugural address, he made mention of the fact that the State of Illinois wanted no PFC money from O'Hare Airport or Midway Airport to build Piatone.

The problem with accommodating larger aircraft is not a matter of runway capacity, but rather gate capacity. Most airport gates are not built wide enough to accommodate the bigger aircraft. Fortunately, the City of Chicago is planning on using PFC revenues to build 2 new terminals at O'Hare that will be able to accommodate the larger aircraft being built today.

The City of Chicago is not using PFC revenue as Congress intended. Once again, the City of Chicago has used PFC revenue on FAA approved projects only. Each project in some way enhanced safety or capacity, reduced noise, or enhanced competition as the law directs. Study the list of projects for yourself.

Listed below are capacity improvements that have been made at both O'Hare and Midway. Any taxiway and hold pad improvements are designed to eliminate ground congestion and delays. O'Hare has seen a 40% reduction in delays during the past decade, much of this is attributable to the reduction of ground congestion. The other projects maintain the operational capacity of the airports.

O'Hare International Airport

\$6.8 million on Runway 27L hold pad (April-October 1993)
 \$3.1 million to rehabilitate Runway 4R/22L (June-December 1993)
 \$10 million to rehabilitate Runway 9R/27L (March-August 1996)
 \$8.8 million on shoulder and edge lighting on Runway 14L/32R (June-November 1996)
 \$26 million on new north airfield hold pad (July '94-April '97)
 \$3.3 on Air Traffic Control Tower (ATCT) lighting panel (June '95-August '97)
 \$7.9 million to rehabilitate Runway 4L/22R (July-November 1997)
 \$14.9 million to rehabilitate Taxiway 14R/32L (May-December 1997)
 \$12.9 million to rehabilitate Taxiway 9R/27L (September '97-September '98)
 \$1.7 million to rehabilitate Runway 4R/22L (May-October 1998)
 \$11.7 million to rehabilitate Taxiway 14L/32R (April-December 1998)

\$9.9 million to rehabilitate Taxiway 4R/22L (June-December 1998)

\$5.5 million for terminal apron pavement rehabilitation (June '98-December '01)

Projects at Midway Airport

\$4.3 million to rehabilitate Runway 4L/22R (June-December 1995)

\$900 thousand to rehabilitate Runway 13L/31R (May-November 1996)

\$421 thousand on airfield lighting control panel (August '96-July '98)

Mr. REYNOLDS. Madam Speaker, may I inquire how much time is remaining?

The SPEAKER pro tempore (Mrs. EMERSON). The gentleman from New York (Mr. REYNOLDS) has 18½ minutes remaining, and the gentlewoman from New York (Ms. SLAUGHTER) has 8 minutes remaining.

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

Ms. SLAUGHTER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I find that probably nothing is more confusing to our fellow Members and to the audience at large as when we talk about slots and density control. And I would like to take just a few moments if I may to try to give my colleagues my view of what this discussion is really about.

As we know, there are four airports in the United States that are density controlled. And there are many more airports in the United States, notably, Los Angeles and Atlanta, that have far more traffic than the density controlled airports.

Safety is not the issue. The issue is simply this: It is important to note that a slot is not a gate. "Slot" is the term used for landing and takeoff at airports. And what the United States has done now is allow four airports in the United States to have nothing to say about it but the major airlines controlling who gets to land and who gets to takeoff. Because the slots, the landing rights of those airports, is in the hands of the major air carriers.

If a start-up airline wants to rent a slot or lease a slot from one of the carriers, as I pointed out earlier, it could cost them up to \$2 million a year and they may be given the right to land at 2 a.m., and they may also be required to use the reservation system of the major airline, and they may also be required to use the ground crew of the major airline, which are some of the reasons why many start-up airlines never survive at all.

So what we are doing, if we let density stay at these four airports, do not lift the density, we are simply continuing the system of letting the major airlines determine who flies in and out of those four airports. It is important to understand that it is their control.

As I said earlier, they buy and sell them to each other, they lease them out to other airlines, and they use them as collateral for loans. The most important point I want to make is that that does not belong to them. Because

even when they were given the right to control, the retention of the slots, the landing rights, were retained by the American people with the right to he reclaim them. And that is what needs to be done in this bill. It needs to be done now.

I urge all of my colleagues to vote against the Hyde-Morella amendment today that retains density. Because they are not helping an airport, they are continuing a monopoly situation.

Madam Speaker, I yield back the balance of my time.

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

Madam Speaker, I agree with my colleague and neighbor, the gentlewoman from Rochester, New York (Ms. SLAUGHTER).

If I had my way to write this bill, I would not have slots in it, no slots, any airport. I would have the free market based on the fact that my belief is that no slots would offer an opportunity to reduce the air fares in Rochester, Buffalo, and Syracuse.

However, this is a body of compromise. And some representatives from the New York City area representing LaGuardia and Kennedy, all Democratic minority members I might point out, work to suppress additional slots for areas like Upstate New York, Buffalo, Rochester, and Syracuse. And it was soon compromised by the chairman of the committee that a negotiated solution provided opportunities for new and additional regional jet service from New York City to airports like Upstate New York.

It is an important first step. It is not the last step. It is not a final solution. It is a compromise. It is a beginning first step. I urge more discussion, more ideas to come forward not only from this great body of the Congress but from the administration, the Secretary of Transportation, and the industry on what we can do to lower airfares and bring great competition to all of our airports in America.

Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 206 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1000.

□ 1321

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1000) to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes, with Mr. BONILLA in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 30 minutes.

The Chair recognize the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, this is an historic moment in the House because we are considering legislation which will have a major impact on the future of nearly every American in the years to come.

Make no mistake about it, our aviation system in America today is hurdling toward gridlock and potential catastrophies in the sky. In fact, we have gone since airline deregulation from 230 million passengers flying commercially in America each year to 600 million last year, 660 million projected for this year. And in the first decade of the next century, we will have over a billion, with a "B", people flying commercially in America.

Beyond that, air cargo is skyrocketing. In the past 10 years, we have had a 74-percent increase in air cargo and it is escalating at even a steeper rate today. We are told that in the next 5 years there will be a 30-percent increase in planes over our 100 largest airports and, get this, a 50-percent increase in commercial jets in our skies.

Delays have increased to the point that our top 27 airports in America each are experiencing well over 20,000 hours of airplane delay a year. And it is getting worse, not better. In fact, it is projected that the airlines are losing \$2.4 billion a year as a result of the delays and it is costing the American people \$8 billion a year in delays.

That does not really tell the whole story, by a long shot. Why? Because delays are so prevalent, the airlines are building delays into their schedules. For example, a flight from Washington to LaGuardia takes 45 minutes, but the airlines are showing it as a one-hour flight because they are building in the delay. So those delays are not even calculated. Delays are increasing. Customer satisfaction, airline passengers are very, very upset.

From this April to last April, there has been an 87-percent increase in passenger complaints down at the FAA. As far as safety is concerned, while we have today still the safest aviation system in the world, it is not going to stay that way if we have 30 to 50 percent more planes in the sky.

In fact, with the tragedy that occurred out in Little Rock just a few weeks ago, they did not have a Doppler radar system, which would have warned them in advance of the problems they were having with weather. They have requests in for runway extensions, requests in for safety, other safety requests which have not yet been granted. Why not? Because the money is not there to do it.

Now, I cannot stand here today and say that that tragedy would not have occurred in Little Rock. But we can say that the additional safety devices which they want and have applied for certainly would have provided a safer environment for them. Competition is something which we have all been in favor of, and yet we do not see it today in many of our major hubs.

In fact, most of the major hubs is one dominant airline that controls 70 to 80 percent of the slots of the gates. And why? Because we do not have the necessary expansion.

As many of my colleagues know, the critical path generally is more runway. And if you could have more runways, then we could have more terminals and more gates. And indeed in this legislation, one of the reforms in this legislation is to provide the incentives for the airports to attract additional competition into the airport. And when that happens, we will see more competition, and more competition certainly works to the benefit of the traveling public.

What are the needs? We are told that, all told, when we consider the money that is coming from the Aviation Trust Fund, the bonding that takes place at airports, the general fund, the total need is about \$10 billion a year. And we only have \$7 billion a year. We are \$3 billion short.

There are 59 runway projects that need to be built. The money is not there. We are told in one study there is a 60-percent increase in infrastructure required to meet the future demands on our aviation system. The General Accounting Office tells us that the air traffic control system will need another \$17 billion in the next 5 years.

Well, is there a solution? Yes, there is a solution. And we are here with that solution today. The good news is that solution does not require any tax increase, nor does that solution require taking money away from other Federal programs.

The solution is to unlock the Aviation Trust Fund. By doing so, we can have \$14.3 billion in the next 5 years to be spent to improve aviation, and indeed that is only money that is going into the Aviation Trust Fund paid for by the American traveling public in their ticket tax.

It is *deja vu* all over again when we look at the battle we fought last year on the Highway Trust Fund to unlock it so we would be straight with the traveling public and spend the money they put into the Highway Trust Fund for surface transportation improvements.

So now we come today and say let us do the fair thing, the right thing, let us unlock the Aviation Trust Fund.

In fact, if we do not unlock the Aviation Trust Fund, if things go on as they are, not only will we have the delays we talked about, the increasing safety problems, the Aviation Trust Fund in 10 years will have a balance of over \$90 billion paid for by the traveling public and yet not spent.

□ 1330

Where do we offset the \$14.3 billion? How can we say that we can spend the money going into the Aviation Trust Fund, which in the next 5 years will be an increase of \$14.3 billion, and not take it from other programs and live within the caps? It can be done, and this legislation does do it because we move the Aviation Trust Fund outside the cap, we do not spend increased money from the general fund; in fact, we put a freeze on the general fund so this works to the benefits of our friends on the Committee on Appropriations so that they do not have the pressure of having to increase general fund spending in the future because the only increase comes from the Aviation Trust Fund. Indeed, the 14.3 billion we take from the \$780 billion 10-year tax cut, that is in the budget resolution that has passed this House earlier this year.

Now stop and think about it for a minute. It is morally wrong to say we are going to take that \$14.3 billion that is in the Aviation Trust Fund and use it, give it away, as part of a general tax cut. It is simply wrong, it is fraudulent, to take the tax money of the traveling public and then turn around and have that money given away as part of a general tax cut. That is a moral issue, as well as a financial issue, as well as a safety issue, and so we believe this legislation gets the job done, does not provide all the money we would like to see, but it certainly moves in the right direction.

And another very important point: In this legislation, it does differ from TEA 21, the highway bill, in that we do not mandate that the money all be spent. The appropriators in our manager's amendment, the appropriators retain all of the authority which they now have, so if someone gets up here and tells us that the appropriators are losing their authority over this legislation, that is simply not the case. They can set the obligational ceilings; they will have the same authority under this legislation that they have today under current law.

Indeed I was pleased to read this morning that the Speaker is going to support this legislation. I have just been informed, and I am proud to announce, that the Speaker, although a Speaker generally does not vote, the Speaker has informed me that he will vote on this legislation and he will vote in favor of this legislation. And why? Because it is good for America, because it the right thing to do.

Another issue that is of importance to us here is that we provide the local authorities, the locally-elected authorities particularly, I say to my conservative Republican friends, we send back to the localities the authority on the decision of whether or not the PFCs, the passenger facility charges, should be increased; but, because there is a national interest in it, we put some strings on that decision.

We say that we cannot increase PFCs unless we can justify to the Secretary

of Transportation that with this additional money they are getting in our bill they still cannot do the job of providing safe transportation; they cannot provide in addition to safe transportation for a reduction in delays and an increase in competition. So all of those very important issues must be justified before a locality can increase its PFCs.

In this legislation, simply by unlocking the Aviation Trust Fund, small airports will have their allocation increased threefold, as will the medium and large hubs. For the first time, the cargo airports will get funds, and so will general aviation, without any tax increase, simply by using the money that the American people are paying.

Now we have heard, unfortunately, an article a few weeks ago about some of the Members being threatened by the Committee on Appropriations if they vote for this bill they will lose projects. I certainly do not believe it, and I know I have the highest regard for the chairman of the Committee on Appropriations. Just yesterday I was told that members of the New Jersey delegation were threatened that they would lose funds for their beaches. I am so happy to report to my colleagues that I have discussed this with the chairman of the Committee on Appropriations, and as I knew was the case, he has assured me that they do not operate this way and there certainly is no retribution, neither favors nor threats. And I knew that was the answer because I know my good friend, and I know what an honorable man of great integrity he is, but I am very pleased to be able to report.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for yielding, and I would report to our colleagues on the same statement that I made to the gentleman, that the Committee on Appropriations does not seek to gain votes by offering projects to Members that might not otherwise be considered, nor would the Committee on Appropriations threaten to take away projects because of a lack of voting for an appropriation bill or something that the committee would support, and I thank the gentleman for bringing that to our attention.

Mr. SHUSTER. I thank my good friend. I knew that was the case, and I just appreciate him very much making that point.

I also want to emphasize that we just received today a vote alert from the U.S. Chamber of Commerce in which they say that they support this legislation and oppose the weakening amendments. They recognize the importance of this legislation, so we are just very thrilled to have that kind of support as well, along with the announcement that the Speaker is going to vote for this legislation.

There has been some misinformation put out, I am sure inadvertently. Let

me emphasize again we do not touch the Social Security surplus, we do not touch other programs. The only increase is the increase from the Aviation Trust Fund.

Now I have had some say to me, "Well, we can get the money somewhere else." And I say respectfully, "You've got your head in the sand. Where is the money going to come from if it does not come from the Aviation Trust Fund?" And if we do not continue the historic commitment of the general fund, indeed we freeze the general fund so it cannot be increased, which certainly should be helpful to the appropriators.

Let me conclude by sharing with my colleagues something that was provided to the Congress of the United States by the National Civil Aviation Review Commission, a commission created by the Congress of the United States just recently, and here is what they say:

Without prompt action, the United States aviation system is headed toward gridlock shortly after the turn of the century. If this gridlock is allowed to happen, it will result in a deterioration of aviation safety, harm the efficiency and growth of our domestic economy and hurt our position in the global marketplace. Lives may be endangered, the profitability and strength of the aviation sector could disappear, and jobs and business opportunities far beyond aviation could be foregone.

Let us do the right thing. Let us join with our Speaker and vote in favor of this legislation.

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

Mr. OBERSTAR. Mr. Chairman I yield myself 12 minutes.

Mr. Chairman, transportation has shaped America's history from its very origins, just as surely it guides our destiny as a Nation. From our beginnings as a colony and our restart as a new Nation, America first developed seaports which dominated the 18th century, and river ports which were characteristic of the 19th century, and railroads in the later 19th century, and our highway system through the late 20th century. But it is airports and aviation that guide and will shape America's destiny in the 21st century.

The debate today is not about arcane budget rules. It is about the very future of America and our leadership in the world economy. Every Nation in the world looks to America as the leader in aviation in every aspect of aviation, in air traffic control technology, in runway construction. In the economic and commercial application of aviation, we are the world leader.

Mr. Chairman, that is why we are here today for this debate, to make sure that the funding mechanism which undergirds and supports and makes possible our air traffic control system, our airport system, our safety and security measures, is itself secure, that it will provide for the future needs of the growth of aviation in America.

We understand railroads, we understand transit links, we understand highways as part of an integrated system to deliver transportation necessary for job opportunities for local economic growth, for quality of life for the people of this country. But we do not understand, I do not think the understanding has settled in sufficiently with the people of this country to understand fully the role that aviation plays in America's current and future economy. The air traffic control system for our large hub airports, ever since the explosive growth that began in 1978 with deregulation of aviation, has put constraints, caused delays, created congestion both on the air side and the ground side at the Nation's airports. Flight delays, cancellations, slower flights are all indications of a system that is not meeting the demands of the Nation's growing economy.

The DOT Inspector General just recently found that flights at nearly three-quarters of the major air routes are taking longer than they did 10 years ago, as much as 20 minutes longer. Delta Airlines, for example, recently reported that inefficiencies in our air traffic control system cost that airline \$300 million a year. But it is not just the major airlines, not just the major airports, it is our smaller communities in the hub and spoke aviation system that are also experiencing the strain of the inability of our aviation structure to meet the Nation's capacity requirements.

George Bagley, Chief Executive Officer of Horizon Air, chairman of the Regional Airline Association, said that air traffic control and airport capacity limitations are increasingly burdensome issues for expanding regional airline service. He said we have always figured a way to park more airplanes and get more gates but this year we did not do some flying that we otherwise could have done.

The Nation's airports are the ground hubs for these air routes. Capacity is limited. We cannot ignore critical issues, expanding runways to accommodate larger aircraft, expanding terminals, expanding gates to promote competition, and to accommodate the dramatic rise in passengers from 600 million passengers-plus last year to an anticipated billion passengers within the next 10 years.

How does this play out? Worldwide there are 1 billion 200 million passengers flying all airlines in the entire world of all nations. Six hundred million, over half of those passengers fly in this airspace in the United States. That is how important. We are half, in fact more than half, of the world's total airport-airline passengers capacity. Travelers at 27 airports in the United States in the last year suffered more than 20,000 hours of delay at each of those airports, and if we do not pass this legislation and make the improvements necessary, we will see that number increase to 31 airports by 2007.

We are falling short of airport capacity needs by \$3 billion a year. We also have to make improvements in airport technology capacity along with the airport development needs. The shortfalls in airport technology and weather and radar technology also costs us billions of dollars in lost time and lost travel opportunities. Rural areas are denied the opportunity to enjoy the benefits of the economic development that they would have because they cannot get into the major hub airports or cannot fully develop their own small airport systems.

The National Civil Aviation Review Commission, chaired by former colleague and former chairman of this committee, Norm Mineta, put it very clearly. Without prompt action, the U.S. aviation system is headed toward gridlock shortly after the turn of the century. If gridlock occurs, it will result in a deterioration of aviation safety.

□ 1345

The Little Rock Airport situation which our chairman just recently addressed shows us once again, reminds us very vividly and powerfully that aviation accidents are caused by a chain of events, not by a single incident, not by a single missing link. But in this case, if only one link had been addressed, that accident might have been averted or its impact reduced. We are learning now about our weather detection system not fully operational, runway technology which might have prevented fatalities or injuries that was not installed. The proximate cause of the accident is still under investigation, but we are already beginning to see evidence of the possibility that increased aviation investment at that airport may well have made a difference in saving lives.

Every dollar we do not spend from the Aviation Trust Fund makes it more likely that there will be more chains of events that lead to tragedies.

The bill before us today begins to address the needs of the Nation's aviation system. It will ensure that the attention and focus we have invested in the Interstate Highway System will be extended to aviation, by assuring that we will have a guaranteed revenue stream to ensure that the investments in capacity, modernization, competition and safety in our system will be made and will benefit the traveling public.

Example: A runway project at San Francisco to increase capacity and cope with noise will cost a minimum of \$1.4 billion and will ensure that smaller airports can take advantage of that airport with increased investments in global positioning satellite technology and weather technology.

The funding that we make possible through this guaranteed revenue stream will ensure that the AIP funding that will average \$4 billion, together with the proposal to increase the ability of individual airports to increase their PFC by \$3, will assure that

we will have the funds we need at local airports to reduce congestion, improve safety, reduce noise, and enhance competition.

There have been enormous successes with the limited and uncertain-from-year-to-year dollars available for our air traffic control system. Despite the stop-and-go financing that has been characteristic of investment in ATC improvements, FAA has registered enormous success. The nearly \$1 billion Voice Switching and Control System, VSCS, was installed over one weekend without shutting down the air traffic control system for 1 second and is now fully operational without any delays or difficulties or system failures that was characteristic of past communications systems and is vastly enhancing the ability of controllers to do their job.

The Display System Replacement at the enroute centers has now been installed at all 20 enroute centers nationwide, another \$1 billion system with a million lines of computer software code. It is now going through the final stages of acceptance at each one of those centers, vastly enhancing the ability of air traffic controllers to manage the increasing demands on our air traffic control system. Still to come are STARS and Wide Area Augmentation System. Those have incurred delays, but, again, a good deal of that delay has been due to inadequate funding.

Tony Broderick, former FAA Assistant Administrator, asked the key question at our committee hearing when he said, we would never expect a business to run efficiently if the funding stream fluctuated wildly, so why do we expect this of the FAA managers? We cannot. With the funding mechanism we put in place in this legislation, we will assure that they have the dollars they need, and we will also ask more of them. With the Air Traffic Control Oversight Board created in this bill, we will increase focus on the managers' performance and hold them accountable for meeting schedule and budget targets.

Mr. Chairman, this legislation sets the stage for the 21st century, for the next wave of transportation, for the next generation of American growth in transportation and for growth in our economy at home and abroad. Just as last year's T-21 set the stage for America's movement into the 21st century in ground transportation, AIR 21 sets the stage for America's growth and movement into the 21st century. I congratulate the gentleman from Pennsylvania (Mr. SHUSTER) the chairman of our committee, on the leadership that he has demonstrated for this whole body, and for all of transportation in America last year when we moved T-21 and moved America off dead center and into the future, and I commend him again for the leadership that he has shown and for the courage of standing up for what is right for the budget for air travelers, for America, for aviation for the future.

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

Mr. SHUSTER. Mr. Chairman, I certainly thank my good friend for those kind words.

Mr. Chairman, I am pleased to yield 5 minutes to the gentleman from Tennessee (Mr. DUNCAN), the distinguished chairman of the subcommittee.

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

Mr. DUNCAN. Mr. Chairman, I thank the gentleman from Pennsylvania for yielding me this time.

I want to, first of all, say that the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) have already made statements about the need for this legislation and the reasons behind it. So I want to add just a few things. But first, I want to commend the gentleman from Pennsylvania (Mr. SHUSTER), the chairman of our committee, for his leadership on this bill, and my good friend, the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), of the full committee and the ranking member of our subcommittee, the gentleman from Illinois (Mr. LIPINSKI), for their leadership and hard work on this legislation.

Mr. Chairman, this is indeed historic legislation, because we are poised to take the Aviation Trust Fund off budget, produce a more honest budget for the American taxpayers, and take the first steps toward ensuring that our aviation system remains as one of the safest and most efficient in the world. As the gentleman from Pennsylvania (Mr. SHUSTER) noted, the Speaker of the House has strongly endorsed this bill, and the National Chamber of Commerce has strongly endorsed this bill. This is a good bill that all Members can support.

Mr. Chairman, H.R. 1000, the Aviation Investment and Reform Act for the 21st Century, or AIR 21, as it has been referred to, is a bill to reauthorize the Federal Aviation Administration program through the year 2004. AIR 21 is no ordinary bill. AIR 21 ensures that aviation taxes will be spent for aviation infrastructure improvements.

Last year, the chairman of our committee, the gentleman from Pennsylvania (Mr. SHUSTER), led the effort, as the gentleman from Minnesota (Mr. OBERSTAR) just noted, to unlock the Highway Trust Funds and ensure that highway taxes are spent on highways. Now we are attempting to and should do the same thing this year with the Aviation Trust Fund. I am proud to be a part of this effort to ensure that the taxes paid by aviation users will be spent only on aviation improvements. Unlocking the Aviation Trust Fund will benefit the entire aviation community, and it will also benefit even those who do not fly, because our entire economy is made stronger if we continually improve our aviation system.

Aviation activity is growing at a startling rate. In 1998, airlines flew over 640 million passengers. That is an increase of more than 25 percent from

just 5 years ago. As this chart shows, current forecasts predict almost 1 billion employment sometime in the next 10 years, probably much sooner than that. At that growth rate, 10 new airports the size of Dallas-Fort Worth or Atlanta Hartsfield or Chicago/O'Hare, our largest airports, 10 of these large airports would be needed to adequately absorb these passengers.

In addition, air cargo traffic is rising even faster. It rose over 50 percent over the past 5 years and is expected to grow at an average of 8 or 9 percent over the next 10 years. With all of this growth, aviation delays are high and expected to increase in the future. The Air Transport Association estimates the delays caused by infrastructure problems cost the airlines \$2.5 billion to \$3 billion a year. Without proper investment into aviation infrastructure, our Nation's already stressed aviation system could be pushed to the breaking point.

AIR 21 acts to ensure that proper investment is available to fund improvements to our aviation system. By 2004, the bill raises the level of FAA operations to over \$7 billion, the airport improvement program to over \$4 billion, and facilities and equipment to \$3 billion. The increase in AIP funding will triple the entitlement dollars for primary airports, triple the minimum entitlement for small airports, and fund an entitlement for general aviation airports up to \$200,000.

Mr. Chairman, this bill does more or will do more for small and medium-sized airports than any bill in the history of the Congress. This infusion of money into airport infrastructure, this very needed infusion will ensure that our Nation continues to have the safest, most efficient air service in the world, and certainly that is a goal that I believe everyone in this Congress knows is necessary and that everyone in this Congress supports.

One of the most important benefits of this new funding will be the tremendous improvement in airport infrastructure at small and mid-sized communities. First, to provide funding to these communities to obtain increased air service, this bill authorizes a \$25 million program, and all of the communities that are underserved across this Nation need to support this bill because of that. In addition, the money provided in this program can be used to assist underserved airports in obtaining jet air service, and then in marketing that service to increase passenger usage. This money would be used by small airports that are currently served by turboprop aircraft to bring jet service to their communities.

Secondly, the bill will improve competition by establishing a regional air service incentive program. This assistance program would seek to improve regional jet service to small communities by granting them Federal credit assistance.

Mr. Chairman, this is indeed historic legislation, because we are poised to take the Avia-

tion Trust Fund off-budget, produce a more honest budget for American taxpayers and take the first step toward ensuring that our aviation system remains one of the safest and most efficient in the world.

As Chairman SHUSTER noted, the Speaker of the House has strongly endorsed this bill. The National Chamber of Commerce has strongly endorsed this legislation. This is a good bill.

H.R. 1000, the Aviation Investment and Reform Act for the 21st Century (or AIR 21) is a bill to reauthorize Federal Aviation Administration programs through the year 2004. AIR 21 is no ordinary bill. AIR 21 ensures that aviation taxes will be spent for aviation infrastructure improvements.

Last year, Chairman SHUSTER led the effort that unlocked the highway Trust Fund and ensured that highway taxes were spent on highways. Now, we are attempting to and should do the same thing this year with the Aviation Trust Fund.

I am proud to be a part of this effort to ensure that the taxes paid by aviation users will be spent only on aviation improvements. Unlocking the Aviation trust fund will benefit the entire aviation community, and even those who do not fly because our entire economy is made stronger if we continually improve our aviation system.

Aviation activity is growing at a startling rate. In 1998 airlines flew over 640 million passengers.

That is an increase of more than 25% from just five years ago. As this chart shows, current forecasts predict almost 1 billion enplanements in the next 10 years. At that growth rate, 10 new airports the size of Dallas/Ft. Worth, Atlanta Hartsfield or Chicago/O'Hare would be needed to adequately absorb these passengers.

In addition, air cargo volume rose 50% over the last 5 years and is expected to grow 83% by 2008.

With all of this growth, aviation delays are high and expected to increase in the future. The Air Transport Association estimates that delays caused by infrastructure problems cost the airlines \$2½ to \$3 billion a year.

Without proper investment into aviation infrastructure, our nation's already stressed aviation system could be pushed to the breaking point.

AIR 21 acts to ensure that proper investment is available to fund improvements to our aviation system.

By 2004, the bill raises the level of FAA operations to over \$7 billion, the Airport Improvement Program to over \$4 billion, Facilities and Equipment to \$3 billion.

The increase in AIP funding will triple the entitlement dollars for primary airports, triple the minimum entitlement for small airports from \$500,000 to \$1.5 million, and fund an entitlement for GA airports up to \$200,000.

This infusion of money into airport infrastructure will ensure that our nation continues to have the safest, most efficient air service in the world.

One of the most important benefits of this new funding will be the tremendous improvement in airport infrastructure at small and mid-sized communities.

First, to provide funding to these communities to obtain increased air service, this bill authorizes a \$25 million program.

This money would provide assistance to a small or mid-sized community by making

money available to an air carrier that serves that community. The money would subsidize the carrier's operations for up to 3 years if the Secretary of Transportation determines that the community is not receiving sufficient air carrier service.

This assistance would come in the form of loan guarantees, secured loans, and lines of credit for commuter air carriers that promise to purchase regional jets and use them to serve a community for a minimum of three years.

Most regional jets have lower operating costs, higher passenger capacity, and can fly further than many of the turbo prop planes that they are beginning to replace. Jet service would greatly increase the travel choices for people living in small communities to major hub airports. These funding programs will allow small airports to enhance competition of low costs through regional jet service to ensure lower fares.

This bill makes tremendous strides in ensuring that smaller communities that are often overlooked or ignored by air carriers for financial reasons, gain a foothold to attract more, and better, air service for their residents.

We are also lifting slot restrictions at the New York and Chicago airports for regional jet service to small and nonhub airports effective March 1, 2000. This will open service to these airports and improve competition.

DOT has said that elimination of slots is not a safety issue. Therefore, we can increase air service and competition to many destinations currently dominated by one carrier or destinations with inadequate air service.

In addition, AIR 21 incorporates the National Park Overflights provisions based on a bill that I introduced. These provisions represent a strong compromise reached between all the parties involved in air tours over national parks. I am personally proud of the work that went into these provisions and I thank Chairman YOUNG of the Resources Committee for his work on this issue also.

This bill makes tremendous strides in meeting aviation needs and improving aviation infrastructure.

It ensures that communities that are often overlooked or ignored by air carriers for financial reasons, can attract more, and better, air service for their residents.

It also acts to enhance competition, safety and provide lower cost and better air service to all passengers.

This bill is the result of a lot of hard work. But there is still a lot of hard work in front of us. There are opponents to this bill who object to taking the trust fund off-budget. These same opponents object to the General Fund component of this bill.

The FAA's budget has had a General Fund component since its inception. The general fund contribution represents payment for a variety of FAA services, including services to military and other government aircraft, which use our airspace but do not pay taxes, as well as general safety and security services that benefit society as a whole by promoting economic growth.

This general fund payment has been affirmed by the congressionally authorized National Civil Aviation Review Commission (NCARC).

This Commission NCARC stated that "the cost of safety regulation and certification should be borne by a general fund contribution as these activities are consistent with the government's traditional role of providing for the

general welfare of the citizens and are clearly in the broad public interest."

A similar conclusion was reached by the White House Commission on Aviation Security.

The Commission concluded that the federal government should consider aviation security to be a national security issue and that the government should commit to providing substantial funding to reduce the threats posed by terrorist attacks on civil aviation.

We are freezing the General Fund contribution in AIR 21 at the 1998 enacted level. As shown in this historical chart, this will result in a general fund share of approximately 23% from 2001–2004, well beneath the average general fund component of 39%.

This percentage is also well below the general fund share to other safety regulatory agency budgets. On average, these agencies (FDA, OSHA, and EPA) all receive about 80% or more of their budgets from the general fund. Comparatively, the FAA general fund contribution is a bargain.

If the General Fund component were eliminated, general taxpayers would not be paying their fair share for FAA services that benefit society as a whole.

Moreover, eliminating the General Fund component while maintaining the AIR 21 proposed funding levels would deplete the Trust Fund by 2003.

I urge you to vote against any amendment that contemplates cutting the general fund component of the FAA budget. If we allow AIR 21 to stand on its own, it will do great things for aviation.

I would like to take this opportunity to thank Chairman SHUSTER, Congressman OBERSTAR and Congressman LIPINSKI for all of their strong leadership efforts in crafting this legislation.

AIR 21 has been a bipartisan project and has resulted in a bipartisan product that I truly believe is good for aviation.

There are no earmarks in this bill, there is only the promise of safety and efficiency in our nation's aviation infrastructure in the years to come.

That should be enough for all of us.

I urge you to support H.R. 1000.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. ROTHMAN).

Mr. ROTHMAN. Mr. Chairman, I thank the distinguished ranking member for yielding me this time.

Mr. Chairman, I would like to engage the gentleman from Pennsylvania (Mr. SHUSTER), the chairman of the Committee on Transportation, in a colloquy at this time.

Mr. Chairman, the loud noise generated from aircraft is having a negative impact on the quality of life and public health for thousands of residents living in areas with aircraft noise problems. In my congressional district, much of the aircraft noise is generated from the older, general aviation aircraft. At Teterboro Airport, which is located in my district, roughly 15 percent of the aircraft are still equipped with the louder stage-1 or stage-2 engines, and these 15 percent of the aircraft account for 90 percent, 90 percent, of all of the aircraft noise violations at that airport.

Mr. Chairman, it is my understanding that the GAO, at the request of leaders from the House Committee on Transportation and Infrastructure, is conducting an investigation into aircraft noise to determine whether planes weighing less than 75,000 pounds should abide by the stricter stage-3 noise levels.

Is that the chairman's understanding?

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. ROTHMAN. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, I would say to my friend that that is my understanding, the gentleman is correct; the GAO is looking into it. We thank the gentleman for bringing to this our attention, and we will very carefully review the GAO study.

Mr. ROTHMAN. Mr. Chairman, I thank the chairman, and I thank the ranking member.

Mr. SHUSTER. Mr. Chairman, I am pleased to yield 1½ minutes to the gentleman from New York (Mr. SWEENEY), a stalwart member of our committee.

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

Mr. SWEENEY. Mr. Chairman, I want to talk about people. Upstate New York has been identified as an area that needs improvement and has been labeled a "pocket of pain" in the aviation system. The airports that serve my district are in dire need of many improvements, methods of enhancing accessibility, machinery, and, most importantly, technology.

□ 1400

Single airlines dominate service to the upstate region, and existing airline access rules have stifled competition and caused passengers to pay unreasonably high air fares.

For example, a round trip ticket from Albany to Washington, D.C. is almost \$700. We are losing jobs and a chance to compete globally. Air 21 provides a critical step toward rebuilding the economies of many suburban and rural areas nationwide. I urge my colleagues to pass Air 21 and give us a chance to grow and compete.

Mr. OBERSTAR. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. LIPINSKI), the ranking member on the Subcommittee on Aviation.

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

Mr. LIPINSKI. Mr. Chairman, I thank the ranking member of the full committee for yielding time to me.

Mr. Chairman, I rise today in strong support of H.R. 1000, the Aviation Investment and Reform Act for the 21st Century, or Air 21. This is an historical piece of legislation that will unlock the aviation trust fund, allowing aviation taxes to be used to fund aviation infrastructure needs.

The United States has the best aviation system in the world. It also has

the busiest aviation system in the world. Since airline deregulation in 1978, the number of people flying has nearly tripled, from 230 million annually to 600 million last year. Passenger traffic is projected to reach 660 million this year, and approximately 1 billion in the next 10 years.

Even today, the FAA estimates that at any one time, there can be as many as 5,800 flights in the air over the United States.

Unfortunately, at the same time that record levels of passengers are traveling, capacity constraints are threatening gridlock at our national aviation system. Our aging air traffic control system and our aging airports are having difficulty keeping up with the increased demand.

In 1998, for example, 23 percent of all major air carrier flights were delayed 15 minutes or more. Delays caused by air traffic control equipment accounted for 22 percent of these delays, an increase of 9 percent from the previous year. In fact, last year alone there were 101 significant air traffic control outages which most often resulted in the FAA holding airplanes on the ground, keeping passengers waiting and waiting in the terminal or on the taxiway.

If nothing is done, delays and congestion will only get worse. Increased delays will mean less predictability in the airlines' schedules, which are already padded to account for some delays.

We cannot afford to have an aviation system that is so unreliable that it is not practical for users. This is why we need Air 21. By spending aviation taxes on aviation needs, Air 21 significantly increases investment in our nation's airports, runways, and air traffic control system today so our aviation system is ready for the increased demands of tomorrow.

Modernizing our air traffic control system is key to increasing the capacity of our national air aviation system. It is only through advanced technology that more airplanes will be able to share the same airspace safely and effectively.

For this reason, Air 21 provides \$11.5 billion through the year 2004 for the FAA's facilities and equipment program, which purchases equipment for the modernization of the air traffic control system. The FAA already has several important projects underway to replace and improve computers, radars, communication systems, and other vital components of the air traffic control system.

However, major systemwide changes and improvements can take many years to develop and implement. Yet, in order to plan long-term improvements, the FAA needs a reliable stream of funding in order to know that it can see a project through from start to finish.

In fact, FAA Administrator Jane Garvey, in a speech to the National

Press Club, stated that one of the most important things that can be done to support the FAA modernization efforts is to stabilize the agency's funding.

Air 21 does exactly what is needed. It provides a steady, reliable stream of funding for the FAA and its air traffic control modernization projects. In addition to modernizing the air traffic control system, improvement and expansion of our nation's airports is needed to improve capacity.

Even if we can accommodate more planes in the air, they all still need to find a place to land. Too many planes fighting for limited airport gates often leaves passengers waiting on the taxiway. Therefore, Air 21 increases the Airport Improvement Program, or AIP, to \$4 billion in fiscal year 2001. The AIP program is vital to airports of all sizes throughout the Nation.

The AIP program provides Federal grants to fund needed safety, security, capacity, and noise projects. Air 21 also authorizes local airport authorities to raise their passenger facility charges from \$3 to \$6.

The PFC has been an important funding source for local airport authorities that need to do important airport improvements that may not be eligible for AIP funds. For example, AIP funds cannot be used to fund construction of terminal or gate improvements at airports.

Fortunately, local airports have been able to use revenues collected through the PFC to build shared or common use gates which can be used by any air carrier wishing to serve the airport. Such projects have helped increased capacity at the airports, as well as competition.

In conclusion, I want to compliment the chairman of our committee, the gentleman from Pennsylvania (Mr. SHUSTER), the ranking member, the gentleman from Minnesota (Mr. Oberstar), the chairman of the Subcommittee on Aviation, my very good friend, the gentleman from Tennessee (Mr. DUNCAN), for the outstanding work and cooperation they have done on this bill.

I think only with the leadership of this committee have we been able to bring this bill to the floor of the House in such a unified fashion, and a bill that is good for aviation, not only today but all the way to the 21st century.

The Chairman. Without objection, the gentleman from Tennessee (Mr. DUNCAN) will control the time of the gentleman from Pennsylvania (Mr. SHUSTER) until his return.

There was no objection.

Mr. DUNCAN. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. LATOURETTE).

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

Mr. LATOURETTE. Mr. Chairman, I rise in support of Air 21.

I rise to engage with the gentleman from Tennessee (Chairman DUNCAN), the chairman of the subcommittee, in a colloquy.

I say to the gentleman from Tennessee, I appreciate very much the subcommittee's inclusion in the manager's amendment that allows the sale of Blue Ash Airport in the city of Cincinnati 3 years in advance of the expiration of its current grant assurance with the FAA.

I understand that final acceptance of this language, however, may be subject to some conditions and concerns that the subcommittee may have. Would the gentleman care to express those concerns?

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

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

Mr. DUNCAN. I thank the gentleman for yielding, and for his work on this issue.

Mr. Chairman, the sale of the Blue Ash Airport will allow an important general aviation facility, which currently bases over 140 aircraft, to remain open for an additional 20 years. General aviation airports are closing at the alarming rate of 1 a week, so the gentleman's efforts on this issue are timely and very important.

The Subcommittee on Aviation, which I chair, held a hearing on this problem just last week. While we want to allow the sale of Blue Ash, it should be noted that Federal dollars have gone into the facility, and it is important that some proceeds of the sale be directed toward the improvement of other aviation facilities, such as Lunken Field, a general aviation airport in the area.

Between now and the conference, I would urge all the participants to come together and develop a division of the sale proceeds along these lines. We may alter the language in conference to provide the FAA with some further guarantees that Blue Ash will in fact remain open for another 20 years.

Mr. LATOURETTE. I thank the chairman for his kind words, and I pledge the help of the Ohio delegation in securing this important work.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman for the generous grant of time.

Mr. Chairman, what some would have us believe is that what we have before us today is a radical proposal; that is, that we should take a tax which is collected for one purpose from the American people for the aviation system and we should dedicate it to that purpose.

We will hear from members of the Committee on the Budget and members of the Committee on Appropriations saying that is unconscionable that we should take it from one purpose and actually spend it on that. They do not like that. They are going to raise false allegations that this somehow will impact social security or other things.

None of that is true. This is the way it should be and should have been. Our system is going to be overcapacity in

the near future. We need to invest. We are collecting this tax from the American people to invest in this system. This bill will move us into the next century with greater capacity, greater comfort, and greater safety.

It has some other provisions that go directly to safety, to the competition for small airports, so they can attract new airlines and help the underserved airports.

All in all, this is an excellent piece of work, the first step in what should be a two-part process, the next dedicated to safety and passenger rights and to more competition.

Mr. SHUSTER. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Michigan (Mr. EHLERS), a distinguished member of our committee.

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

Mr. EHLERS. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, it is essential to recognize that the aviation industry is extremely important to the future of this Nation, and is growing very rapidly. Our duty as legislators is to be aware of this, and also to move rapidly to deal with the problems of aviation.

I urge that the House pass this bill, and that we resolve the issues quickly.

Just to give an example of the problems, my local airport, Kent County International Airport in Grand Rapids, Michigan, needs to replace one runway, to totally renovate it. They are anxious to get started on that project soon, before the runway deteriorates so much that it can not be safely used.

Airport authorities have worked out a letter of intent with the FAA, but the FAA is not signing any new letters of intent until this legislation is passed, because they do not have the legal authority to do so. If we do not pass this bill soon and get the President's signature on it we in the north will lose another construction season, thereby endangering passengers. This is just one example of the situations local airports face, and shows that we have to make our decisions very quickly here.

I also urge that we adopt this bill because I believe it is going to provide a fair method of allocating resources that we raise through special aviation taxes, so that we can ensure that these taxes are used appropriately for the purposes for which they were raised.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I wonder if I might engage in a very brief colloquy with the ranking member.

I would say to the gentleman from Minnesota (Mr. OBERSTAR), I strongly support Air 21 because an adequate air transport is a key component to a livable community, to make sure it is healthy and well-functioning.

Yet in most of the communities one of the most harrowing parts of the journey is trying to actually get to the

airport, and not just for passengers. There are problems for the many thousands of employees that work there, and the timing of freight is increasingly difficult.

Yet, the Federal government invests hundreds of billions of dollars on the ground, and Air 21 means tens of billions of dollars in the air. I would ask the gentleman if, under the implementation of Air 21, if there are ways to assure better coordination between air and ground transport, either coordination with the FAA, spotlighting the facts that have been done, or ways to get more representation of air issues on MPOs?

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

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

Mr. OBERSTAR. Mr. Chairman, I want to compliment the gentleman on his leadership and concern on the issue of livable communities, and access to airports is one of those livability issues.

The gentleman has cited the metropolitan planning organizations and other surface transportation planning entities as essential to the process of airport development. Their role should be included by airport authorities in the planning process. That is one step in achieving the goal the gentleman seeks.

Mr. BLUMENAUER. I thank the gentleman. I support the legislation. I hope we will be concerned in its implementation to make sure that we can do a good job of putting these pieces together.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentleman from Cleveland, Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, I appreciate the gentleman yielding time to me, and for having the opportunity to have a colloquy with the distinguished ranking member.

I would say to the gentleman from Minnesota, plans have been submitted to the Federal Aviation Administration to expand Cleveland Hopkins International Airport, and the expansion of the airport is a sensitive issue for the community I represent. The expansion is expected to involve a sharp increase in airport traffic.

For example, the airport is already expected to experience an increase of 200 daily flights this summer, and the current level of aircraft noise is very disruptive to peoples' lives. Further increases will cause more suffering. Protection of these residents against current levels of noise and pollution must be addressed before any new expansion plans are considered.

I would appreciate the guidance of the gentleman from Minnesota (Mr. OBERSTAR) as to how this bill would be able to assist my constituents.

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

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

Mr. OBERSTAR. Mr. Chairman, the Airport Authority at Cleveland can already use its AIP funds for noise abatement under the Part 150 rules of FAA.

In addition, as the airport authority is expanding the runway and adding capacity, they will very likely use a PFC to do so, and will be able to use part of that PFC money for part 150 noise abatement.

There are at least those two very important tools to reduce noise on airport neighbors. I compliment the gentleman on his initiative.

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Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the gentleman from Alaska (Mr. YOUNG), the distinguished chairman of the Committee on Resources and senior member of our committee.

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Chairman, I rise today in strong support of the Aviation Reform and Investment Act of the 21st Century.

We need to invest in our aviation infrastructure. More people are flying than ever before. The Aviation Trust Fund continues to accumulate unspent revenue. We have a responsibility, no, an obligation, to return and invest those tax dollars of the aviation American system. If it is the will of Congress not to make the investment, then we should stop collecting those taxes.

In 1998, the Aviation Trust Fund collected \$6 billion of taxpayer money but Congress only invested \$5.9 billion of it in aviation. As a result, our constituents continue to face delays and frustrations.

If we continue the current budgetary gimmickry, the cash balance in the trust fund will grow from \$12 billion in 1999 to \$91 billion by the year 2009. Again, if Congress will not spend these dedicated tax dollars, then we have to reduce taxes and fees collected from aviation users.

Without the investment, the FAA will continue to experience system outages. That means air traffic control will lose sight of a plane on radar. The FAA says there can be as many as 5,800 flights in the air over the U.S. at any one time. As the number of those flights in the air increase, congestion will grow. Without further investment, the safety of air travel will degrade.

Is this bill going to cut funding from other programs? No. Air 21 recaptures unspent aviation taxes that increases aviation spending by \$14 billion over 4 years.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentleman from Maine (Mr. BALDACCI).

Mr. BALDACCI. Mr. Chairman, I would like to thank the gentleman from Minnesota (Mr. OBERSTAR) for his hard work, and the ranking member, the gentleman from Illinois (Mr. LIPINSKI), the gentleman from Pennsylvania (Mr. SHUSTER) and chairman of the subcommittee, the gentleman from Tennessee (Mr. DUNCAN). I appreciate their bipartisan leadership as we try to address the inequities that GAO has found that we are underfunding aviation infrastructure by \$3 billion annually and, more disturbing, underfunding air traffic control modernization by \$1 billion annually.

For years, we have had the means to eliminate this funding gap through the Airport and Airway Trust Fund, which is generated by fuel and ticket taxes. Unfortunately, surpluses have been maintained while our infrastructure continues to deteriorate. This bill greatly increases funding to modernize our aging air traffic control system and serves to increase transportation competition at airports all across the Nation.

Rural states like Maine need Air 21 to improve their air infrastructure, to ensure the safety of the traveling public and to ensure that we have the greatest amount of competition and service. In our own community, we are seeing the need of new air traffic towers and also the need for runways to be rebuilt and to be modernized as we prepare for more and more airline competition. I would like to thank the Members. I enjoyed working as a member of the subcommittee and the full committee.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. STRICKLAND).

Mr. STRICKLAND. Mr. Chairman, I rise today to engage the gentleman from Minnesota (Mr. OBERSTAR) in a colloquy.

First of all, I would like to thank the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) for the hard work they put into this legislation, which authorizes the important programs ensuring safe and efficient air travel.

I would like to take this opportunity to express to the gentleman from Minnesota (Mr. OBERSTAR) my strong support for the extension of the runway at the Ohio University Airport in Athens, Ohio, from 4,200 feet to 5,600 feet. It is my understanding that the Federal Aviation Administration has already approved the airport layout design and the environmental assessment on the project will be completed at the end of this summer.

I hope that this worthy project will be a priority for the FAA in the fiscal year 2000.

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

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

Mr. OBERSTAR. Mr. Chairman, this is the very kind of project the airport improvement program is intended to nurture and to provide funding for. So I believe, as the gentleman has been such a strong advocate for this project and for this airport and for his community, that it offers significant benefits to rural southern Ohio and the FAA should be able to proceed with the funding necessary to accomplish the objectives.

Mr. STRICKLAND. Mr. Chairman, let me also say that I appreciate the understanding of the gentleman from

Minnesota (Mr. OBERSTAR) of the needs of an area like rural southern Ohio.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Chairman, in the 1980s the Reagan administration let antitrust enforcement in the country collapse. With that and the demise of regulation, we have seen predatory pricing, monopoly power and monopoly pricing in the airline industry.

For example, in those areas where we find real competition, as opposed to those where it is not, the price where there is no competition is often three to four times the price of where there is competition, covering the same amount of distance.

It is quite clear that airlines are taking advantage of a monopoly situation and the ability to price their rides as high as they want to when there is nobody to compete with them.

We have to have a system of regulation in our country that regulates airlines in accordance with competition and provides that people who need to travel from one place to another can do that at a fair and reasonable price.

Let me just give you one example. To fly from Ithaca, New York to Washington costs \$628. If one were to fly the same distance from San Diego to San Francisco, for example, even a little bit less, what someone would pay for the lowest airfare is less than \$100. It is quite clear that the system is out of control. Monopoly pricing and monopoly power has led to a system where most people in our country are being deprived of the airline service they need.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California (Mrs. TAUSCHER).

(Mrs. TAUSCHER asked and was given permission to revise and extend her remarks.)

Mrs. TAUSCHER. Mr. Chairman, I thank the gentleman from Minnesota (Mr. OBERSTAR) for yielding me this time.

Mr. Chairman, I would like to engage the gentleman from Pennsylvania (Mr. SHUSTER) in a colloquy. Of particular concern to me and my constituents is the need to ensure basic radar coverage for smaller airports like the one in Livermore, California, my district, which is one of the busiest general aviation airports in the state. Yet Livermore's technology is nothing more advanced than a simple pair of binoculars.

This situation is particularly problematic during periods of poor weather when the safety of both those in the air and living on the ground is of primary concern.

Mr. Chairman, I ask the committee to continue its work on promoting air safety across the country, not just at major airports but at smaller ones like at Livermore, which are desperately in need of radar coverage.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mrs. TAUSCHER. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, I certainly agree with the gentleman completely. Indeed, this is one of the reasons why we need to free up funding in this legislation so that we can provide this kind of safety for our airports.

Mrs. TAUSCHER. Mr. Chairman, I thank the gentleman from Pennsylvania (Mr. SHUSTER) for his response.

I urge my colleagues to support H.R. 1000.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the distinguished gentleman from West Virginia (Mr. RAHALL), the ranking member of the Subcommittee on Ground Transportation.

Mr. RAHALL. Mr. Chairman, I thank the distinguished ranking member, the gentleman from Minnesota (Mr. OBERSTAR) for yielding me this time.

Mr. Chairman, I salute the gentleman from Minnesota (Mr. OBERSTAR), as well as the gentleman from Pennsylvania (Mr. SHUSTER) for the work that has gone into putting together this Air 21.

As a supporter of Air 21, I would like to point out a special feature of this legislation that will be added at a later point in today's proceedings as part of the manager's amendment.

It has been the policy of the United States to promote transportation intermodalism. While we have integrated this concept throughout our ground transportation programs, it remains somewhat alien in Federal policy toward airport development.

The amendment to be offered by the chairman today, offered shortly, includes a provision that I devised aimed at promoting transportation intermodalism under the AIP program. By facilitating projects which provide for air-to-truck, air-to-rail and air-to-transit movement of commodities and people, I believe we can enhance airport revenues and further stimulate regional economic development activities.

So for this reason, as well as the many other important merits of this legislation, I urge support of it and at the proper time urge defeat of the major amendment that will be offered today by the gentleman from Alaska (Mr. YOUNG) and the gentleman from Ohio (Mr. KASICH).

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Florida (Ms. BROWN).

Ms. BROWN of Florida. Mr. Chairman, first of all, let me thank the gentleman from Pennsylvania (Mr. SHUSTER), the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from Tennessee (Mr. DUNCAN) and the ranking member, the gentleman from Illinois (Mr. LIPINSKI), for their leadership in bringing this bill to the floor.

This is a very important bill for this country and in particular for Florida, and it is necessary in order to keep the

aviation system the safest and most efficient in the world. It provides funds to expand capacity and update our airports. Orlando and members of the Orlando Aviation Authority here today will reach 30 million passengers in the next few years. Miami, the gateway to the Americas, will handle 35 million passengers and 2.9 million tons of cargo.

I also want to point out that we need to ensure that we have adequate supply of air traffic controllers in the next century. I have been visited by controllers in my district who are concerned about this issue. I have pledged to work with them on this issue. I urge all of my colleagues to support this bill, because serious aviation needs exist in all of our districts.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Illinois (Mr. JACKSON). (Mr. JACKSON of Illinois asked and was given permission to revise and extend his remarks.)

Mr. JACKSON of Illinois. Mr. Chairman, I am a big supporter of Air 21 as well, and I have some technical amendments to the bill but I wanted to ask a couple of questions, if I might, of our ranking member, the gentleman from Illinois (Mr. LIPINSKI).

Most recently, the mayor of the busiest airport in the world, we claim, and the Governor had lunch with the Illinois delegation. The mayor indicated that the PFC funds would not go to new runways or runway expansion at O'Hare Airport. Is that the gentleman's recollection of the conversation?

Mr. LIPINSKI. Mr. Chairman, will the gentleman yield?

Mr. JACKSON of Illinois. I yield to the gentleman from Illinois.

Mr. LIPINSKI. Mr. Chairman, my recollection of the conversation is that the mayor said that he would not use PFC funds to expand any runways at O'Hare Airport. That is my recollection of what he had to say.

The mayor has said on numerous occasions he has no intentions of expanding any runways at O'Hare or adding any new runways at O'Hare.

Mr. JACKSON of Illinois. Mr. Chairman, I thank the gentleman from Illinois (Mr. LIPINSKI) for that response.

One other question. Are there any of the PFC revenues, to the best of the gentleman's knowledge, being used to lengthen runways at Midway Airport?

Mr. LIPINSKI. To the best of my knowledge, this is not being done. The PFCs are not being used for any runways at Midway Airport. The PFC money is being utilized in the new terminal and in other improvements at a terminal facility.

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

Mr. Chairman, if I may, in a moment, sum up this debate, the issue is about safety, capacity, competition and guaranteeing a revenue stream, guaranteeing that the air travelers who pay the taxes for the improvements, for the

safety, for the convenience, for the security at our airports will see those benefits realized in the investments from the Aviation Trust Fund that will be assured by passage of this legislation.

It will also address the issue of collisions between aircraft and other vehicles on the runway surface. We ensure that there is adequate whistleblower protection to FAA and airplane employees who reveal safety problems without fear of retribution. Cargo airlines will be required to install collision avoidance devices by December 21, 2002 to avoid incidents like the recent near collision of two cargo aircraft over Kansas.

The issue, though, in this debate comes down to the question we addressed at the outset. Will the Members of this body vote to ensure that the taxes paid by American citizens to ensure safe, secure, timely passage and competition at airports will actually be invested for that purpose? That is the issue today: Fairness and investment in America's future.

Mr. SHUSTER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I urge my Members to support this historic legislation. The gentleman from Michigan (Mr. EHLERS) mentioned just a few moments ago about the problems of needing funding for his runway at his airport. I am told that over the next 10 years, 50 percent of all the airport runways in America are going to require rehabilitation, and that 75 percent of the large and medium hub runways will. So the needs are very clearly there.

I also have just learned, in addition to the comments I made concerning the catastrophe, the tragedy at the Little Rock Airport, that the Little Rock Airport has had a request in for a safety area arrester. However, the FAA has not been able to fund it. Just one example of a safety need that is unmet and a safety need that possibly could have made a difference.

Now, I might conclude by noting that we are about in the same position now as we were in BESTEA when we brought BESTEA to the floor last year. We had some disagreements here on the floor. We had some disagreements at that point in time with the administration. Indeed, I met with Secretary Slater last night.

□ 1430

We have agreed that we are going to have to negotiate as we go along and as this legislation moves to the Senate. So we are quite prepared to compromise in everybody's best interest. But indeed we have a broad array of support for this legislation. Why? Because this legislation is good for America.

I might share with the body some of the groups that support unlocking the Aviation Trust Fund. Consider this broad array of groups: The Airline Pilots Association; the National Governors Association; Coalition for Amer-

ica, Paul Weyrich, a very conservative organization; the Transportation Trade Departments of the AFL-CIO; the U.S. Chamber of Commerce; the NFIB, National Federation of Independent Businessmen.

When we can get the Chamber of Commerce, the NFIB, and the AFL-CIO to stand together, we must be doing something right.

The Aircraft Owners and Pilots Association; the Air Transport Association; the National Conference of State Legislatures; the Farm Bureau. I say to my rural friend, and of course I represent a rural area as well, the American Farm Bureau supports unlocking the Aviation Trust Fund.

The list goes on and on. The AAA, the American Automobile Association. A list that covers, single spaced, a whole page of very diverse groups which strongly support unlocking the Aviation Trust Fund. Why? Because it is good for America. It is the right thing to do. It is morally wrong to take aviation ticket taxes and use those ticket taxes for a general tax cut.

So we take that very small portion of the general tax cut which is coming from aviation ticket taxes, in fact, it amounts to about 1.7 percent of the overall tax cut, but that is the part attributable to the aviation ticket tax, it is only fair that it be used for aviation purposes. If we do not have the needs, the tax should be reduced and not given away to another segment of our society.

So this legislation is good for America. It has strong bipartisan support. It passed our committee 75 to 0. I urge, for the good of our country, for the good and the future of aviation in America, I urge strong support for this legislation.

I close by again saying how pleased I was to be able to announce that the Speaker of the House has said that he will come to the well and vote in favor of this legislation today.

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

Mr. SHUSTER. I am pleased to yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I complement the gentleman's statement by assuring Members on our side that the minority leader, the gentleman from Missouri (Mr. GEPHARDT), will also be in support of this legislation.

Mr. SHUSTER. Mr. Chairman, I thank the gentleman, and there my colleagues have it. The Speaker of the House, our leader, the Democratic minority leader. So how much more bipartisan can we get? This is good for America. We have got the support of our top leaders, the unanimous support of our committee, once more a bipartisan product from our committee. It is good for America.

Let us rebuild our aviation system so we can move into the 21st century and retain the best aviation system the world has ever known.

Ms. NORTON. Mr. Chairman, the Aviation Investment and Reform Act for the 21st Century (AIR-21) is an urgently needed bill whose time is long overdue. Our country needs to wake up to the true meaning of the word "infrastructure" today. Those whose view of infrastructure stops with roads and bridges will find that they are more a part of the 19th century than the 21st. Further delay in passing AIR-21 is likely to leave the country with a national aviation system stalled in the past as well.

The underfunding of our air infrastructure system has become a threat to our global economic position. Neglected investment has gone on for so many years now that it amounts to disinvestment. Reports concerning the effects of underfunding are frightening. For example, the U.S. will require a 60% increase in airport infrastructure investment in the next decade simply to maintain the levels of delay tolerated in air service in this country today.

Instead of increasing productivity to keep up with exploding increases in air travel (a 50% increase in the next decade alone), airlines are racking up record delays at a cost of \$2.5 billion annually and a loss in productivity to the nation of over \$1 billion every year. How long can our airlines remain competitive with foreign carriers, many of them publicly subsidized, at that rate?

The needs of our aviation system are legion from top to bottom: from runways to terminals; from hiring air traffic controllers to modernizing our antiquated air traffic control system; from funding to raise safety standards at small airports to a new streamlined environmental program patterned on the TEA-21 program; from loans to help airlines buy regional jets for service to small communities to increased funding for primary airports and major hubs. Some say we cannot afford this bill. It is clear that we cannot afford the continued neglect of what was once a world class air transportation system.

Part of the delay in bringing this bill to the floor has had very little to do with the funding and budgetary provisions of AIR-21. The manipulation of slots for landings has delayed this bill and hurt the great majority of airports for which the slot concern is irrelevant. Slot manipulation has spread from National Airport in the Washington metropolitan region to three other airports. However, National Airport raises problems of the greatest magnitude because its compact land mass and short runways prevent it from ever becoming a state-of-the-art airport. The present slot rule at National Airport has been considered minimally necessary because of the unusually heavy population density near the airport, the clear safety risk, and the palpable noise intrusions. Some residents of the region justifiably complain about any new increase in slots. Even with the present slot and perimeter rule, airport noise is one of the factors that drives taxpayers to flee from the District, a city desperately trying to hold on to residents as the city emerges from a fiscal crisis. Nevertheless, Chairmen SHUSTER and DUNCAN and Ranking Members OBERSTAR and LIPINSKI deserve the appreciation of the region for resisting the greatly expanded slot rules advocated by a few in the Senate. I have strongly opposed any additional slots. However, I must express my gratitude that the leadership of the House Committee has accommodated the unique needs of the national capital area region. The compromise allows for 6 additional slots per

day, and none of the additional flights may venture outside the existing 1,250-mile perimeter restriction.

The excellent, painstaking work that has gone into this bill cannot keep it from facing a long, hard road ahead. It will be difficult enough to secure sufficient funding to do the job necessary to preserve and advance our national aviation system. However, we will face a fight of special ferocity to maintain the slot compromise contained in this bill, even with the House Committee leadership firmly behind the compromise. I do not underestimate the fight ahead. It is the right fight. It is the least the people of the District of Columbia and this region deserve. I intend to make that fight.

Mr. SANDLIN. Mr. Chairman, I rise today to support H.R. 1000, the Aviation Investment and Reform Act for the 21st Century, commonly referred to as Air 21. This legislation will improve the prospects of passenger safety for every American who flies our nation's skies. Air 21 significantly improves our nation's airport infrastructure.

The Aviation Investment and Reform Act for the 21st Century is a comprehensive reauthorization of the Federal Aviation Administration and the Airport Improvement Program. As a frequent traveler, I am continually reminded how far our aviation infrastructure has declined. I continually run into flight delays and hear more consumer complaints. I understand that much of this is due to the increasing popularity of air travel. In 1998, there were more than 643 million airline passengers in the United States. At the current rate of increased travel, in 10 years more than one billion people will use air travel annually. For that reason, we must act now. We must pass this legislation to ensure that every passenger has the peace of mind that they are safe in the air. This bill will do that by heavily improving our air traffic control system.

The air traffic control system in the United States is the most complex system in the world. The United States has more than 32,500 facilities and systems. Many of these facilities and the equipment that are used are 20 to 30 years old. The GAO estimated that the FAA would need \$17 billion from 1999 through 2004 to modernize the air traffic control system. Air 21 will help address these problems by insuring stable funding to complete system upgrades throughout the country.

The most important aspect of this legislation is moving the aviation trust fund off budget. Air 21 will be largely funded through the collection of the aviation ticket tax deposited in the Aviation Trust Fund. It is important that when taxpayers pay a tax intended for a specific purpose, that we in Congress have the discipline to spend the revenue for that purpose and not use it to mask the size of the federal deficit. These funds are paid by the people who use air travel and should be spent to improve air travel. If we are not going to use the funds for that purpose, we should not be collecting them. Air 21 ensures that all Passenger Facility Charge's and other ticket taxes will go for their intended purpose—aviation infrastructure.

I urge my colleagues to join me in voting for this important legislation. Our nation's aviation infrastructure is the envy of the rest of the world. In order for it to remain as such, we must plan now for the future. For the safety of every citizen in your district who uses air travel for work or pleasure, we must pass this important legislation.

Mr. CRANE. Mr. Chairman, I rise today in strong opposition to H.R. 1000, the Aviation Investment and Reform Act of 1999, or AIR21 as it is better known. Not only does this bill permit the Passenger Facility Charge (PFC) to double, contrary to its other attempts to reduce air fares, but the measure will permit a substantial increase in flights to and from Chicago's O'Hare Airport and three other slot-controlled airports along the East Coast.

While I can appreciate the desire of smaller cities to have more airline service to and from slot-controlled airports, H.R. 1000 cavalierly discounts the legitimate concerns of residents living near those airports about increases in noise and the likelihood of an accident. Worse yet, it does so needlessly.

The district I am privileged to represent in this Congress has many such residents—hard working people, many of whom remember that the number of flight slots at Chicago's O'Hare Airport was increased by 37 just last year. That fact notwithstanding, AIR21 would either eliminate the High Density Rule (otherwise known as the slot rule) which has been in effect at O'Hare for the past 30 years or, if the Manager's Amendment prevails, phase out that rule by the year 2002. Either way, H.R. 1000 would make possible yet another increase in the number of flight operations at O'Hare, even though there is a way to address the travel needs of people in outlying areas without increasing the number of flights to and from that already crowded airport.

Mr. Chairman, people of goodwill differ as to whether flight operations at O'Hare are approaching, have reached, or are now above the optimum capacity of that airport, which is located 18 miles northwest of downtown Chicago. However, there is general agreement that flight operations will exceed the optimum level significantly in the years ahead if present trends continue. In 1998, approximately 887,000 planes flew in and out of O'Hare, up from 883,000 in 1997, and if the recently announced \$1 billion addition of two new airport terminals is any indication, that figure will almost assuredly rise in the years ahead.

For those living near O'Hare, that means nearly 2,460 planes take off or land on a normal day, or at least one plane every thirty seconds from just after 6 a.m. to just before 10 p.m. Not only that, but roughly 10 percent of the total number of flights occur later in the evening or earlier in the morning. Put yourself in the shoes of those who are bombarded by the resulting noise and I think you can understand why they are saying enough is enough.

Making matters worse, the noise problem around O'Hare—which is owned by the city of Chicago rather than any of the sixteen neighboring villages—is anything but new. For years now, residents of communities up to 15 miles away have been begging for relief from the roar of airplanes flying overhead, only to have their pleas fall on seemingly deaf ears. So frequent and so loud is the noise that many people cannot get a good night's sleep, carry on an uninterrupted conversation, or make enjoyable use of their own back yards. Worse yet, none of the remedies attempted to date—such as the Night Time Tower Order instituted in January 1984 and the Fly Quiet program initiated in June 1997—has brought about the desired relief. To the contrary, during the first half of 1998, noise levels increased from 1% to 9% at 23 of 28 noise monitors located at various places around the

7,700 acres on which O'Hare International Airport is located.

For good reason, much has been made of the fact that, by the year 2000, all Stage 2 jet aircraft operating in and out of U.S. airports are to be replaced by Stage 3 airliners that are 5–10% quieter. In theory at least, completion of that transition should provide a modicum of noise relief for those who live near O'Hare Airport, as could the use of fewer but larger aircraft on routes now served by multiple flights. But, as a practical matter, that relief will never materialize if the number of landings at, and takeoffs from, O'Hare continues to rise as a result of the immediate or phased elimination of the High Density Rule. Instead, the noise reduction benefits associated with the use of quieter and perhaps bigger aircraft will be offset—or more than offset—by the numerical increase in the number of flights.

To the extent that it resulted in a diversion of flights away from O'Hare, construction of a new regional airport at Peotone, Illinois could also abate the noise problem plaguing Chicago's northwest suburbs. Conceptually, the relief this project promises could be even more pronounced than that attributable to advances in aircraft acoustics technology. But, here again, the theory is at odds with the reality. Not only is the city of Chicago opposed to the project, but so too are the major airlines serving the city. Furthermore, the FAA has taken the Peotone airport proposal off its planning list, all of which suggests that a new airfield at Peotone is many years away, if indeed one is ever built there at all. Meanwhile, over 400,000 people around O'Hare will be exposed to increasing levels of aircraft noise unless action is taken promptly to address their concerns.

That being the case, Mr. Chairman, permit me to suggest to my colleagues that AIR 21 is seriously misdirected, not just on PFC's, but as it relates to air service to and from Chicago's O'Hare Airport. Instead of allowing for any increase in the number of flights to and from O'Hare, what H.R. 1000 should do is impose a permanent ban on flight operations at O'Hare at the current level, or better yet at the 1997 level, and assign any additional flights destined for O'Hare to other nearby airports, two in particular. That way, extra air service could be provided to the Chicago area from smaller communities in the Midwest without compromising safety or aggravating the very serious noise problem that deserves to be addressed without further delay.

Are those two steps practical, given the fact that one of those alternative airports—75 year old Midway Airport (all 640 acres of it)—is a very busy place already? Quite simply, the answer is yes, since Midway's terminal facilities currently are in the process of being expanded and since there is another airport in Illinois, within 60 miles of O'Hare, that is not only capable of, but interested in, handling additional flights. That airport, located near an interstate highway (I-90) that also serves O'Hare, has a 10,000 foot runway (the second longest in the state), an 8,200 foot runway, a 65,000 square foot passenger terminal and considerable experience handling large jets as well as major shipments of cargo. The name of that facility, which serves the second largest city in Illinois: the Greater Rockford Airport.

Adding to its potential as an alternative to O'Hare is the fact that approximately one million residents of the Chicagoland suburbs can

also be served by the Greater Rockford Airport, roughly twice the number of people likely to use the proposed airport at Peotone. Also, this under-utilized, 3,000 acre airfield could accommodate additional flights in short order and at little extra expense unlike a new airport at Peotone area, the cost of which could run from \$300 million to nearly \$3 billion depending upon its ultimate size.

Given Greater Rockford's existing facilities and tremendous potential, my feeling is that it and Midway can handle all the extra flights to and from O'Hare that might result from the immediate or phased elimination of the slot rule. But even if that assumption is incorrect, there are several other air terminals within 100 or so miles of Chicago—in Milwaukee, Wisconsin and Gary, Indiana for example—which could accommodate flights added for the purpose of increasing air service to smaller communities. In short, there is simply no justification for allowing an increase in the number of flight operations at O'Hare at the expense of thousands people already afflicted by excessive noise. The air service objectives of H.R. 1000 can be achieved admirably by other means.

All that being the case, I urge my colleagues to vote against AIR21 so long as it allows for a doubling of the PFC and makes possible an increase in the number of flights to and from O'Hare Airport. Instead, let us develop a less-taxing alternative, such as making increased use of the Greater Rockford Airport, that will accommodate those who wish to visit the great city of Chicago without making life even more miserable for thousands of long suffering people who reside in its northwest suburbs. They deserve a better fate.

Mr. TERRY. Mr. Chairman, I rise in support of H.R. 1000, the Aviation Investment and Reform Act for the 21st Century. This bill is not a budget-buster, Mr. Chairman. This bill restores truth in budgeting. Just as we must maintain the integrity of the Social Security and Highway Trust Funds, so must we restore the integrity of the Aviation Trust Fund.

H.R. 1000 ensures that when my constituents fly from Omaha to their destinations, the fees they pay on their tickets and the taxes paid on the travel will go towards increasing safety on the ground and in the air, while maintaining and improving our aviation infrastructure.

The aviation industry has grown by leaps and bounds since deregulation. Air travel has grown by 27 percent since 1994 and is expected to exceed 1 billion passengers annually during the next decade.

Eppley Airfield, a regional airport located in my district in Omaha, Nebraska, is the sixth fastest growing airport in the country, serving over 3.5 million passengers a year. In order to accommodate this rapid growth, our Airport Director, Don Smithy, has developed a 10-year Master Plan, which includes a new terminal and a third runway.

AIR 21 will allow Eppley to execute this Master Plan without delay and additional expense.

As any of us who fly on a regular basis know, our airports are becoming more and more congested—patience is growing thin, while delays are increasing in number.

This bill would allow for the increased capacity desperately needed at our airports—making for fewer delays and increasing competition. It will also make it easier for smaller cities and underserved markets to attract airline service.

We have runways that need strengthening. Our air traffic control systems need upgrading. There are security measures that we must put in place to address the increasing threats of terrorism.

The General Accounting Office reports that we are underfunding airport infrastructure by \$3 billion annually, and underfunding our air traffic control modernization by \$1 billion annually. That is not acceptable, Mr. Chairman.

Fees and taxes on air travel were originally proposed, so that we could generate a self-sustaining fund to make these improvements and advances.

Since 1970, the flying public and the aviation community have been investing in the aviation trust fund with the understanding that the money would be returned in the form of aviation improvements.

This has not been the case. Congress has not kept its promise. For years, users of our aviation infrastructure have been paying these fees and taxes, only to watch them disappear into the general fund. Where is the fiscal integrity? Where is the truth in budgeting?

H.R. 1000 will keep our budget honest. We reinforce the Aviation Trust Fund, by ensuring that the money paid into the fund will be paid out on Aviation. It keeps the promises we made to both the flying public and the aviation community.

I urge a "yes" vote on H.R. 1000.

Mr. ACKERMAN. Mr. Chairman, I rise today in support of H.R. 1000, the Aviation Investment and Reform Act for the 21st Century.

Th New York metropolitan area air space is the busiest in the nation. While many people enjoy the benefits of frequent flights into and out of New York, my constituents are forced to endure the noise of a plane landing or taking off every 30 seconds at LaGuardia Airport, as well as the pollution and traffic congestion. During the one minute that I will be speaking on the Floor, one plane will take off, and another plane will land at LaGuardia. If the High Density rule is lifted, the sky is literally the limit for the number of take-offs and landings that can be added to an already overcrowded LaGuardia and JFK airports.

There is also a legitimate need for more flights and lower prices for airline travel to underserved markets. I am pleased that the Manager's Amendment strikes a reasonable compromise for both positions. In order to provide better service from underserved markets, regional jets will be exempt from the High Density Rule for service from LaGuardia or JFK Airports to nonhub or small hub airports, effective January 1, 2000. And, to protect those people who live, work and go to school in the areas near these airports, the High Density Rule will remain in place until January 1, 2000. And, to protect those people who live, work and go to school in the areas near these airports the high Density Rule will remain in place until January 1, 2007 for all other jet service.

I am particularly proud to have worked with other Members of the New York, New Jersey, Connecticut tri-state area, particularly, Mr. CROWLEY, Mr. MEEKS, Mr. WEINER, and Mrs. MALONEY, in addition to the diligent work of the Transportation Committee, Chairman SHUSTER, Ranking Member OBERSTAR, Chairman DUNCAN, and Ranking Member LIPINSKI. Mr. Chairman, I ask my colleagues to join us in supporting this amendment which is a win-win situation for all parties, and a major victory for the people of Queens and all of New York.

Mr. THUNE. Mr. Chairman, I rise today to speak in favor of a bill important to restoring honesty and integrity to the federal budget process. At the same time, the bill will continue to make important contributions to the future of rural and urban areas alike.

H.R. 1000, the Aviation Investment and Reform Act for the 21st Century (AIR 21), will make important and long overdue strides toward restoring the integrity of the Aviation Trust Fund. As was the case with the Highway Trust Fund, the American People have been paying use taxes into what they thought was a dedicated trust fund, reserved for maintaining and improving airport capacity and safety. Unfortunately, the federal government for years has been less than honest in this portrayal. Passengers, aviators, and the airlines have paid billions of dollars to the federal government in the form of taxes on tickets, fuel, and air freight. They have expected that these funds go to keep the infrastructure repaired and in working condition, to improve the efficiency of air travel, and most importantly to ensure the safety of air travel.

South Dakota's two busiest airports highlight this principle, painting the stark difference between investment and return. The passengers and other aviation users at Sioux Falls Regional Airport, the state's largest airport, paid approximately \$8 million in aviation taxes to the federal government in fiscal year 1997; yet, the airport received only \$1.3 million in Aviation Improvement Program (AIP) funds from the Federal Aviation Administration (FAA). The users of Rapid City Regional Airport paid in nearly \$7 million and received \$850,000 in return. While both receive other indirect contributions through the presence of FAA personnel and air traffic control operations, those contributions hardly make up for the difference between contributions to the trust and payments made to the airports.

AIR 21 would bring us closer to closing that gap. As my colleagues may be aware, the bill would triple the AIP entitlements to all airports, taking the minimum grant level from today's level of \$500,000 to \$1.5 million. For South Dakota, this tripling would provide \$1.5 million annually for the airports serving the cities of Aberdeen, Pierre, and Watertown. For Rapid City and Sioux Falls, their entitlements would respectively rise from about \$832,000 to an estimated \$2.5 million and from about \$1.3 million to an estimated \$3.9 million. Thankfully, AIR 21 does not stop at just aiding the larger airports in South Dakota and across the nation.

The bill also includes a number of important provisions that would assist our general aviation airports, which serve rural areas and smaller communities. Perhaps the most significant contribution the bill makes directly to our general aviation (GA) airports would come in the form of a new direct entitlement grant program of GA airports. These grants would be in addition to amounts provided to the states for distribution to the various GA airports. Thirty-five of South Dakota's GA airports would be guaranteed annual funding based upon a portion of their needs as identified by the FAA.

For large and small alike, the needs are there. A recent study conducted by the General Accounting Office found that airport needs, including those eligible for spending through the AIP program and those that are not, exceed \$10 billion annually.

And for small and large alike, the positive economic impact of all airports is tremendous.

For my state of South Dakota alone, airports directly contribute on an annual basis \$52 million to the economy; produce \$105 million in retail sales and \$37 million in employment earnings; create a total economic impact (excluding tax revenues) of \$164 million.

With increased access to air service, one can clearly see that the economic activity would increase. It is no secret that one of the top factors businesses and companies consider is access to safe, reliable, and affordable transportation. In today's global economy, the emphasis on air transportation has become all the more important. The bill we have before us today would help communities improve their infrastructure to be able to accommodate growth and enhanced air access in order to create jobs and stay connected to markets around the nation and around the globe.

The bill also protects the existing Essential Air Service (EAS) program. The EAS program, which provides assistance to carriers to serve those communities that otherwise would not be able to sustain commercial passenger service, has had less than stable financial support in recent years. Thanks to the assistance provided by Chairman SHUSTER and Ranking Member OBERSTAR of the full committee and Chairman DUNCAN and Ranking Member LIPINSKI of the Aviation Subcommittee, I and other supporters of the program were able to ensure that the EAS program can continue to depend on at least \$50 million annually to fund its activities. For the cities of Brookings and Yankton and others like them throughout the United States, the EAS program is their only air service link to the world. While deregulation of the industry may have produced benefits in the form of lower airfares for some regions of the country—particularly urban areas—smaller, more rural markets like these have seen dramatic changes in service levels. The EAS program helps ensure that when reasonable, service can remain in place.

I also want to thank the leadership of the committee for their assistance on another important provision that will impact the Watertown Municipal Airport. Because of a provision included at my request, the Watertown airport would receive an AIP entitlement in fiscal year 2000.

Enplanements at Watertown have been growing steadily in the last few years. 1997 marked the first year Watertown crossed the 10,000 passenger threshold to qualify for the AIP minimum entitlement. Unfortunately, the airport, which is served by only one carrier, is expected to miss the 10,000 passenger mark for FY 1998 by only a few boardings. This shortfall can be directly attributable to a disruption in air service caused by an air carrier labor strike. Had the strike not occurred, it is clear that Watertown would have surpassed the minimum enplanement requirement. Sec. 105 recognizes the impact of this sudden disruption and ensures this community and similarly impacted communities across the nation continue to qualify for AIP entitlement funds.

The Chairman also graciously accommodated a request I made for the Federal Aviation Administration (FAA) to conduct a study of the Part 135 aircraft industry. As my colleagues know, the on-demand charter industry is growing. For rural and urban areas, the ability of business travelers to be able to fly from one destination to another can make all the difference in the bottom line. Available and affordable charter services are a key to contin-

ued growth to a state like South Dakota that has limited commercial service.

Despite its unique characteristics, the charter industry is regulated by the FAA in the same manner that other segments of the industry are. Though there is abundant information regarding the commercial industry, we do not presently have accurate and reliable information regarding the on-demand industry. The study included in this bill will help ensure FAA has the information it needs about the industry it regulates. The decisions regulators make that impact charter operators should be based upon facts about the industry and a clear understanding of the industry. The study ordered through this legislation would add to our knowledge of this important component of the aviation industry.

The bill also proposes a number of important reforms that would help improve efficiency and competition. Among other issues, I commend the Chairman for moving a proposal forward that would improve access to Chicago O'Hare International Airport. I firmly believe that today's High Density Rule is outdated and acts only as an artificial barrier for competition for areas of the nation including South Dakota. Fortunately, AIR 21 would open access to this airport potentially for cities like Sioux Falls that might be able to provide competitive options for its travelers and profitable routes for air carriers that might not be able to access O'Hare today.

Mr. Chairman, I recently organized a series of meetings with community leaders across South Dakota to discuss air service issues. While they generally are pleased with the level of service they have today, they also believe there is room for improvement. When I outlined to them the investment, reform, and competition provisions included in AIR 21, these business and community leaders agreed that AIR 21 represents an important step toward bringing South Dakota's communities closer to the rest of the world. I am pleased this bill is before us today and ask my colleagues to support its passage. AIR 21 will bring us closer to being honest with the tax payers of America on how their hard-earned dollars are used. It will bring us closer to allowing the free market to create access to affordable air service. It will also bring us one step closer to making the investments we need to ensure continued efficiency and safety of the traveling public.

Mr. SWEENEY, Mr. Chairman, the economy of the United States is driven by the success and expansion of our nation's businesses.

As representatives of the Federal Government, we have a responsibility to provide the infrastructure—the assets—that these businesses need to remain competitive.

Our aviation system must have the resources and the ability to move people and products quickly and cheaply to all corners of the world.

The Federal Aviation Administration estimates that the number of domestic airline passengers is expected to exceed one billion annually by the year 2010.

The General Accounting Office, in their most recent report, has projected that annual airport needs alone will equal \$10 billion just to meet these demands.

Current available airport resources only equal \$7 billion per year. That leaves a \$3 billion annual funding gap!

Mr. Chairman, the "Aviation Investment and Reform Act for the 21st Century," or AIR-21,

provides an additional \$2 billion through the Airport Improvement Program plus other funding opportunities to fill that gap and meet these needs!

If we continue to follow current trends, we will exceed airport and runway capacity, and delays and congestion will increase accordingly.

Passengers are already being left stranded at airports or on tarmacs waiting to fly.

And in some cities, single airlines are dominating entire markets.

I know this because these effects are already apparent in my congressional district and throughout upstate New York.

Mr. Chairman, upstate New York has been identified as an area that needs improvement, and has been labeled as a "pocket of pain" in the aviation system.

The lack of sufficient federal funding has rendered many airports unable to handle the increased volume of traffic.

The airports that serve my district are in dire need of runway improvements, methods to enhance accessibility, machinery for snow removal, and most importantly, technology to ensure the safety of their air traffic control systems.

In addition, existing airline access rules have stifled competition and caused passengers to pay unreasonably high air fares.

AIR-21 will accomplish our goals of improving safety, fostering airline competition, and supplying those airports with increased funding to meet their individual needs.

AIR-21 also contains guaranteed funding of up to \$200,000 for general aviation airports with little or no commercial service.

We must not forget the critical role that county and municipal airports play in the entire aviation system.

Mr. Chairman, I am proud of the accomplishments of this bill, and I urge all of my colleagues to vote for it.

Passage of AIR-21 would reaffirm America's commitment to investing in assets to help our economy grow and our nation prosper.

Mr. THOMPSON of California. Mr. Chairman, I am pleased to rise in support of the manager's amendment to AIR-21 and an item in that amendment that was included at my request. Specifically, I strongly support a study to be conducted by the Federal Aviation Administration to evaluate the safety of using only automated weather observation systems for flight weather information.

The Automated Surface Observing System, or ASOS, is a critical tool for observing and reporting flight weather information across the United States. Airports are ranked according to air traffic, occurrence of bad weather, distance to the next suitable airport, and other critical characteristics to assess specific needs. Most airports use the ASOS system and incorporate varying levels of human observation to augment the automatic system. However, those airports with low rankings are required to use only the ASOS system without support from human observers.

The problem at Arcata-Eureka airport in my district, and in many areas across the country, is that the ASOS is not reliable enough to ensure flight safety at those airports with rapidly changing weather conditions. Those airports may not serve the number of aircraft necessary to warrant a higher weather service level, but the ASOS system still may not meet their safety needs. If ASOS is implemented

according to the current rankings, many airports that regularly encounter sudden changes in visibility or wind conditions will be operating without the benefit of an on-site human observer.

This study would require a re-evaluation of the airport weather rankings solely with regard to flight safety to guarantee reliable weather reporting at every airport nationwide. Mr. Chairman and members, I ask you to join me in supporting this amendment and improved safety at our nation's airports.

Mr. COSTELLO. Mr. Chairman, I rise in strong support of AIR-21. I would like to commend Chairman SHUSTER, and Chairman DUNCAN and Ranking Member OBERSTAR and Ranking Member LIPINSKI for helping craft this notable piece of legislation. When we sign this bill into law, it will truly mark 1999 as the Year of Aviation. I believe this bill goes a long way toward ensuring that our U.S. aviation system will remain the best in the world as it does much to promote safe and more efficient air travel as we move into the next century.

This year 655 million passengers will travel by air. In ten years, over a billion people will fly annually. Our current system—while the best in the world—is ill-equipped to handle the increase in passengers without a major commitment to making necessary improvements. Mr. Speaker, this landmark piece of legislation does just that.

By taking the Airport and Airways Trust Fund off-budget, we are making a true commitment to improve our aviation infrastructure. The trust fund is funded by aviation ticket taxes, taxes you and I and every person who flies pay each time we purchase an airline ticket. The trust fund was established to maintain and improve our aviation system, not to manipulate the size of the federal deficit or overstate the size of the budget surplus. By taking the trust fund off-budget we will enable the trust fund surplus to be used for its intended purpose—aviation.

AIR-21 is good for airports. By providing over \$19 billion for the Airport Improvement Program (AIP), we ensure that capital improvement projects at our nation's airports will go forward. In addition, the bill provides funding for small and general aviation airports that will ensure an annual entitlement. For my district, this means that St. Louis-Parks Downtown Airport in Cahokia, St. Louis Regional in Bethalto, Cairo Airport, MidAmerica Airport and Southern Illinois Airport in Carbondale can all count on a federal investment. This will help these airports to continue to implement safety improvements and projects to increase efficiency.

In parts of my district in Southern Illinois, we have limited air service. This bill will promote service to underserved markets. By improving capacity at large and small airports, the bill ensures more equitable competition in an industry where individual air carriers have market dominance over many communities. And by promoting access, the bill increases service which currently have little or no markets at all.

AIR-21 ensures that our nation's aviation system remains the safest, most reliable and most efficient system in the world. It makes unprecedented investments in airports, runways and air traffic control systems, and, it does so in a fiscally responsible manner.

Let's transform the Year of Aviation into the 21st Century of Aviation. I hope my colleagues will join me in supporting H.R. 1000.

Mr. SHAYS. Mr. Chairman. I strongly support two provisions in H.R. 1000, the Aviation Investment and Reform Act for the 21st Century—requiring Emergency Locator Transmitters (ELTs) on aircraft and conducting a study on helicopter noise—to increase the safety of air travel and decrease helicopter noise pollution.

My support for ELTs stems from a tragedy involving two Connecticut residents. On December 24, 1996 a Learjet with Pilot Johan Schwartz, 31, of Westport, Connecticut and Patrick Hayes, 30, of Clinton, Connecticut lost contact with the control tower at the Lebanon, New Hampshire Airport.

Despite efforts by the federal government, New Hampshire state and local authorities, and Connecticut authorities, a number of extremely well organized ground searches failed to locate the two gentlemen or the airplane.

Their airplane did not have an ELT, a device which could have made a difference in saving the lives of these two men and sparing their families the grief of not finding the plane. ELTs play a vital role in search efforts, where timing is so critical in any rescue mission.

Section 510 of H.R. 1000 requires ELTs on fixed-wing aircraft by January 1, 2002. This provision provides limited exemptions, including planes used for agricultural purposes, manufacturing or testing, and air exhibition events.

I am hopeful this provision will do much to increase the safety of air travel and no family will have to go through what the Schwartz and Hayes families underwent in the search for their loved ones.

I also support the helicopter noise study contained in the manager's amendment to H.R. 1000. This provision directs the Secretary of Transportation to conduct a one-year study on the effects of nonmilitary helicopter noise on individuals and develop recommendations for noise reduction.

The Secretary is required to consider the views of representatives from organizations with an interest in helicopter noise reduction and the helicopter industry.

I have been working for many years with officials at the Federal Aviation Administration (FAA) and local residents, to control noise from helicopters and fixed-wing aircraft. I understand frustration with aircraft noise. It is loud and disruptive.

Noise pollution can be overwhelming, and diminishes quality of life. Exposure to excessive noise can lead to psychological and physiological damage, including hypertension, cardiovascular problems, and sleeping disorders.

To combat noise pollution from helicopters it is imperative we understand how it is affecting individuals and how best to reduce it. That is why I support this one-year study to examine this problem.

I thank Transportation Chairman BUD SHUSTER and Aviation Subcommittees Chairman JOHN DUNCAN for their attention to ELTs and helicopter noise—important safety and quality of life provisions—in the Aviation Investment and Reform Act for the 21st Century.

Mr. BEREUTER. Mr. Chairman, this Member rises in strong support of H.R. 1000, the AIR 21 legislation. This legislation is clearly needed to preserve the integrity of the Aviation Trust Fund and to provide adequate funding for our nation's airports.

This Member would like to begin by commending the distinguished gentleman from

Pennsylvania, [Mr. SHUSTER], the Chairman of the Transportation and Infrastructure Committee, the distinguished gentleman from Minnesota [Mr. OBERSTAR], the ranking member of the Transportation Committee, the distinguished gentleman from Tennessee [Mr. DUNCAN], the Chairman of the Aviation Subcommittee, and the distinguished gentleman from Illinois [Mr. LIPINSKI], the ranking member of the Subcommittee, for their extraordinary work in developing this bill and bringing it to the Floor. This Member appreciates their diligence, persistence, and hard work.

This is an important bill for this Member's district, for the State of Nebraska, and for the nation. It addresses the country's growing aviation needs in a fiscally responsible manner. Quite simply, the bill recognizes the need to spend aviation taxes on the aviation system. During the 105th Congress we restored the trust with American drivers by ensuring that gas taxes will be spent on highway construction and maintenance. It is now time to ensure that this trust is restored with the flying public. No longer should the Aviation Trust Fund be misused and diverted.

This bill will properly take the Aviation Trust Fund off-budget and ensure that it is used for aviation. It will result in reduced flight delays, improved air safety and greater competition. The American people deserve this legislation. They deserve it because they've already paid for it.

Let's look past the distortions and misleading rhetoric and instead focus on the facts. This legislation will not jeopardize funding for other government programs. That's because the funding increases for aviation will come from the Aviation Trust Fund which has accumulated a large surplus.

This Member is concerned about growing needs at our nation's airports. While more people are flying, airport improvements are simply not keeping pace. That's because the money that passengers are paying each time they fly are accumulating in the trust fund rather than being put to use at the airports.

Unless we act now, the problems will only get worse. It is now anticipated that air travel will increase by more than 40 percent over the next ten years. This surge will place increased demands on an already overburdened aviation system. According to the General Accounting Office, we are underfunding airport infrastructure by at least \$3 billion each year. Currently, the needs of smaller airports are twice as great as their funding sources. Fortunately, we have the ability to act now. We can improve the system without raising taxes or threatening the funding for other government programs or services. We must unlock the money in the Aviation Trust Fund and spend it for what it was intended.

Airports across the country and the passengers who use them will all benefit from passage of this legislation. Large airports as well as small airports will be able to modernize and expand once the Trust Fund money is released.

The increases in funding will be substantial and passengers will notice the results if we make these investments now. As an example, the Lincoln Municipal Airport in Nebraska currently receives an entitlement of about \$1 million per year. Under H.R. 1000, this will increase to more than \$3 million annually. Such an increase would greatly assist the airport with its planned \$5 million runway project,

which would replace the surface, comply with new safety requirements and provide new lighting. General aviation airports in Nebraska, in communities such as Beatrice, Falls City, Blair, Fremont, Norfolk, York, and Nebraska City, will also receive annual entitlements which will assist them with necessary projects.

Mr. Chairman, this Member urges his colleagues to support H.R. 1000. It will provide the American people with the aviation system that they have paid for the deserve.

Mr. SHUSTER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill, modified by the amendment printed in part A of House Report 106-185, is considered as an original bill for the purpose of amendment under the 5-minute rule and is considered read.

The text of the committee amendment in the nature of a substitute, as modified, is as follows:

H.R. 1000

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the "Aviation Investment and Reform Act for the 21st Century".

(b) **TABLE OF CONTENTS.**—

- Sec. 1. Short title; table of contents.
- Sec. 2. Amendments to title 49, United States Code.
- Sec. 3. Applicability.
- Sec. 4. Administrator defined.

TITLE I—AIRPORT AND AIRWAY IMPROVEMENTS

Subtitle A—Funding

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

Subtitle B—Airport Development

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

Subtitle C—Miscellaneous

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

TITLE II—AIRLINE SERVICE IMPROVEMENTS

Subtitle A—Service to Airports Not Receiving Sufficient Service

- Sec. 201. Access to high density airports.

Sec. 202. Funding for air carrier service to airports not receiving sufficient service.

Sec. 203. Waiver of local contribution.

Sec. 204. Policy for air service to rural areas.

Sec. 205. Determination of distance from hub airport.

Subtitle B—Regional Air Service Incentive Program

Sec. 211. Establishment of regional air service incentive program.

TITLE III—FAA MANAGEMENT REFORM

- Sec. 301. Air traffic control system defined.
- Sec. 302. Air Traffic Control Oversight Board.
- Sec. 303. Chief Operating Officer.
- Sec. 304. Federal Aviation Management Advisory Council.
- Sec. 305. Environmental streamlining.
- Sec. 306. Clarification of regulatory approval process.
- Sec. 307. Independent study of FAA costs and allocations.

TITLE IV—FAMILY ASSISTANCE

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

TITLE V—SAFETY

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

TITLE VI—WHISTLEBLOWER PROTECTION

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

TITLE VII—MISCELLANEOUS PROVISIONS

- Sec. 701. Duties and powers of Administrator.
- Sec. 702. Public aircraft.
- Sec. 703. Prohibition on release of offeror proposals.
- Sec. 704. Multiyear procurement contracts.
- Sec. 705. Federal Aviation Administration personnel management system.
- Sec. 706. Nondiscrimination in airline travel.
- Sec. 707. Joint venture agreement.
- Sec. 708. Extension of war risk insurance program.

Sec. 709. General facilities and personnel authority.

Sec. 710. Implementation of article 83 bis of the Chicago Convention.

Sec. 711. Public availability of airmen records.

Sec. 712. Appeals of emergency revocations of certificates.

Sec. 713. Government and industry consortia.

Sec. 714. Passenger manifest.

Sec. 715. Cost recovery for foreign aviation services.

Sec. 716. Technical corrections to civil penalty provisions.

Sec. 717. Waiver under Airport Noise and Capacity Act.

Sec. 718. Metropolitan Washington Airport Authority.

Sec. 719. Acquisition management system.

Sec. 720. Centennial of Flight Commission.

Sec. 721. Aircraft situational display data.

Sec. 722. Elimination of backlog of equal employment opportunity complaints.

Sec. 723. Newport News, Virginia.

Sec. 724. Grant of easement, Los Angeles, California.

Sec. 725. Regulation of Alaska guide pilots.

Sec. 726. Aircraft repair and maintenance advisory panel.

Sec. 727. Operations of air taxi industry.

Sec. 728. Sense of Congress concerning completion of comprehensive national airspace redesign.

Sec. 729. Compliance with requirements.

Sec. 730. Aircraft noise levels at airports.

Sec. 731. FAA consideration of certain State proposals.

TITLE VIII—NATIONAL PARKS AIR TOUR MANAGEMENT

Sec. 801. Short title.

Sec. 802. Findings.

Sec. 803. Air tour management plans for national parks.

Sec. 804. Advisory group.

Sec. 805. Reports.

Sec. 806. Exemptions.

Sec. 807. Definitions.

TITLE IX—TRUTH IN BUDGETING

Sec. 901. Short title.

Sec. 902. Budgetary treatment of Airport and Airway Trust Fund.

Sec. 903. Safeguards against deficit spending out of Airport and Airway Trust Fund.

Sec. 904. Applicability.

TITLE X—ADJUSTMENT OF TRUST FUND AUTHORIZATIONS

Sec. 1001. Adjustment of trust fund authorizations.

Sec. 1002. Budget estimates.

Sec. 1003. Sense of Congress on fully offsetting increased aviation spending.

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

Sec. 1101. Extension of expenditure authority.

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

Except as otherwise specifically 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 of law, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3. APPLICABILITY.

Except as otherwise specifically provided, this Act and the amendments made by this Act shall apply only to fiscal years beginning after September 30, 1999.

SEC. 4. ADMINISTRATOR DEFINED.

In this Act, the term "Administrator" means the Administrator of the Federal Aviation Administration.

TITLE I—AIRPORT AND AIRWAY IMPROVEMENTS

Subtitle A—Funding

SEC. 101. AIRPORT IMPROVEMENT PROGRAM.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Section 48103 is amended by striking "shall be" the last place it appears and all that follows through the period at the end and inserting the following: "shall be—

"(1) \$2,410,000,000 for fiscal year 1999;

"(2) \$2,475,000,000 for fiscal year 2000;

"(3) \$4,000,000,000 for fiscal year 2001;

"(4) \$4,100,000,000 for fiscal year 2002;

"(5) \$4,250,000,000 for fiscal year 2003; and

"(6) \$4,350,000,000 for fiscal year 2004.".

(b) **OBLIGATIONAL AUTHORITY.**—Section 47104(c) is amended by striking "After" and all that follows through "1999," and inserting "After September 30, 2004,".

SEC. 102. AIRWAY FACILITIES IMPROVEMENT PROGRAM.

(a) **GENERAL AUTHORIZATION AND APPROPRIATIONS.**—Effective September 30, 1999, section 48101(a) is amended by striking paragraphs (1), (2), and (3) and inserting the following:

"(1) Such sums as may be necessary for fiscal year 2000.

“(2) \$2,500,000,000 for fiscal year 2001.

“(3) \$3,000,000,000 for each of fiscal years 2002 through 2004.”.

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

“(d) UNIVERSAL ACCESS SYSTEMS.—Of the amounts appropriated under subsection (a) for fiscal year 2001, \$8,000,000 may be used for the voluntary purchase and installation of universal access systems.”.

SEC. 103. FAA OPERATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS FROM GENERAL FUND.—Effective September 30, 1999, section 106(k) is amended—

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

(2) in paragraph (1) (as designated by paragraph (1) of this subsection) by striking “the Administration” and all that follows through the period at the end and inserting the following: “the Administration—

“(A) such sums as may be necessary for fiscal year 2000;

“(B) \$6,450,000,000 for fiscal year 2001;

“(C) \$6,886,000,000 for fiscal year 2002;

“(D) \$7,357,000,000 for fiscal year 2003; and

“(E) \$7,860,000,000 for fiscal year 2004.”;

(3) by adding at the end the following:

“(2) AUTHORIZED EXPENDITURES.—Of the amounts appropriated under paragraph (1) for fiscal years 2001 through 2004—

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

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

“(C) such sums as may be necessary may be used to revise existing terminal and en route procedures and instrument flight rules to facilitate the takeoff, flight, and landing of tiltrotor aircraft and to improve the national airspace system by separating such aircraft from congested flight paths of fixed-wing aircraft;

“(D) such sums as may be necessary may be used to establish helicopter approach procedures using current technologies (such as the Global Positioning System) to support all-weather, emergency medical service for trauma patients;

“(E) \$3,000,000 per fiscal year may be used to implement the 1998 airport surface operations safety action plan of the Federal Aviation Administration;

“(F) \$2,000,000 per fiscal year may be used to support a university consortium established to provide an air safety and security management certificate program, working cooperatively with United States air carriers; except that funds under this subparagraph—

“(i) may not be used for the construction of a building or other facility; and

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

“(G) such sums as may be necessary may be used to develop or improve training programs (including model training programs and curriculum) for security screeners at airports.”; and

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

(b) AUTHORIZATION OF APPROPRIATIONS FROM TRUST FUND.—Section 48104 is amended—

(1) by striking subsection (b) and redesignating subsection (c) as subsection (b);

(2) in subsection (b) (as so redesignated)—

(A) by striking the subsection heading and inserting “GENERAL RULE: LIMITATION ON TRUST FUND AMOUNTS.—”; and

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

(i) by striking “The amount” and inserting “Except as provided in subsection (c), the amount”; and

(ii) by striking “for each of fiscal years 1994 through 1998” and inserting “for fiscal year 2000 and each fiscal year thereafter”; and

(3) by adding at the end the following:

“(c) SPECIAL RULE FOR FISCAL YEARS 2000–2004.—

“(1) IN GENERAL.—If the amount appropriated under section 106(k) for any of fiscal years 2000 through 2004 less the amount that would be appropriated, but for this subsection, from the Trust Fund for the purposes of paragraphs (1) and (2) of subsection (a) for such fiscal year is greater than the general fund cap, the amount appropriated from the Trust Fund for the purposes of paragraphs (1) and (2) of subsection (a) for such fiscal year shall equal the amount appropriated under section 106(k) for such fiscal year less the general fund cap.

“(2) GENERAL FUND CAP DEFINED.—In this subsection, the term ‘general fund cap’ means that portion of the amounts appropriated for programs of the Federal Aviation Administration for fiscal year 1998 that was derived from the general fund of the Treasury.

(c) LIMITATION ON OBLIGATING OR EXPENDING AMOUNTS.—Section 48108 is amended by striking subsection (c).

SEC. 104. AIP FORMULA CHANGES.

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

“(g) PRIORITY FOR LETTERS OF INTENT.—

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

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

(b) AMOUNTS APPORTIONED TO SPONSORS.—

(1) AMOUNTS TO BE APPORTIONED.—Effective October 1, 2000, section 47114(c)(1) is amended—

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

“(i) \$23.40 for each of the first 50,000 passenger boardings at the airport during the prior calendar year;

“(ii) \$15.60 for each of the next 50,000 passenger boardings at the airport during the prior calendar year;

“(iii) \$7.80 for each of the next 400,000 passenger boardings at the airport during the prior calendar year;

“(iv) \$1.95 for each of the next 500,000 passenger boardings at the airport during the prior calendar year; and

“(v) \$1.50 for each additional passenger boarding at the airport during the prior calendar year.”; and

(B) in subparagraph (B) by striking “\$500,000 nor more than \$22,000,000” and inserting “\$1,500,000”.

(2) SPECIAL RULES.—Section 47114(c)(1) is amended by adding at the end the following:

“(C) Notwithstanding subparagraph (A), the Secretary shall apportion to an airport sponsor in a fiscal year an amount equal to the amount apportioned to that sponsor in the previous fiscal year if the Secretary finds that—

“(i) passenger boardings at the airport were less than 10,000 in the calendar year used to calculate the apportionment;

“(ii) the airport had at least 10,000 passenger boardings in the calendar year prior to the cal-

endar year used to calculate the apportionment; and

“(iii) the cause of the decrease in passenger boardings was a temporary but significant interruption in service by an air carrier to that airport due to an employment action, natural disaster, or other event unrelated to the demand for air transportation at the airport.

“(D) Notwithstanding subparagraph (A), the Secretary shall apportion on the first day of the first fiscal year following the official opening of a new airport with scheduled passenger air transportation an amount equal to the minimum amount set forth in subparagraph (B) to the sponsor of such airport.”.

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

(d) ENTITLEMENT FOR GENERAL AVIATION AIRPORTS.—Effective October 1, 2000, section 47114(d) is amended—

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

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

(3) by indenting paragraph (1) and aligning paragraph (1) (and its subparagraphs) with paragraph (2) (as amended by paragraph (2) of this subsection); and

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

“(2) APPORTIONMENTS.—The Secretary shall apportion 20 percent of the amount subject to apportionment for each fiscal year as follows:

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

“(i) \$200,000; or

“(ii) 1/5 of the most recently published estimate of the 5-year costs for airport improvement for the airport, as listed in the national plan of integrated airport systems developed by the Federal Aviation Administration under section 47103.

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

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

“(ii) Except as provided in paragraph (3), 49.69 percent of the remaining amount for airports, excluding primary airports but including reliever and nonprimary commercial service airports, in States not named in clause (i) in the proportion that the population of each of those States bears to the total population of all of those States.

“(iii) Except as provided in paragraph (3), 49.69 percent of the remaining amount for airports, excluding primary airports but including reliever and nonprimary commercial service airports, in States not named in clause (i) in the proportion that the area of each of those States bears to the total area of all of those States.”.

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

“(3) SPECIAL RULE.—An amount apportioned under paragraph (2) to Alaska, Puerto Rico, or Hawaii for airports in such State may be made available by the Secretary for any public airport in those respective jurisdictions.”.

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

“(4) INTEGRATED AIRPORT SYSTEM PLANNING.—Notwithstanding paragraph (2), funds made available under this subsection may be used for integrated airport system planning that encompasses 1 or more primary airports.”.

(g) FLEXIBILITY IN PAVEMENT CONSTRUCTION STANDARDS.—

Section 47114(d) is further amended by adding at the end the following:

“(5) FLEXIBILITY IN PAVEMENT CONSTRUCTION STANDARDS.—The Secretary may permit the use

of State highway specifications for airfield pavement construction using funds made available under this subsection at nonprimary airports serving aircraft that do not exceed 60,000 pounds gross weight if the Secretary determines that—

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

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

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

(1) in subparagraph (A) by striking “31 percent” each place it appears and inserting “34 percent”; and

(2) in subparagraph (B) by striking “At least” and all that follows through “sponsors of current” and inserting “At least 4 percent to sponsors of current”.

(i) **SUPPLEMENTAL APPORTIONMENT FOR ALASKA.**—Effective October 1, 2000, section 47114(e) is amended—

(1) in the subsection heading by striking “ALTERNATIVE” and inserting “SUPPLEMENTAL”; and

(2) in paragraph (1)—

(A) by striking “Instead of apportioning amounts for airports in Alaska under” and inserting “IN GENERAL.—Notwithstanding”; and

(B) by striking “those airports” and inserting “airports in Alaska”; and

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

(3) in paragraph (2) by inserting “AUTHORITY FOR DISCRETIONARY GRANTS.—” before “This subsection”; and

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

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

(5) by indenting paragraph (1) and aligning paragraph (1) (and its subparagraphs) and paragraph (2) with paragraph (3) (as amended by paragraph (4) of this subsection).

(j) **REPEAL OF APPORTIONMENT LIMITATION ON COMMERCIAL SERVICE AIRPORTS IN ALASKA.**—Section 47117 is amended by striking subsection (f) and by redesignating subsections (g) and (h) as subsections (f) and (g), respectively.

SEC. 105. PASSENGER FACILITY FEES.

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

“(4) Notwithstanding paragraph (1), the Secretary may authorize under this section an eligible agency to impose a passenger facility fee in whole dollar amounts of more than \$3 on each paying passenger of an air carrier or foreign air carrier boarding an aircraft at an airport the agency controls to finance an eligible airport-related project, including making payments for debt service on indebtedness incurred to carry out the project, if the Secretary finds—

“(A) that the project will make a significant contribution to improving air safety and security, increasing competition among air carriers, reducing current or anticipated congestion, or reducing the impact of aviation noise on people living near the airport;

“(B) that the project cannot be paid for from funds reasonably expected to be available for the programs referred to in section 48103; and

“(C) that the amount to be imposed is not more than twice that which may be imposed under paragraph (1).”.

(b) **LIMITATION ON APPROVAL OF CERTAIN APPLICATIONS.**—Section 40117(d) is amended—

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

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

(3) by adding at the end the following:

“(4) in the case of an application to impose a fee of more than \$3 for a surface transportation

or terminal project, the agency has made adequate provision for financing the airside needs of the airport, including runways, taxiways, aprons, and aircraft gates.”.

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

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

“(1) IN GENERAL.—An amount”;

(2) by striking “an amount equal to” and all that follows through the period at the end and inserting the following: “an amount equal to—

“(A) in the case of a fee of \$3 or less, 50 percent of the projected revenues from the fee in the fiscal year but not by more than 50 percent of the amount that otherwise would be apportioned under this section; and

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

(3) by adding at the end the following:

“(2) **EFFECTIVE DATE OF REDUCTION.**—A reduction in an apportionment required by paragraph (1) shall not take effect until the first fiscal year following the year in which the collection of the fee imposed under section 40117 is begun.”.

SEC. 106. BUDGET SUBMISSION.

The Administrator shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a copy of the annual budget estimates of the Federal Aviation Administration, including line item justifications, at the same time the annual budget estimates are submitted to the Committees on Appropriations of the Senate and the House of Representatives.

Subtitle B—Airport Development

SEC. 121. RUNWAY INCURSION PREVENTION DEVICES; EMERGENCY CALL BOXES.

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

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

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

(2) by striking the period at the end of paragraph (10) and inserting “; and”; and

(3) by adding at the end the following:

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

(c) **INCLUSION OF UNIVERSAL ACCESS SYSTEMS AND EMERGENCY CALL BOXES AS AIRPORT DEVELOPMENT.**—Section 47102(3)(B) is amended—

(1) in clause (ii)—

(A) by striking “and universal access systems,” and inserting “; universal access systems, and emergency call boxes,”; and

(B) by inserting “and integrated in-pavement lighting systems for runways and taxiways and other runway and taxiway incursion prevention devices” before the semicolon at the end; and

(2) by inserting before the semicolon at the end of clause (iii) the following: “, including closed circuit weather surveillance equipment”.

SEC. 122. WINDSHEAR DETECTION EQUIPMENT.

Section 47102(3)(B) is further amended—

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

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

(3) by adding at the end the following:

“(vii) windshear detection equipment; and”.

SEC. 123. ENHANCED VISION TECHNOLOGIES.

(a) **STUDY.**—The Administrator shall conduct a study of the feasibility of requiring United States airports to install enhanced vision technologies to replace or enhance conventional landing light systems over the 10-year period following the date of completion of such study.

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

(c) **INCLUSION OF INSTALLATION AS AIRPORT DEVELOPMENT.**—Section 47102 is amended—

(1) in paragraph (3)(B) (as amended by this Act) by adding at the end the following:

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

(2) by adding at the end the following:

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

(d) **CERTIFICATION.**—Not later than 180 days after the date of enactment of this Act, the Administrator shall transmit to Congress a schedule for deciding whether or not to certify laser guidance equipment for use as approach lighting at United States airports and of cold cathode lighting equipment for use as runway and taxiway lighting at United States airports and as lighting at United States heliports.

SEC. 124. PAVEMENT MAINTENANCE.

(a) **REPEAL OF PILOT PROGRAM.**—

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

(2) **CONFORMING AMENDMENT.**—The analysis for chapter 471 is amended by striking the item relating to section 47132.

(b) **ELIGIBILITY AS AIRPORT DEVELOPMENT.**—Section 47102(3) is amended by adding at the end the following:

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

SEC. 125. COMPETITION PLANS.

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

“(f) **COMPETITION PLANS.**—

“(1) **PROHIBITION.**—Beginning in fiscal year 2001, no passenger facility fee may be approved for a covered airport under section 40117 and no grant may be made under this subchapter for a covered airport unless the airport has submitted to the Secretary a written competition plan in accordance with this subsection.

“(2) **CONTENTS.**—A competition plan under this subsection shall include information on the availability of airport gates and related facilities, leasing and sub-leasing arrangements, gate-use requirements, patterns of air service, gate-assignment policy, financial constraints, airport controls over air- and ground-side capacity, whether the airport intends to build or acquire gates that would be used as common facilities, and airfare levels (as compiled by the Department of Transportation) compared to other large airports.

“(3) **COVERED AIRPORT DEFINED.**—In this subsection, the term ‘covered airport’ means a commercial service airport—

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

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

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

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

SEC. 126. MATCHING SHARE.

Section 47109(a) is amended—

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

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

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

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

(4) by striking the period at the end of paragraph (4) (as so redesignated) and inserting “; and”;

(5) by adding at the end the following:

“(5) 100 percent in fiscal year 2001 for any project—

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

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

SEC. 127. LETTERS OF INTENT.

Section 47110(e) is amended—

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

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

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

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

SEC. 128. GRANTS FROM SMALL AIRPORT FUND.

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

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

(b) NOTIFICATION OF SOURCE OF GRANT.—Section 47116 is further amended by adding at the end the following:

“(f) NOTIFICATION OF SOURCE OF GRANT.—Whenever the Secretary makes a grant under this section, the Secretary shall notify the recipient of the grant, in writing, that the source of the grant is from the small airport fund.”.

(c) TECHNICAL AMENDMENTS.—Section 47116(d) is amended—

(1) by striking “In making” and inserting the following:

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

(2) by adding at the end the following:

“(2) AIRPORT DEVELOPMENT FOR TURBINE POWERED AIRCRAFT.—In making grants to sponsors described in subsection (b)(1), the Secretary shall give priority consideration to airport development projects to support operations by turbine powered aircraft, if the non-Federal share of the project is at least 40 percent.”; and

(3) by aligning the remainder of paragraph (1) (as designated by paragraph (1) of this subsection) with paragraph (2) (as added by paragraph (2) of this subsection).

SEC. 129. DISCRETIONARY USE OF UNUSED AP-PORTIONMENTS.

Section 47117(f) (as redesignated by section 104(j) of this Act) is amended to read as follows:

“(f) DISCRETIONARY USE OF APPORTIONMENTS.—

“(1) IN GENERAL.—Subject to paragraph (2), if the Secretary finds that all or part of an amount of an apportionment under section 47114 is not required during a fiscal year to fund a grant for which the apportionment may be used, the Secretary may use during such fiscal year the amount not so required to make grants for any purpose for which grants may be made under section 48103. The finding may be based on the notifications that the Secretary receives under section 47105(f) or on other information received from airport sponsors.

“(2) RESTORATION OF APPORTIONMENTS.—

“(A) IN GENERAL.—If the fiscal year for which a finding is made under paragraph (1) with respect to an apportionment is not the last fiscal year of availability of the apportionment under subsection (b), the Secretary shall restore to the apportionment an amount equal to the amount of the apportionment used under paragraph (1) for a discretionary grant whenever a sufficient amount is made available under section 48103.

“(B) PERIOD OF AVAILABILITY.—If restoration under this paragraph is made in the fiscal year for which the finding is made or the succeeding fiscal year, the amount restored shall be subject to the original period of availability of the apportionment under subsection (b). If the restoration is made thereafter, the amount restored shall remain available in accordance with subsection (b) for the original period of availability of the apportionment, plus the number of fiscal years during which a sufficient amount was not available for the restoration.

“(3) NEWLY AVAILABLE AMOUNTS.—

“(A) RESTORED AMOUNTS TO BE UNAVAILABLE FOR DISCRETIONARY GRANTS.—Of an amount newly available under section 48103 of this title, an amount equal to the amounts restored under paragraph (2) shall not be available for discretionary grant obligations under section 47115.

“(B) USE OF REMAINING AMOUNTS.—Subparagraph (A) does not impair the Secretary's authority under paragraph (1), after a restoration under paragraph (2), to apply all or part of a restored amount that is not required to fund a grant under an apportionment to fund discretionary grants.

“(4) LIMITATIONS ON OBLIGATIONS APPLY.—Nothing in this subsection shall be construed to authorize the Secretary to incur grant obligations under section 47104 for a fiscal year in an amount greater than the amount made available under section 48103 for such obligations for such fiscal year.”.

SEC. 130. DESIGNATING CURRENT AND FORMER MILITARY AIRPORTS.

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

(1) in subsection (a) by striking “12” and inserting “12 for fiscal year 2000 and 20 for each fiscal year thereafter”;

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

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

(A) by striking “47117(e)(1)(E)” and inserting “47117(e)(1)(B)”;

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

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

(4) by adding at the end the following:

“(f) DESIGNATION OF GENERAL AVIATION AIRPORT.—Notwithstanding any other provision of this section, at least 3 of the airports designated under subsection (a) shall be general aviation airports that were former military installations closed or realigned under a section referred to in subsection (a)(1).”.

(b) TERMINAL BUILDING FACILITIES.—Section 47118(d) (as redesignated by subsection (a)(2) of this section) is amended by striking “\$5,000,000” and inserting “\$7,000,000”.

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

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

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

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

SEC. 131. CONTRACT TOWER COST-SHARING.

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

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

“(A) IN GENERAL.—The Secretary shall establish a pilot program to contract for air traffic control services at Level I air traffic control towers, as defined by the Administrator of the Federal Aviation Administration, that do not qualify for the Contract Tower program established under subsection (a) and continued under paragraph (1) (hereafter in this paragraph referred to as the ‘Contract Tower Program’).

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

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

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

(iii) approve for participation no more than 2 facilities willing to fund up to 50 percent, but not less than 25 percent, of construction costs for an air traffic control tower built by the airport operator and for each of such facilities the Federal share of construction cost does not exceed \$1,100,000.

“(C) PRIORITY.—In selecting facilities to participate in the program under this paragraph, the Administrator shall give priority to the following:

(i) Air traffic control towers that are participating in the Contract Tower Program but have been notified that they will be terminated from such program because the Administration has determined that the benefit-to-cost ratio for their continuation in such program is less than 1.0.

(ii) Air traffic control towers that the Administrator determines have a benefit-to-cost ratio of at least .85.

(iii) Air traffic control towers of the Federal Aviation Administration that are closed as a result of the air traffic controllers strike in 1981.

(iv) Air traffic control towers that are located at airports or points at which an air carrier is receiving compensation under the essential air service program under this chapter.

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

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

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

(E) FUNDING.—Of the amounts appropriated pursuant to section 106(k), not to exceed \$6,000,000 per fiscal year may be used to carry out this paragraph.”.

SEC. 132. INNOVATIVE USE OF AIRPORT GRANT FUNDS.

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

"§ 47135. Innovative financing techniques"

"(a) IN GENERAL.—The Secretary of Transportation may approve applications for not more than 25 airport development projects for which grants received under this subchapter may be used for innovative financing techniques. Such projects shall be located at airports that each year have less than .25 percent of the total number of passenger boardings each year at all commercial service airports.

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

"(c) LIMITATIONS.—

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

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

"(A) payment of interest;

"(B) commercial bond insurance and other credit enhancement associated with airport bonds for eligible airport development; and

"(C) flexible non-Federal matching requirements."

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

"47135. Innovative financing techniques."

SEC. 133. AVIATION SECURITY PROGRAM.

"(a) IN GENERAL.—Subchapter I of chapter 471 is further amended by adding the following new section:

"§ 47136. Aviation security program"

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

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

"(1) evaluates and tests the benefits of innovative aviation security systems or related technology, including explosives detection systems, for the purpose of improving aviation security, including aircraft physical security, access control, and passenger and baggage screening; and

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

"(c) MATCHING SHARE.—Notwithstanding section 47109, the United States Government's share of allowable project costs for a project under this section shall be 100 percent.

"(d) TERMS AND CONDITIONS.—The Secretary may establish such terms and conditions as the Secretary determines appropriate for carrying out a project under this section, including terms and conditions relating to the form and content of a proposal for a project, project assurances, and schedule of payments.

"(e) ELIGIBLE SPONSOR DEFINED.—In this section, the term 'eligible sponsor' means a non-profit corporation composed of a consortium of public and private persons, including a sponsor of a primary airport, with the necessary engineering and technical expertise to successfully conduct the testing and evaluation of airport and aircraft related security systems.

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

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

"47136. Aviation security program."

SEC. 134. INHERENTLY LOW-EMISSION AIRPORT VEHICLE PILOT PROGRAM.

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

"§ 47137. Inherently low-emission airport vehicle pilot program"

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

"(b) LOCATION IN AIR QUALITY NONATTAINMENT AREAS.—A public-use airport shall be eligible for participation in the pilot program only if the airport is located in an air quality non-attainment area (as defined in section 171(2) of the Clean Air Act (42 U.S.C. 7501(d)).

"(c) SELECTION CRITERIA.—In selecting from among applicants for participation in the pilot program, the Secretary shall give priority consideration to applicants that will achieve the greatest air quality benefits measured by the amount of emissions reduced per dollar of funds expended under the pilot program.

"(d) UNITED STATES GOVERNMENT'S SHARE.—Notwithstanding any other provision of this subchapter, the United States Government's share of the costs of a project carried out under the pilot program shall be 50 percent.

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

"(f) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this section, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing an evaluation of the effectiveness of the pilot program.

"(g) INHERENTLY LOW-EMISSION VEHICLE ACTIVITY DEFINED.—In this section, the term 'inherently low-emission vehicle activity' means—

"(1) the construction of infrastructure facilities necessary for the use of vehicles that are certified as inherently low-emission vehicles under title 40 of the Code of Federal Regulations, that are labeled in accordance with section 88.312-93(c) of such title, and that are located or primarily used at public-use airports;

"(2) the payment of that portion of the cost of acquiring such vehicles that exceeds the cost of acquiring other vehicles that would be used for the same purpose; or

"(3) the acquisition of technological equipment necessary for the use of vehicles described in paragraph (1)."

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

"47137. Inherently low-emission airport vehicle pilot program."

SEC. 135. TECHNICAL AMENDMENTS.

"(a) CONTINUATION OF PROJECT FUNDING.—Section 47108 is amended by adding at the end the following:

"(e) CHANGE IN AIRPORT STATUS.—In the event that the status of a primary airport changes to a nonprimary airport at a time when a terminal development project under a multiyear agreement under subsection (a) is not yet completed, the project shall remain eligible for funding from discretionary funds under section 47115 at the funding level and under the terms provided by the agreement, subject to the availability of funds."

"(b) PASSENGER FACILITY FEE WAIVER FOR CERTAIN CLASS OF CARRIERS OR FOR SERVICE TO AIRPORTS IN ISOLATED COMMUNITIES.—Section 40117(i) is amended—

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

(2) by striking the period at the end of paragraph (2) and inserting "and"; and

(3) by adding at the end the following:

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

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

"(B) passengers traveling to an airport—

"(i) that has fewer than 2,500 passenger boardings each year and receives scheduled passenger service; and

"(ii) in a community which has a population of less than 10,000 and is not connected by a land highway to the land-connected National Highway System within a State."

SEC. 136. CONVEYANCES OF AIRPORT PROPERTY FOR PUBLIC AIRPORTS.

"(a) PROJECT GRANT ASSURANCES.—Section 47107(h) is amended by inserting "(including an assurance with respect to disposal of land by an airport owner or operator under subsection (c)(2)(B) without regard to whether or not the assurance or grant was made before December 29, 1987)" after "1987".

"(b) CONVEYANCES OF UNITED STATES GOVERNMENT LAND.—Section 47125(a) is amended by adding at the end the following: "The Secretary may only release an option of the United States for a reversionary interest under this subsection after providing notice and an opportunity for public comment. The Secretary shall publish in the Federal Register any decision of the Secretary to release a reversionary interest and the reasons for the decision."

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

"(d) REQUESTS BY PUBLIC AGENCIES.—Except with respect to a request made by another department, agency, or instrumentality of the executive branch of the United States Government, such a department, agency, or instrumentality shall give priority consideration to a request made by a public agency (as defined in section 47102) for surplus property described in subsection (a) for use at a public airport."

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

(1) in paragraph (1) by inserting "after providing notice and an opportunity for public comment," after "if the Secretary decides"; and

(2) by adding at the end the following:

"(3) PUBLICATION OF DECISIONS.—The Secretary shall publish in the Federal Register any decision to waive a term under paragraph (1) and the reasons for the decision."

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

"(c) CONSIDERATIONS.—In deciding whether to waive a term required by section 47152 or add another term, the Secretary shall consider the current and future needs of the users of the airport."

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

(1) in section 47151—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1) by striking "give" and inserting "convey to"; and

(ii) in paragraph (2) by striking "gift" and inserting "conveyance";

(B) in subsection (b)—

(i) by striking "giving" and inserting "conveying"; and

(ii) by striking "gift" and inserting "conveyance"; and

(C) in subsection (c)—

(i) in the subsection heading by striking "GIVEN" and inserting "CONVEYED"; and

(ii) by striking "given" and inserting "conveyed";

(2) in section 47152—

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

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

(3) in section 47153(a)(1)—

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

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

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

“47152. *Terms of conveyances.*”.

Subtitle C—Miscellaneous

SEC. 151. TREATMENT OF CERTAIN FACILITIES AS AIRPORT-RELATED PROJECTS.

Section 40117(a)(3)(E) is amended—

(1) by striking “and” and inserting a comma; and

(2) by striking the period at the end and inserting the following: “(including structural foundations and floor systems, exterior building walls and load-bearing interior columns or walls, windows, door and roof systems, and building utilities (including heating, air conditioning, ventilation, plumbing, and electrical service)), and aircraft fueling facilities adjacent to the gate.”.

SEC. 152. TERMINAL DEVELOPMENT COSTS.

(a) WITH RESPECT TO PASSENGER FACILITY CHARGES.—Section 40117(a)(3) is further amended—

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

(2) by inserting after subparagraph (B) the following:

“(C) for costs of terminal development referred to in subparagraph (B) incurred after August 1, 1986, at an airport that did not have more than .25 percent of the total annual passenger boardings in the United States in the most recent calendar year for which data is available and at which total passenger boardings declined by at least 16 percent between calendar year 1989 and calendar year 1997.”.

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

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

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

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

(2) in paragraph (1)(B) by striking “an airport development project outside the terminal area at that airport” and inserting “any needed airport development project affecting safety, security, or capacity”.

(c) NONHUB AIRPORTS.—Section 47119(c) is amended by striking “0.05” and inserting “0.25”.

(d) NONPRIMARY COMMERCIAL SERVICE AIRPORTS.—Section 47119 is amended by adding at the end the following:

“(d) DETERMINATION OF PASSENGER BOARDING AT COMMERCIAL SERVICE AIRPORT.—For the purpose of determining whether an amount may be distributed for a fiscal year from the discretionary fund in accordance with subsection (b)(2)(A) to a commercial service airport, the Secretary shall make the determination of whether or not a public airport is a commercial service airport on the basis of the number of passenger boardings and type of air service at the public airport in the calendar year that includes the first day of such fiscal year or the preceding calendar year, whichever is more beneficial to the airport.”.

SEC. 153. GENERAL FACILITIES AUTHORITY.

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

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

(2) by inserting “under new or existing contracts” after “including acquisition”.

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

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

SEC. 154. DENIAL OF AIRPORT ACCESS TO CERTAIN AIR CARRIERS.

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

“(g) INCLUDED CHARTER AIR TRANSPORTATION.—For the purposes of subsection (a)(2), a scheduled passenger operation includes charter air transportation for which the general public is provided in advance a schedule containing the departure location, departure time, and arrival location of the flights.”.

(h) AUTHORITY TO PRECLUDE SCHEDULED PASSENGER OPERATIONS.—The Administrator shall permit an airport that will be subject to certification under subsection (a)(2) to preclude scheduled passenger operations (including public charter operations described in subsection (g)) at the airport if the airport notifies the Administrator, in writing, that it does not intend to obtain an airport operating certificate.”.

SEC. 155. CONSTRUCTION OF RUNWAYS.

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

SEC. 156. USE OF RECYCLED MATERIALS.

(a) STUDY.—The Administrator shall conduct a study of the use of recycled materials (including recycled pavements, waste materials, and byproducts) in pavement used for runways, taxiways, and aprons and the specification standards in tests necessary for the use of recycled materials in such pavement. The primary focus of the study shall be on the long term physical performance, safety implications, and environmental benefits of using recycled materials in aviation pavement.

(b) CONTRACTING.—The Administrator may carry out the study under this section by entering into a contract with a university of higher education with expertise necessary to carry out the study.

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

(d) FUNDING.—Of the amounts appropriated pursuant to section 106(k), not to exceed \$1,500,000 in the aggregate may be used to carry out this section.

TITLE II—AIRLINE SERVICE IMPROVEMENTS

Subtitle A—Service to Airports Not Receiving Sufficient Service

SEC. 201. ACCESS TO HIGH DENSITY AIRPORTS.

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

(b) SLOT EXEMPTIONS FOR SERVICE TO REAGAN NATIONAL AIRPORT.—Section 41714 is

amended by striking subsections (e) and (f) and inserting the following:

“(e) SLOTS FOR AIRPORTS NOT RECEIVING SUFFICIENT SERVICE.—

“(1) EXEMPTIONS.—Notwithstanding chapter 491, the Secretary may by order grant exemptions from the requirements under subparts K and S of part 93 of title 14, Code of Federal Regulations (pertaining to slots at high density airports), to enable air carriers to provide nonstop air transportation using jet aircraft that comply with the stage 3 noise levels of part 36 of such title 14 between Ronald Reagan Washington National Airport and an airport that had less than 2,000,000 enplanements in the most recent year for which such enplanement data is available or between Ronald Reagan Washington National Airport and an airport that does not have nonstop transportation to Ronald Reagan Washington National Airport using such aircraft on the date on which the application for an exemption is filed.”.

“(2) LIMITATIONS.—

“(A) MAXIMUM NUMBER OF EXEMPTIONS.—No more than 2 exemptions per hour and no more than 6 exemptions per day may be granted under this subsection for slots at Ronald Reagan Washington National Airport.”.

“(B) MAXIMUM DISTANCE OF FLIGHTS.—An exemption may be granted under this subsection for a slot at Ronald Reagan Washington National Airport only if the flight utilizing such slot begins or ends within 1,250 miles of the Airport and a stage 3 aircraft is used for such flight.”.

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

“(4) DEADLINE FOR DECISION.—Notwithstanding any other provision of law, the Secretary shall make a decision with regard to granting an exemption under this subsection on or before the 120th day following the date of the application for the exemption. If the Secretary does not make the decision on or before such 120th day, the air carrier applying for the service may provide such service until the Secretary makes the decision or the Administrator of the Federal Aviation Administration determines that providing such service would have an adverse effect on air safety.”.

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

“(f) TREATMENT OF CERTAIN COMMUTER AIR CARRIERS.—The Secretary shall treat all commuter air carriers that have cooperative agreements, including code share agreements with other air carriers, equally for determining eligibility for exemptions under this section regardless of the form of the corporate relationship between the commuter air carrier and the other air carrier.”.

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

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

(2) by redesignating subsections (d), (e), (f), and (h) as subsections (a), (b), (c), and (d), respectively;

(3) in the heading for subsection (a) (as so redesignated) by striking “SPECIAL RULES FOR”; and

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

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

SEC. 202. FUNDING FOR AIR CARRIER SERVICE TO AIRPORTS NOT RECEIVING SUFFICIENT SERVICE.

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

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

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

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

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

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

“(i) for assisting an air carrier to subsidize service to and from an underserved airport for a period not to exceed 3 years;

“(ii) for assisting an underserved airport to obtain jet aircraft service (and to promote passenger use of that service) to and from the underserved airport; and

“(iii) for assisting an underserved airport to implement such other measures as the Secretary of Transportation, in consultation with such airport, considers appropriate to improve air service both in terms of the cost of such service to consumers and the availability of such service, including improving air service through marketing and promotion of air service and enhanced utilization of airport facilities.

“(2) RURAL AIR SAFETY.—Any funds that are made available by paragraph (1) for a fiscal year and that the Secretary determines will not be obligated or expended before the last day of such fiscal year shall be available to the Administrator for use under this subchapter in improving rural air safety at airports with less than 100,000 annual boardings.

“(3) ALLOCATION OF ADDITIONAL FUNDING.—If, for a fiscal year beginning after September 30, 1999, more than \$60,000,000 is made available under subsection (a) to carry out the small community air service program, ½ of the amounts in excess of \$60,000,000 shall be used for the purposes specified in paragraph (1)(B), in addition to amounts made available for such purposes under paragraph (1)(B).

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

“(5) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts made available under paragraph (1), of the amounts appropriated pursuant to section 106(k) for a fiscal year beginning after September 30, 2000, not to exceed \$15,000,000 may be used—

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

“(B) to provide assistance to an underserved airport to obtain jet aircraft service (and to promote passenger use of that service) to and from the underserved airport; and

“(C) to provide assistance to an underserved airport to implement such other measures as the Secretary, in consultation with such airport, considers appropriate to improve air service both in terms of the cost of such service to consumers and the availability of such service, including improving air service through marketing and promotion of air service and enhanced utilization of airport facilities.

“(6) PRIORITY CRITERIA FOR ASSISTING AIRPORTS NOT RECEIVING SUFFICIENT SERVICE.—In

providing assistance to airports under paragraphs (1)(B) and (5), the Administrator shall give priority to those airports for which a community will provide, from local sources (other than airport revenues), a portion of the cost of the activity to be assisted.

“(7) DEFINITIONS.—In this subsection, the following definitions apply:

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

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

“(ii) has unreasonably high airfares.

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

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

(1) in the heading for section 41742 by striking “**Essential**” and inserting “**Small community**”;

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

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

“41742. Small community air service authorization.”.

SEC. 203. WAIVER OF LOCAL CONTRIBUTION.

Section 41736(b) is amended by adding at the end the following:

“Paragraph (4) shall not apply to any place for which a proposal was approved or that was designated as eligible under this section in the period beginning on October 1, 1991, and ending on December 31, 1997.”.

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

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

“(16) ensuring that consumers in all regions of the United States, including those in small communities and rural and remote areas, have access to affordable, regularly scheduled air service.”.

SEC. 205. DETERMINATION OF DISTANCE FROM HUB AIRPORT.

The Secretary of Transportation shall not deny assistance with respect to a place under subchapter II of chapter 417 of title 49, United States Code, solely on the basis that the place is located within 70 highway miles of a hub airport (as defined by section 41731 of such title) if the most commonly used highway route between the place and the hub airport exceeds 70 miles.

Subtitle B—Regional Air Service Incentive Program

SEC. 211. ESTABLISHMENT OF REGIONAL AIR SERVICE INCENTIVE PROGRAM.

(a) IN GENERAL.—Chapter 417 is amended by adding at the end the following:

“SUBCHAPTER III—REGIONAL AIR SERVICE INCENTIVE PROGRAM

“§ 41761. Purpose

“The purpose of this subchapter is to improve service by jet aircraft to underserved markets by providing assistance, in the form of Federal credit instruments, to commuter air carriers that purchase regional jet aircraft for use in serving those markets.

“§ 41762. Definitions

“In this subchapter, the following definitions apply:

“(1) AIR CARRIER.—The term ‘air carrier’ means any air carrier holding a certificate of

public convenience and necessity issued by the Secretary of Transportation under section 41102.

“(2) AIRCRAFT PURCHASE.—The term ‘aircraft purchase’ means the purchase of commercial transport aircraft, including spare parts normally associated with the aircraft.

“(3) CAPITAL RESERVE SUBSIDY AMOUNT.—The term ‘capital reserve subsidy amount’ means the amount of budget authority sufficient to cover estimated long-term cost to the United States Government of a Federal credit instrument, calculated on a net present value basis, excluding administrative costs and any incidental effects on government receipts or outlays in accordance with provisions of the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

“(4) COMMUTER AIR CARRIER.—The term ‘commuter air carrier’ means an air carrier that primarily operates aircraft designed to have a maximum passenger seating capacity of 75 or less in accordance with published flight schedules.

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

“(6) FINANCIAL OBLIGATION.—The term ‘financial obligation’ means any note, bond, debenture, or other debt obligation issued by an obligor in connection with the financing of an aircraft purchase, other than a Federal credit instrument.

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

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

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

“(8) LINE OF CREDIT.—The term ‘line of credit’ means an agreement entered into by the Secretary with an obligor under section 41763(d) to provide a direct loan at a future date upon the occurrence of certain events.

“(9) LOAN GUARANTEE.—The term ‘loan guarantee’ means any guarantee or other pledge by the Secretary under section 41763(c) to pay all or part of any of the principal of and interest on a loan or other debt obligation issued by an obligor and funded by a lender.

“(10) NEW ENTRANT AIR CARRIER.—The term ‘new entrant air carrier’ means an air carrier that has been providing air transportation according to a published schedule for less than 5 years, including any person that has received authority from the Secretary to provide air transportation but is not providing air transportation.

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

“(12) OBLIGOR.—The term ‘obligor’ means a party primarily liable for payment of the principal of or interest on a Federal credit instrument, which party may be a corporation, partnership, joint venture, trust, or governmental entity, agency, or instrumentality.

“(13) REGIONAL JET AIRCRAFT.—The term ‘regional jet aircraft’ means a civil aircraft—

“(A) powered by jet propulsion; and

“(B) designed to have a maximum passenger seating capacity of not less than 30 nor more than 75.

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

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

“(16) **UNDERSERVED MARKET.**—The term ‘underserved market’ means a passenger air transportation market (as defined by the Secretary) that—

“(A) is served (as determined by the Secretary) by a nonhub airport or a small hub airport;

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

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

“§41763. Federal credit instruments

“(a) **IN GENERAL.**—Subject to this section, the Secretary of Transportation may enter into agreements with 1 or more obligors to make available Federal credit instruments, the proceeds of which shall be used to finance aircraft purchases.

“(b) **SECURED LOANS.**—

“(1) **TERMS AND LIMITATIONS.**—

“(A) **IN GENERAL.**—A secured loan under this section with respect to an aircraft purchase shall be on such terms and conditions and contain such covenants, representatives, warranties, and requirements (including requirements for audits) as the Secretary determines appropriate.

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

“(i) that extends to more than 50 percent of the purchase price (including the value of any manufacturer credits, post-purchase options, or other discounts) of the aircraft, including spare parts, to be purchased; or

“(ii) that, when added to the remaining balance on any other Federal credit instruments made under this subchapter, provides more than \$100,000,000 of outstanding credit to any single obligor.

“(C) **FINAL PAYMENT DATE.**—The final payment on the secured loan shall not be due later than 18 years after the date of execution of the loan agreement.

“(D) **SUBORDINATION.**—The secured loan may be subordinate to claims of other holders of obligations in the event of bankruptcy, insolvency, or liquidation of the obligor as determined appropriate by the Secretary.

“(E) **FEES.**—The Secretary may establish fees at a level sufficient to cover all or a portion of the costs to the United States Government of making a secured loan under this section. The proceeds of such fees shall be deposited in an account to be used by the Secretary for the purpose of administering the program established under this subchapter and shall be available upon deposit until expended.

“(2) **REPAYMENT.**—

“(A) **SCHEDULE.**—The Secretary shall establish a repayment schedule for each secured loan under this section based on the projected cash flow from aircraft revenues and other repayment sources.

“(B) **COMMENCEMENT.**—Scheduled loan repayments of principal and interest on a secured loan under this section shall commence no later than 3 years after the date of execution of the loan agreement.

“(3) **PREPAYMENT.**—

“(A) **USE OF EXCESS REVENUE.**—After satisfying scheduled debt service requirements on all financial obligations and secured loans and all deposit requirements under the terms of any trust agreement, bond resolution, or similar agreement securing financial obligations, the secured loan may be prepaid at anytime without penalty.

“(B) **USE OF PROCEEDS OF REFINANCING.**—The secured loan may be prepaid at any time without penalty from proceeds of refinancing from non-Federal funding sources.

“(c) **LOAN GUARANTEES.**—

“(1) **IN GENERAL.**—A loan guarantee under this section with respect to a loan made for an aircraft purchase shall be made in such form

and on such terms and conditions and contain such covenants, representatives, warranties, and requirements (including requirements for audits) as the Secretary determines appropriate.

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

“(A) that extends to more than the unpaid interest and 50 percent of the unpaid principal on any loan;

“(B) that, for any loan or combination of loans, extends to more than 50 percent of the purchase price (including the value of any manufacturer credits, post-purchase options, or other discounts) of the aircraft, including spare parts, to be purchased with the loan or loan combination;

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

“(D) that, when added to the remaining balance on any other Federal credit instruments made under this subchapter, provides more than \$100,000,000 of outstanding credit to any single obligor.

“(3) **FEES.**—The Secretary may establish fees at a level sufficient to cover all or a portion of the costs to the United States Government of making a loan guarantee under this section. The proceeds of such fees shall be deposited in an account to be used by the Secretary for the purpose of administering the program established under this subchapter and shall be available upon deposit until expended.

“(d) **LINES OF CREDIT.**—

“(1) **IN GENERAL.**—Subject to the requirements of this subsection, the Secretary may enter into agreements to make available lines of credit to 1 or more obligors in the form of direct loans to be made by the Secretary at future dates on the occurrence of certain events for any aircraft purchase selected under this section.

“(2) **TERMS AND LIMITATIONS.**—

“(A) **IN GENERAL.**—A line of credit under this subsection with respect to an aircraft purchase shall be on such terms and conditions and contain such covenants, representatives, warranties, and requirements (including requirements for audits) as the Secretary determines appropriate.

“(B) **MAXIMUM AMOUNT.**—

“(i) **TOTAL AMOUNT.**—The amount of any line of credit shall not exceed 50 percent of the purchase price (including the value of any manufacturer credits, post-purchase options, or other discounts) of the aircraft, including spare parts.

“(ii) **1-YEAR DRAWS.**—The amount drawn in any year shall not exceed 20 percent of the total amount of the line of credit.

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

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

“(E) **RIGHTS OF THIRD-PARTY CREDITORS.**—

“(i) **AGAINST UNITED STATES GOVERNMENT.**—A third-party creditor of the obligor shall not have any right against the United States Government with respect to any draw on the line of credit.

“(ii) **ASSIGNMENT.**—An obligor may assign the line of credit to 1 or more lenders or to a trustee on the lender's behalf.

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

“(G) **FEES.**—The Secretary may establish fees at a level sufficient to cover all or a portion of the costs to the United States Government of providing a line of credit under this subsection. The proceeds of such fees shall be deposited in an account to be used by the Secretary for the purpose of administering the program established under this subchapter and shall be available upon deposit until expended.

“(3) **REPAYMENT.**—

“(A) **SCHEDULE.**—The Secretary shall establish a repayment schedule for each direct loan under this subsection.

“(B) **COMMENCEMENT.**—Scheduled loan repayments of principal or interest on a direct loan under this subsection shall commence no later than 3 years after the date of the first draw on the line of credit and shall be repaid, with interest, not later than 18 years after the date of the first draw.

“(e) **RISK ASSESSMENT.**—Before entering into an agreement under this section to make available a Federal credit instrument, the Secretary, in consultation with the Director of the Office of Management and Budget, shall determine an appropriate capital reserve subsidy amount for the Federal credit instrument based on such credit evaluations as the Secretary deems necessary.

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

“(1) the aircraft to be purchased with the Federal credit instrument is a regional jet aircraft needed to improve the service and efficiency of operation of a commuter air carrier or new entrant air carrier;

“(2) the commuter air carrier or new entrant air carrier enters into a legally binding agreement that requires the carrier to use the aircraft to provide service to underserved markets; and

“(3) the prospective earning power of the commuter air carrier or new entrant air carrier, together with the character and value of the security pledged, including the collateral value of the aircraft being acquired and any other assets or pledges used to secure the Federal credit instrument, furnish—

“(A) reasonable assurances of the air carrier's ability and intention to repay the Federal credit instrument within the terms established by the Secretary—

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

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

“(B) reasonable protection to the United States.

“(g) **LIMITATION ON COMBINED AMOUNT OF FEDERAL CREDIT INSTRUMENTS.**—The Secretary shall not allow the combined amount of Federal credit instruments available for any aircraft purchase under this section to exceed—

“(1) 50 percent of the cost of the aircraft purchase; or

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

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

“(i) **OTHER LIMITATIONS.**—No Federal credit instrument shall be made by the Secretary under this section for the purchase of a regional jet aircraft unless the commuter air carrier or new entrant air carrier enters into a legally binding agreement that requires the carrier to provide scheduled passenger air transportation to the underserved market for which the aircraft is purchased for a period of not less than 36 consecutive months after the date that aircraft is placed in service.

“§41764. Use of Federal facilities and assistance

“(a) **USE OF FEDERAL FACILITIES.**—To permit the Secretary of Transportation to make use of such expert advice and services as the Secretary may require in carrying out this subchapter, the Secretary may use available services and facilities of other agencies and instrumentalities of the United States Government—

“(1) with the consent of the appropriate Federal officials; and

“(2) on a reimbursable basis.

“(b) ASSISTANCE.—The head of each appropriate department or agency of the United States Government shall exercise the duties and powers of that head in such manner as to assist in carrying out the policy specified in section 41761.

“(c) OVERSIGHT.—The Secretary shall make available to the Comptroller General of the United States such information with respect to any Federal credit instrument made under this subchapter as the Comptroller General may require to carry out the duties of the Comptroller General under chapter 7 of title 31.

“§41765. Administrative expenses

“In carrying out this subchapter, the Secretary shall use funds made available by appropriations to the Department of Transportation for the purpose of administration, in addition to the proceeds of any fees collected under this subchapter, to cover administrative expenses of the Federal credit instrument program under this subchapter.

“§41766. Funding.

“Of the amounts appropriated under section 106(k) for each of fiscal years 2001 through 2004, such sums as may be necessary may be used to carry out this subchapter, including administrative expenses.

“§41767. Termination

“(a) AUTHORITY TO ISSUE FEDERAL CREDIT INSTRUMENTS.—The authority of the Secretary of Transportation to issue Federal credit instruments under section 41763 shall terminate on the date that is 5 years after the date of the enactment of this subchapter.

“(b) CONTINUATION OF AUTHORITY TO ADMINISTER PROGRAM FOR EXISTING FEDERAL CREDIT INSTRUMENTS.—On and after the termination date, the Secretary shall continue to administer the program established under this subchapter for Federal credit instruments issued under this subchapter before the termination date until all obligations associated with such instruments have been satisfied.”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 417 is amended by adding at the end the following:

“SUBCHAPTER III—REGIONAL AIR SERVICE INCENTIVE PROGRAM

“Sec.

“41761. Purpose.

“41762. Definitions.

“41763. Federal credit instruments.

“41764. Use of Federal facilities and assistance.

“41765. Administrative expenses.

“41766. Funding.

“41767. Termination.”.

TITLE III—FAA MANAGEMENT REFORM

SEC. 301. AIR TRAFFIC CONTROL SYSTEM DEFINED.

Section 40102(a) is amended—

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

(2) by inserting after paragraph (4) the following:

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

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

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

“(C) published procedures that explain required actions, activities, and techniques used to ensure adequate aircraft separation; and

“(D) trained personnel with specific technical capabilities to satisfy the operational, engineering, management, and planning requirements for air traffic control.”.

SEC. 302. AIR TRAFFIC CONTROL OVERSIGHT BOARD.

(a) ESTABLISHMENT.—

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

“§113. Air Traffic Control Oversight Board

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

“(b) MEMBERSHIP.—

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

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

“(B) One member shall be the Secretary of Transportation or, if the Secretary so designates, the Deputy Secretary of the Transportation.

“(C) One member shall be the Administrator of the Federal Aviation Administration.

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

“(2) QUALIFICATIONS AND TERMS.—

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

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

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

“(iii) be appointed without regard to political affiliation and solely on the basis of their professional experience and expertise in 1 or more of the following areas:

“(I) Management of large service organizations.

“(II) Customer service.

“(III) Management of large procurements.

“(IV) Information and communications technology.

“(V) Organizational development.

“(VI) Labor relations.

At least 3 members of the Oversight Board appointed under paragraph (1)(A) should have knowledge of, or a background in, aviation. At least one of such members should have a background in managing large organizations successfully. In the aggregate, such members should collectively bring to bear expertise in all of the areas described in subclauses (I) through (VI) of clause (iii).

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

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

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

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

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

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

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

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

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

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

“(F) VACANCY.—Any vacancy on the Oversight Board shall be filled in the same manner as the original appointment. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed for the remainder of that term.

“(3) ETHICAL CONSIDERATIONS.—

“(A) FINANCIAL DISCLOSURE.—During the entire period that an individual appointed under subparagraph (A) or (D) of paragraph (1) is a member of the Oversight Board, such individual shall be treated as serving as an officer or employee referred to in section 101(f) of the Ethics in Government Act of 1978 for purposes of title I of such Act, except that section 101(d) of such Act shall apply without regard to the number of days of service in the position.

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

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

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

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

“(6) CLAIMS.—

“(A) IN GENERAL.—A member of the Oversight Board appointed under subparagraph (A) or (D) of paragraph (1) shall have no personal liability under Federal law with respect to any claim arising out of or resulting from an act or omission by such member within the scope of service as a member of the Oversight Board.

“(B) EFFECT ON OTHER LAW.—This paragraph shall not be construed—

“(i) to affect any other immunity or protection that may be available to a member of the Oversight Board under applicable law with respect to such transactions;

“(ii) to affect any other right or remedy against the United States under applicable law; or

“(iii) to limit or alter in any way the immunities that are available under applicable law for Federal officers and employees.

“(c) GENERAL RESPONSIBILITIES.—

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

“(2) CONFIDENTIALITY.—The Oversight Board shall ensure that appropriate confidentiality is maintained in the exercise of its duties.

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

“(1) STRATEGIC PLANS.—To review, approve, and monitor achievements under a strategic plan of the Federal Aviation Administration for

the air traffic control system, including the establishment of—

“(A) a mission and objectives;

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

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

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

“(A) methods of the Federal Aviation Administration to accelerate air traffic control modernization and improvements in aviation safety related to air traffic control; and

“(B) procurements of air traffic control equipment by the Federal Aviation Administration in excess of \$100,000,000.

“(3) OPERATIONAL PLANS.—To review the operational functions of the Federal Aviation Administration, including—

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

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

“(C) plans for training and education.

“(4) MANAGEMENT.—To—

“(A) review and approve the Administrator's appointment of a Chief Operating Officer under section 106(r);

“(B) review the Administrator's selection, evaluation, and compensation of senior executives of the Federal Aviation Administration who have program management responsibility over significant functions of the air traffic control system;

“(C) review and approve the Administrator's plans for any major reorganization of the Federal Aviation Administration that would impact on the management of the air traffic control system;

“(D) review and approve the Administrator's cost accounting and financial management structure and technologies to help ensure efficient and cost-effective air traffic control operation; and

“(E) review the performance and cooperation of managers responsible for major acquisition projects, including the ability of the managers to meet schedule and budget targets.

“(5) BUDGET.—To—

“(A) review and approve the budget request of the Federal Aviation Administration related to the air traffic control system prepared by the Administrator;

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

“(C) ensure that the budget request supports the annual and long-range strategic plans. The Secretary shall submit the budget request referred to in paragraph (5)(B) for any fiscal year to the President who shall submit such request, without revision, to the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate, together with the President's annual budget request for the Federal Aviation Administration for such fiscal year.

“(e) REPORTING OF OVERTURNING OF BOARD DECISIONS.—If the Secretary or Administrator overturns a decision of the Oversight Board, the Secretary or Administrator, as appropriate shall report such action to the President, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate.

“(f) BOARD PERSONNEL MATTERS.—

“(1) COMPENSATION OF MEMBERS.—

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

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

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

“(B) CHAIRPERSON.—Notwithstanding subparagraph (A), the chairperson of the Oversight

Board shall be compensated at a rate of \$50,000 per year.

“(2) TRAVEL EXPENSES.—

“(A) IN GENERAL.—The members of the Oversight Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter 1 of chapter 57 of title 5, to attend meetings of the Oversight Board and, with the advance approval of the chairperson of the Oversight Board, while otherwise away from their homes or regular places of business for purposes of duties as a member of the Oversight Board.

“(B) REPORT.—The Oversight Board shall include in its annual report under subsection (g)(3)(A) information with respect to the travel expenses allowed for members of the Oversight Board under this paragraph.

“(3) STAFF.—

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

“(B) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the chairperson of the Oversight Board, a Federal agency shall detail a United States Government employee to the Oversight Board without reimbursement. Such detail shall be without interruption or loss of civil service status or privilege.

“(4) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The chairperson of the Oversight Board may procure temporary and intermittent services under section 3109(b) of title 5.

“(g) ADMINISTRATIVE MATTERS.—

“(1) CHAIR.—

“(A) TERM.—The members of the Oversight Board shall elect for a 2-year term a chairperson from among the members appointed under subsection (b)(1)(A).

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

“(i) establishing committees;

“(ii) setting meeting places and times;

“(iii) establishing meeting agendas; and

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

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

“(3) REPORTS.—

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

“(B) ADDITIONAL REPORT.—Upon a determination by the Oversight Board under subsection (c)(1) that the organization and operation of the Federal Aviation Administration's air traffic control system are not allowing the Federal Aviation Administration to carry out its mission, the Oversight Board shall report such determination to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

“(C) COMPTROLLER GENERAL'S REPORT.—Not later than April 30, 2004, the Comptroller General of the United States shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the success of the Oversight Board in improving the performance of the air traffic control system.”

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

“113. Air Traffic Control Oversight Board.”

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date of enactment of this Act.

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

(3) EFFECT ON ACTIONS PRIOR TO APPOINTMENT OF OVERSIGHT BOARD.—Nothing in this section shall be construed to invalidate the actions and authority of the Federal Aviation Administration prior to the appointment of the members of the Air Traffic Control Oversight Board.

SEC. 303. CHIEF OPERATING OFFICER.

Section 106 is amended by adding at the end the following:

“(r) CHIEF OPERATING OFFICER.—

“(1) IN GENERAL.—

“(A) APPOINTMENT.—There shall be a Chief Operating Officer for the air traffic control system to be appointed by the Administrator, with approval of the Air Traffic Control Oversight Board established by section 113. The Chief Operating Officer shall report directly to the Administrator and shall be subject to the authority of the Administrator.

“(B) QUALIFICATIONS.—The Chief Operating Officer shall have a demonstrated ability in management and knowledge of or experience in aviation.

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

“(D) REMOVAL.—The Chief Operating Officer shall serve at the pleasure of the Administrator, except that the Administrator shall make every effort to ensure stability and continuity in the leadership of the air traffic control system.

“(E) VACANCY.—Any individual appointed to fill a vacancy in the position of Chief Operating Officer occurring before the expiration of the term for which the individual's predecessor was appointed shall be appointed for the remainder of that term.

“(2) ANNUAL PERFORMANCE AGREEMENT.—The Administrator and the Chief Operating Officer, in consultation with the Air Traffic Control Oversight Board, shall enter into an annual performance agreement that sets forth measurable organization and individual goals for the Chief Operating Officer in key operational areas. The agreement shall be subject to review and renegotiation on an annual basis.

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

SEC. 304. FEDERAL AVIATION MANAGEMENT ADVISORY COUNCIL.

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

“(C) 13 members representing aviation interests, appointed by—

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

“(ii) in the case of subsequent appointments to the Council, the Secretary of Transportation.”

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

SEC. 305. ENVIRONMENTAL STREAMLINING.

(a) COORDINATED ENVIRONMENTAL REVIEW PROCESS.—

(1) DEVELOPMENT AND IMPLEMENTATION.—The Secretary shall develop and implement a coordinated environmental review process for aviation infrastructure projects that require—

(A) the preparation of an environmental impact statement or environmental assessment under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), except that the Secretary may decide not to apply this section to the preparation of an environmental assessment under such Act; or

(B) the conduct of any other environmental review, analysis, opinion, or issuance of an environmental permit, license, or approval by operation of Federal law.

(2) MEMORANDUM OF UNDERSTANDING.—

(A) IN GENERAL.—The coordinated environmental review process for each project shall ensure that, whenever practicable (as specified in this section), all environmental reviews, analyses, opinions, and any permits, licenses, or approvals that must be issued or made by any Federal agency for the project concerned shall be conducted concurrently and completed within a cooperatively determined time period. Such process for a project or class of project may be incorporated into a memorandum of understanding between the Department of Transportation and Federal agencies (and, where appropriate, State agencies).

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

(b) ELEMENTS OF COORDINATED ENVIRONMENTAL REVIEW PROCESS.—For each project, the coordinated environmental review process established under this section shall provide, at a minimum, for the following elements:

(1) FEDERAL AGENCY IDENTIFICATION.—The Secretary shall, at the earliest possible time, identify all potential Federal agencies that—

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

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

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

(ii) determine whether to issue a permit, license, or approval or render an opinion on the environmental impact of the project.

(2) TIME LIMITATIONS AND CONCURRENT REVIEW.—The Secretary and the head of each Federal agency identified under paragraph (1)—

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

(I) all Federal agency comments with respect to any environmental review documents required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for the project; and

(II) all other independent Federal agency environmental analyses, reviews, opinions, and decisions on any permits, licenses, and approvals that must be issued or made for the project; whereby each such Federal agency's review shall be undertaken and completed within such established time periods for review; or

(ii) may enter into an agreement to establish such time periods for review with respect to a class of project; and

(B) shall ensure, in establishing such time periods for review, that the conduct of any such analysis, review, opinion, and decision is undertaken concurrently with all other environmental reviews for the project, including the reviews required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); except that such review may not be concurrent if the affected Federal agency can demonstrate that such concurrent review would result in a significant adverse impact to the environment or substantially alter the operation of Federal law or would not be possible without information developed as part of the environmental review process.

(3) FACTORS TO BE CONSIDERED.—Time periods for review established under this section shall be consistent with the time periods established by the Council on Environmental Quality under sections 1501.8 and 1506.10 of title 40, Code of Federal Regulations.

(4) EXTENSIONS.—The Secretary shall extend any time periods for review under this section if, upon good cause shown, the Secretary and any Federal agency concerned determine that additional time for analysis and review is needed as a result of new information that has been discovered that could not reasonably have been anticipated when the Federal agency's time periods for review were established. Any memorandum of understanding shall be modified to incorporate any mutually agreed-upon extensions.

(c) DISPUTE RESOLUTION.—When the Secretary determines that a Federal agency which is subject to a time period for its environmental review or analysis under this section has failed to complete such review, analysis, opinion, or decision on issuing any permit, license, or approval within the established time period or within any agreed-upon extension to such time period, the Secretary may, after notice and consultation with such agency, close the record on the matter before the Secretary. If the Secretary finds, after timely compliance with this section, that an environmental issue related to the project that an affected Federal agency has jurisdiction over by operation of Federal law has not been resolved, the Secretary and the head of the Federal agency shall resolve the matter not later than 30 days after the date of the finding by the Secretary.

(d) PARTICIPATION OF STATE AGENCIES.—For any project eligible for assistance under chapter 471 of title 49, United States Code, a State, by operation of State law, may require that all State agencies that have jurisdiction by State or Federal law over environmental-related issues that may be affected by the project, or that are required to issue any environmental-related reviews, analyses, opinions, or determinations on issuing any permits, licenses, or approvals for the project, be subject to the coordinated environmental review process established under this section unless the Secretary determines that a State's participation would not be in the public interest. For a State to require State agencies to participate in the review process, all affected agencies of the State shall be subject to the review process.

(e) ASSISTANCE TO AFFECTED FEDERAL AGENCIES.—

(1) IN GENERAL.—The Secretary may approve a request by a State or other recipient of assistance under chapter 471 of title 49, United States Code, to provide funds made available from the Airport and Airway Trust Fund to the State or recipient for an aviation project subject to the coordinated environmental review process established under this section to affected Federal agencies to provide the resources necessary to meet any time limits established under this section.

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

(A) for the additional amounts that the Secretary determines are necessary for the affected Federal agencies to meet the time limits for environmental review; and

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

(f) JUDICIAL REVIEW AND SAVINGS CLAUSE.—

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

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

(g) FEDERAL AGENCY DEFINED.—In this section, the term "Federal agency" means any Federal agency or any State agency carrying out affected responsibilities required by operation of Federal law.

SEC. 306. CLARIFICATION OF REGULATORY APPROVAL PROCESS.

Section 106(f)(3)(B)(i) is amended—

(1) by striking "\$100,000,000" each place it appears and inserting "\$250,000,000";

(2) by striking "Air Traffic Management System Performance Improvement Act of 1996" and inserting "Aviation Investment and Reform Act for the 21st Century";

(3) in subclause (I)—

(A) by inserting "substantial and" before "material"; and

(B) by inserting "or" after the semicolon at the end; and

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

"(II) raise novel or significant legal or policy issues arising out of legal mandates that may substantially and materially affect other transportation modes."

SEC. 307. INDEPENDENT STUDY OF FAA COSTS AND ALLOCATIONS.

(a) INDEPENDENT ASSESSMENT.—

(1) IN GENERAL.—The Inspector General of the Department of Transportation shall conduct the assessments described in this section. To conduct the assessments, the Inspector General may use the staff and resources of the Inspector General or contract with 1 or more independent entities.

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

(A) IN GENERAL.—The Inspector General shall conduct an assessment to ensure that the method for calculating the overall costs of the Federal Aviation Administration and attributing such costs to specific users is appropriate, reasonable, and understandable to the users.

(B) COMPONENTS.—In conducting the assessment under this paragraph, the Inspector General shall assess the following:

(i) The Federal Aviation Administration's cost input data, including the reliability of the Federal Aviation Administration's source documents and the integrity and reliability of the Federal Aviation Administration's data collection process.

(ii) The Federal Aviation Administration's system for tracking assets.

(iii) The Federal Aviation Administration's bases for establishing asset values and depreciation rates.

(iv) The Federal Aviation Administration's system of internal controls for ensuring the consistency and reliability of reported data.

(v) The Federal Aviation Administration's definition of the services to which the Federal Aviation Administration ultimately attributes its costs.

(vi) The cost pools used by the Federal Aviation Administration and the rationale for and reliability of the bases which the Federal Aviation Administration proposes to use in allocating costs of services to users.

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

(i) review costs that cannot reliably be attributed to specific Federal Aviation Administration services or activities (called "common and fixed costs" in the Federal Aviation Administration Cost Allocation Study) and consider alternative methods for allocating such costs; and

(ii) perform appropriate tests to assess relationships between costs in the various cost pools and activities and services to which the costs are attributed by the Federal Aviation Administration.

(3) COST EFFECTIVENESS.—

(A) IN GENERAL.—The Inspector General shall assess the progress of the Federal Aviation Administration in cost and performance management, including use of internal and external benchmarking in improving the performance and productivity of the Federal Aviation Administration.

(B) ANNUAL REPORTS.—Not later than December 31, 2000, and annually thereafter until December 31, 2004, the Inspector General shall transmit to Congress an updated report containing the results of the assessment conducted under this paragraph.

(C) INFORMATION TO BE INCLUDED IN FAA FINANCIAL REPORT.—The Administrator shall include in the annual financial report of the Federal Aviation Administration information on the performance of the Administration sufficient to permit users and others to make an informed evaluation of the progress of the Administration in increasing productivity.

(b) FUNDING.—Of the amounts appropriated pursuant to section 106(k) of title 49, United States Code, for fiscal year 2000, not to exceed \$1,500,000 may be used to carry out this section.

TITLE IV—FAMILY ASSISTANCE

SEC. 401. RESPONSIBILITIES OF NATIONAL TRANSPORTATION SAFETY BOARD.

(a) PROHIBITION ON UNSOLICITED COMMUNICATIONS.—

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

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

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

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

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

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

“(3) PROHIBITION ON ACTIONS TO PREVENT MENTAL HEALTH AND COUNSELING SERVICES.—No State or political subdivision may prevent the employees, agents, or volunteers of an organization designated for an accident under subsection (a)(2) from providing mental health and counseling services under subsection (c)(1) in the 30-day period beginning on the date of the accident. The director of family support services designated for the accident under subsection (a)(1) may extend such period for not to exceed an additional 30 days if the director determines that the extension is necessary to meet the needs of the families and if State and local authorities are notified of the determination.”.

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

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

“(A) an employee of an air carrier or foreign air carrier aboard an aircraft; and

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

(d) LIMITATION ON STATUTORY CONSTRUCTION.—Section 1136 is amended by adding at the end the following:

“(i) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed as limiting the actions that an air carrier may take, or the obligations that an air carrier may have, in providing assistance to the families of passengers involved in an aircraft accident.”.

SEC. 402. AIR CARRIER PLANS.

(a) CONTENTS OF PLANS.—

(1) FLIGHT RESERVATION INFORMATION.—Section 41113(b) is amended by adding at the end the following:

“(14) An assurance that, upon request of the family of a passenger, the air carrier will inform the family of whether the passenger’s name appeared on a preliminary passenger manifest for the flight involved in the accident.”.

(2) TRAINING OF EMPLOYEES AND AGENTS.—Section 41113(b) is further amended by adding at the end the following:

“(15) An assurance that the air carrier will provide adequate training to the employees and agents of the carrier to meet the needs of sur-

vivors and family members following an accident.”.

(3) CONSULTATION ON CARRIER RESPONSE NOT COVERED BY PLAN.—Section 41113(b) is further amended by adding at the end the following:

“(16) An assurance that the air carrier, in the event that the air carrier volunteers assistance to United States citizens within the United States in the case of an aircraft accident outside the United States involving major loss of life, the air carrier will consult with the Board and the Department of State on the provision of the assistance.”.

(4) SUBMISSION OF UPDATED PLANS.—The amendments made by paragraphs (1), (2), and (3) shall take effect on the 180th day following the date of enactment of this Act. On or before such 180th day, each air carrier holding a certificate of public convenience and necessity under section 41102 of title 49, United States Code, shall submit to the Secretary of Transportation and the Chairman of the National Transportation Safety Board an updated plan under section 41113 of such title that meets the requirement of the amendments made by paragraphs (1), (2), and (3).

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

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

(B) in subsection (c) by striking “After the date that is 6 months after the date of the enactment of this section, the Secretary” and inserting “The Secretary”.

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

(c) LIMITATION ON STATUTORY CONSTRUCTION.—Section 41113 is amended by adding at the end the following:

“(f) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed as limiting the actions that an air carrier may take, or the obligations that an air carrier may have, in providing assistance to the families of passengers involved in an aircraft accident.”.

SEC. 403. FOREIGN AIR CARRIER PLANS.

(a) INCLUSION OF NONREVENUE PASSENGERS IN FAMILY ASSISTANCE COVERAGE.—Section 41313(a)(2) is amended to read as follows:

“(2) PASSENGER.—The term ‘passenger’ has the meaning given such term by section 1136 of this title.”.

(b) ACCIDENTS FOR WHICH PLAN IS REQUIRED.—Section 41313(b) is amended by striking “significant” and inserting “major”.

(c) CONTENTS OF PLANS.—

(1) IN GENERAL.—Section 41313(c) is amended by adding at the end the following:

“(15) TRAINING OF EMPLOYEES AND AGENTS.—An assurance that the foreign air carrier will provide adequate training to the employees and agents of the carrier to meet the needs of survivors and family members following an accident.”.

(16) CONSULTATION ON CARRIER RESPONSE NOT COVERED BY PLAN.—An assurance that the foreign air carrier, in the event that the foreign air carrier volunteers assistance to United States citizens within the United States in the case of an aircraft accident outside the United States involving major loss of life, the foreign air carrier will consult with the Board and the Department of State on the provision of the assistance.”.

(2) SUBMISSION OF UPDATED PLANS.—The amendment made by paragraph (1) shall take effect on the 180th day following the date of enactment of this Act. On or before such 180th day, each foreign air carrier providing foreign air transportation under chapter 413 of title 49, United States Code, shall submit to the Secretary of Transportation and the Chairman of the National Transportation Safety Board an

updated plan under section 41313 of such title that meets the requirement of the amendment made by paragraph (1).

SEC. 404. APPLICABILITY OF DEATH ON THE HIGH SEAS ACT.

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

(b) APPLICABILITY.—The amendment made by subsection (a) applies to civil actions commenced after the date of enactment of this Act and to civil actions that are not adjudicated by a court of original jurisdiction or settled on or before such date of enactment.

TITLE V—SAFETY

SEC. 501. CARGO COLLISION AVOIDANCE SYSTEMS DEADLINES.

(a) IN GENERAL.—The Administrator shall require by regulation that, no later than December 31, 2002, equipment be installed, on each cargo aircraft with a maximum certificated take-off weight in excess of 15,000 kilograms, that provides protection from mid-air collisions using technology that provides—

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

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

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

(1) a safe and orderly transition to the operation of a fleet of cargo aircraft equipped with collision avoidance equipment; or

(2) other safety or public interest objectives.

SEC. 502. RECORDS OF EMPLOYMENT OF PILOT APPLICANTS.

Section 44936(f) is amended—

(1) in paragraph (1)(B) by inserting “(except a branch of the United States Armed Forces, the National Guard, or a reserve component of the United States Armed Forces)” after “person” the first place it appears;

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

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

(4) by adding at the end the following:

“(15) ELECTRONIC ACCESS TO FAA RECORDS.—For the purpose of increasing timely and efficient access to Federal Aviation Administration records described in paragraph (1), the Administrator may allow, under terms established by the Administrator, a designated individual to have electronic access to a specified database containing information about such records.”.

SEC. 503. WHISTLEBLOWER PROTECTION FOR FAA EMPLOYEES.

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

SEC. 504. SAFETY RISK MITIGATION PROGRAMS.

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

“(g) SAFETY RISK MANAGEMENT PROGRAM GUIDELINES.—The Administrator shall issue guidelines and encourage the development of air safety risk mitigation programs throughout the aviation industry, including self-audits and self-disclosure programs.”.

SEC. 505. FLIGHT OPERATIONS QUALITY ASSURANCE RULES.

Not later than 30 days after the date of enactment of this Act, the Administrator shall issue a notice of proposed rulemaking to develop procedures to protect air carriers and their employees from civil enforcement actions under the program known as Flight Operations Quality Assurance. Not later than 1 year after the last day of the period for public comment provided for in the notice of proposed rulemaking, the Administrator shall issue a final rule establishing such procedures.

SEC. 506. SMALL AIRPORT CERTIFICATION.

Not later than 60 days after the date of enactment of this Act, the Administrator shall issue a notice of proposed rulemaking on implementing section 44706(a)(2) of title 49, United States Code, relating to issuance of airport operating certificates for small scheduled passenger air carrier operations. Not later than 1 year after the last day of the period for public comment provided for in the notice of proposed rulemaking, the Administrator shall issue a final rule on implementing such program.

SEC. 507. LIFE-LIMITED AIRCRAFT PARTS.

(a) IN GENERAL.—Chapter 447 is amended by adding at the end the following:

“§ 44725. Life-limited aircraft parts

“(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to require the safe disposition of life-limited parts removed from an aircraft. The rulemaking proceeding shall ensure that the disposition deter installation on an aircraft of a life-limited part that has reached or exceeded its life limits.

“(b) SAFE DISPOSITION.—For the purposes of this section, safe disposition includes any of the following methods:

“(1) The part may be segregated under circumstances that preclude its installation on an aircraft.

“(2) The part may be permanently marked to indicate its used life status.

“(3) The part may be destroyed in any manner calculated to prevent reinstallation in an aircraft.

“(4) The part may be marked, if practicable, to include the recordation of hours, cycles, or other airworthiness information. If the parts are marked with cycles or hours of usage, that information must be updated when the part is retired from service.

“(5) Any other method approved by the Administrator.

“(c) DEADLINES.—In conducting the rulemaking proceeding under subsection (a), the Administrator shall—

“(1) not later than 180 days after the date of enactment of this section, issue a notice of proposed rulemaking; and

“(2) not later than 180 days after the close of the comment period on the proposed rule, issue a final rule.

“(d) PRIOR-REMOVED LIFE-LIMITED PARTS.—No rule issued under subsection (a) shall require the marking of parts removed before the effective date of the rules issued under subsection (a), nor shall any such rule forbid the installation of an otherwise airworthy life-limited part.”

(b) CIVIL PENALTY.—Section 46301(a)(3) is amended—

(1) in subparagraph (A) by striking “or” at the end;

(2) in subparagraph (B) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(C) a violation of section 44725, relating to the safe disposal of life-limited aircraft parts; or”

(c) CONFORMING AMENDMENT.—The analysis for chapter 447 is further amended by adding at the end the following:

“44725. Life-limited aircraft parts.”

SEC. 508. FAA MAY FINE UNRULY PASSENGERS.

(a) IN GENERAL.—Chapter 463 is amended—

(1) by redesignating section 46316 as section 46317; and

(2) by inserting after section 46315 the following:

“§ 46316. Interference with cabin or flight crew

“An individual who interferes with the duties or responsibilities of the flight crew or cabin crew of a civil aircraft, or who poses an imminent threat to the safety of the aircraft or other individuals on the aircraft, is liable to the United States Government for a civil penalty of not more than \$25,000.”

(b) COMPROMISE AND SETOFF.—Section 46301(f)(1)(A)(i) is amended by inserting “46316,” before “or 47107(b)”.

(c) CONFORMING AMENDMENT.—The analysis for chapter 463 is amended by striking the item relating to section 46316 and inserting after the item relating to section 46315 the following:

“46316. Interference with cabin or flight crew.

“46317. General criminal penalty when specific penalty not provided.”

SEC. 509. REPORT ON AIR TRANSPORTATION OVERSIGHT SYSTEM.

Not later than March 1, 2000, and annually thereafter for the next 5 years, the Administrator shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the progress of the Federal Aviation Administration in implementing the air transportation oversight system. At a minimum, the report shall indicate—

(1) any funding or staffing constraints that would adversely impact the Administration's ability to fully develop and implement such system;

(2) progress in integrating the aviation safety data derived from such system's inspections with existing aviation data of the Administration in the safety performance analysis system of the Administration; and

(3) the Administration's efforts in collaboration with the aviation industry to develop and validate safety performance measures and appropriate risk weightings for the air transportation oversight system.

SEC. 510. AIRPLANE EMERGENCY LOCATORS.

(a) REQUIREMENT.—Section 44712(b) is amended to read as follows:

“(b) NONAPPLICATION.—Subsection (a) does not apply to—

“(1) aircraft when used in scheduled flights by scheduled air carriers holding certificates issued by the Secretary of Transportation under subpart II of this part;

“(2) aircraft when used in training operations conducted entirely within a 50-mile radius of the airport from which the training operations begin;

“(3) aircraft when used in flight operations related to the design and testing, manufacture, preparation, and delivery of aircraft;

“(4) aircraft when used in research and development if the aircraft holds a certificate from the Administrator of the Federal Aviation Administration to carry out such research and development;

“(5) aircraft when used in showing compliance with regulations crew training, exhibition, air racing, or market surveys;

“(6) aircraft when used in the aerial application of a substance for an agricultural purpose;

“(7) aircraft with a maximum payload capacity of more than 7,500 pounds when used in air transportation; or

“(8) aircraft capable of carrying only one individual.”

(b) COMPLIANCE.—Section 44712 is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following:

“(c) COMPLIANCE.—An aircraft meets the requirement of subsection (a) if it is equipped with an emergency locator transmitter that transmits

on the 121.5/243 megahertz frequency or the 406 megahertz frequency, or with other equipment approved by the Secretary for meeting the requirement of subsection (a).”

(c) EFFECTIVE DATE; REGULATIONS.—

(1) REGULATIONS.—The Secretary of Transportation shall issue regulations under section 44712(b) of title 49, United States Code, as amended by this section not later than January 1, 2002.

(2) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2002.

TITLE VI—WHISTLEBLOWER PROTECTION**SEC. 601. PROTECTION OF EMPLOYEES PROVIDING AIR SAFETY INFORMATION.**

(a) GENERAL RULE.—Chapter 421 is amended by adding at the end the following:

“SUBCHAPTER III—WHISTLEBLOWER PROTECTION PROGRAM**“§ 42121. Protection of employees providing air safety information**

“(a) DISCRIMINATION AGAINST AIRLINE EMPLOYEES.—No air carrier or contractor or subcontractor of an air carrier may discharge an employee or otherwise discriminate against an employee with respect to compensation, terms, conditions, or privileges of employment because the employee (or any person acting pursuant to a request of the employee)—

“(1) provided, caused to be provided, or is about to provide (with any knowledge of the employer) or cause to be provided to the employer or Federal Government information relating to any violation or alleged violation of any order, regulation, or standard of the Federal Aviation Administration or any other provision of Federal law relating to air carrier safety under this subtitle or any other law of the United States;

“(2) has filed, caused to be filed, or is about to file (with any knowledge of the employer) or cause to be filed a proceeding relating to any violation or alleged violation of any order, regulation, or standard of the Federal Aviation Administration or any other provision of Federal law relating to air carrier safety under this subtitle or any other law of the United States;

“(3) testified or is about to testify in such a proceeding; or

“(4) assisted or participated or is about to assist or participate in such a proceeding.

“(b) DEPARTMENT OF LABOR COMPLAINT PROCEDURE.—

“(1) FILING AND NOTIFICATION.—A person who believes that he or she has been discharged or otherwise discriminated against by any person in violation of subsection (a) may, not later than 90 days after the date on which such violation occurs, file (or have any person file on his or her behalf) a complaint with the Secretary of Labor alleging such discharge or discrimination. Upon receipt of such a complaint, the Secretary of Labor shall notify, in writing, the person named in the complaint and the Administrator of the Federal Aviation Administration of the filing of the complaint, of the allegations contained in the complaint, of the substance of evidence supporting the complaint, and of the opportunities that will be afforded to such person under paragraph (2).

“(2) INVESTIGATION; PRELIMINARY ORDER.—

“(A) IN GENERAL.—Not later than 60 days after the date of receipt of a complaint filed under paragraph (1) and after affording the person named in the complaint an opportunity to submit to the Secretary of Labor a written response to the complaint and an opportunity to meet with a representative of the Secretary to present statements from witnesses, the Secretary of Labor shall conduct an investigation and determine whether there is reasonable cause to believe that the complaint has merit and notify, in writing, the complainant and the person alleged to have committed a violation of subsection (a) of the Secretary's findings. If the Secretary of Labor concludes that there is a reasonable cause

to believe that a violation of subsection (a) has occurred, the Secretary shall accompany the Secretary's findings with a preliminary order providing the relief prescribed by paragraph (3)(B). Not later than 30 days after the date of notification of findings under this paragraph, either the person alleged to have committed the violation or the complainant may file objections to the findings or preliminary order, or both, and request a hearing on the record. The filing of such objections shall not operate to stay any reinstatement remedy contained in the preliminary order. Such hearings shall be conducted expeditiously. If a hearing is not requested in such 30-day period, the preliminary order shall be deemed a final order that is not subject to judicial review.

“(B) REQUIREMENTS.—

“(i) REQUIRED SHOWING BY COMPLAINANT.—The Secretary of Labor shall dismiss a complaint filed under this subsection and shall not conduct an investigation otherwise required under subparagraph (A) unless the complainant makes a prima facie showing that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

“(ii) SHOWING BY EMPLOYER.—Notwithstanding a finding by the Secretary that the complainant has made the showing required under clause (i), no investigation otherwise required under subparagraph (A) shall be conducted if the employer demonstrates, by clear and convincing evidence, that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

“(iii) CRITERIA FOR DETERMINATION BY SECRETARY.—The Secretary may determine that a violation of subsection (a) has occurred only if the complainant demonstrates that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

“(iv) PROHIBITION.—Relief may not be ordered under subparagraph (A) if the employer demonstrates by clear and convincing evidence that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

“(3) FINAL ORDER.—

“(A) DEADLINE FOR ISSUANCE; SETTLEMENT AGREEMENTS.—Not later than 120 days after the date of conclusion of a hearing under paragraph (2), the Secretary of Labor shall issue a final order providing the relief prescribed by this paragraph or denying the complaint. At any time before issuance of a final order, a proceeding under this subsection may be terminated on the basis of a settlement agreement entered into by the Secretary of Labor, the complainant, and the person alleged to have committed the violation.

“(B) REMEDY.—If, in response to a complaint filed under paragraph (1), the Secretary of Labor determines that a violation of subsection (a) has occurred, the Secretary of Labor shall order the person who committed such violation to—

“(i) take affirmative action to abate the violation;

“(ii) reinstate the complainant to his or her former position together with the compensation (including back pay) and restore the terms, conditions, and privileges associated with his or her employment; and

“(iii) provide compensatory damages to the complainant.

If such an order is issued under this paragraph, the Secretary of Labor, at the request of the complainant, shall assess against the person against whom the order is issued a sum equal to the aggregate amount of all costs and expenses (including attorneys' and expert witness fees) reasonably incurred, as determined by the Secretary of Labor, by the complainant for, or in

connection with, the bringing the complaint upon which the order was issued.

“(C) FRIVOLOUS COMPLAINTS.—If the Secretary of Labor finds that a complaint under paragraph (1) is frivolous or has been brought in bad faith, the Secretary of Labor may award to the prevailing employer a reasonable attorney's fee not exceeding \$5,000.

“(4) REVIEW.—

“(A) APPEAL TO COURT OF APPEALS.—Any person adversely affected or aggrieved by an order issued under paragraph (3) may obtain review of the order in the United States Court of Appeals for the circuit in which the violation, with respect to which the order was issued, allegedly occurred or the circuit in which the complainant resided on the date of such violation. The petition for review must be filed not later than 60 days after the date of the issuance of the final order of the Secretary of Labor. Review shall conform to chapter 7 of title 5. The commencement of proceedings under this subparagraph shall not, unless ordered by the court, operate as a stay of the order.

“(B) LIMITATION ON COLLATERAL ATTACK.—An order of the Secretary of Labor with respect to which review could have been obtained under subparagraph (A) shall not be subject to judicial review in any criminal or other civil proceeding.

“(5) ENFORCEMENT OF ORDER BY SECRETARY OF LABOR.—Whenever any person has failed to comply with an order issued under paragraph (3), the Secretary of Labor may file a civil action in the United States district court for the district in which the violation was found to occur to enforce such order. In actions brought under this paragraph, the district courts shall have jurisdiction to grant all appropriate relief including, but not limited to, injunctive relief and compensatory damages.

“(6) ENFORCEMENT OF ORDER BY PARTIES.—

“(A) COMMENCEMENT OF ACTION.—A person on whose behalf an order was issued under paragraph (3) may commence a civil action against the person to whom such order was issued to require compliance with such order. The appropriate United States district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such order.

“(B) ATTORNEY FEES.—The court, in issuing any final order under this paragraph, may award costs of litigation (including reasonable attorney and expert witness fees) to any party whenever the court determines such award is appropriate.

“(C) MANDAMUS.—Any nondiscretionary duty imposed by this section shall be enforceable in a mandamus proceeding brought under section 1361 of title 28.

“(d) NONAPPLICABILITY TO DELIBERATE VIOLATIONS.—Subsection (a) shall not apply with respect to an employee of an air carrier, contractor, or subcontractor who, acting without direction from such air carrier, contractor, or subcontractor (or such person's agent), deliberately causes a violation of any requirement relating to air carrier safety under this subtitle or any other law of the United States.

“(e) CONTRACTOR DEFINED.—In this section, the term ‘contractor’ means a company that performs safety-sensitive functions by contract for an air carrier.”

(b) CONFORMING AMENDMENT.—The analysis for chapter 421 is amended by adding at the end the following:

“SUBCHAPTER III—WHISTLEBLOWER PROTECTION PROGRAM

“42121. Protection of employees providing air safety information.”

SEC. 602. CIVIL PENALTY.

Section 46301(a)(1)(A) is amended by striking “subchapter II of chapter 421” and inserting “subchapter II or III of chapter 421”.

TITLE VII—MISCELLANEOUS PROVISIONS

SEC. 701. DUTIES AND POWERS OF ADMINISTRATOR.

Section 106(g)(1)(A) is amended by striking “40113(a), (c), and (d),” and all that follows through “45302–45304,” and inserting “40113(a), 40113(c), 40113(d), 40113(e), 40114(a), and 40119, chapter 445 (except sections 44501(b), 44502(a)(2), 44502(a)(3), 44502(a)(4), 44503, 44506, 44509, 44510, 44514, and 44515), chapter 447 (except sections 44717, 44718(a), 44718(b), 44719, 44720, 44721(b), 44722, and 44723), chapter 449 (except sections 44903(d), 44904, 44905, 44907–44911, 44913, 44915, and 44931–44934), chapter 451, chapter 453, sections”.

SEC. 702. PUBLIC AIRCRAFT.

(a) RESTATEMENT OF DEFINITION OF PUBLIC AIRCRAFT WITHOUT SUBSTANTIVE CHANGE.—Section 40102(a)(38) (as redesignated by section 301 of this Act) is amended to read as follows:

“(38) ‘public aircraft’ means an aircraft—

“(A) used only for the United States Government, and operated under the conditions specified by section 40125(b) if owned by the Government;

“(B) owned by the United States Government, operated by any person for purposes related to crew training, equipment development, or demonstration, and operated under the conditions specified by section 40125(b);

“(C) owned and operated by the government of a State, the District of Columbia, a territory or possession of the United States, or a political subdivision of one of these governments, under the conditions specified by section 40125(c); or

“(D) exclusively leased for at least 90 continuous days by the government of a State, the District of Columbia, a territory or possession of the United States, or a political subdivision of one of these governments, under the conditions specified by section 40125(c).”.

(b) QUALIFICATIONS FOR PUBLIC AIRCRAFT STATUS.—

(1) IN GENERAL.—Chapter 401 is amended by adding at the end the following:

“§40125. Qualifications for public aircraft status

“(a) DEFINITIONS.—In this section, the following definitions apply:

“(1) COMMERCIAL PURPOSES.—The term ‘commercial purposes’ means the transportation of persons or property for compensation or hire, but does not include the operation of an aircraft by one government on behalf of another government under a cost reimbursement agreement if the government on whose behalf the operation is conducted certifies to the Administrator of the Federal Aviation Administration that the operation is necessary to respond to a significant and imminent threat to life or property (including natural resources) and that no service by a private operator is reasonably available to meet the threat.

“(2) GOVERNMENTAL FUNCTION.—The term ‘governmental function’ means an activity undertaken by a government, such as firefighting, search and rescue, law enforcement, aeronautical research, or biological or geological resource management.

“(3) QUALIFIED NON-CREWMEMBER.—The term ‘qualified non-crewmember’ means an individual, other than a member of the crew, aboard an aircraft—

“(A) operated by the armed forces or an intelligence agency of the United States Government; or

“(B) whose presence is required to perform, or is associated with the performance of, a governmental function.

“(b) AIRCRAFT OWNED BY THE UNITED STATES.—An aircraft described in subparagraph (A) or (B) of section 40102(a)(38), if owned by the Government, qualifies as a public aircraft except when it is used for commercial purposes or to carry an individual other than a crewmember or a qualified non-crewmember.

“(c) AIRCRAFT OWNED BY STATE AND LOCAL GOVERNMENTS.—An aircraft described in subparagraph (C) or (D) of section 40102(a)(38)

qualifies as a public aircraft except when it is used for commercial purposes or to carry an individual other than a crewmember or a qualified non-crewmember."

(2) CONFORMING AMENDMENT.—The analysis for chapter 401 is amended by adding at the end the following:

"40125. Qualifications for public aircraft status."

SEC. 703. PROHIBITION ON RELEASE OF OFFEROR PROPOSALS.

Section 40110 is amended by adding at the end the following:

"(d) PROHIBITION ON RELEASE OF OFFEROR PROPOSALS.—

"(1) GENERAL RULE.—Except as provided in paragraph (2), a proposal in the possession or control of the Administrator may not be made available to any person under section 552 of title 5.

"(2) EXCEPTION.—Paragraph (1) shall not apply to any portion of a proposal of an offeror the disclosure of which is authorized by the Administrator pursuant to procedures published in the Federal Register. The Administrator shall provide an opportunity for public comment on the procedures for a period of not less than 30 days beginning on the date of such publication in order to receive and consider the views of all interested parties on the procedures. The procedures shall not take effect before the 60th day following the date of such publication.

"(3) PROPOSAL DEFINED.—In this subsection, the term 'proposal' means information contained in or originating from any proposal, including a technical, management, or cost proposal, submitted by an offeror in response to the requirements of a solicitation for a competitive proposal."

SEC. 704. MULTIYEAR PROCUREMENT CONTRACTS.

Section 40111 is amended—

(1) by redesignating subsections (b) through (d) as subsections (c) through (e), respectively; and

(2) by inserting after subsection (a) the following:

"(b) TELECOMMUNICATIONS SERVICES.—Notwithstanding section 1341(a)(1)(B) of title 31, the Administrator may make a contract of not more than 10 years for telecommunication services that are provided through the use of a satellite if the Administrator finds that the longer contract period would be cost beneficial."

SEC. 705. FEDERAL AVIATION ADMINISTRATION PERSONNEL MANAGEMENT SYSTEM.

(a) MEDIATION.—Section 40122(a)(2) is amended by adding at the end the following: "The 60-day period shall not include any period during which Congress has adjourned sine die."

(b) RIGHT TO CONTEST ADVERSE PERSONNEL ACTIONS.—Section 40122 is amended by adding at the end the following:

"(g) RIGHT TO CONTEST ADVERSE PERSONNEL ACTIONS.—An employee of the Federal Aviation Administration who is the subject of a major adverse personnel action may contest the action either through any contractual grievance procedure that is applicable to the employee as a member of the collective bargaining unit or through the Administration's internal process relating to review of major adverse personnel actions of the Administration, known as Guaranteed Fair Treatment or under section 347(c) of the Department of Transportation and Related Agencies Appropriations Act, 1996.

"(h) ELECTION OF FORUM.—Where a major adverse personnel action may be contested through more than one of the indicated forums (such as the contractual grievance procedure, the Federal Aviation Administration's internal process, or that of the Merit Systems Protection Board), an employee must elect the forum through which the matter will be contested. Nothing in this section is intended to allow an employee to contest an action through more than one forum unless otherwise allowed by law.

"(i) DEFINITION.—For purposes of this section, the term 'major adverse personnel action' means a suspension of more than 14 days, a reduction in pay or grade, a removal for conduct or performance, a nondisciplinary removal, a furlough of 30 days or less (but not including placement in a nonpay status as the result of a lapse of appropriations or an enactment by Congress), or a reduction in force action."

(c) APPLICABILITY OF MERIT SYSTEMS PROTECTION BOARD PROVISIONS.—Section 347(b) of the Department of Transportation and Related Agencies Appropriations Act, 1996 (109 Stat. 460) is amended—

(1) by striking "and" at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting "; and"; and

(3) by adding at the end the following:

"(8) sections 1204, 1211–1218, 1221, and 7701–7703, relating to the Merit Systems Protection Board."

(d) APPEALS TO MERIT SYSTEMS PROTECTION BOARD.—Section 347(c) of the Department of Transportation and Related Agencies Appropriations Act, 1996 is amended to read as follows:

"(c) APPEALS TO MERIT SYSTEMS PROTECTION BOARD.—Under the new personnel management system developed and implemented under subsection (a), an employee of the Federal Aviation Administration may submit an appeal to the Merit Systems Protection Board and may seek judicial review of any resulting final orders or decisions of the Board from any action that was appealable to the Board under any law, rule, or regulation as of March 31, 1996."

SEC. 706. NONDISCRIMINATION IN AIRLINE TRAVEL.

(a) DISCRIMINATORY PRACTICES.—Section 41310(a) is amended to read as follows:

"(a) PROHIBITIONS.—

"(1) IN GENERAL.—An air carrier or foreign air carrier may not subject a person, place, port, or type of traffic in foreign air transportation to unreasonable discrimination.

"(2) DISCRIMINATION AGAINST PERSONS.—An air carrier or foreign air carrier may not subject a person in foreign air transportation to discrimination on the basis of race, color, national origin, religion, or sex."

(b) INTERSTATE AIR TRANSPORTATION.—Section 41702 is amended—

(1) by striking "An air carrier" and inserting "(a) SAFE AND ADEQUATE AIR TRANSPORTATION.—An air carrier"; and

(2) by adding at the end the following:

"(b) DISCRIMINATION AGAINST PERSONS.—An air carrier may not subject a person in interstate air transportation to discrimination on the basis of race, color, national origin, religion, or sex."

(c) DISCRIMINATION AGAINST HANDICAPPED INDIVIDUALS.—Section 41705 is amended by inserting "or foreign air carrier" after "air carrier".

(d) CIVIL PENALTY FOR VIOLATIONS OF PROHIBITION ON DISCRIMINATION AGAINST THE HANDICAPPED.—Section 46301(a)(3) is further amended by adding at the end the following:

"(D) a violation of section 41705, relating to discrimination against handicapped individuals."

(e) INTERNATIONAL AVIATION STANDARDS FOR ACCOMMODATING THE HANDICAPPED.—The Secretary of Transportation shall work with appropriate international organizations and the aviation authorities of other nations to bring about the establishment of higher standards, if appropriate, for accommodating handicapped passengers in air transportation, particularly with respect to foreign air carriers that code share with domestic air carriers.

SEC. 707. JOINT VENTURE AGREEMENT.

Section 41716(a)(1) is amended by striking "an agreement entered into by a major air carrier" and inserting "an agreement entered into between 2 or more major air carriers".

SEC. 708. EXTENSION OF WAR RISK INSURANCE PROGRAM.

Section 44310 is amended by striking "after" and all that follows and inserting "after December 31, 2004."

SEC. 709. GENERAL FACILITIES AND PERSONNEL AUTHORITY.

Section 44502(a) is further amended by adding at the end the following:

"(6) IMPROVEMENTS ON LEASED PROPERTIES.—The Administrator may make improvements to real property leased for no or nominal consideration for an air navigation facility, regardless of whether the cost of making the improvements exceeds the cost of leasing the real property, if—
"(A) the improvements primarily benefit the Government;

"(B) the improvements are essential for accomplishment of the mission of the Federal Aviation Administration; and

"(C) the interest of the Government in the improvements is protected."

SEC. 710. IMPLEMENTATION OF ARTICLE 83 BIS OF THE CHICAGO CONVENTION.

Section 44701 is amended by—

(1) redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

"(e) BILATERAL EXCHANGES OF SAFETY OVERSIGHT RESPONSIBILITIES.—

"(1) IN GENERAL.—Notwithstanding the provisions of this chapter, the Administrator, pursuant to Article 83 bis of the Convention on International Civil Aviation and by a bilateral agreement with the aeronautical authorities of another country, may exchange with that country all or part of their respective functions and duties with respect to registered aircraft under the following articles of the Convention: Article 12 (Rules of the Air); Article 31 (Certificates of Airworthiness); or Article 32a (Licenses of Personnel).

"(2) RELINQUISHMENT AND ACCEPTANCE OF RESPONSIBILITY.—The Administrator relinquishes responsibility with respect to the functions and duties transferred by the Administrator as specified in the bilateral agreement, under the Articles listed in paragraph (1) for United States-registered aircraft described in paragraph (4)(A) transferred abroad and accepts responsibility with respect to the functions and duties under those Articles for aircraft registered abroad and described in paragraph (4)(B) that are transferred to the United States.

"(3) CONDITIONS.—The Administrator may predicate, in the agreement, the transfer of functions and duties under this subsection on any conditions the Administrator deems necessary and prudent, except that the Administrator may not transfer responsibilities for United States registered aircraft described in paragraph (4)(A) to a country that the Administrator determines is not in compliance with its obligations under international law for the safety oversight of civil aviation.

"(4) REGISTERED AIRCRAFT DEFINED.—In this subsection, the term 'registered aircraft' means—

"(A) aircraft registered in the United States and operated pursuant to an agreement for the lease, charter, or interchange of the aircraft or any similar arrangement by an operator that has its principal place of business or, if it has no such place of business, its permanent residence in another country; or

"(B) aircraft registered in a foreign country and operated under an agreement for the lease, charter, or interchange of the aircraft or any similar arrangement by an operator that has its principal place of business or, if it has no such place of business, its permanent residence in the United States."

SEC. 711. PUBLIC AVAILABILITY OF AIRMEN RECORDS.

Section 44703 is amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(2) by inserting after subsection (b) the following:

“(c) PUBLIC INFORMATION.—

“(1) IN GENERAL.—Subject to paragraph (2) and notwithstanding any other provision of law, the information contained in the records of contents of any airman certificate issued under this section that is limited to an airman’s name, address, date of birth, and ratings held shall be made available to the public after the 120th day following the date of enactment of the Aviation Investment and Reform Act for the 21st Century.

“(2) OPPORTUNITY TO WITHHOLD INFORMATION.—Before making any information concerning an airman available to the public under paragraph (1), the airman shall be given an opportunity to elect that the information not be made available to the public.

“(3) DEVELOPMENT AND IMPLEMENTATION OF PROGRAM.—Not later than 60 days after the date of enactment of the Aviation Investment and Reform Act for the 21st Century, the Administrator shall develop and implement, in cooperation with representatives of the aviation industry, a one-time written notification to airmen to set forth the implications of making information concerning an airman available to the public under paragraph (1) and to carry out paragraph (2).”

SEC. 712. APPEALS OF EMERGENCY REVOCATIONS OF CERTIFICATES.

Section 44709(e) is amended to read as follows:

“(e) EFFECTIVENESS OF ORDERS PENDING APPEAL.—

“(1) IN GENERAL.—Except as provided in paragraph (2), if a person files an appeal with the Board under section (d), the order of the Administrator is stayed.

“(2) EMERGENCIES.—If the Administrator advises the Board that an emergency exists and safety in air commerce or air transportation requires the order to be effective immediately, the order is effective, except that a person filing an appeal under subsection (d) may file a written petition to the Board for an emergency stay on the issues of the appeal that are related to the existence of the emergency. The Board shall have 10 days to review the materials. If any 2 members of the Board determine that sufficient grounds exist to grant a stay, an emergency stay shall be granted. If an emergency stay is granted, the Board must meet within 15 days of the granting of the stay to make a final disposition of the issues related to the existence of the emergency.

“(3) FINAL DISPOSITION OF APPEAL.—In all cases, the Board shall make a final disposition of the merits of the appeal not later than 60 days after the Administrator advises the Board of the order.”

SEC. 713. GOVERNMENT AND INDUSTRY CONSORTIA.

Section 44903 is amended by adding at the end the following:

“(f) GOVERNMENT AND INDUSTRY CONSORTIA.—The Administrator may establish at individual airports such consortia of government and aviation industry representatives as the Administrator may designate to provide advice on matters related to aviation security and safety. Such consortia shall not be considered Federal advisory committees.”

SEC. 714. PASSENGER MANIFEST.

Section 44909(a)(2) is amended by striking “shall” and inserting “should”.

SEC. 715. COST RECOVERY FOR FOREIGN AVIATION SERVICES.

Section 45301 is amended—

(1) by striking subsection (a)(2) and inserting the following:

“(2) Services (other than air traffic control services) provided to a foreign government or to any entity obtaining services outside the United States, except that the Administrator shall not impose fees in any manner for production-certification related service performed outside the United States pertaining to aeronautical prod-

ucts manufactured outside the United States.”; and

(2) by adding at the end the following:

“(d) PRODUCTION-CERTIFICATION RELATED SERVICE DEFINED.—In this section, the term ‘production-certification related service’ has the meaning given that term in appendix C of part 187 of title 14, Code of Federal Regulations.”

SEC. 716. TECHNICAL CORRECTIONS TO CIVIL PENALTY PROVISIONS.

Section 46301 is amended—

(1) in subsection (a)(1)(A) by striking “46302, 46303, or”; and

(2) in subsection (d)(7)(A) by striking “an individual” the first place it appears and inserting “a person”; and

(3) in subsection (g) by inserting “or the Administrator” after “Secretary”.

SEC. 717. WAIVER UNDER AIRPORT NOISE AND CAPACITY ACT.

(a) WAIVERS FOR AIRCRAFT NOT COMPLYING WITH STAGE 3 NOISE LEVELS.—Section 47528(b)(1) is amended in the first sentence by inserting “or foreign air carrier” after “air carrier”.

(b) EXEMPTION FOR AIRCRAFT MODIFICATION OR DISPOSAL.—Section 47528 is amended—

(1) in subsection (a) by inserting “or (f)” after “(b)”; and

(2) by adding at the end the following:

“(f) AIRCRAFT MODIFICATION OR DISPOSAL.—After December 31, 1999, the Secretary may provide a procedure under which a person may operate a stage 1 or stage 2 aircraft in nonrevenue service to or from an airport in the United States in order to—

“(1) sell the aircraft outside the United States;

“(2) sell the aircraft for scrapping; or

“(3) obtain modifications to the aircraft to meet stage 3 noise levels.”

(c) LIMITED OPERATION OF CERTAIN AIRCRAFT.—Section 47528(e) is amended by adding at the end the following:

“(4) An air carrier operating stage 2 aircraft under this subsection may operate stage 2 aircraft to or from the 48 contiguous States on a nonrevenue basis in order to—

“(A) perform maintenance (including major alterations) or preventative maintenance on aircraft operated, or to be operated, within the limitations of paragraph (2)(B); or

“(B) conduct operations within the limitations of paragraph (2)(B).”

SEC. 718. METROPOLITAN WASHINGTON AIRPORT AUTHORITY.

(a) EXTENSION OF APPLICATION APPROVALS.—Section 49108 is amended by striking “2001” and inserting “2004”.

(b) ELIMINATION OF DEADLINE FOR APPOINTMENT OF MEMBERS TO BOARD OF DIRECTORS.—Section 49106(c)(6) is amended by striking subparagraph (C) and by redesignating subparagraph (D) as subparagraph (C).

SEC. 719. ACQUISITION MANAGEMENT SYSTEM.

Section 348 of the Department of Transportation and Related Agencies Appropriations Act, 1996 (49 U.S.C. 106 note; 109 Stat. 460) is amended by striking subsection (c) and inserting the following:

“(c) CONTRACTS EXTENDING INTO A SUBSEQUENT FISCAL YEAR.—Notwithstanding subsection (b)(3), the Administrator may enter into contracts for procurement of severable services that begin in one fiscal year and end in another if (without regard to any option to extend the period of the contract) the contract period does not exceed 1 year.”

SEC. 720. CENTENNIAL OF FLIGHT COMMISSION.

(a) MEMBERSHIP.—

(1) APPOINTMENT.—Section 4(a)(5) of the Centennial of Flight Commemoration Act (36 U.S.C. 143 note; 112 Stat. 3487) is amended by inserting “, or his designee,” after “prominence”.

(2) STATUS.—Section 4 of such Act (112 Stat. 3487) is amended by adding at the end the following:

“(g) STATUS.—The members of the Commission described in paragraphs (1), (3), (4), and (5) of

subsection (a) shall not be considered to be officers or employees of the United States.”

(b) DUTIES.—Section 5(a)(7) of such Act (112 Stat. 3488) is amended to read as follows:

“(7) as a nonprimary purpose, publish popular and scholarly works related to the history of aviation or the anniversary of the centennial of powered flight.”

(c) CONFLICTS OF INTEREST.—Section 6 of such Act (112 Stat. 3488-3489) is amended by adding at the end the following:

“(e) CONFLICTS OF INTEREST.—At its second business meeting, the Commission shall adopt a policy to protect against possible conflicts of interest involving its members and employees. The Commission shall consult with the Office of Government Ethics in the development of such a policy and shall recognize the status accorded its members under section 4(g).”

(d) EXECUTIVE DIRECTOR.—The first sentence of section 7(a) of such Act (112 Stat. 3489) is amended by striking the period at the end and inserting the following: “or represented on the First Flight Centennial Advisory Board under subparagraphs (A) through (E) of section 12(b)(1).”

(e) EXCLUSIVE RIGHT TO NAME, LOGOS, EMBLEMS, SEALS, AND MARKS.—

(1) USE OF FUNDS.—Section 9(d) of such Act (112 Stat. 3490) is amended by striking the period at the end and inserting the following: “, except that the Commission may transfer any portion of such funds that is in excess of the funds necessary to carry out such duties to any Federal agency or the National Air and Space Museum of the Smithsonian Institution to be used for the sole purpose of commemorating the history of aviation or the centennial of powered flight.”

(2) DUTIES TO BE CARRIED OUT BY ADMINISTRATOR OF NASA.—Section 9 of such Act (112 Stat. 3490) is amended by adding at the end the following:

“(f) DUTIES TO BE CARRIED OUT BY ADMINISTRATOR OF NASA.—The duties of the Commission under this section shall be carried out by the Administrator of the National Aeronautics and Space Administration, in consultation with the Commission.”

SEC. 721. AIRCRAFT SITUATIONAL DISPLAY DATA.

(a) IN GENERAL.—A memorandum of agreement between the Administrator and any person that directly obtains aircraft situational display data from the Federal Aviation Administration shall require that—

(1) the person demonstrate to the satisfaction of the Administrator that such person is capable of selectively blocking the display of any aircraft-situation-display-to-industry derived data related to any identified aircraft registration number; and

(2) the person agree to block selectively the aircraft registration numbers of any aircraft owner or operator upon the Administration’s request.

(b) EXISTING MEMORANDA TO BE CONFORMED.—The Administrator shall conform any memoranda of agreement, in effect on the date of enactment of this Act, between the Administration and a person under which that person obtains aircraft situational display data to incorporate the requirements of subsection (a) within 30 days after that date.

SEC. 722. ELIMINATION OF BACKLOG OF EQUAL EMPLOYMENT OPPORTUNITY COMPLAINTS.

(a) HIRING OF ADDITIONAL PERSONNEL.—For fiscal year 2000, the Secretary of Transportation may hire or contract for such additional personnel as may be necessary to eliminate the backlog of pending equal employment opportunity complaints to the Department of Transportation and to ensure that investigations of complaints are completed not later than 180 days after the date of initiation of the investigation.

(b) FUNDING.—Of the amounts appropriated pursuant to section 106(k) of title 49, United

States Code, for fiscal year 2000, \$2,000,000 may be used to carry out this section.

SEC. 723. NEWPORT NEWS, VIRGINIA.

(a) **AUTHORITY TO GRANT WAIVERS.**—Notwithstanding section 16 of the Federal Airport Act (as in effect on May 14, 1947) or section 47125 of title 49, United States Code, the Secretary shall, subject to section 47153 of such title (as in effect on June 1, 1998), and subsection (b) of this section, waive with respect to airport property parcels that, according to the Federal Aviation Administration approved airport layout plan for Newport News/Williamsburg International Airport, are no longer required for airport purposes from any term contained in the deed of conveyance dated May 14, 1947, under which the United States conveyed such property to the Peninsula Airport Commission for airport purposes of the Commission.

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

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

(2) Peninsula Airport Commission shall use any amount so received only for the development, improvement, operation, or maintenance of Newport News/Williamsburg International Airport.

SEC. 724. GRANT OF EASEMENT, LOS ANGELES, CALIFORNIA.

The City of Los Angeles Department of Airports may grant an easement to the California Department of Transportation to lands required to provide sufficient right-of-way to facilitate the construction of the California State Route 138 bypass, as proposed by the California Department of Transportation.

SEC. 725. REGULATION OF ALASKA GUIDE PILOTS.

(a) **IN GENERAL.**—Beginning on the date of enactment of this Act, flight operations conducted by Alaska guide pilots shall be regulated under the general operating and flight rules contained in part 91 of title 14, Code of Regulations.

(b) **RULEMAKING PROCEEDING.**—

(1) **IN GENERAL.**—The Administrator shall conduct a rulemaking proceeding and issue a final rule to modify the general operating and flight rules referred to in subsection (a) by establishing special rules applicable to the flight operations conducted by Alaska guide pilots.

(2) **CONTENTS OF RULES.**—A final rule issued by the Administrator under paragraph (1) shall require Alaska guide pilots—

(A) to operate aircraft inspected no less often than after 125 hours of flight time;

(B) to participate in an annual flight review, as described in section 61.56 of title 14, Code of Federal Regulations;

(C) to have at least 500 hours of flight time as a pilot;

(D) to have a commercial rating, as described subpart F of part 61 of such title;

(E) to hold at least a second-class medical certificate, as described in subpart C of part 67 of such title;

(F) to hold a current letter of authorization issued by the Administrator; and

(G) to take such other actions as the Administrator determines necessary for safety.

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

(1) **LETTER OF AUTHORIZATION.**—The term "letter of authorization" means a letter issued by the Administrator once every 5 years to an Alaska guide pilot certifying that the pilot is in compliance with general operating and flight rules applicable to the pilot. In the case of a multi-pilot operation, at the election of the operating entity, a letter of authorization may be

issued by the Administrator to the entity or to each Alaska guide pilot employed by the entity.

(2) **ALASKA GUIDE PILOT.**—The term "Alaska guide pilot" means a pilot who—

(A) conducts aircraft operations over or within the State of Alaska;

(B) operates single engine, fixed wing aircraft on floats, wheels, or skis, providing commercial hunting, fishing, or other guide services and related accommodations in the form of camps or lodges; and

(C) transports clients by such aircraft incidental to hunting, fishing, or other guide services, or uses air transport to enable guided clients to reach hunting or fishing locations.

SEC. 726. AIRCRAFT REPAIR AND MAINTENANCE ADVISORY PANEL.

(a) **ESTABLISHMENT OF PANEL.**—The Secretary of Transportation—

(1) shall establish an Aircraft Repair and Maintenance Advisory Panel to review issues related to the use and oversight of aircraft and aviation component repair and maintenance facilities (in this section referred to as "aircraft repair facilities") located within, or outside of, the United States; and

(2) may seek the advice of the panel on any issue related to methods to increase safety by improving the oversight of aircraft repair facilities.

(b) **MEMBERSHIP.**—The panel shall consist of—

(1) 9 members appointed by the Secretary as follows:

(A) 3 representatives of labor organizations representing aviation mechanics;

(B) 1 representative of cargo air carriers;

(C) 1 representative of passenger air carriers;

(D) 1 representative of aircraft repair facilities;

(E) 1 representative of aircraft manufacturers;

(F) 1 representative of on-demand passenger air carriers and corporate aircraft operations; and

(G) 1 representative of regional passenger air carriers;

(2) 1 representative from the Department of Commerce, designated by the Secretary of Commerce;

(3) 1 representative from the Department of State, designated by the Secretary of State; and

(4) 1 representative from the Federal Aviation Administration, designated by the Administrator.

(c) **RESPONSIBILITIES.**—The panel shall—

(1) determine the amount and type of work that is being performed by aircraft repair facilities located within, and outside of, the United States; and

(2) provide advice and counsel to the Secretary with respect to the aircraft and aviation component repair work performed by aircraft repair facilities and air carriers, staffing needs, and any balance of trade or safety issues associated with that work.

(d) **DOT TO REQUEST INFORMATION FROM AIR CARRIERS AND REPAIR FACILITIES.**—

(1) **COLLECTION OF INFORMATION.**—The Secretary, by regulation, shall require air carriers, foreign air carriers, domestic repair facilities, and foreign repair facilities to submit such information as the Secretary may require in order to assess balance of trade and safety issues with respect to work performed on aircraft used by air carriers, foreign air carriers, United States corporate operators, and foreign corporate operators.

(2) **DRUG AND ALCOHOL TESTING INFORMATION.**—Included in the information the Secretary requires under paragraph (1) shall be information on the existence and administration of employee drug and alcohol testing programs in place at the foreign repair facilities, if applicable. The Secretary, if necessary, shall work with the International Civil Aviation Organization to increase the number and improve the administration of employee drug and alcohol testing programs at the foreign repair facilities.

(3) **DESCRIPTION OF WORK DONE.**—Included in the information the Secretary requires under

paragraph (1) shall be information on the amount and type of work performed on aircraft registered in and outside of the United States.

(e) **DOT TO FACILITATE COLLECTION OF INFORMATION ABOUT AIRCRAFT MAINTENANCE.**—The Secretary shall facilitate the collection of information from the National Transportation Safety Board, the Federal Aviation Administration, and other appropriate agencies regarding maintenance performed by aircraft repair facilities.

(f) **DOT TO MAKE INFORMATION AVAILABLE TO PUBLIC.**—The Secretary shall make any relevant information received under subsection (c) available to the public, consistent with the authority to withhold trade secrets or commercial, financial, and other proprietary information under section 552 of title 5, United States Code.

(g) **TERMINATION.**—The panel established under subsection (a) shall terminate on the earlier of—

(1) the date that is 2 years after the date of enactment of this Act; or

(2) December 31, 2001.

(h) **DEFINITIONS.**—The definitions contained in section 40102 of title 49, United States Code, shall apply to this section.

SEC. 727. OPERATIONS OF AIR TAXI INDUSTRY.

(a) **STUDY.**—The Administrator, in consultation with the National Transportation Safety Board and other interested persons, shall conduct a study of air taxi operators regulated under part 135 of title 14, Code of Federal Regulations.

(b) **CONTENTS.**—The study shall include an analysis of the size and type of the aircraft fleet, relevant aircraft equipment, hours flown, utilization rates, safety record by various categories of use and aircraft type, sales revenues, and airports served by the air taxi fleet.

(c) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study.

SEC. 728. SENSE OF CONGRESS CONCERNING COMPLETION OF COMPREHENSIVE NATIONAL AIRSPACE REDESIGN.

It is the sense of Congress that, as soon as is practicable, the Administrator should complete and begin implementation of the comprehensive national airspace redesign that is being conducted by the Administrator.

SEC. 729. COMPLIANCE WITH REQUIREMENTS.

Notwithstanding any other provision of law, in order to avoid unnecessary duplication of expense and effort, the Secretary of Transportation may authorize the use, in whole or in part, of a completed environmental assessment or environmental impact study for new construction projects on the air operations area of an airport, if the completed assessment or study was for a project at the airport that is substantially similar in nature to the new project. Any such authorized use shall meet all requirements of Federal law for the completion of such an assessment or study.

SEC. 730. AIRCRAFT NOISE LEVELS AT AIRPORTS.

(a) **DEVELOPMENT OF NEW STANDARDS.**—The Secretary of Transportation shall continue to work to develop a new standard for aircraft and aircraft engines that will lead to a further reduction in aircraft noise levels.

(b) **REPORT.**—Not later than March 1, 2000, and annually thereafter, the Secretary shall transmit to Congress a report regarding the application of new standards or technologies to reduce aircraft noise levels.

SEC. 731. FAA CONSIDERATION OF CERTAIN STATE PROPOSALS.

The Administrator is encouraged to consider any proposal with a regional consensus submitted by a State aviation authority regarding the expansion of existing airport facilities or the introduction of new airport facilities.

TITLE VIII—NATIONAL PARKS AIR TOUR MANAGEMENT

SEC. 801. SHORT TITLE.

This title may be cited as the "National Parks Air Tour Management Act of 1999".

SEC. 802. FINDINGS.

Congress finds that—

(1) the Federal Aviation Administration has sole authority to control airspace over the United States;

(2) the Federal Aviation Administration has the authority to preserve, protect, and enhance the environment by minimizing, mitigating, or preventing the adverse effects of aircraft overflights of public and tribal lands;

(3) the National Park Service has the responsibility of conserving the scenery and natural and historic objects and wildlife in national parks and of providing for the enjoyment of the national parks in ways that leave the national parks unimpaired for future generations;

(4) the protection of tribal lands from aircraft overflights is consistent with protecting the public health and welfare and is essential to the maintenance of the natural and cultural resources of Indian tribes;

(5) the National Parks Overflights Working Group, composed of general aviation, commercial air tour, environmental, and Native American representatives, recommended that the Congress enact legislation based on the Group's consensus work product; and

(6) this title reflects the recommendations made by that Group.

SEC. 803. AIR TOUR MANAGEMENT PLANS FOR NATIONAL PARKS.

(a) IN GENERAL.—Chapter 401 is further amended by adding at the end the following:

"§ 40126. Overflights of national parks

"(a) IN GENERAL.—

"(1) GENERAL REQUIREMENTS.—A commercial air tour operator may not conduct commercial air tour operations over a national park (including tribal lands) except—

"(A) in accordance with this section;

"(B) in accordance with conditions and limitations prescribed for that operator by the Administrator; and

"(C) in accordance with any applicable air tour management plan for the park.

"(2) APPLICATION FOR OPERATING AUTHORITY.—

"(A) APPLICATION REQUIRED.—Before commencing commercial air tour operations over a national park (including tribal lands), a commercial air tour operator shall apply to the Administrator for authority to conduct the operations over the park.

"(B) COMPETITIVE BIDDING FOR LIMITED CAPACITY PARKS.—Whenever an air tour management plan limits the number of commercial air tour operations over a national park during a specified time frame, the Administrator, in cooperation with the Director, shall issue operation specifications to commercial air tour operators that conduct such operations. The operation specifications shall include such terms and conditions as the Administrator and the Director find necessary for management of commercial air tour operations over the park. The Administrator, in cooperation with the Director, shall develop an open competitive process for evaluating proposals from persons interested in providing commercial air tour operations over the park. In making a selection from among various proposals submitted, the Administrator, in cooperation with the Director, shall consider relevant factors, including—

"(i) the safety record of the person submitting the proposal or pilots employed by the person;

"(ii) any quiet aircraft technology proposed to be used by the person submitting the proposal;

"(iii) the experience of the person submitting the proposal with commercial air tour operations over other national parks or scenic areas;

"(iv) the financial capability of the company;

"(v) any training programs for pilots provided by the person submitting the proposal; and

"(vi) responsiveness of the person submitting the proposal to any relevant criteria developed by the National Park Service for the affected park.

"(C) NUMBER OF OPERATIONS AUTHORIZED.—In determining the number of authorizations to issue to provide commercial air tour operations over a national park, the Administrator, in cooperation with the Director, shall take into consideration the provisions of the air tour management plan, the number of existing commercial air tour operators and current level of service and equipment provided by any such operators, and the financial viability of each commercial air tour operation.

"(D) COOPERATION WITH NPS.—Before granting an application under this paragraph, the Administrator, in cooperation with the Director, shall develop an air tour management plan in accordance with subsection (b) and implement such plan.

"(3) EXCEPTION.—

"(A) IN GENERAL.—If a commercial air tour operator secures a letter of agreement from the Administrator and the superintendent for the national park that describes the conditions under which the commercial air tour operation will be conducted, then notwithstanding paragraph (1), the commercial air tour operator may conduct such operations over the national park under part 91 of title 14, Code of Federal Regulations, if such activity is permitted under part 119 of such title.

"(B) LIMIT ON EXCEPTIONS.—Not more than 5 flights in any 30-day period over a single national park may be conducted under this paragraph.

"(4) SPECIAL RULE FOR SAFETY REQUIREMENTS.—Notwithstanding subsection (d), an existing commercial air tour operator shall apply, not later than 90 days after the date of enactment of this section, for operating authority under part 119, 121, or 135 of title 14, Code of Federal Regulations. A new entrant commercial air tour operator shall apply for such authority before conducting commercial air tour operations over a national park (including tribal lands). The Administrator shall act on any such application for a new entrant and issue a decision on the application not later than 24 months after it is received or amended.

"(b) AIR TOUR MANAGEMENT PLANS.—

"(1) ESTABLISHMENT.—

"(A) IN GENERAL.—The Administrator, in cooperation with the Director, shall establish an air tour management plan for any national park (including tribal lands) for which such a plan is not in effect whenever a person applies for authority to conduct a commercial air tour operation over the park. The air tour management plan shall be developed by means of a public process in accordance with paragraph (4).

"(B) OBJECTIVE.—The objective of any air tour management plan shall be to develop acceptable and effective measures to mitigate or prevent the significant adverse impacts, if any, of commercial air tours upon the natural and cultural resources, visitor experiences, and tribal lands.

"(2) ENVIRONMENTAL DETERMINATION.—In establishing an air tour management plan under this subsection, the Administrator and the Director shall each sign the environmental decision document required by section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) (including a finding of no significant impact, an environmental assessment, and an environmental impact statement) and the record of decision for the air tour management plan.

"(3) CONTENTS.—An air tour management plan for a national park—

"(A) may limit or prohibit commercial air tour operations;

"(B) may establish conditions for the conduct of commercial air tour operations, including

commercial air tour operation routes, maximum or minimum altitudes, time-of-day restrictions, restrictions for particular events, maximum number of flights per unit of time, intrusions on privacy on tribal lands, and mitigation of adverse noise, visual, or other impacts;

"(C) may apply to all commercial air tour operations;

"(D) shall include incentives (such as preferred commercial air tour operation routes and altitudes and relief from flight caps and curfews) for the adoption of quiet aircraft technology by commercial air tour operators conducting commercial air tour operations over the park;

"(E) shall provide a system for allocating opportunities to conduct commercial air tours if the air tour management plan includes a limitation on the number of commercial air tour operations for any time period; and

"(F) shall justify and document the need for measures taken pursuant to subparagraphs (A) through (E) and include such justifications in the record of decision.

"(4) PROCEDURE.—In establishing an air tour management plan for a national park (including tribal lands), the Administrator and the Director shall—

"(A) hold at least one public meeting with interested parties to develop the air tour management plan;

"(B) publish the proposed plan in the Federal Register for notice and comment and make copies of the proposed plan available to the public;

"(C) comply with the regulations set forth in sections 1501.3 and 1501.5 through 1501.8 of title 40, Code of Federal Regulations (for purposes of complying with the regulations, the Federal Aviation Administration shall be the lead agency and the National Park Service is a cooperating agency); and

"(D) solicit the participation of any Indian tribe whose tribal lands are, or may be, overflown by aircraft involved in a commercial air tour operation over the park, as a cooperating agency under the regulations referred to in subparagraph (C).

"(5) JUDICIAL REVIEW.—An air tour management plan developed under this subsection shall be subject to judicial review.

"(6) AMENDMENTS.—The Administrator, in cooperation with the Director, may make amendments to an air tour management plan. Any such amendments shall be published in the Federal Register for notice and comment. A request for amendment of an air tour management plan shall be made in such form and manner as the Administrator may prescribe.

"(c) DETERMINATION OF COMMERCIAL AIR TOUR OPERATION STATUS.—In making a determination of whether a flight is a commercial air tour operation, the Administrator may consider—

"(1) whether there was a holding out to the public of willingness to conduct a sightseeing flight for compensation or hire;

"(2) whether a narrative that referred to areas or points of interest on the surface below the route of the flight was provided by the person offering the flight;

"(3) the area of operation;

"(4) the frequency of flights conducted by the person offering the flight;

"(5) the route of flight;

"(6) the inclusion of sightseeing flights as part of any travel arrangement package offered by the person offering the flight;

"(7) whether the flight would have been canceled based on poor visibility of the surface below the route of the flight; and

"(8) any other factors that the Administrator considers appropriate.

"(d) INTERIM OPERATING AUTHORITY.—

"(1) IN GENERAL.—Upon application for operating authority, the Administrator shall grant interim operating authority under this subsection to a commercial air tour operator for commercial air tour operations over a national

park (including tribal lands) for which the operator is an existing commercial air tour operator.

"(2) REQUIREMENTS AND LIMITATIONS.—Interim operating authority granted under this subsection—

"(A) shall provide annual authorization only for the greater of—

"(i) the number of flights used by the operator to provide such tours within the 12-month period prior to the date of enactment of this section; or

"(ii) the average number of flights per 12-month period used by the operator to provide such tours within the 36-month period prior to such date of enactment, and, for seasonal operations, the number of flights so used during the season or seasons covered by that 12-month period;

"(B) may not provide for an increase in the number of commercial air tour operations conducted during any time period by the commercial air tour operator above the number that the air tour operator was originally granted unless such an increase is agreed to by the Administrator and the Director;

"(C) shall be published in the Federal Register to provide notice and opportunity for comment;

"(D) may be revoked by the Administrator for cause;

"(E) shall terminate 180 days after the date on which an air tour management plan is established for the park or the tribal lands;

"(F) shall promote protection of national park resources, visitor experiences, and tribal lands;

"(G) shall promote safe operations of the commercial air tour;

"(H) shall promote the adoption of quiet technology, as appropriate; and

"(I) shall allow for modifications of the operation based on experience if the modification improves protection of national park resources and values and of tribal lands.

"(e) EXEMPTIONS.—

"(1) IN GENERAL.—Except as provided by paragraph (2), this section shall not apply to—

"(A) the Grand Canyon National Park;

"(B) tribal lands within or abutting the Grand Canyon National Park; or

"(C) any unit of the National Park System located in Alaska or any other land or water located in Alaska.

"(2) EXCEPTION.—This section shall apply to the Grand Canyon National Park if section 3 of Public Law 100-91 (16 U.S.C. 1a-1 note; 101 Stat. 674-678) is no longer in effect.

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

"(1) COMMERCIAL AIR TOUR OPERATOR.—The term 'commercial air tour operator' means any person who conducts a commercial air tour operation.

"(2) EXISTING COMMERCIAL AIR TOUR OPERATOR.—The term 'existing commercial air tour operator' means a commercial air tour operator that was actively engaged in the business of providing commercial air tour operations over a national park at any time during the 12-month period ending on the date of enactment of this section.

"(3) NEW ENTRANT COMMERCIAL AIR TOUR OPERATOR.—The term 'new entrant commercial air tour operator' means a commercial air tour operator that—

"(A) applies for operating authority as a commercial air tour operator for a national park; and

"(B) has not engaged in the business of providing commercial air tour operations over the national park (including tribal lands) in the 12-month period preceding the application.

"(4) COMMERCIAL AIR TOUR OPERATION.—The term 'commercial air tour operation' means any flight, conducted for compensation or hire in a powered aircraft where a purpose of the flight is sightseeing over a national park, within ½ mile outside the boundary of any national park, or over tribal lands, during which the aircraft flies—

"(A) below a minimum altitude, determined by the Administrator in cooperation with the Director, above ground level (except solely for purposes of takeoff or landing, or necessary for safe operation of an aircraft as determined under the rules and regulations of the Federal Aviation Administration requiring the pilot-in-command to take action to ensure the safe operation of the aircraft); or

"(B) less than 1 mile laterally from any geographic feature within the park (unless more than ½ mile outside the boundary).

"(5) NATIONAL PARK.—The term 'national park' means any unit of the National Park System.

"(6) TRIBAL LANDS.—The term 'tribal lands' means Indian country (as that term is defined in section 1151 of title 18) that is within or abutting a national park.

"(7) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Aviation Administration.

"(8) DIRECTOR.—The term 'Director' means the Director of the National Park Service."

(b) CONFORMING AMENDMENT.—The analysis for chapter 401 is further amended by adding at the end the following:

"40126. Overflights of national parks."

SEC. 804. ADVISORY GROUP.

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Administrator and the Director of the National Park Service shall jointly establish an advisory group to provide continuing advice and counsel with respect to commercial air tour operations over and near national parks.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The advisory group shall be composed of—

(A) a balanced group of—

(i) representatives of general aviation;

(ii) representatives of commercial air tour operators;

(iii) representatives of environmental concerns; and

(iv) representatives of Indian tribes;

(B) a representative of the Federal Aviation Administration; and

(C) a representative of the National Park Service.

(2) EX OFFICIO MEMBERS.—The Administrator (or the designee of the Administrator) and the Director (or the designee of the Director) shall serve as ex officio members.

(3) CHAIRPERSON.—The representative of the Federal Aviation Administration and the representative of the National Park Service shall serve alternating 1-year terms as chairman of the advisory group, with the representative of the Federal Aviation Administration serving initially until the end of the calendar year following the year in which the advisory group is first appointed.

(c) DUTIES.—The advisory group shall provide advice, information, and recommendations to the Administrator and the Director—

(1) on the implementation of this title and the amendments made by this title;

(2) on commonly accepted quiet aircraft technology for use in commercial air tour operations over national parks (including tribal lands), which will receive preferential treatment in a given air tour management plan;

(3) on other measures that might be taken to accommodate the interests of visitors to national parks; and

(4) at request of the Administrator and the Director, safety, environmental, and other issues related to commercial air tour operations over a national park (including tribal lands).

(d) COMPENSATION; SUPPORT; FACA.—

(1) COMPENSATION AND TRAVEL.—Members of the advisory group who are not officers or employees of the United States, while attending conferences or meetings of the group or otherwise engaged in its business, or while serving away from their homes or regular places of busi-

ness, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(2) ADMINISTRATIVE SUPPORT.—The Federal Aviation Administration and the National Park Service shall jointly furnish to the advisory group clerical and other assistance.

(3) NONAPPLICATION OF FACA.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) does not apply to the advisory group.

SEC. 805. REPORTS.

(a) OVERFLIGHT FEE REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall transmit to Congress a report on the effects overflight fees are likely to have on the commercial air tour operation industry. The report shall include, but shall not be limited to—

(1) the viability of a tax credit for the commercial air tour operators equal to the amount of any overflight fees charged by the National Park Service; and

(2) the financial effects proposed offsets are likely to have on Federal Aviation Administration budgets and appropriations.

(b) QUIET AIRCRAFT TECHNOLOGY REPORT.—Not later than 2 years after the date of enactment of this Act, the Administrator and the Director shall jointly transmit a report to Congress on the effectiveness of this title in providing incentives for the development and use of quiet aircraft technology.

SEC. 806. EXEMPTIONS.

This title shall not apply to—

(1) any unit of the National Park System located in Alaska; or

(2) any other land or water located in Alaska.

SEC. 807. DEFINITIONS.

In this title, the following definitions apply:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Federal Aviation Administration.

(2) DIRECTOR.—The term "Director" means the Director of the National Park Service.

TITLE IX—TRUTH IN BUDGETING

SEC. 901. SHORT TITLE.

This title may be cited as the "Truth in Budgeting Act".

SEC. 902. BUDGETARY TREATMENT OF AIRPORT AND AIRWAY TRUST FUND.

Notwithstanding any other provision of law, the receipts and disbursements of the Airport and Airway Trust Fund established by section 9502 of the Internal Revenue Code of 1986—

(1) shall not be counted as new budget authority, outlays, receipts, or deficit or surplus for purposes of—

(A) the budget of the United States Government as submitted by the President,

(B) the congressional budget (including allocations of budget authority and outlays provided therein), or

(C) the Balanced Budget and Emergency Deficit Control Act of 1985; and

(2) shall be exempt from any general budget limitation imposed by statute on expenditures and net lending (budget outlays) of the United States Government.

SEC. 903. SAFEGUARDS AGAINST DEFICIT SPENDING OUT OF AIRPORT AND AIRWAY TRUST FUND.

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

"§ 47138. Safeguards against deficit spending

"(a) ESTIMATES OF UNFUNDED AVIATION AUTHORIZATIONS AND NET AVIATION RECEIPTS.—Not later than March 31 of each year, the Secretary of Transportation, in consultation with the Secretary of the Treasury, shall estimate—

"(1) the amount which would (but for this section) be the unfunded aviation authorizations at the close of the first fiscal year that begins after that March 31, and

"(2) the net aviation receipts to be credited to the Airport and Airway Trust Fund during the fiscal year.

"(b) **PROCEDURE IF EXCESS UNFUNDED AVIATION AUTHORIZATIONS.**—If the Secretary of Transportation determines for any fiscal year that the amount described in subsection (a)(1) exceeds the amount described in subsection (a)(2), the Secretary shall determine the amount of such excess.

"(c) **ADJUSTMENT OF AUTHORIZATIONS IF UNFUNDED AUTHORIZATIONS EXCEED RECEIPTS.**—

"(1) **DETERMINATION OF PERCENTAGE.**—If the Secretary determines that there is an excess referred to in subsection (b) for a fiscal year, the Secretary shall determine the percentage which—

"(A) such excess, is of

"(B) the total of the amounts authorized to be appropriated from the Airport and Airway Trust Fund for the next fiscal year.

"(2) **ADJUSTMENT OF AUTHORIZATIONS.**—If the Secretary determines a percentage under paragraph (1), each amount authorized to be appropriated from the Airport and Airway Trust Fund for the next fiscal year shall be reduced by such percentage.

"(d) **AVAILABILITY OF AMOUNTS PREVIOUSLY WITHHELD.**—

"(1) **ADJUSTMENT OF AUTHORIZATIONS.**—If, after a reduction has been made under subsection (c)(2), the Secretary determines that the amount described in subsection (a)(1) does not exceed the amount described in subsection (a)(2) or that the excess referred to in subsection (b) is less than the amount previously determined, each amount authorized to be appropriated that was reduced under subsection (c)(2) shall be increased, by an equal percentage, to the extent the Secretary determines that it may be so increased without causing the amount described in subsection (a)(1) to exceed the amount described in subsection (a)(2) (but not by more than the amount of the reduction).

"(2) **APPORTIONMENT.**—The Secretary shall apportion amounts made available for apportionment by paragraph (1).

"(3) **PERIOD OF AVAILABILITY.**—Any funds apportioned under paragraph (2) shall remain available for the period for which they would be available if such apportionment took effect with the fiscal year in which they are apportioned under paragraph (2).

"(e) **REPORTS.**—Any estimate under subsection (a) and any determination under subsection (b), (c), or (d) shall be reported by the Secretary to Congress.

"(f) **DEFINITIONS.**—For purposes of this section, the following definitions apply:

"(1) **NET AVIATION RECEIPTS.**—The term 'net aviation receipts' means, with respect to any period, the excess of—

"(A) the receipts (including interest) of the Airport and Airway Trust Fund during such period, over

"(B) the amounts to be transferred during such period from the Airport and Airway Trust Fund under section 9502(d) of the Internal Revenue Code of 1986 (other than paragraph (1) thereof).

"(2) **UNFUNDED AVIATION AUTHORIZATIONS.**—The term 'unfunded aviation authorization' means, at any time, the excess (if any) of—

"(A) the total amount authorized to be appropriated from the Airport and Airway Trust Fund which has not been appropriated, over

"(B) the amount available in the Airport and Airway Trust Fund at such time to make such appropriation (after all other unliquidated obligations at such time which are payable from the Airport and Airway Trust Fund have been liquidated)."

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

"47138. Safeguards against deficit spending."

SEC. 904. APPLICABILITY.

This title (including the amendments made by this Act) shall apply to fiscal years beginning after September 30, 2000.

TITLE X—ADJUSTMENT OF TRUST FUND AUTHORIZATIONS

SEC. 1001. ADJUSTMENT OF TRUST FUND AUTHORIZATIONS.

(a) **IN GENERAL.**—Part C of subtitle VII is amended by adding at the end the following:

"CHAPTER 483—ADJUSTMENT OF TRUST FUND AUTHORIZATIONS

"Sec.

"48301. Definitions.

"48302. Adjustments to align aviation authorizations with revenues.

"48303. Adjustment to AIP program funding.

"48304. Estimated aviation income.

"§48301. Definitions

"In this chapter, the following definitions apply:

"(1) **BASE YEAR.**—The term 'base year' means the second fiscal year before the fiscal year for which the calculation is being made.

"(2) **AIP PROGRAM.**—The term 'AIP program' means the programs for which amounts are made available under section 48103.

"(3) **AVIATION INCOME.**—The term 'aviation income' means the tax receipts credited to the Airport and Airway Trust Fund and any interest attributable to the Fund.

"§48302. Adjustment to align aviation authorizations with revenues

"(a) **AUTHORIZATION OF APPROPRIATIONS.**—Beginning with fiscal year 2003, if the actual level of aviation income for the base year is greater or less than the estimated aviation income level specified in section 48304 for the base year, the amounts authorized to be appropriated (or made available) for the fiscal year under each of sections 106(k), 48101, 48102, and 48103 are adjusted as follows:

"(1) If the actual level of aviation income for the base year is greater than the estimated aviation income level specified in section 48304 for the base year, the amount authorized to be appropriated (or made available) for such section is increased by an amount determined by multiplying the amount of the excess by the ratio for such section set forth in subsection (b).

"(2) If the actual level of aviation income for the base year is less than the estimated aviation income level specified in section 48304 for the base year, the amount authorized to be appropriated (or made available) for such section is decreased by an amount determined by multiplying the amount of the shortfall by the ratio for such section set forth in subsection (b).

"(b) **RATIO.**—The ratio referred to in subsection (a) with respect to section 106(k), 48101, 48102, or 48103, as the case may be, is the ratio that—

"(1) the amount authorized to be appropriated (or made available) under such section for the fiscal year; bears to

"(2) the total sum of amounts authorized to be appropriated (or made available) under all of such sections for the fiscal year.

"(c) **PRESIDENT'S BUDGET.**—When the President submits a budget for a fiscal year under section 1105 of title 31, United States Code, the Director of the Office of Management and Budget shall calculate and the budget shall report any increase or decrease in authorization levels resulting from this section.

"§48303. Adjustment to AIP program funding

"On the effective date of a general appropriations Act providing appropriations for a fiscal year beginning after September 30, 2000, for the Federal Aviation Administration, the amount made available for a fiscal year under section 48103 shall be increased by the amount, if any, by which—

"(1) the total sum of amounts authorized to be appropriated under all of sections 106(k), 48101,

and 48102 for such fiscal year, including adjustments made under section 48302; exceeds

"(2) the amounts appropriated for programs funded under such sections for such fiscal year. Any contract authority made available by this section shall be subject to an obligation limitation.

"§48304. Estimated aviation income

"For purposes of section 48302, the estimated aviation income levels are as follows:

"(1) \$10,734,000,000 for fiscal year 2001.

"(2) \$11,603,000,000 for fiscal year 2002.

"(3) \$12,316,000,000 for fiscal year 2003.

"(4) \$13,062,000,000 for fiscal year 2004."

(b) **CONFORMING AMENDMENT.**—The table of chapters for subtitle VII of such title is amended by inserting after the item relating to chapter 482 the following:

"483. Adjustment of Trust Fund Authorizations 48301".

SEC. 1002. BUDGET ESTIMATES.

Upon the enactment of this Act, the Director of the Office of Management and Budget shall not make any estimates under section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 of changes in direct spending outlays and receipts for any fiscal year resulting from this title and title IX, including the amendments made by such titles.

SEC. 1003. SENSE OF CONGRESS ON FULLY OFFSETTING INCREASED AVIATION SPENDING.

It is the sense of Congress that—

(1) air passengers and other users of the air transportation system pay aviation taxes into a trust fund dedicated solely to improve the safety, security, and efficiency of the aviation system;

(2) from fiscal year 2001 to fiscal year 2004, air passengers and other users will pay more than \$14.3 billion more in aviation taxes into the Airport and Airway Trust Fund than the concurrent resolution on the budget for fiscal year 2000 provides from such Fund for aviation investment under historical funding patterns;

(3) the Aviation Investment and Reform Act for the 21st Century provides \$14.3 billion of aviation investment above the levels assumed in that budget resolution for such fiscal years; and

(4) this increased funding will be fully offset by recapturing unspent aviation taxes and reducing the \$778 billion general tax cut assumed in that budget resolution by the appropriate amount.

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

SEC. 1101. EXTENSION OF EXPENDITURE AUTHORITY.

(a) **IN GENERAL.**—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 (relating to expenditures from Airport and Airway Trust Fund) is amended—

(1) by striking "October 1, 1998" and inserting "October 1, 2004"; and

(2) by inserting before the semicolon at the end of subparagraph (A) the following "or the provisions of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 providing for payments from the Airport and Airway Trust Fund or the Interim Federal Aviation Administration Authorization Act or section 6002 of the 1999 Emergency Supplemental Appropriations Act or the Aviation Investment and Reform Act for the 21st Century".

(b) **LIMITATION ON EXPENDITURE AUTHORITY.**—Section 9502 of such Code is amended by adding at the end the following new subsection:

"(f) **LIMITATION ON TRANSFERS TO TRUST FUND.**—

"(1) **IN GENERAL.**—Except as provided in paragraph (2), no amount may be appropriated or credited to the Airport and Airway Trust Fund on and after the date of any expenditure from the Airport and Airway Trust Fund which is not permitted by this section. The determination

of whether an expenditure is so permitted shall be made without regard to—

“(A) any provision of law which is not contained or referenced in this title or in a revenue Act, and

“(B) whether such provision of law is a subsequently enacted provision or directly or indirectly seeks to waive the application of this subsection.

“(2) EXCEPTION FOR PRIOR OBLIGATIONS.—Paragraph (1) shall not apply to any expenditure to liquidate any contract entered into (or for any amount otherwise obligated) before October 1, 1999, in accordance with the provisions of this section.”.

The CHAIRMAN. No further amendments shall be in order except those printed in part B of that report. Each amendment may be offered only in the order specified, may be offered only by a Member designated in the report, shall be considered read, debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

It is now in order to consider amendment No. 1 printed in part B of House Report 106–185.

AMENDMENT NO. 1 OFFERED BY MR. SHUSTER

MR. SHUSTER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 1 offered by Mr. SHUSTER:

At the end of section 102 of the bill, insert the following:

(C) ALASKA NATIONAL AIR SPACE COMMUNICATIONS SYSTEM.—Section 48101 is further amended by adding at the end the following:

“(e) ALASKA NATIONAL AIR SPACE COMMUNICATIONS SYSTEM.—Of the amounts appropriated under subsection (a) for fiscal year 2001, \$7,200,000 may be used by the Administrator for the Alaska National Air Space Interfacility Communications System if the Administrator issues a report supporting the use of such funds for the System.”.

(d) AUTOMATED SURFACE OBSERVATION SYSTEM/AUTOMATED WEATHER OBSERVING SYSTEM UPGRADE.—Section 48101 is further amended by adding at the end the following:

“(f) AUTOMATED SURFACE OBSERVATION SYSTEM/AUTOMATED WEATHER OBSERVING SYSTEM UPGRADE.—Of the amounts appropriated under subsection (a) for fiscal years beginning after September 30, 2000, such sums as may be necessary for the implementation and use of upgrades to the current automated surface observation system/automated weather observing system, if the upgrade is successfully demonstrated.”.

In the matter to be added by section 103(a)(3) of the bill as paragraph (2) of section 106(k) of title 49, United States Code, strike “and” at the end of subparagraph (F)(ii) and strike the period at the end of subparagraph (G) and insert “; and” and the following:

“(H) such sums as may be necessary for the Secretary to hire additional inspectors in

order to enhance air cargo security programs.

At the end of section 103 of the bill, insert the following:

(d) OFFICE OF AIRLINE INFORMATION.—There is authorized to be appropriated from the Airport and Airway Trust Fund to the Secretary \$4,000,000 for fiscal years beginning after September 30, 2000, to fund the activities of the Office of Airline Information in the Bureau of Transportation Statistics of the Department of Transportation.

In section 104(h) of the bill, strike paragraph (1) and insert the following:

(1) in subparagraph (A)—

(A) by striking “31 percent” each place it appears and inserting “34 percent”;

(B) in the first sentence by striking “and for carrying out” and inserting “, for carrying out”; and

(C) by striking the period at the end of the first sentence and inserting the following: “, and for noise mitigation projects approved in the environmental record of decision for an airport development project under this chapter.”.

In section 122 of the bill, strike “and” the last place it appears.

In section 123(c)(1) of the bill, strike the period following “landing light systems” and insert “; and”.

In section 130(a)(1) of the bill, strike “12 for fiscal year 2000” and insert “15 for fiscal year 2000”.

In section 130(a) of the bill, in the matter to be added as section 47118(f) of title 49, United States Code, strike “at least 3 of the airports designated under subsection (a)” and insert “1 airport of the airports designated under subsection (a) for fiscal year 2000 and 3 airports for each fiscal year thereafter”.

In section 134 of the bill, in the matter proposed to be added as section 47137 of title 49, United States Code, redesignate subsections (d) through (g) as subsections (e) through (h), respectively, and insert after subsection (c) the following:

“(d) TECHNICAL ASSISTANCE.—

“(1) IN GENERAL.—The sponsor of a public-use airport carrying out inherently low-emission vehicle activities under the pilot program may use not to exceed 10 percent of the amounts made available for expenditure at the airport in a fiscal year under the pilot program to receive technical assistance in carrying out such activities.

“(2) ELIGIBLE CONSORTIUM.—To the maximum extent practicable, a sponsor shall use an eligible consortium (as defined in section 5506 of this title) in the region of the airport to receive technical assistance described in paragraph (1).

At the end of subtitle B of title I of the bill, add the following (and conform the table of contents of the bill accordingly):

SEC. 137. INTERMODAL CONNECTIONS.

(a) AIRPORT IMPROVEMENT POLICY.—Section 47101(a)(5) is amended to read as follows:

“(5) to encourage the development of intermodal connections between airports and other transportation modes and systems to promote economic development in a way that will serve States and local communities efficiently and effectively;”.

(b) AIRPORT DEVELOPMENT DEFINED.—Section 47102(3) is further amended by adding at the end the following:

“(1) constructing, reconstructing, or improving an airport, or purchasing capital equipment for an airport, for the purpose of transferring passengers, cargo, or baggage between the airport and ground transportation modes.”.

SEC. 138. STATE BLOCK GRANT PROGRAM.

Section 47128(a) is amended by striking “9 qualified” and inserting “10 qualified”.

SEC. 139. ENGINEERED MATERIALS ARRESTING SYSTEMS.

(a) ELIGIBILITY.—Section 47102(3)(B) (as amended by this Act) is amended by adding at the end the following:

“(ix) engineered materials arresting systems as described in the Advisory Circular No. 150/5220–22 published by the Federal Aviation Administration on August 21, 1998.”.

(b) RULEMAKING.—The Administrator shall initiate a rulemaking proceeding to consider revisions to part 139 of title 14, Code of Federal Regulations, to improve runway safety through the use of engineered materials arresting systems, longer runways, and such other techniques as the Administrator considers appropriate.

In section 153(a)(1) of the bill, strike “1999 through 2004” and insert “2000 through 2002”.

At the end of subtitle C of title I of the bill add the following (and conform the table of contents of the bill accordingly):

SEC. 157. AIRCRAFT NOISE PRIMARILY CAUSED BY MILITARY AIRCRAFT.

Section 47504(c) is amended by adding at the end the following:

“(6) AIRCRAFT NOISE PRIMARILY CAUSED BY MILITARY AIRCRAFT.—The Administrator may make a grant under this subsection for a project even if the purpose of the project is to mitigate the effect of noise primarily caused by military aircraft at an airport.”.

SEC. 158. TIMELY ANNOUNCEMENT OF GRANTS.

The Secretary of Transportation shall announce the making of grants with funds made available under section 48103 of title 49, United States Code, in a timely fashion after receiving necessary documentation for the making of such grants from the Administrator.

At the end of title III of the bill, add the following:

SEC. 308. FAILURE TO MEET RULEMAKING DEADLINE.

Section 106(f)(3)(A) is amended by adding at the end the following: “If the Administrator does not meet a deadline specified in this subparagraph, the Administrator shall transmit to Congress notification of the missed deadline, including an explanation for missing the deadline and a projected date on which the action that was subject to the deadline will be taken.”.

SEC. 309. FEDERAL PROCUREMENT INTEGRITY ACT.

Section 348(b)(2) of the Department of Transportation and Related Agencies Appropriations Act, 1996 (49 U.S.C. 40110 note; 109 Stat. 460) is amended by striking the period and inserting the following: “, other than section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423); except that subsections (f) and (g) of such section 27 shall not apply to the Federal Aviation Administration’s acquisition management system. Within 90 days following the date of enactment of the Aviation Investment and Reform Act for the 21st Century, the Administrator of the Federal Aviation Administration shall adopt definitions for the acquisition management system that are consistent with the purpose and intent of this section and that will allow the application of the criminal, civil and administrative remedies provided. The Administrator shall have the authority to take an adverse personnel action provided in subsection (e)(3)(A)(iv) of such section 27, but shall take any such actions in accordance with the procedures contained in the Federal Aviation Administration’s personnel management system.”.

In the matter to be added by section 507(a) of the bill to chapter 447 of title 49, United States Code, as section 44725(b)(4) of the bill, insert “every time the part is removed from service or” after “updated”.

In section 507(b)(3) of the bill, in the matter proposed to be added as section

46301(a)(3)(C) of title 49, United States Code, strike "or".

In section 508 of the bill, in the matter to be inserted as section 46316 of title 49, United States Code—

(1) insert "(a) CIVIL PENALTY.—" before "An individual"; and

(2) strike the closing quotation marks and the final period at the end of subsection (a) (as so designated) and insert the following:

"(b) BAN ON FLYING.—If the Secretary finds that an individual has interfered with the duties or responsibilities of the flight crew or cabin crew of a civil aircraft in a way that poses an imminent threat to the safety of the aircraft or individuals aboard the aircraft, the individual may be banned by the Secretary for a period of 1 year from flying on any aircraft operated by an air carrier.

"(c) REGULATIONS.—The Secretary shall issue regulations to carry out subsection (b), including establishing procedures for imposing bans on flying, implementing such bans, and providing notification to air carriers of the imposition of such bans."

At the end of title V of the bill, add the following (and conform the table of contents of the bill accordingly):

SEC. 511. LANDFILLS INTERFERING WITH AIR COMMERCE.

(a) FINDINGS.—Congress finds that—

(1) collisions between aircraft and birds have resulted in fatal accidents;

(2) bird strikes pose a special danger to smaller aircraft;

(3) landfills near airports pose a potential hazard to aircraft operating there because they attract birds;

(4) even if the landfill is not located in the approach path of the airport's runway, it still poses a hazard because of the birds' ability to fly away from the landfill and into the path of oncoming planes;

(5) while certain mileage limits have the potential to be arbitrary, keeping landfills at least 6 miles away from an airport, especially an airport served by small planes, is an appropriate minimum requirement for aviation safety; and

(6) closure of existing landfills (due to concerns about aviation safety) should be avoided because of the likely disruption to those who use and depend on such landfills.

(b) LIMITATION ON CONSTRUCTION.—Section 44718(d) is amended to read as follows:

"(d) LIMITATION ON CONSTRUCTION OF LANDFILLS.—

"(1) IN GENERAL.—No person shall construct or establish a landfill within 6 miles of an airport primarily served by general aviation aircraft or aircraft designed for 60 passengers or less unless the State aviation agency of the State in which the airport is located requests that the Administrator of the Federal Aviation Administration exempt the landfill from this prohibition and the Administrator, in response to such a request, determines that the landfill would not have an adverse impact on aviation safety.

"(2) LIMITATION ON APPLICABILITY.—Paragraph (1) shall not apply to construction or establishment of a landfill if a permit relating to construction or establishment of such landfill was issued on or before June 1, 1999."

(c) CIVIL PENALTY FOR VIOLATIONS OF LIMITATION ON CONSTRUCTION OF LANDFILLS.—Section 46301(a)(3) is further amended by adding at the end the following:

"(D) a violation of section 41718(d), relating to limitation on construction of landfills; or"

SEC. 512. AMENDMENT OF STATUTE PROHIBITING THE BRINGING OF HAZARDOUS SUBSTANCES ABOARD AN AIRCRAFT.

Section 46312 is amended—

(1) by striking "A person" and inserting "(a) GENERAL.—A person"; and

(2) by adding at the end the following:

"(b) KNOWLEDGE OF REGULATIONS.—For purposes of subsection (a), knowledge by the person of the existence of a regulation or requirement related to the transportation of hazardous material prescribed by the Secretary under this part is not an element of an offense under this section but shall be considered in mitigation of the penalty."

SEC. 513. AIRPORT SAFETY NEEDS.

The Administrator shall initiate a rulemaking proceeding to consider revisions of part 139 of title 14, Code of Federal Regulations, to meet current and future airport safety needs—

(1) focusing, but not limited to, on the mission of rescue personnel, rescue operations response time, and extinguishing equipment; and

(2) taking into account the need for different requirements for airports depending on their size.

SEC. 514. LIMITATION ON ENTRY INTO MAINTENANCE IMPLEMENTATION PROCEDURES.

The Administrator may not enter into any maintenance implementation procedure through a bilateral aviation safety agreement unless the Administrator determines that the participating nations are inspecting repair stations so as to ensure their compliance with the standards of the Federal Aviation Administration.

SEC. 515. OCCUPATIONAL INJURIES OF AIRPORT WORKERS.

(a) STUDY.—The Administrator shall conduct a study to determine the number of persons working at airports who are injured or killed as a result of being struck by a moving vehicle while on an airport tarmac, the seriousness of the injuries to such persons, and whether or not reflective safety vests or other actions should be required to enhance the safety of such workers.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study conducted under this section.

SEC. 516. AIRPORT DISPATCHERS.

(a) STUDY.—The Administrator shall conduct a study of the role of airport dispatchers in enhancing aviation safety. The study shall include an assessment of whether or not aircraft dispatchers should be required for those operations not presently requiring aircraft dispatcher assistance, operational control issues related to the aircraft dispatching function, and whether or not designation of positions within the Federal Aviation Administration for oversight of dispatchers would enhance aviation safety.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study conducted under this section.

SEC. 517. IMPROVED TRAINING FOR AIRFRAME AND POWERPLANT MECHANICS.

The Administrator shall form a partnership with industry to develop a model program to improve the curriculum, teaching methods, and quality of instructors for training individuals that need certification as airframe and powerplant mechanics.

In section 702(a) of the bill, in the proposed section 40102(a)(38) of title 49, United States Code, strike the closing quotation marks and the final period and insert the following:

"(E) owned by the armed forces or chartered to provide transportation to the armed forces under the conditions specified by section 40125(d)."

In section 702(b) of the bill, in the matter to be added as section 40125(a) of title 49, United States Code—

(1) in paragraph (1) after "does not include the operation of an aircraft" insert "by the

armed forces for reimbursement when that reimbursement is required by Federal law or"; and

(2) in paragraph (2)—

(A) after "such as" insert "national defense, intelligence missions,"; and

(B) after "law enforcement" insert "(including transport of prisoners, detainees, and illegal aliens)".

In section 702(b) of the bill, at the end of the matter to be added as section 40125(a) of title 49, United States Code, add the following:

"(4) ARMED FORCES.—The term 'armed forces' has the meaning given such term by section 101 of title 10.

In section 702(b) of the bill, in the matter to be added as section 40125(c), strike the closing quotation marks and the final period and insert the following:

"(d) AIRCRAFT OWNED OR OPERATED BY THE ARMED FORCES.—An aircraft described in section 40102(38)(E) qualifies as a public aircraft if—

"(1) the aircraft is operated in accordance with title 10; or

"(2) the aircraft is chartered to provide transportation to the armed forces and the Secretary of Defense (or the Secretary of the department in which the Coast Guard is operating) designates the operation of the aircraft as being required in the national interest."

At the end of section 702 of the bill, add the following:

(c) SAFETY OF PUBLIC AIRCRAFT.—

(1) STUDY.—The National Transportation Safety Board shall conduct a study to compare the safety of public aircraft and civil aircraft. In conducting the study, the Board shall review safety statistics on aircraft operations since 1993.

(2) REPORT.—Not later than 6 months after the date of enactment of this Act, the National Transportation Safety Board shall transmit to Congress a report containing the results of the study conducted under paragraph (1).

Strike section 706(c) of the bill and insert the following:

(c) DISCRIMINATION AGAINST HANDICAPPED INDIVIDUALS BY FOREIGN AIR CARRIERS.—Section 41705 is amended—

(1) by inserting "(a) GENERAL PROHIBITION.—" before "In providing"; and

(2) by adding at the end the following:

"(b) PROHIBITION APPLICABLE TO FOREIGN AIR CARRIERS.—Subject to section 40105(b), the prohibition on discrimination against an otherwise qualified individual set forth in subsection (a) shall apply to a foreign air carrier in providing foreign air transportation."

In section 706(d) of the bill, in the matter to be added as section 46301(a)(3)(D) of title 49, United States Code, strike "(D)" and insert "(E)".

In section 711 of the bill, in the matter to be inserted as subsection (c)(1), strike "date of birth".

At the end of title VII of the bill, add the following (and conform the table of contents of the bill accordingly):

SEC. 732. CINCINNATI-MUNICIPAL BLUE ASH AIRPORT.

(a) APPROVAL OF SALE.—To maintain the efficient utilization of airports in the high-growth Cincinnati local airport system, and to ensure that the Cincinnati-Municipal Blue Ash Airport continues to operate to relieve congestion at Cincinnati-Northern Kentucky International Airport and to provide greater access to the general aviation community beyond the expiration of the city of Cincinnati's grant obligations, the Secretary of Transportation may approve the sale of Cincinnati-Municipal Blue Ash Airport from the city of Cincinnati to the city of Blue Ash

upon a finding that the city of Blue Ash meets all applicable requirements for sponsorship and if the city of Blue Ash agrees to continue to maintain and operate Blue Ash Airport, as generally contemplated and described within the Blue Ash Master Plan Update dated November 30, 1998, for a period of 20 years from the date existing grant assurance obligations of the city of Cincinnati expire.

(b) **TREATMENT OF PROCEEDS FROM SALE.**—The proceeds from the sale approved under subsection (a) shall not be considered to be airport revenue for purposes of section 47107 and 47133 of title 49, United States Code, grant obligations of the city of Cincinnati, or regulations and policies of the Federal Aviation Administration.

SEC. 733. AIRCRAFT AND AIRCRAFT PARTS FOR USE IN RESPONDING TO OIL SPILLS.

(a) **AUTHORITY TO SELL.**—

(1) **IN GENERAL.**—Notwithstanding section 202 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483) and subject to subsections (b) and (c), the Secretary of Defense may, during the period beginning June 15, 1999, and ending September 30, 2002, sell aircraft and aircraft parts referred to in paragraph (2) to a person or governmental entity that contracts to deliver oil dispersants by air in order to disperse oil spills, and that has been approved by the Secretary of the Department in which the Coast Guard is operating for the delivery of oil dispersants by air in order to disperse oil spills.

(2) **COVERED AIRCRAFT AND AIRCRAFT PARTS.**—The aircraft and aircraft parts that may be sold under paragraph (1) are aircraft and aircraft parts of the Department of Defense that are determined by the Secretary of Defense to be—

- (A) excess to the needs of the Department;
- (B) acceptable for commercial sale; and
- (C) with respect to aircraft, 10 years old or older.

(b) **CONDITIONS OF SALE.**—Aircraft and aircraft parts sold under subsection (a)—

(1) may be used only for oil spill spotting, observation, and dispersant delivery; and

(2) may not be flown outside of or removed from the United States, except for the purpose of fulfilling an international agreement to assist in oil spill dispersing efforts or for other purposes that are jointly approved by the Secretary of Defense and the Secretary of Transportation.

(c) **CERTIFICATION OF PERSONS AND ENTITIES.**—The Secretary of Defense may sell aircraft and aircraft parts to a person or governmental entity under subsection (a) only if the Secretary of Transportation certifies to the Secretary of Defense, in writing, before the sale, that the person or governmental entity is capable of meeting the terms and conditions of a contract to deliver oil spill dispersants by air.

(d) **REGULATIONS.**—

(1) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary of Defense, in consultation with the Secretary of Transportation and the Administrator of General Services, shall issue regulations relating to the sale of aircraft and aircraft parts under this section.

(2) **CONTENTS.**—The regulations shall—

(A) ensure that the sale of the aircraft and aircraft parts is made at a fair market value as determined by the Secretary of Defense, and, to the extent practicable, on a competitive basis;

(B) require a certification by the purchaser that the aircraft and aircraft parts will be used in accordance with the conditions set forth in subsection (b);

(C) establish appropriate means of verifying and enforcing the use of the aircraft and aircraft parts by the purchaser and

other users in accordance with the conditions set forth in subsection (b) or pursuant to subsection (e); and

(D) ensure, to the maximum extent practicable, that the Secretary of Defense consults with the Administrator of General Services and with the heads of other appropriate departments and agencies of the Federal Government regarding alternative uses for such aircraft and aircraft parts before the sale of such aircraft and aircraft parts under this section.

(e) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary of Defense may require such other terms and conditions in connection with each sale of aircraft and aircraft parts under this section as the Secretary of Defense considers appropriate for such sale. Such terms and conditions shall meet the requirements of regulations issued under subsection (d).

(f) **REPORT.**—Not later than March 31, 2002, the Secretary of Defense shall submit to the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Armed Services and the Committee on Transportation and Infrastructure of the House of Representatives a report on the Secretary of Defense's exercise of authority under this section. The report shall set forth—

(1) the number and types of aircraft sold under this section, and the terms and conditions under which the aircraft were sold;

(2) the persons or entities to which the aircraft were sold; and

(3) an accounting of the current use of the aircraft sold.

(g) **CONSTRUCTION.**—Nothing in this section may be construed as affecting the authority of the Administrator of the Federal Aviation Administration under any other provision of law.

(h) **PROCEEDS FROM SALE.**—The net proceeds of any amounts received by the Secretary of Defense from the sale of aircraft and aircraft parts under this section shall be deposited into the general fund of the Treasury as miscellaneous receipts.

SEC. 734. DISCRIMINATORY PRACTICES BY COMPUTER RESERVATIONS SYSTEMS OUTSIDE THE UNITED STATES.

(a) **ACTIONS AGAINST DISCRIMINATORY ACTIVITY BY FOREIGN CRS SYSTEMS.**—Section 4130 is amended by adding at the end the following:

“(g) **ACTIONS AGAINST DISCRIMINATORY ACTIVITY BY FOREIGN CRS SYSTEMS.**—The Secretary of Transportation may take such actions as the Secretary considers are in the public interest to eliminate an activity of a foreign air carrier that owns or markets a computer reservations system, or of a computer reservations system firm whose principal offices are located outside the United States, when the Secretary, on the initiative of the Secretary or on complaint, decides that the activity, with respect to airline service—

“(1) is an unjustifiable or unreasonable discriminatory, predatory, or anticompetitive practice against a computer reservations system firm whose principal offices are located inside the United States; or

“(2) imposes an unjustifiable or unreasonable restriction on access of such a computer reservations system to a foreign market.”.

(b) **COMPLAINTS BY CRS FIRMS.**—Section 4130 is amended—

(1) in subsection (d)(1)—

(A) by striking “air carrier” in the first sentence and inserting “air carrier, computer reservations system firm.”;

(B) by striking “subsection (c)” and inserting “subsection (c) or (g)”;

(C) by striking “air carrier” in subparagraph (B) and inserting “air carrier or computer reservations system firm”;

(2) in subsection (e)(1) by inserting “or a computer reservations system firm is subject when providing services with respect to airline service” before the period at the end of the first sentence.

SEC. 735. ALKALI SILICA REACTIVITY DISTRESS.

(a) **IN GENERAL.**—The Administrator may make a grant to, or enter into a cooperative agreement with, a nonprofit organization for the conduct of a study on the impact of alkali silica reactivity distress on airport runways and taxiways and the use of lithium salts and other alternatives for mitigation and prevention of such distress.

(b) **REPORT.**—Not later than 18 months after making a grant, or entering into a cooperative agreement, under subsection (a) the Administrator shall transmit a report to Congress on the results of the study.

SEC. 736. PROCUREMENT OF PRIVATE ENTERPRISE MAPPING, CHARTING, AND GEOGRAPHIC INFORMATION SYSTEMS.

The Administrator shall consider procuring mapping, charting, and geographic information systems necessary to carry out the duties of the Administrator under title 49, United States Code, from private enterprises, if the Administrator determines that such procurement furthers the mission of the Federal Aviation Administration and is cost effective.

SEC. 737. LAND USE COMPLIANCE REPORT.

Section 47131 is amended—

(1) by striking “and” at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting “; and”; and

(3) by adding at the end the following:

“(5) a detailed statement listing airports that are not in compliance with grant assurances or other requirements with respect to airport lands and including the circumstances of such noncompliance, the timelines for corrective action, and the corrective action the Secretary intends to take to bring the airport sponsor into compliance.”.

SEC. 738. NATIONAL TRANSPORTATION DATA CENTER OF EXCELLENCE.

Of the amounts made available pursuant to section 5117(b)(6)(B) of the Transportation Equity Act for the 21st Century (23 U.S.C. 502 note; 112 Stat. 450), not to exceed \$1,000,000 for each of fiscal years 2000 and 2001 may be made available by the Secretary of Transportation to establish, at an Army depot that has been closed or realigned, a national transportation data center of excellence that will—

(1) serve as a satellite facility for the central data repository that is hosted by the computer center of the Transportation Administrative Service; and

(2) analyze transportation data collected by the Federal Government, States, cities, and the transportation industry.

SEC. 739. MONROE REGIONAL AIRPORT LAND CONVEYANCE.

The Secretary of Transportation shall waive all terms contained in the 1949 deed of conveyance under which the United States conveyed certain property then constituting Selman Field, Louisiana, to the city of Monroe, Louisiana, subject to the following conditions:

(1) The city agrees that in conveying any interest in such property the city will receive an amount for such interest that is equal to the fair market value for such interest.

(2) The amount received by the city for such conveyance shall be used by the city—

(A) for the development, improvement, operation, or maintenance of a public airport; or

(B) for the development or improvement of the city's airport industrial park co-located

with the Monroe Regional Airport to the extent that such development or improvement will result in an increase, over time, in the amount the industrial park will pay to the airport to an amount that is greater than the amount the city received for such conveyance.

SEC. 740. AUTOMATED WEATHER FORECASTING SYSTEMS.

(a) **CONTRACT FOR STUDY.**—The Administrator shall contract with the National Academy of Sciences to conduct a study of the effectiveness of the automated weather forecasting systems of covered flight service stations solely with regard to providing safe and reliable airport operations.

(b) **COVERED FLIGHT SERVICE STATIONS.**—In this section, the term “covered flight service station” means a flight service station where automated weather observation constitutes the entire observation and no additional weather information is added by a human weather observer.

(c) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Administrator shall transmit to the Congress a report on the results of the study.

SEC. 741. NOISE STUDY OF SKY HARBOR AIRPORT, PHOENIX, ARIZONA.

(a) **IN GENERAL.**—The Administrator of the Federal Aviation Administration shall conduct a study on recent changes to the flight patterns of aircraft using Sky Harbor Airport in Phoenix, Arizona, and the effects of such changes on the noise contours in the Phoenix, Arizona, region.

(b) **REPORT.**—

(1) **IN GENERAL.**—Not later than 90 days after the enactment of this section, the Administrator shall submit a report to Congress containing the results of the study conducted under subsection (a) and recommendations for measures to mitigate aircraft noise over populated areas in the Phoenix, Arizona, region.

(2) **AVAILABILITY TO THE PUBLIC.**—The Administrator shall make the report described in paragraph (1) available to the public.

SEC. 742. NONMILITARY HELICOPTER NOISE.

(a) **IN GENERAL.**—The Secretary of Transportation shall conduct a study—

(1) on the effects of nonmilitary helicopter noise on individuals; and

(2) to develop recommendations for the reduction of the effects of nonmilitary helicopter noise.

(b) **CONSIDERATION OF VIEWS.**—In conducting the study under this section, the Secretary shall consider the views of representatives of the helicopter industry and representatives of organizations with an interest in reducing nonmilitary helicopter noise.

(c) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study under this section.

At the end of section 40126(e) to be added to chapter 401 of title 49, United States Code, by section 803(a) of the bill, insert the following:

“(3) **LAKE MEAD.**—This section shall not apply to any air tour operator while flying over or near the Lake Mead National Recreation Area solely, as a transportation route, to conduct an air tour over the Grand Canyon National Park.

In title VIII of the bill, redesignate section 806 and 807 as sections 807 and 808, respectively, and insert after section 805 the following:

SEC. 806. METHODOLOGIES USED TO ASSESS AIR TOUR NOISE.

Any methodology adopted by a Federal agency to assess air tour noise in any unit of the national park system (including the Grand Canyon and Alaska) shall be based on reasonable scientific methods.

Strike section 202 of the bill and insert the following:

SEC. 202. FUNDING FOR AIR CARRIER SERVICE TO AIRPORTS NOT RECEIVING SUFFICIENT SERVICE.

(a) **FUNDING FOR AIRPORTS NOT RECEIVING SUFFICIENT SERVICE.**—Chapter 417 is amended by adding at the end the following:

“§41743. Airports not receiving sufficient service

“(a) **TYPES OF ASSISTANCE.**—The Secretary of Transportation may use amounts made available under this section—

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

“(2) to provide assistance to an underserved airport to obtain jet aircraft service (and to promote passenger use of that service) to and from the underserved airport; and

“(3) to provide assistance to an underserved airport to implement such other measures as the Secretary, in consultation with such airport, considers appropriate to improve air service both in terms of the cost of such service to consumers and the availability of such service, including improving air service through marketing and promotion of air service and enhanced utilization of airport facilities.

“(b) **PRIORITY CRITERIA FOR ASSISTING AIRPORTS NOT RECEIVING SUFFICIENT SERVICE.**—In providing assistance to airports under subsection (a), the Secretary shall give priority to those airports for which a community will provide, from local sources (other than airport revenues), a portion of the cost of the activity to be assisted.

“(c) **DEFINITIONS.**—In this section, the following definitions apply:

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

“(A) the Secretary determines is not receiving sufficient air carrier service; or

“(B) has unreasonably high airfares.

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

“(d) **AUTHORITY TO MAKE AGREEMENTS AND INCUR OBLIGATIONS.**—

“(1) **IN GENERAL.**—The Secretary may make agreements and incur obligations from the Airport and Airway Trust Fund to provide assistance under this section. An agreement by the Secretary under this subsection is a contractual obligation of the Government to pay the Government's share of the compensation. Contract authority made available by this paragraph shall be subject to an obligation limitation.

“(2) **AMOUNTS MADE AVAILABLE.**—There shall be available to the Secretary out of the Fund not more than \$25,000,000 for each of fiscal years 2000 through 2004 to incur obligations under this section. Amounts made available under this section shall remain available until expended.”.

(c) **CONFORMING AMENDMENT.**—The analysis for chapter 417 is amended by adding at the end the following:

“41743. Airports not receiving sufficient service.”.

In section 211(a) of the bill, in the second sentence of the matter proposed to be added as section 41763(b)(1)(E), insert “, subject to appropriations,” after “the Secretary”.

In section 211(a) of the bill, in the second sentence of the matter proposed to be added as section 41763(c)(3), insert “, subject to appropriations,” after “the Secretary”.

In section 211(a) of the bill, in the second sentence of the matter proposed to be added as section 41763(d)(2)(G), insert “, subject to appropriations,” after “the Secretary”.

Redesignate section 904 of the bill as section 905 and insert after section 903 of the bill the following (and conform the table of contents of the bill accordingly):

SEC. 904. ADJUSTMENTS TO DISCRETIONARY SPENDING LIMITS.

When the President submits the budget under section 1105(a) of title 31, United States Code, for fiscal year 2001, the Director of the Office of Management and Budget shall, pursuant to section 251(b)(1)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, calculate and the budget shall include appropriate reductions to the discretionary spending limits for each of fiscal years 2001 and 2002 set forth in section 251(c)(5)(A) and section 251(c)(6)(A) of that Act (as adjusted under section 251 of that Act) to reflect the discretionary baseline trust fund spending (without any adjustment for inflation) for the Federal Aviation Administration that is subject to section 902 of this Act for each of those two fiscal years.

Strike section 201 of the bill and insert the following:

SEC. 201. ACCESS TO HIGH DENSITY AIRPORTS.

(a) **PHASEOUT OF SLOT RULE FOR O'HARE, LAGUARDIA, AND KENNEDY AIRPORTS.**—Section 41714 is amended by adding at the end the following:

“(j) **PHASEOUT OF SLOT RULE FOR O'HARE, LAGUARDIA, AND KENNEDY AIRPORTS.**—

“(1) **O'HARE AIRPORT.**—The slot rule shall be of no force and effect at O'Hare International Airport—

“(A) effective March 1, 2000—

“(i) with respect to a regional jet aircraft providing air transportation between O'Hare International Airport and a small hub or nonhub airport—

“(I) if the operator of the regional jet aircraft was not providing such air transportation during the week of June 15, 1999; or

“(II) if the level of air transportation to be provided between such airports by the operator of the regional jet aircraft during any week will exceed the level of air transportation provided by such operator between such airports during the week of June 15, 1999; and

“(ii) with respect to any aircraft providing foreign air transportation;

“(B) effective March 1, 2001, with respect to any aircraft operating before 2:45 post meridiem and after 8:15 post meridiem; and

“(C) effective March 1, 2002, with respect to any aircraft.

“(2) **LAGUARDIA AND KENNEDY.**—The slot rule shall be of no force and effect at LaGuardia Airport or John F. Kennedy International Airport—

“(A) effective March 1, 2000, with respect to a regional jet aircraft providing air transportation between LaGuardia Airport or John F. Kennedy International Airport and a small hub or nonhub airport—

“(I) if the operator of the regional jet aircraft was not providing such air transportation during the week of June 15, 1999; or

“(II) if the level of air transportation to be provided between such airports by the operator of the regional jet aircraft during any week will exceed the level of air transportation provided by such operator between such airports during the week of June 15, 1999; and

“(B) effective January 1, 2007, with respect to any aircraft.”.

(b) **ADDITIONAL EXEMPTIONS FROM SLOT RULE.**—Section 41714 is amended by striking

subsections (e) and (f) and inserting the following:

“(e) ADDITIONAL EXEMPTIONS FROM SLOT RULE.—

“(1) SLOT EXEMPTIONS FOR AIRPORTS NOT RECEIVING SUFFICIENT SERVICE.—

“(A) IN GENERAL.—Notwithstanding chapter 491, the Secretary may by order grant exemptions from the slot rule for Ronald Reagan Washington National Airport and O'Hare International Airport to enable air carriers to provide nonstop air transportation using jet aircraft that comply with the stage 3 noise levels of part 36 of title 14, Code of Federal Regulations, between the airport and a small hub or nonhub airport that the Secretary determines has (i) insufficient air carrier service to and from Reagan National Airport or O'Hare International Airport, as the case may be, or (ii) unreasonably high airfares.

“(B) NUMBER OF SLOT EXEMPTIONS TO BE GRANTED.—

“(i) REAGAN NATIONAL.—

“(1) MAXIMUM NUMBER OF EXEMPTIONS.—No more than 2 exemptions from the slot rule per hour and no more than 6 exemptions from the slot rule per day may be granted under this paragraph for Ronald Reagan Washington National Airport.

“(II) MAXIMUM DISTANCE OF FLIGHTS.—An exemption from the slot rule may be granted under this paragraph for Ronald Reagan Washington National Airport only if the flight utilizing the exemption begins or ends within 1,250 miles of such airport and a stage 3 aircraft is used for such flight.

“(ii) O'HARE AIRPORT.—20 exemptions from the slot rule per day shall be granted under this paragraph for O'Hare International Airport.

“(2) SLOT EXEMPTIONS AT O'HARE FOR NEW ENTRANT AIR CARRIERS.—

“(A) IN GENERAL.—The Secretary shall grant 30 exemptions from the slot rule to enable new entrant air carriers to provide air transportation at O'Hare International Airport using stage 3 aircraft.

“(B) PRIORITY CONSIDERATION.—In granting exemptions under this paragraph, the Secretary shall give priority consideration to an application from an air carrier that, as of June 15, 1999, operated or held fewer than 20 slots at O'Hare International Airport.

“(3) INSUFFICIENT APPLICATIONS.—If, on the 180th day following the date of enactment of the Aviation Investment and Reform Act for the 21st Century, the Secretary has not granted all of the exemptions from the slot rule made available under this subsection at an airport because an insufficient number of eligible applicants have submitted applications for the exemptions, the Secretary may grant the remaining exemptions at the airport to any air carrier applying for the exemptions for the provision of any type of air transportation. An exemption granted under paragraph (1) or (2) pursuant to this paragraph may be reclaimed by the Secretary for issuance in accordance with the terms of paragraph (1) or (2), as the case may be, if subsequent applications under paragraph (1) or (2), as the case maybe, so warrant.

“(f) REQUIREMENTS RELATING TO ADDITIONAL SLOT EXEMPTIONS.—

“(1) APPLICATIONS.—An air carrier interested in obtaining an exemption from the slot rule under subsection (e) shall submit to the Secretary an application for the exemption. No application may be submitted to the Secretary under subsection (e) before the last day of the 30-day period beginning on the date of enactment of the Aviation Investment and Reform Act for the 21st Century.

“(2) PERIOD OF EFFECTIVENESS.—An exemption from the slot rule granted under subsection (e) shall remain in effect only while

the air carrier for whom the exemption is granted continues to provide the air transportation for which the exemption is granted.

“(3) TREATMENT OF CERTAIN COMMUTER AIR CARRIERS.—The Secretary shall treat all commuter air carriers that have cooperative agreements, including code share agreements with other air carriers, equally for determining eligibility for exemptions from the slot rule under subsection (e) regardless of the form of the corporate relationship between the commuter air carrier and the other air carrier.”.

(c) DEFINITIONS.—

(1) IN GENERAL.—Section 41714(h) is amended by adding at the end the following:

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

“(6) REGIONAL JET AIRCRAFT.—The term ‘regional jet aircraft’ means a 2-engine jet aircraft with a design capacity of 70 or fewer seats, manufactured after January 1, 1992, that has an effective perceived noise level on takeoff not exceeding 83 decibels when measured according to the procedures described in part 36 of title 14, Code of Federal Regulations.

“(7) SLOT RULE.—The term ‘slot rule’ means the requirements of subparts K and S of part 93 of title 14, Code of Federal Regulations.

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

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

(2) REGULATORY DEFINITION OF LIMITED INCUMBENT CARRIER.—The Secretary shall modify the definition of the term “limited incumbent carrier” in subpart S of part 93 of title 14, Code of Federal Regulations, to require an air carrier or commuter operator to hold or operate fewer than 20 slots (instead of 12 slots) to meet the criteria of the definition. For purposes of this section, such modification shall be treated as in effect on the date of enactment of this Act.

(d) PROHIBITION ON SLOT WITHDRAWALS.—Section 41714(b) is amended—

(1) in paragraph (2)—

(A) by inserting “at O'Hare International Airport” after “a slot”; and

(B) by striking “if the withdrawal” and all that follows before the period; and

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

“(4) CONVERSION OF SLOTS.—Effective March 1, 2000, slots at O'Hare International Airport allocated to an air carrier as of June 15, 1999, to provide foreign air transportation shall be made available to such carrier to provide interstate or intrastate air transportation.”.

(e) CONFORMING AMENDMENTS.—Section 41714(c) is amended—

(1) by striking “SLOTS FOR NEW ENTRANTS.—” and all that follows through “If the” and inserting “SLOTS FOR NEW ENTRANTS.—If the”; and

(2) by striking paragraph (2).

(f) AMENDMENTS REFLECTING PHASEOUT OF SLOT RULE FOR CERTAIN AIRPORTS.—Effective January 1, 2007, section 41714 is amended—

(1) by striking subsections (a), (b), (c), (e), (f), (g), (h), and (i);

(2) by redesignating subsections (d) and (j) as subsections (a) and (b), respectively;

(3) in the heading for subsection (a) (as so redesignated) by striking “SPECIAL RULES FOR”; and

(4) by adding at the end the following:

“(c) DEFINITIONS.—

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

“(2) REGIONAL JET AIRCRAFT.—The term ‘regional jet aircraft’ means a 2-engine jet aircraft with a design capacity of 70 or fewer seats, manufactured after January 1, 1992, that has an effective perceived noise level on takeoff not exceeding 83 decibels when measured according to the procedures described in part 36 of title 14, Code of Federal Regulations.

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

“(4) SLOT RULE.—The term ‘slot rule’ means the requirements of subparts K and S of part 93 of title 14, Code of Federal Regulations (pertaining to slots at high density airports).

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

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

The CHAIRMAN. Pursuant to House Resolution 206, the gentleman from Pennsylvania (Mr. SHUSTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Chairman, I ask unanimous consent to yield half of my time for the purpose of control to the distinguished gentleman from Minnesota (Mr. OBERSTAR), the ranking member.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

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

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

Mr. SHUSTER. Mr. Chairman, this is a bipartisan amendment largely, with various technical corrections and non-controversial. The most significant change is the abolition of the slot rules have been delayed to accommodate concerns of Members whose districts would be impacted by aircraft noise.

In New York, for example, the slot restrictions will be lifted in 2007. In the meantime, airlines may use regional jets without any slot limitations as long as they are flying to small hubs or nonhubs.

At Chicago, the slot restrictions will be lifted in 2002. In the meantime, exceptions from the slot rules are provided for regional jets, service to underserved communities, international service, and flights in the morning.

There are a variety of other changes, and I will summarize the most significant ones. It authorizes the FAA to hire additional inspectors for air cargo security. It authorizes funding out of the Trust Fund to pay for the aviation activities of the Department's Bureau of Transportation Statistics. This is very important: It broadens the eligibility for noise mitigation projects. We recognize the importance of noise mitigation, and we broaden that eligibility.

It increases the number of military airports eligible to receive grants under the Military Airport Program from 12 to 15. It makes the construction of intermodal connections eligible for grants under the Airport Improvement Program, another very important change.

It increases the number of States eligible to participate in the State block grant program.

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

The CHAIRMAN. The Chair would like to clarify that, without objection, the gentleman from Minnesota (Mr. OBERSTAR) may control the time otherwise reserved for opposition, which would amount to 5 minutes.

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Chairman, I yield myself 1¼ minutes.

The manager's amendment deserves our full support. It clarifies various items and addresses issues in fuller fashion on aviation safety, security, capacity and competition than the basic bill did, and adds a few items that I think are of significant importance.

We must ensure that firefighting/rescue efforts are sufficient at Nation's airports. The manager's amendment requires FAA to review its regulations to ensure that they are adequate, for airports to have the appropriate firefighting equipment depending on the size of the airport.

In addition, we call upon the administrator to form a partnership with industry to improve the curriculum, the teaching methods and quality of persons charged with training our Nation's aviation mechanics.

We are facing a huge shortfall of qualified airframe and power plant mechanics in the near future to address the maintenance of our Nation's aircraft fleet.

The role of aircraft dispatchers should not be minimized. The FAA is directed here to review the role of dispatchers in enhancing aviation safety and determine whether those operations not using airline dispatchers now should be required to do so in the future.

We also address the issue of competition with our amendments to changes

in the high density rule. These and other important provisions make the manager's amendment necessary and an improvement to the bill and deserve our support.

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

Mr. SHUSTER. Mr. Chairman, I am very pleased to yield 2 minutes to the distinguished gentleman from Tennessee (Mr. DUNCAN), chairman of the Subcommittee on Aviation.

Mr. DUNCAN. Mr. Chairman, I just want to briefly touch on some things that the manager's amendment does.

We have attempted to clarify that if the Aviation Trust Fund is moved off budget, it is removed from the discretionary budget caps.

We have had added a provision clarifying language for the use of noise standards in the national parks overflights bill. This has been a very contentious issue, and I am glad we have been able to reach a compromise on this.

We have adjusted the slot restriction provisions to allow for regional jet exemptions early with a total phase-out for 2002 for Chicago and 2007 in New York. This will ensure that smaller airlines will have the opportunity to compete with larger airlines and open up flights to many underserved areas.

We have included the provision for the gentleman from Arkansas (Mr. HUTCHINSON) that would allow AIP funds to be spent for noise mitigation if more than 50 percent of the noise is caused by military aircraft. Currently the FAA does not allow AIP funds to be spent for noise mitigation if more than 50 percent of the noise is caused by military aircraft.

In addition, we have required that FAA notify Congress if it fails to meet its rulemaking deadlines. This is good public policy and will allow us to monitor the Agency's adherence to its stated goals.

We have also added the provision allowing for the banning of a passenger from flying if the Secretary determines that a ban is in order. Unruly passengers have become a significant issue on flights, and this provision gives the Transportation Department the ability to deal effectively with the issue.

We have increased the State Block Grant Program from 9 to 10 States on a request from the Utah delegation.

We have required that the National Academy of Sciences undertake a study on AWOS and the reliability of it when no human oversight is used. This is at the request of Mr. THOMPSON.

We have also requested that the FAA implement a mechanic training program at the request of the gentleman from Minnesota (Mr. OBERSTAR). This will ensure proper training for aircraft mechanics.

Finally, we have added a provision to direct the FAA to consider revisions to its regulations regarding airport fire and safety needs. This will ensure that airport safety needs are evaluated and updated if necessary.

In short, this amendment makes changes to the bill to try and meet some of the concerns people have voiced, and it grants many requests from Members.

Mr. Chairman, I urge support for this manager's amendment.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Illinois (Mr. LIPINSKI).

Mr. LIPINSKI. Mr. Chairman, I simply want to say that I support the manager's amendment totally and completely. I am very delighted that the Speaker of the House, my very good friend, the gentleman from Illinois (Speaker HASTER), is going to support this bill. Of course, also my very good friend, the gentleman from Missouri (Mr. GEPHARDT), the Democratic leader of the House is going to support this bill.

I also want to make mention of the fact that I think that the staff have done an outstanding job on both sides of the aisle in regards to this bill. There has been a lot of changes, a lot of improvements. A tremendous amount of work has been done by Jack Schenendorf, Dave Schaffer, Paul Feldman, and all of the members of the Subcommittee on Aviation and all of the members of the Committee on Transportation and Infrastructure. I salute them all, and I thank them all.

Once again, I say I strongly support this manager's amendment.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Chairman, I rise in support of the manager's amendment and in strong support of H.R. 1000, the Aviation Investment and Reform Act for the 21st Century.

I want to thank the gentleman from Pennsylvania (Chairman SHUSTER), the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from Illinois (Mr. LIPINSKI), and the gentleman from Tennessee (Mr. DUNCAN) for their work on this outstanding bill.

The Aviation Investment and Reform Act for the 21st Century is a comprehensive reauthorization of the Federal Aviation Administration and the Airport Improvement Program. It seeks to address many of the problems plaguing our aviation system by making our airports and skies safer, by injecting competition into the airline industry, and by ensuring that the investment taxpayers have made in the Aviation Trust Fund is returned in the form of affordable, safe air travel.

Mr. Chairman, our Nation's aviation system, while once the envy of the world, is now beginning to show age. While we are seeing a dramatic increase in the number of air travelers taking to the skies, airport infrastructure and air traffic control modernization programs are currently being drastically underfunded.

But once again, Mr. Chairman, I again want to thank the gentleman from Pennsylvania (Chairman SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) and others for

their leadership and their accommodation to the New York delegation in the manager's amendment.

The CHAIRMAN. The gentleman from Minnesota (Mr. OBERSTAR) has 1½ minutes remaining.

□ 1445

Mr. OBERSTAR. Mr. Chairman, I yield myself such time as I may consume to express my appreciation to the gentleman from New York for the statement just made and for the strong support of the New York City delegation for this legislation. I believe we have accommodated their concerns in this legislation and appreciate their strong support for it.

Mr. Chairman, I yield back the balance of my time.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. SHUSTER).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in part B of House Report 106-185.

AMENDMENT NO. 2 OFFERED BY MR. YOUNG OF FLORIDA

Mr. YOUNG of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. Young of Florida:

In section 103 of the bill, strike subsection (b) and redesignate subsequent subsections accordingly.

Strike titles IX and X of the bill and conform the table of contents of the bill accordingly.

The CHAIRMAN. Pursuant to House Resolution 206, the gentleman from Florida (Mr. YOUNG) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Chairman, I ask unanimous consent to yield 15 minutes of my time for purposes of control to the distinguished gentleman from Wisconsin (Mr. OBEY).

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. YOUNG of Florida. Mr. Chairman, I yield myself such time as I may consume.

On the amendment itself, Mr. Chairman, I would like to say it is supportive of the bill. We do support the bill, but we do not support section 103(b) of the bill, and the reason is very simple. We spent nearly 2 weeks here in this House trying to find ways to save \$10 million here and \$100 million there. And after 2 weeks, in order to stay within the budget cap set in 1997, we finally saved \$150 million, in round figures. We have about \$16 billion more to go to get to where we have to be to appropriate within the budget cap.

Now, what this amendment that I offer for myself and the gentleman from Ohio (Mr. KASICH) would do is to try to help us stay within that budget cap, because otherwise we are going to bust the budget. We are going to make it \$3 billion a year more difficult to stay within that 1997 budget cap if we allow this bill to go with section 103(b) still in the bill. There is a penalty clause in the language relative to the aviation bill that if they would eliminate that they could solve this problem that the committee is trying to solve today with section 103(b) of the bill.

We have got to maintain fiscal discipline in this House. What we are going to see happen is, and we have all heard the talk about spending over the budget cap is going to take from Social Security, well, I want my colleagues to remember that; or spending over the budget cap is going to make it impossible to do a realistic tax cut. We need to remember that, because those same arguments will apply here with this budget-busting bill as long as it includes section 103(b) of the bill.

All this amendment does is take out that one section. It leaves everything else. We agree with most everything that was said here on the floor today. We are just trying to maintain the fiscal discipline that this House has insisted that we maintain and stay within the budget cap set in 1997 and allow this House to go forward with the appropriations bills that we must conclude before the end of this fiscal year.

As my colleagues have observed, Mr. Chairman, we have had great difficulty in getting spending bills through this House without bringing the spending amounts down to the amount that would be provided for in the budget cap. So I would hope that the House would support this amendment so that we could all support the bill. Because the items that were discussed are important. Airport safety is important. A lot of work needs to be done. But there should be a lot of work done on the fiscal responsibility of this agency. Their own Inspector General has suggested there was a tremendous amount of mismanagement and waste of the dollars put into this fund.

I would just like to make one further point before yielding. My friend, the gentleman from Alaska (Mr. YOUNG), made the comment he supported this bill. But the gentleman from Alaska has a follow-on bill that he has introduced that would take the funds for interior projects, land acquisition projects, and move them off budget into a trust fund. Once this process begins to start, the Members of this House lose control over the budget process. The Constitution provides that the House shall have control of the budget process. Moving money from the discretionary accounts to the mandatory accounts destroys the ability of this House to stay within the budget caps and to maintain control over the budget process.

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

Mr. SHUSTER. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Pennsylvania (Mr. SHUSTER) is recognized for 30 minutes.

Mr. SHUSTER. Mr. Chairman, I ask unanimous consent to yield half my time to the distinguished gentleman from Minnesota (Mr. OBERSTAR), for purposes of control.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

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

Mr. Chairman, I am a bit puzzled, because my good friend from Florida, and he is my good friend, says that they really support the bill, it is just this provision that they want to knock out. Well, if we knock this provision out, there ain't no beef left in the hamburger. There is nothing there.

This is a killer amendment. This is an amendment that drives a stake into the heart of this legislation. In fact, there is no reason, should this amendment pass, for us to continue with the legislation. I shall pull the bill because there will not be anything here. There will not be any beef in order to improve our aviation system in America.

Further, my good friend talks about the budget problems. There is absolutely nothing in this legislation that affects fiscal year 2000. There is nothing at all, zero, zip, that affects the year 2000. We go out into fiscal 2001 and on out into the future. And why? Because we do not want to dip in to the Social Security surplus. We do not dip into the Social Security surplus. We only take this money from the tax cut, the \$778 billion tax cut.

We are told that it is going to be quite a robbery of that \$778 tax cut. Well, it is \$14.3 billion of \$778 million. My arithmetic tells me that is 1.8 percent of the tax cut. And it is only the money that is being paid by the aviation ticket taxes by the people that fly on our airplanes. To take that ticket tax and use it for a general tax cut is morally wrong. If we do not need the money, then we ought to reduce the ticket tax.

Even my good friend says that we have needs out there and we should address the needs. Well, we cannot have it both ways. Where is the money going to come from? It has to come from the Aviation Trust Fund. And, indeed, this amendment also, and get this, this amendment not only kills our effort with the Aviation Trust Fund, it also zeros out the general fund expenditure. So this amendment not only does not take us back to status quo, it takes us back below status quo. It means there will be less money available for aviation than there is today. The inadequate amount we spend today will be cut even further if this amendment were to pass.

We are told we need discipline. All the discipline is there and it continues. And as I said in my previous statement, one big difference between this

legislation and TEA-21 last year, in TEA-21 we did mandate that the money be spent. We do not do that here.

The Committee on Appropriations has every bit the jurisdiction that they have today. They have the ability to put in obligation ceilings. They have the ability to reduce the expenditures. And so there is discipline. They have every bit as much discipline as they have today. What they do not have is the ability to take Aviation Trust Fund money and use it for other purposes.

Now, we have heard about the FAA mismanagement. There are problems at the FAA. That is the reason we have reform in this legislation. We provide for an oversight board for the FAA. But beyond that, it is the Committee on Appropriations and the Committee on Transportation and Infrastructure which has oversight jurisdiction over the FAA, and that oversight jurisdiction is unchanged. The Committee on Appropriations and the Committee on Transportation and Infrastructure will continue to have precisely the same oversight over the FAA. So nothing changes there.

For all these reasons, this amendment should be defeated. Because if it is not defeated, then we will not address the issues facing our aviation system. Indeed, when the Speaker of the House makes the extraordinary decision to come to this chamber and vote in favor of the legislation, and the distinguished Democratic leader likewise does the same, this gutting amendment will eliminate the opportunity for them to cast their vote for this legislation, which they do support. Therefore, this amendment should be overwhelmingly defeated.

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

Mr. OBEY. Mr. Chairman, I yield myself 3 minutes and 40 seconds.

Mr. Chairman, I strongly support the Young amendment and urge Members to vote for it. The gentleman from Pennsylvania (Mr. SHUSTER) is wrong. This amendment does not take the beef out of the burger, this takes the pork out of the pork barrel. That is what we are trying to do.

I strongly support airport modernization. My record here over the past 30 years shows that. But I oppose this bill because of two aspects of the Shuster bill. First of all, at a time of huge budget crunches, this bill takes airport spending off budget. The result is that there will be at least \$23 billion in extra spending above the amount originally planned in the budget. That money comes out of the surplus. And in my view it is wrong to take it out of the surplus before we consider all other competing needs, including Social Security, cancer research, veterans' health care, and a host of other items.

Secondly, even with the manager's amendment, this bill still provides \$12 to \$16 billion less room for other high-priority programs, such as education

and health and veterans, and that is wrong. Airport safety is a high priority, but I do not see why we ought to insulate them from cuts and yet, in the process, force even deeper cuts in other programs.

Under the budget we have already adopted, this next year alone we will be requiring about a 19 percent across-the-board cut in all of the programs funded under the Labor, Health, Education bill. That means a \$3 billion cut in National Institutes of Health; it means denying 2.5 million children access to title I; it means cutting Pell Grants by \$300; it means cutting a million families out of LIHEAP; it means cutting veterans' health care benefits by 8 percent. Why should we make those cuts even deeper in order to make sure that airports wind up as the number one funding priority of the government? It makes no sense.

I want to make one other point. The gentleman from Pennsylvania (Mr. SHUSTER) complains about the trust funds not being supported. That is absolutely not true. The trust funds guarantee airports a source of revenue. The trust funds were never meant to guarantee exemptions from a spending squeeze for anybody. And if my colleagues doubt that, they should read the GAO study, which makes clear two things:

Number one, it makes clear there is no reason why operating expenses should not be funded out of the trust fund; and, secondly, it makes quite clear that these funds were never intended to be exempted from the regular appropriations process. Read Senator Norris Cotton's statements during the debate on the bill if anyone should have any doubt about that.

Now, the gentleman from Pennsylvania said that the Committee on Appropriations would continue to have regular oversight. That is nonsense. In fact, what the Shuster bill does is remove any incentive for the Committee on Appropriations to apply any fiscal discipline whatsoever to the airport account because it requires that every dollar that is cut out of operating expenses be transferred into the AIP account. That is oversight without an ability to control funds. That is meaningless oversight.

Mr. Chairman, I do not want to have any Member come to the Committee on Appropriations and squawk again about an appropriations bill being over the limit in the budget if they support the Shuster bill. That would be the height of inconsistency. If Members believe in treating programs the same, they ought not vote for this.

□ 1500

If my colleagues think airports are more important than cancer research, if they think airports are more important than veterans' health care, then by all means, vote for the bill. I do not think that is true, which is why I support the Young amendment.

Mr. OBERSTAR. Mr. Chairman, I yield myself 3 minutes.

Those of the American public who may be watching this debate must be scratching their heads in astonishment and wonderment, because what they are seeing here is the epitome of inside-the-institution debate. "What are they talking about?" people must be saying to themselves. Because the average American citizen who boards an airplane knows one thing, they paid a special tax to arrive safely, to take off on time. And we are not using that tax for that purpose to the extent that the tax generate the revenue.

Here is the deal: In 1972, the Congress said to the American air traveling public, you pay a special tax debt dedicated to aviation and we, the Congress, will see that we improve aviation so that you can travel safely, secure, and get there on time. And then we came along for years and said, excuse me, but not all of that money, some that we are going to hold it back, and we held back another \$6 billion not being spent for aviation purposes.

I take sharp objection to the characterization of this bill as pork. There are no individual projects designated for anyplace in America on this bill, unlike appropriations bills that come out with a little drab here and a little drab there.

The Committee on Appropriations will continue to have under the manager's amendment and under the law that will result all the authority they need to continue to impose obligation limits. That means withhold spending or not spend any at all if they choose. This is nonsense.

The argument that the Air 21 is going to hurt Social Security, baloney. The increased funding out of the tax that we reserve for aviation purposes will not touch the \$700-billion surplus generated by Social Security over the next 5 years. Both the Congressional Budget Resolution and the President's budget spend a part of the surplus not generated by Social Security. Those both do.

Air 21 will spend \$14 billion of the taxes we generate for aviation purposes. Do my colleagues not want to keep faith with the traveling public? There is not a member in this body who does not want his or her airport improved, better air traffic control systems, wind shear detection, microburst detection systems, runway improvements, air traffic control towers.

How do we do that? With that dedicated tax. Let us not continue to withhold it when we have a \$90 billion surplus on the backs of aviation travelers in the next 10 years if we do not pass this legislation.

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

Mr. OBEY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, the issue is not whether the airport tax should be used for other purposes. It will not be, and it should not be. It is an issue of whether the general fund should continue to subsidize the airport trust fund, and it

is an issue of whether or not airport spending should come before cancer research, before veterans' health care, before education, before any other priority in Government.

Obviously, it should not. And that is why we support the Young amendment.

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

Mr. YOUNG of Florida. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Chairman, I rise in strong, strong support of the Young-Kasich amendment.

Discipline must be maintained in the appropriations process. Now, it is fashionable today to say that Government should be more responsible, but hard choices have to be made to turn this cliché into a reality. Today we have an opportunity to work toward that ultimate goal.

Taking the Aviation Trust Fund off budget in this way is irresponsible. My colleagues cannot have it both ways. They cannot say that they want to take the trust fund and spend it on aviation and, oh, by the way, we also want to keep all the general revenue, too. That is not fair. It is not fair to the appropriations process. It is not fair to the budgeting process. It is not fair to the American taxpayer.

Now, I am all for raising revenues from aviation facilities and from passengers and other ways to pay for aviation infrastructure. I am all for that. But I am not for doing it both ways. Because if they are one of those that want to take it off a trust fund, they ought to live within the budgetary restraints of that trust fund and not dip into the general fund paid by general tax and general taxpayers and have it both ways.

Now, I appreciate the importance of infrastructure. The gentleman from Pennsylvania and the gentleman from Minnesota have done an incredible job in building the infrastructure of this country over the years, and I appreciate what they are doing. I just disagree with them on this in this respect. I served on the Committee on Public Works and remain an avid supporter of infrastructure programs that keep the foundations of our Nation strong. But this bill and this issue goes too far and my colleagues have overstepped their bounds and they have stepped way too far out.

It does bust the spending caps, it does jeopardize Social Security in the way that it is written; and, in the long-term, it imperils tax cuts. And I say to my friend on my side of the aisle, if he wants tax cuts, he cannot vote against the Young-Kasich amendment because this does dip in our ability to allow our families to hold on to more of their hard-earned money. And absolutely none of the spending in this bill is off-set.

We must shut this door today, and we must slam it shut for good.

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

Mr. Chairman, I want to thank the distinguished gentleman for his comments. I know he speaks for himself here today, he does not speak for the Republican Conference. Because the agreement was made that this would not be whip, that there would not be a Republican position on this issue. And so, I certainly respect his right to speak his own views and I salute him for doing that. But I also thank him very much for giving me the opportunity to emphasize that he is not speaking the Republican position.

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

Mr. YOUNG of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. KASICH) the distinguished chairman of the Committee on the Budget.

Mr. KASICH. Mr. Chairman, now, I know there are a lot of people in our offices watching this debate and they are hearing all this talk about the budget process and they do not have a clue what we are talking about. Let me put it to my colleagues in the simplest terms, as I understand it, and what my position is on this.

First of all, if my colleagues want to be in a position where they spend all of the trust fund money that gets collected, there is no disagreement on that. I do not know one person on this floor who says that we ought to raid that trust fund. And we would not raid that trust fund. We could put fire walls around that trust fund so all the money collected to improve the airports in America ought to be spent.

Now, it has been the tradition of the Congress to not only spend all the trust fund money but also to spend the general fund money. Well, that ought to be a decision that we make when we debate our priorities. We ought not to say not only are we going to spend all the trust fund money, but at the same time we are going to make sure that we spend general fund money. Because once we make that decision to make this the highest priority, then we have let go of our ability to establish priorities bill by bill.

And the fact is that if my colleagues are interested at all in giving mothers and fathers a little bit more money in their pocket, I mean if there is ever a time when people could understand the moral nature of tax cuts, when we look at the troubles that families are in in America today, if there is any sweeping thing the Federal Government can finally do is to let people have more money in their pocket, we ought to have that debate.

So, in my judgment, we must reject this amendment because it not only says we will spend all the money in the trust fund, but it also carves out a chunk of money out of the general fund that makes aviation the number one priority over tax cuts and over education or over health care research or over anything else.

So I would urge my colleagues to accept this amendment. And when we

vote to accept this amendment, they are saying, we will not raid the trust fund and at the same time we are saying that we will decide on a case-by-case basis whether transportation ought to be funded additionally out of the general fund at the expense of the National Institutes of Health or out of the expense of tax cuts. It seems pretty simple.

So, in my judgment, if my colleagues are worried about going home and saying, we are not raiding the trust fund, they can have it, without further implications that in fact they can get at least the Republican party and those who are interested in letting mothers and fathers have more in their pocket, they can really have it both ways in this case.

So I would urge my colleagues to accept the Young-Archer-Kasich amendment, and I think they will be casting a vote that is in the best interests of their district if they have airports and if in fact they have families.

The CHAIRMAN. The Chair would inform Members that the gentleman from Florida (Mr. YOUNG) has 6 minutes remaining, the gentleman from Pennsylvania (Mr. SHUSTER) has 9½ minutes remaining, the gentleman from Wisconsin (Mr. OBEY) has 11 minutes remaining, and the gentleman from Minnesota (Mr. OBERSTAR) has 12 minutes.

Mr. SHUSTER. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Tennessee (Mr. DUNCAN), the chairman of our subcommittee.

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

Mr. DUNCAN. Mr. Chairman, I thank the gentleman from Pennsylvania for yielding me the time.

Mr. Chairman, before I make my brief comments, I would like to engage the chairman in a brief colloquy and ask the chairman simply this: Our good friend the gentleman from Texas (Mr. DELAY) said that if this bill passes, Mr. Chairman, that there would be no money left for tax cuts. And my understanding is that there would still be over \$700 billion left for tax cuts over the next 10 years or so.

What are the correct figures on that?

Mr. SHUSTER. Mr. Chairman, if the gentleman would yield, the gentleman is absolutely correct. The tax cut is \$778 billion. We are talking about \$14.3 billion of that, which is only the aviation ticket tax money paid in there, which leaves \$764 billion for the tax cut. So the aviation ticket tax portion of that is 1.8 percent. So there will still be 98.2 percent.

Mr. DUNCAN. Mr. Chairman, reclaiming my time, I think that is a very important point. And I am glad the chairman has made it that, even if this bill passes without this amendment, there would still be over \$700 billion remaining for the tax cuts that many Members of our conference want.

Mr. Chairman, I rise in opposition to this amendment. This amendment really guts this bill and would not allow us

even to keep the status quo, and would certainly not allow us to meet the needs that the expanded use of our aviation system is demanding.

The FAA has many national defense functions. In addition to national defense, the FAA also provides general government services, such as safety regulation certification, and inspection. As I mentioned earlier today, everyone benefits from a good aviation system, even people who do not fly but who use goods that are transported on planes, and people who want our economy to grow and prosper and remain strong.

There is no reason why aviation users should pay for these items that benefit our country as a whole. The general fund must continue to contribute to the FAA's budget in order to pay for these very important functions.

Furthermore, this amendment would continue the practice of using the Aviation Trust Fund to mask the Federal deficit or inflate the on-budget surplus. If this amendment passes, the amount of funding available for airport improvements would be drastically reduced, possibly by as much as 55 percent. The airline passengers, shippers, and general aviation pilots are now paying about \$10 billion per year into the Aviation Trust Fund, with no assurance that the money could be spent under current budget rules.

This chart shows that if historic trends continue, the balance in the trust fund will skyrocket to over \$90 billion by the year 2009. Since small and medium-size communities rely most heavily on the Federal program for airport funding, they will bear the brunt of the cuts that would be imposed by this amendment.

Our constituents in these areas, in these small and medium-size areas, continue to experience the highest fares and the most diminished air service. Without the additional funding available through AIR 21, small airports will not be able to build the capacity needed to accommodate more air carriers and improve air service.

I urge opposition to this amendment.

According to a study by GAO, as much as 30% of the country is worse off today than before deregulation.

This will get worse, not better, if we do not move the Aviation Trust Fund off-budget.

If you believe that the Trust Fund should be unlocked so that aviation taxes are spent for aviation purposes—so that the trust fund is truly a trust fund—and to help your local communities, vote "No" on this amendment.

This bill does not touch any other program—it simply means aviation money is spent for aviation purposes.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Minnesota (Mr. SABO).

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

Mr. SABO. Mr. Chairman, at some point I think public works has come up with a clever idea on how we solve our budget problem. We simply declare ev-

erything off budget, and then say that all restraints do not count, and we simply make some additions which are paid for by a reduction in an unpassed tax bill. It is basically what we are doing in this bill. It makes no sense.

Let us be clear about one thing. There is a surplus in the Airport Trust Fund today for one simple reason. We put over \$55 billion of General Revenue Fund into the Airport Trust Fund over the years, taxes paid by people who do not travel the airlines, to subsidize the operations and the construction of airports. Maybe that is appropriate, but if it is, it should be decided within the context of overall budget discussion.

We have differing views on what should happen with the future of our budget caps. I happen to think they should be raised. Others do not think so. Some put more priority on some types of tax cuts, different size of tax cuts. But those issues have been debated and argued in totality. What we do in this bill is say that we are going to continue the raid of general revenue for airports and that building airports and the operations of the FAA is more important than anything else that we do. It is more important than housing, which is in a crisis in our State, it is more important than education, it is more important than veterans' health care, it is more important than whatever we do to deal with our educational problems in this country or whatever else my colleagues think is important, dealing with our agricultural crisis.

This bill says we are going to remove aviation, give them increased spending authority, totally out of context, to deal with what happens, be the priorities, of one particular industry, one particular group in our society and ignore the needs of the rest.

We should adopt the Young amendment, and if it is not adopted, we should defeat the bill.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Illinois (Mr. LIPINSKI), the ranking member of the Subcommittee on Aviation.

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

Mr. LIPINSKI. Mr. Chairman, the question really is are we going to spend all the money out of the Aviation Trust Fund on aviation. If my colleagues think that it should be spent on aviation, as it was intended to be spent, then they should vote against this amendment.

Right now we have a \$9 billion surplus in the Aviation Trust Fund. As was mentioned earlier, if we do not defeat this amendment, it is going to grow to \$90 billion over the course of 10 years, money the American people have paid into the trust fund for aviation safety, capacity, overall improvement, overall development.

Now the other part of the question is there going to be a contribution from the General Revenue Fund? Now, there should be a contribution from the

General Revenue Fund because someone has to pay for the military and their use of the aviation system; governments, for their use of the aviation system; and for years 39 percent of the budget for aviation came out of the General Revenue Fund. It has been cut down recently to 32 percent. With our AIR 21 bill, it is going to be cut down to 23 percent.

So, if my colleagues believe that the military, government have an obligation to aviation, 23 percent of the overall bill that we are passing, should be a reasonable amount to come out of the General Revenue Fund, and if my colleagues believe like so many of them say, that they believe all money should be spent out of the Aviation Trust Fund, that goes into the Aviation Trust Fund for aviation, they should vote against this amendment.

Mr. Chairman, I want to say that I oppose this amendment and believe in fairness.

Mr. Chairman, I rise today in strong opposition to this amendment that will strike the general fund payment as well as the off-budget provisions from AIR 21. By unlocking the aviation trust fund and maintaining the general fund payment at the 1998 level, AIR 21 is able to significantly increase funding for aviation infrastructure needs without squeezing out funding for other federal programs. This will not be the case if this amendment passes.

Every American, whether he or she knows it or not, benefits from our national aviation system. The safe and efficient operation of a strong national aviation system allows our national economy to grow and thrive. As a result, the general fund contribution to aviation is more than justified. The general fund payment is used to fund a variety of FAA services that benefit society as a whole, such as safety regulation and certification and security activities to protect against terrorist attacks on U.S. aircraft. The general fund payment also reimburses the FAA for services it provides to military and other government aircraft that do not pay aviation taxes but still use the system.

There is no good reason to eliminate the general fund contribution to aviation. This is especially true under AIR 21 since the bill freezes the general fund contribution at 1998 levels, which results in a 23 percent average general fund share for the FAA. This is down from historic levels of 39 percent and recent levels of 32 percent.

The infrastructure needs of our national aviation system are tremendous. More and more people are flying each day but our aging air traffic control system and aging airports can hardly keep up with demand. Increased funding is needed today to make sure that our aviation system can handle increased demands tomorrow and in the future. The supporters of this amendment recognize this need for increased funding because they leave AIR 21 funding levels intact.

However, because this amendment does not take the aviation trust fund off-budget, the needed increases in aviation spending will squeeze out other discretionary federal programs under this amendment. The only way not to squeeze out other discretionary spending under this amendment would be to underfund aviation programs. This is clearly unacceptable and this is why we need AIR 21

as it is—with a modest general fund payment and off-budget provisions that will allow aviation taxes to be spent on aviation infrastructure needs but will not negatively affect other federal discretionary programs.

I urge my colleagues to oppose this amendment.

Mr. YOUNG of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. DREIER) the very able and distinguished chairman of the Committee on Rules.

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

Mr. DREIER. Mr. Chairman, I want to commend my colleague, the gentleman from Pennsylvania (Mr. SHUSTER) for what clearly is a very good bill. The substantial increases in funding will create new terminals, gates and other airport infrastructure. This, in turn, allows additional air carriers to serve more fliers and more airports which increases competition and efficiency at our nation's airports.

What we have before us at this moment, Mr. Chairman, is a measure to make this a great bill, and it is, as it is currently written, H.R. 1000 does two things that I believe are fiscally unsound.

First, the bill takes the Aviation Trust Fund off budget which reduces accountability; second, the mandate that \$3.3 billion from the general fund be spent on aviation programs every year means less tax relief for American families. This amendment will keep the Aviation Trust Fund on budget and allow Congress to make responsible annual decisions about FAA spending.

This debate is about the allocation and control of federal spending and about whether it makes sense to let the FAA run on automatic pilot. The bill spends \$39 billion over the next 5 years, which is 14 billion above the baseline. By taking the Aviation Trust Fund off budget, Congress has no incentive to monitor how all that money will be spent.

I want to make sure the FAA is brought into the 21st century so that Americans continue to have the safest aviation system in the world. This amendment will allow this to happen while boosting economic growth through responsible tax relief. In our budget resolution we promised the American people tax relief that would not undermine the Social Security Trust Fund. We voted to save Social Security, provide tax relief, restore our defense capabilities and expand educational opportunities. Without adoption of this amendment, it would put aviation programs above all those priorities.

This amendment, Mr. Chairman, if it passes, the authorized funding levels in H.R. 1000 will not change. On an annual basis we will be able to provide the level of funds necessary to ensure airline safety while staying within the parameters of our budget resolution.

I urge my colleagues to support this bipartisan amendment.

Mr. OBERSTAR. Mr. Chairman I yield 1½ minutes to the distinguished gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Chairman, I rise in opposition to the Young-Kasich amendment. This amendment would ensure a continuation of the unsatisfactory status quo in which the taxes contributed by aviation users are not spent to improve our Nation's airports and air traffic control system.

Mr. Chairman, AIR 21 seeks to unlock the Aviation Trust Fund and ensure that the investments necessary to keep our transportation system safe and efficient are made in a fiscally responsible manner without adversely affecting other discretionary programs or Social Security. Some supporters of this amendment would have us believe that AIR 21 will take funding away from Social Security. This is just not true. All of AIR 21's funding increases come from funds available outside of the Social Security part of our budget.

Mr. Chairman, based on the safety needs of our Nation's system, aviation system, the job opportunities which will be created and the fair and equitable treatment of budget issues in this bill. I strongly urge my colleagues to vote against the Kasich-Young amendment and permit our aviation taxes to be used to improve our Nation's airports and air traffic control system.

Mr. Chairman, a vote against this amendment is a vote for air traffic safety.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the gentleman from New Hampshire (Mr. BASS).

Mr. BASS. Mr. Chairman, I thank the gentleman from Pennsylvania for yielding this time to me.

Mr. Chairman, enplanements, people getting on to airplanes, rose from 514 million to 642 million passengers per year. That is an increase of 128 million people a year, 25 percent. Total Aviation Trust Fund income in 1992 was \$5.9 billion, and it rose to 8.7 billion in 1998. That is an increase of over 31 percent.

Did the money go into airport infrastructure improvements? No. The Aviation Trust Fund expenditures in 1992 were 6.637 billion, and in 1998 they were 5.7 billion. That is a decrease of 14 percent.

Now in 1998 the FAA experienced 101 significant system outages, and one of them lasted for more than 5 days. I would only suggest to my colleagues, Mr. Chairman, that the 642 million people who found themselves in the air in 1998 had no higher priority than taking the Aviation Trust Fund off budget.

Mr. YOUNG of Florida. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Texas (Mr. ARCHER) the distinguished chairman of the Committee on Ways and Means.

Mr. ARCHER. Mr. Chairman, I thank the gentleman for yielding this time to me, and I am very reluctant in standing here to speak for this amendment and, in effect, against the bill.

Our budgetary concept is a flawed one, but we have to live with it, and in

order to protect our twin promise for meaningful tax relief and preservation of the Social Security surplus I rise in support of the Young-Kasich amendment.

Only 2 months ago we agreed that Americans were overtaxed at the highest peace-time tax take in history, and they need relief, and we approved a budget resolution instructing the Committee on Ways and Means to provide over the next 5 years \$142 billion of net tax relief to hard-working Americans. According to the CBO, the bill before us in its current form would reduce projected surpluses over the same period of time by nearly \$43 billion, leaving us with roughly a hundred billion only in tax relief over the next five years.

Colleagues will hear today differing estimates on the impact of H.R. 1000 on the budget surpluses, but they need to know that those estimates are based on the assumption that the administration will lower the spending caps next year. Now I will let my colleagues be a judge of that. We are having tremendous difficulty keeping the spending caps this year, and they are already scheduled to go lower next year under current law. This assumes they will go even lower. That just will not happen.

More troubling is that this bill could eliminate entirely any net tax relief for the year 2001 and force us to renege on our promise for early tax reduction at just about the same time voters head for the election booth next year.

I believe it is imperative that our country have a modern infrastructure and safe and efficient FAA operations. I also agree with the principle that trust fund dollars should be spent for their stated purpose, and a vote for the Young-Kasich amendment does not compromise those goals.

The choice is simple. Colleagues can vote for more government spending, or they can vote to preserve tax relief for retirement, health security, strengthening families and sustaining a strong economy.

I urge the House to vote for the Young-Kasich amendment.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from New York (Mr. BOEHLERT).

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

Mr. BOEHLERT. Mr. Chairman, the FAA estimates that passenger use of aviation infrastructure will increase by 43 percent over the next 10 years. Let me submit to my colleagues this is a public safety issue. We cannot safely increase passenger enplanements by 43 percent without making significant new investments in aviation infrastructure.

It is that simple. This bill begins to make the appropriate level of investment in our aviation infrastructure to make it safe.

Let me point out that the adoption of the Kasich amendment would place a

critical environmental provision in jeopardy. We cannot afford to short-change our investment in improving air quality, and this legislation includes provisions that will for the first time provide resources specifically to deal with the purchase of low emission vehicles at airports and air quality nonattainment areas.

□ 1530

Think how important that is.

The 10-airport, \$20 million program will promote the expanded use of natural gas and electric vehicles at our Nation's airports, and I submit that is good public policy. I applaud the author, the gentleman from Pennsylvania (Mr. SHUSTER), and the ranking member, the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Ohio (Mr. TRAFICANT).

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

Mr. TRAFICANT. Mr. Chairman, if we had no trust fund, we would still finance FAA through the general fund. More people flying, more exposure, more risk. The appropriators with this bill still have the control. One of the great chairman, the gentleman from Florida (Mr. YOUNG), would still have that control, and our appropriators.

The Social Security Trust Fund should be used for Social Security. The Highway Trust Fund should be used for highways. The Aviation Trust Fund should be used for aviation. If you want to cut taxes and throw that in the equation, cut taxes.

We have been using trust funds to deceive the true budget and deficit picture in this country for too long. This is a dedicated tax. It should be used for aviation. We should pass it today, this bill, and oppose this amendment. This amendment is very similar to the gutting bill in the highway transportation package. We were able to defeat it then; we should defeat it today.

Mr. OBEY. Mr. Chairman, I yield 1 minute and 45 seconds to the gentleman from Virginia (Mr. WOLF), the chairman of the Subcommittee on Transportation of the Committee on Appropriations.

Mr. WOLF. Mr. Chairman, I rise in strong support of the Young amendment. I cannot believe that this Congress, let me put my words to this side, is ready to do what they may be going to do. There are 144 trust funds. We are not going to do anything for cancer research. We are not going to do anything for juvenile diabetes. We are not going to do anything for Alzheimer's disease.

Read the Concord Coalition letter. They say this bill is an assault on fiscal discipline. Spending is spending. It is this kind of spending, it is that kind of spending. Spending is spending. My colleagues are going after Medicare, they are going after Social Security, they are going after cancer research,

and they are going after, as the gentleman from Texas (Mr. ARCHER) said, the tax cut.

For the integrity of our party, we have worked hard to bring about a balanced budget. Let us not slip back. I strongly urge support of the Young-Kasich amendment.

Mr. OBERSTAR. Mr. Chairman, could I inquire as to the breakdown of time remaining?

The CHAIRMAN. The gentleman from Florida (Mr. YOUNG) has 2 minutes remaining; the gentleman from Pennsylvania (Mr. SHUSTER) has 4½ minutes remaining; the gentleman from Wisconsin (Mr. OBEY) has 7 minutes remaining; and the gentleman from Minnesota (Mr. OBERSTAR) has 7½ minutes remaining.

Mr. OBERSTAR. Mr. Chairman, I yield 1½ minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman for yielding me this extremely generous period of time.

It is an interesting debate we have before us. We have heard that if we spend the Aviation Trust Fund, funds which are collected for the safety and capacity of the aviation system, we might not be able to give generous tax cuts.

Well, let me put a situation to my colleagues. I fly a lot, sit next to people and talk a lot about safety. If you have just been caught in a microburst, and your plane is heading toward the ground, and you are crossing yourself and saying your goodbyes, you are not going to feel really good about that \$78 tax cut burning a hole in your pocket, and that is because you did not have the public funds for the Doppler radar to make the system safe for all Americans.

There are only some things you can do with public dollars and with trust funds and tax dollars, and some things individuals can do for themselves. Individuals are not going to get together frequent fliers and collect money for Doppler radar for the local airport. They are going to spend the money on something else. We need that safety investment.

It is also ironic that we are hearing that somehow this is an attack on Social Security. Many of the people are standing up who just voted for the Social Security lockbox because it is a trust fund. Guess what? This is a trust fund. The money is collected for capacity and safety from flying Americans; it should be spent on those purposes.

Now, the chairman of the committee said, it is not spent on anything else; it is true, he is right. We only underspend the money, there is \$9 billion in the trust fund, replace it with IOUs, and then we spend it on something else. We are not really spending it on something else because we have replaced it with IOUs. We do not make the critical investments in capacity, we do not make the critical investments in safety, we jeopardize the flying public and the future of aviation in this country all

with very shortsighted budget logic. Vote against this amendment.

Mr. SHUSTER. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from California (Mr. DOOLITTLE), a member of the committee.

Mr. DOOLITTLE. Mr. Chairman, I regret that I am in disagreement with some colleagues that oftentimes I am in agreement with, but I think, I really think, this amendment is the wrong way to go.

Anyone who flies knows how inconvenient air travel is becoming, the tremendously long waits that people are experiencing, the crowded conditions one is in, the canceled flights that happen all of a sudden. One knows that one is having traffic control difficulty because the plane cannot land at the destination airport.

All of these things are due to the tremendous increase in congestion at our airports. There is going to be a 10 percent annual increase in passenger miles from now on each year way into the future. We have to get ahead of the game. We have to build up our infrastructure in this manner. We are only asking to spend the money that is in the trust fund to do that. This amendment not only puts it all on budget again, but cuts off the general fund support for vitally needed things like the Doppler radar and other things. For that reason and others I would strongly urge my colleagues to reject this amendment, and let us move forward on the bill.

Mr. YOUNG of Florida. Mr. Chairman, would the Chair advise us as to how much time each of us has remaining?

The CHAIRMAN. The gentleman from Florida (Mr. YOUNG) has 2 minutes remaining; the gentleman from Pennsylvania (Mr. SHUSTER) has 3½ minutes remaining; the gentleman from Wisconsin (Mr. OBEY) has 7 minutes remaining; and the gentleman from Minnesota (Mr. OBERSTAR) has 6 minutes remaining.

Mr. OBEY. Mr. Chairman, I yield 30 seconds to the gentleman from Arizona (Mr. SHADEGG).

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

Mr. SHADEGG. Mr. Chairman, with all due respect to the proponents of this legislation who, I think, are pursuing a worthy goal, it is simply not true that we can afford to do this at this time. The theory says, trust funds should be trust funds. But in reality, we cannot afford this legislation. The simple fact is that we are dipping into the general fund for 30 percent of these monies. We are dipping into the general fund for \$3.3 billion.

H.R. 1000 will force Congress to break both the budget caps that we agreed to with the President and to spend part of the Social Security surplus. We simply cannot afford to do that at this time. I urge my colleagues to support the Young-Kasich amendment and to pass the legislation with that amendment.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentleman from West Virginia (Mr. RAHALL).

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

Mr. RAHALL. Mr. Chairman, I rise against this legislation for all of the reasons that have been given, but also because of the jeopardy that it imposes for small, quiet, rural areas of our country, those of us without a screaming Dulles Airport in our backyard. The members of this committee who represent small communities in rural areas should take a good look at this bill because it contains a number of initiatives aimed at helping small airports.

While a great deal of attention is often focused on the larger airports in big cities, the importance of airports in rural areas is increasing across our Nation. Indeed, these airports are more than a simple facility to serve the traveling public. They are becoming engines for economic development. Yet, since airline deregulation we have seen a number of serious declines in air service, while the cost of that service has increased. With AIR 21, we mean to do something about this decrease in service and increase in cost to the small airports and consumers across the Nation.

Mr. Chairman, this bill makes a great deal more funding available to these small airports to address their infrastructure needs. I urge defeat of the pending amendment.

Mr. SHUSTER. Mr. Chairman, I yield such time as he may consume to the gentleman from Utah (Mr. COOK).

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

Mr. COOK. Mr. Chairman, I rise in opposition to the Young/Kasich amendment.

For years we have told the American tax payers that they are paying gas taxes to improve their roads and airport taxes to improve their airports. In reality, they paid gas taxes and airport taxes to pay for welfare programs, the military, the Department of Education and a variety of other programs. This is not right. TEA-21 ensured that gas taxes are again used for our roads. This bill today will do the same for our airports. If we collect a tax for a specific purpose, we should use it for that purpose. If we don't need the money for our airports, then we shouldn't collect it. If we do collect it, then it should be used for airports.

I understand that my colleague Mr. KASICH is trying to be fiscally responsible. But I think the fiscally responsible thing to do is to be honest with the American people about where their money is going. I urge my colleagues to oppose this amendment.

Mr. SHUSTER. Mr. Chairman, I am happy to yield 1 minute to the gentleman from California (Mr. HORN).

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

Mr. HORN. Mr. Chairman, AIR 21 is a matter of trust with the American citizen. The citizen sees this trust fund as one which uses these excise taxes to assure aviation safety. This is the conservative way to fund programs. If we

have to fund and make up for lost time with our aviation infrastructure, then we should be using every dime in that Aviation Trust Fund. If we are not going to keep faith with the American people, then close the fund and lower taxes. But do not come in here and say any funds in any trust fund can be utilized in any way. Presidents have tried to cloud their actual deficit. If we do not strengthen this trust fund, every Member will be after those funds. There will not be enough to sustain the needs for our aviation infrastructure.

Mr. Chairman, if we need expansion, we should expand that aviation tax. We should have several trust funds. We already have one and that is Social Security. We locked it up. So no President can dip into that fund to mask his deficit. We ought to have a separate Surplus Trust Fund beyond the needs of Social Security. That separate Surplus Trust Fund is the source to fund the lowering of the taxes. That would be keeping the trust fund faith with the American people.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Iowa (Mr. BOSWELL), a pilot.

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

Mr. BOSWELL. Mr. Chairman, I rise in opposition of this amendment. It has been an interesting parade here this morning of all of the powers that be of this Congress to talk about this issue. Quite a list has been recorded here of things we need to do. But not from the ticket tax on the aviation fund.

Now, those of my colleagues, all of my colleagues fly, they fly a lot. They do not hear anybody complaining to them about that extra fee to fly. They want safety, they want timeliness, they want dependability. They want the air traffic control system to be upgraded. They really want things to be safe. Here is an opportunity to collect the funds for the purpose that it is intended for and use it for that purpose, and the need is great.

Some of my colleagues can give the statistics on how fast it is growing, the passenger traffic and freight traffic, and the need to modernize and extend airports like Miami all the way to California. We have got to do it. Oppose this amendment.

Mr. OBEY. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, I repeat once again, the issue is not whether the trust fund should be spent on other purposes other than aviation; it should not. The question is whether or not the general fund should be required to subsidize the Aviation Trust Fund above and beyond the money that is spent out of the trust fund, even if that subsidization means additional reductions in cancer research, in veterans' health care, in diabetes research, in education, in Pell grants; and, in my view, it should not.

The gentleman from Pennsylvania (Mr. SHUSTER) said the AFL-CIO is for

his bill, the NFIB is for it, and the Chamber of Commerce is for it. If that is true, then we have a trifecta today. All three of them are wrong. If we want to preserve budget discipline, if we want to preserve budget discipline, if we want to preserve budget balance and fairness, my colleagues will support the Young amendment, and they will oppose the Shuster amendment unless the Young amendment carries.

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

□ 1545

Mr. OBEY. Mr. Chairman, I yield the balance of my time to the gentleman from South Carolina (Mr. SPRATT).

The CHAIRMAN. The gentleman from South Carolina (Mr. SPRATT) is recognized for 5½ minutes.

Mr. SPRATT. Mr. Chairman, I join my colleague, the gentleman from Ohio (Mr. KASICH) and rise in strong support of this amendment. This amendment strikes Title IX out of the bill. Title IX takes all airport and airway trust fund receipts and all spending off-budget.

We use that word "off-budget" around here loosely. What does it mean? In this case, off-budget means that airport and aviation spending will no longer be subject to the discretionary spending caps, one of the most effective devices for controlling the budget we have ever devised around here. It will no longer be subject, it will be so privileged and protected that it will no longer be subject to sequestration if we overshoot those caps.

It also means that when aviation spending is removed from these spending caps, these caps, which already are extremely tight, will have to be ratcheted down, screwed down, and made even tighter. The discretionary spending caps will have to be lowered by at least \$8 billion to \$10 billion to account for what the aviation trust fund has been taking in every year.

On top of that, about \$3 billion, which I will explain in a minute, is effectively carved out of the general fund.

We have had a hard enough time this year. We have only begun bringing the budget to closure under the existing caps. It is going to get even tighter in future years. It will be even harder if we lower these limits even more.

Let me explain an additional problem. When this bill was first written, its authors knew if they just took the aviation trust fund off-budget, sure, they could gain all of the trust fund spending, but they would risk losing general fund spending. It would run as much as \$3.5 billion over the last several years. To protect against that loss, they tried to put firewalls around their share of the general fund pie, equal to a little over \$3 billion a year.

But it was soon perceived what they were doing. They were trying to have their pie and eat it, too. So the supporters of this bill rewrote the bill. They now say it leaves the Appropriations free to decide just how much

should go to the FAA every year out of general revenues.

That argument will not stand up. This bill restricts the amount of the aviation trust fund that can be spent on operations of the FAA, and requires the general fund to make up the difference.

Sure, the Committee on Appropriations can decide not to make up the difference. They can refuse to appropriate the needed funds. If they fail to put up the money, though, the FAA will fall short of what it needs to keep air traffic safe. The firewalls are, in effect, still in place.

What is wrong with taking the aviation trust funds off-budget, or any trust fund off-budget? It sets a troubling precedent. The gentleman from Virginia (Mr. WOLF) just pointed to the problem. There are 144 trust funds in the Federal budget. Supporters of these other funds are already lining up for off-budget treatment, too.

Coming on the heels of this bill will be a nuclear waste bill, with the electric utilities pushing to go off-budget. Then the Land and Water Conservation Fund, with the environmentalists pushing to go off-budget. Why do they want to go off-budget? Because the budget is finally binding; because they want to escape these strictures. The budget which they have finally brought us delivered us from a world of deficits to a world of surpluses. They want to escape the budget, no secret.

If we take this step down this slippery slope, that is exactly what it will be. We risk the balkanization of the Federal budget. On the other hand, if we have the discipline and the forbearance, if we do not dissipate the budget surpluses we see rising on the horizon, within the next 4 to 5 years there should be sufficient surpluses without social security and without any of the 140 trust fund surpluses to allow user fees and dedicated and earmarked taxes to flow through most of the trust funds and still adequately fund other needs out of the general fund.

Every year we hear we are where we are with the budget because of the steps we have taken to stiffen the budget process, the pay-go rules, the discretionary spending limits, the sequestration rules. All of these things have worked. They are complex, they are arcane, but they have worked.

Vote to keep them working. Vote for budget discipline. Vote for this bipartisan, genuinely bipartisan amendment which is offered by the gentleman from Ohio (Mr. KASICH) and me of the Committee on the Budget and the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Florida (Mr. YOUNG) of the Committee on Appropriations. This is the right way to go.

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

Mr. Chairman, I rise as a volunteer member of the off-budget committee, as suggested by my distinguished friend and colleague, the gentleman from South Carolina (Mr. SPRATT).

Mr. Chairman, I have heard more red herrings in this debate this afternoon than I have heard in a long time on the House floor: No fiscal discipline, all restraints do not count.

Baloney. The aviation tax is a restraint. We cannot get more than the taxes provide. The general revenue limit in this bill, that is a restraint. We do not allow the general revenue funds to increase. Any increase demanded by operations is going to come out of the ticket tax fund. The Committee on Appropriations has the ability to limit obligations. That is a restraint.

Ignore the rest of the budget? Baloney. The same gang that cannot shoot straight today could not shoot straight last year. They said last year on T-21, oh, my God, the sky is falling if we pass this bill. We will not be able to do health care, we will not be able to do education, we will not be able to do all the other good things we want in this Federal budget.

Well, we are doing them. The construction crews are out there on the highways building the road improvements, building the bridge improvements that America wants and needs, making the transit improvements in America's cities they need. All we want is to do the same thing, have the same fairness with the aviation trust fund.

Will our good friends and colleagues on the Committee on Appropriations guarantee a commitment to spend out the revenues into the aviation trust fund that come in from the ticket tax every year? I did not hear any of that in the preceding debate. I did not hear any commitments to assure that the taxes and the interest thereon will be invested for the purpose for which air travelers are taxed. We did not hear any of that debate.

We heard all this stuff about the general revenues of the United States, of the Federal government. Other agencies provide safety services to the public, including the Food and Drug Administration, the Food Safety Inspection Service, the Occupational Safety and Health Administration, environmental protection. They get 80 percent of their budgets, at least, from the general fund. The FAA is going to get about 23 percent.

We are assuring that the taxes into the trust fund will go to cover the cost of general revenues.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. I thank the gentleman for yielding and raising that point.

Mr. Chairman, I am here to tell the gentleman that the Committee on Appropriations will guarantee and does guarantee by this amendment that the income from that aviation tax going into the trust fund would remain there. The interest would remain there. We have not and would not attempt to use that funding for any other purpose. I

want the gentleman to be assured of that.

Mr. OBERSTAR. Reclaiming the little bit of time I have left, Mr. Chairman, I appreciate the gentleman and would be delighted if he would just include firewalls. That is all that is missing from that language. What we need to have is real firewalls.

Ultimately, Mr. Chairman, this amendment comes down to how does it affect each Member's State and each Member's airport. Here, come to this desk. Here is a glimpse of the future. Take a look at how the cuts that will result from this amendment will affect Members' airports. We can show them how that will affect their airport.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Wisconsin.

Mr. OBEY. I think there is another question that ought to be asked: How will it affect the country if we blow the budget?

Mr. OBERSTAR. It will affect the country by improving airports, increasing the efficiency of air travel, improving the national economy, keeping America the leader in the world in aviation.

Let us vote for the 21st century. Let us vote for this bill, and vote down on this amendment.

Mr. SHUSTER. Mr. Chairman, I ask unanimous consent to strike the last word.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SHUSTER. Mr. Chairman, I have been informed that there is a problem in the Capitol as a result of an event that is taking place in the Rotunda right now, and that Members will not be, though it is a wonderful event taking place, Members will not be able to get here for the vote.

Therefore, in consultation with the gentleman from Florida (Chairman YOUNG), the two of us have agreed that I will make a motion in a few seconds that the committee do now rise, and it will be for about 30 minutes, I am told.

Then we will come back and the two remaining speakers on this amendment will be the gentleman from Florida (Chairman YOUNG) and myself.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I would simply observe that this is not the first time there has been a problem in the Capitol. But I agree with the gentleman's solution.

Mr. SHUSTER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WOLF) having assumed the chair, Mr. BONILLA, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee,

having had under consideration the bill (H.R. 1000) to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes, had come to no resolution thereon.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 3 o'clock and 57 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1655

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. THORNBERRY) at 4 o'clock and 55 minutes p.m.

AVIATION INVESTMENT AND REFORM ACT FOR THE 21ST CENTURY

The SPEAKER pro tempore. Pursuant to House Resolution 206 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1000.

□ 1656

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1000) to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes, with Mr. BONILLA in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose earlier today, pending was Amendment Number 2 printed in part B of House Report 106-185 by the gentleman from Florida (Mr. YOUNG).

The gentleman from Florida (Mr. YOUNG) has 2 minutes remaining in debate, and the gentleman from Pennsylvania (Mr. SHUSTER) has 2½ minutes remaining in debate.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of the Young-Kasich amendment.

This amendment guarantees that aviation will get its fair share of the funding. Our amendment allows us to spend all of the aviation revenues and spend them only on authorized aviation purposes.

Since the trust fund was created in 1970, we have appropriated all of the ticket tax revenues and more. And my amendment does nothing to undermine that policy. This is a policy that is fair to the traveling public.

Our amendment deletes those parts of the bill which bust the budget and put FAA spending on autopilot. Without the amendment, AIR 21 makes already strained budget cap problems \$3 billion worse each year because it guarantees a locked-in amount for general fund appropriations.

Our amendment preserves the ability of this Congress to control aviation spending and provide real tax relief for American families. This amendment is endorsed by all of the leading budget watchdog groups, including Citizens Against Government Waste, the Concord Coalition, and Americans for Tax Reform.

Also, we have been advised that because of this section 103(b), the administration is recommending a veto on the bill.

So I would suggest that it would be in all of our best interest and in the best interest of the aviation industry and the flying public and in the best interest of those who are committed to balancing the budget and preserving the surplus for Social Security and, hopefully, in the future for a tax break that we support this amendment and take out the onerous part of this bill that is a budget buster.

I would ask that our colleagues when they come to the floor to take the opportunity to read the handouts that we will have to show just exactly how this is a budget buster and to be assured that we are not taking one penny away from the monies in the trust fund that have been paid in by the traveling public, the people who fly in airlines all over this great Nation of ours.

So the concern that was expressed by my colleague the gentleman from Minnesota (Mr. OBERSTAR) earlier in the debate that that would happen is just not the case. That is guaranteed. That is protected. That is there until somebody changes the basic law. This amendment does not change that. This amendment keeps this bill from being a budget buster.

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

Mr. Chairman, I have been absolutely astonished at the misinformation that has been put out during the course of this debate. People are entitled to different opinions, but they are not entitled to different facts.

Read the bill. Fact one is, this does not break the budget caps. This is funded outside of the budget through a tiny portion of the tax cut.

Fact number 2, this does not touch the Social Security surplus.

Fact number 3, this eliminates general funding.

We hear about general funding, the use of the general fund, as though this were something new. This has been a part of the aviation bill from day one.

Indeed, the very commission that we created indicated that it is proper for there to be general funding for aviation because it is in the public interest.

□ 1700

Fact No. 4: We actually freeze the level of general funding so there can be

no increase in spending from the general fund, which takes pressure off the appropriators in the future.

And Fact No. 5: When my colleagues come to the floor, they should look at what this does to their airport if this passes. Primary airports will lose 67 percent of their entitlements; cargo airports will lose two-thirds of their entitlements. General aviation airports will lose all of their entitlements.

The Speaker of the House supports our legislation, the Democratic Leader supports our legislation. Indeed, the Speaker has said he will come to the floor not only supporting this legislation, but actually will vote in favor of our legislation.

So defeat this killer amendment so that we can proceed to do what is right for America and improve America's aviation system. Mr. Chairman, I urge opposition to this amendment.

The SPEAKER pro tempore (Mr. BONILLA.) The question is on the amendment offered by the gentleman from Florida (Mr. YOUNG).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 179, noes 248, not voting 7, as follows:

[Roll No. 207]

AYES—179

Aderholt	Eshoo	McCrery
Archer	Etheridge	McInnis
Armey	Everett	McIntosh
Baldwin	Farr	McKeon
Ballenger	Foley	Meehan
Barrett (NE)	Fossella	Miller (FL)
Barrett (WI)	Frelinghuysen	Miller, George
Barton	Gibbons	Minge
Becerra	Gillmor	Mollohan
Bentsen	Goodlatte	Moran (VA)
Berman	Goss	Morella
Biggert	Graham	Murtha
Bilirakis	Granger	Myrick
Bliley	Green (WI)	Nethercutt
Blunt	Hall (OH)	Obey
Boehner	Hall (TX)	Olver
Bonilla	Hayworth	Ose
Boyd	Hefley	Oxley
Brown (OH)	Herger	Packard
Burr	Hinchey	Pastor
Callahan	Hobson	Pelosi
Calvert	Hoeffel	Pickering
Canady	Hoekstra	Pitts
Cardin	Holt	Porter
Castle	Hoyer	Portman
Chabot	Hulshof	Price (NC)
Chambliss	Hunter	Ramstad
Clayton	Hyde	Regula
Clyburn	Istook	Riley
Coburn	Jackson (IL)	Rodriguez
Condit	Johnson (CT)	Roemer
Conyers	Johnson, Sam	Rogan
Cox	Jones (NC)	Rogers
Cramer	Kaptur	Rohrabacher
Cunningham	Kasich	Roukema
Davis (FL)	Kilpatrick	Roybal-Allard
DeLauro	Kind (WI)	Royce
DeLay	Kingston	Ryan (WI)
Dickey	Knollenberg	Ryun (KS)
Dicks	Kolbe	Sabo
Dixon	LaFalce	Salmon
Doggett	Latham	Sanford
Dooley	Levin	Sawyer
Dreier	Lewis (CA)	Scarborough
Dunn	Linder	Schaffer
Edwards	Lofgren	Sensenbrenner
Ehrlich	Lowey	Serrano
Emerson	Luther	Sessions