

bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes.; which was ordered to lie on the table.

SA 4703. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2284, supra; which was ordered to lie on the table.

SA 4704. Mr. WICKER (for himself, Mr. COCHRAN, Mr. VITTER, Ms. LANDRIEU, and Mr. MARTINEZ) submitted an amendment intended to be proposed by him to the bill S. 2284, supra; which was ordered to lie on the table.

SA 4705. Ms. LANDRIEU (for herself, Mr. PRYOR, and Mrs. LINCOLN) submitted an amendment intended to be proposed by her to the bill S. 2284, supra; which was ordered to lie on the table.

SA 4706. Ms. LANDRIEU (for herself and Mr. NELSON of Florida) submitted an amendment intended to be proposed by her to the bill S. 2284, supra; which was ordered to lie on the table.

SA 4707. Mr. DODD (for himself and Mr. SHELBY) submitted an amendment intended to be proposed by him to the bill S. 2284, supra; which was ordered to lie on the table.

SA 4708. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2284, supra; which was ordered to lie on the table.

SA 4709. Mr. NELSON of Florida (for himself, Mrs. CLINTON, Mr. MARTINEZ, and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill S. 2284, supra; which was ordered to lie on the table.

SA 4710. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 2284, supra; which was ordered to lie on the table.

SA 4711. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 2284, supra; which was ordered to lie on the table.

SA 4712. Mr. REID (for himself and Mr. MCCONNELL) proposed an amendment to the bill H.R. 5493, to provide that the usual day for paying salaries in or under the House of Representatives may be established by regulations of the Committee on House Administration.

#### TEXT OF AMENDMENTS DURING ADJOURNMENT OF THE SENATE

**SA 4656.** Mr. KERRY submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed to amendment SA 4627 proposed by Mr. ROCKEFELLER to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

On page 129, line 11, strike “200 additional safety inspectors.” and insert “at least 200 additional safety inspectors or such greater number as may be provided for by appropriations Acts”.

**SA 4657.** Mr. KERRY (for himself and Mr. KENNEDY) submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed to amendment SA 4627 proposed by Mr. ROCKEFELLER to the bill H.R.

2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

On page 66, between lines 2 and 3, insert the following:

(5) The Administrator may not consolidate any additional engineering services from the New England Region's engineering offices in Burlington, Massachusetts, and Nashua, New Hampshire, until the Board's recommendations are completed.

(6) Any Federal Aviation Administration facility, service, or function realignment that has not been completed as of the date of enactment of this Act is subject to the requirements of this section.

**SA 4658.** Mr. KERRY submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed to amendment SA 4627 proposed by Mr. ROCKEFELLER to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

On page 129, between lines 11 and 12, insert the following:

(d) **ADDITIONAL TECHNICIANS.**—From amounts appropriated pursuant to section 106(k)(1) of title 49, United States Code, the Administrator of the Federal Aviation Administration is authorized to hire additional technicians so that the Federal Aviation Administration maintains a minimum of 6,100 technical employees in its Technical Operations Service Unit. The Administrator shall ensure sufficient technicians are employed to account for attrition without falling below the minimum technician staffing level of 6,100.

**SA 4659.** Mr. BARRASSO submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed to amendment SA 4627 proposed by Mr. ROCKEFELLER to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### **SEC. \_\_\_\_.** **GOVERNMENT OIL ACQUISITION FINANCIAL ACCOUNTABILITY AND CONSUMER RELIEF.**

(a) **SUSPENSION OF PETROLEUM ACQUISITION FOR STRATEGIC PETROLEUM RESERVE.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law, during any period in which the conditions described in paragraph (2) are not met—

(A) the Secretary of the Interior shall suspend acquisition of petroleum for the Strategic Petroleum Reserve through the royalty-in-kind program; and

(B) the Secretary of Energy shall suspend acquisition of petroleum for the Strategic

Petroleum Reserve through any other acquisition method.

(2) **RESUMPTION.**—

(A) **IN GENERAL.**—The Secretary of the Interior may resume acquisition of petroleum for the Strategic Petroleum Reserve through the royalty-in-kind program, and the Secretary of Energy may resume acquisition of petroleum for the Strategic Petroleum Reserve through any other acquisition method, not earlier than 30 days after the date on which the President notifies Congress that the President has determined that, for the most recent consecutive 4-week period—

(i) the weighted average price of retail, regular, all formulations gasoline in the United States is \$2.50 or less per gallon (as adjusted under subparagraph (B)); or

(ii) the weighted average price of retail, No. 2 diesel in the United States is \$2.75 or less per gallon (as adjusted under subparagraph (B)).

(B) **ADJUSTMENT.**—For fiscal year 2009 and each subsequent fiscal year, the prices specified in clauses (i) and (ii) of subparagraph (A) for the preceding fiscal year shall be adjusted to reflect changes for the 12-month period ending the preceding November 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

(b) **ADDITIONAL ACQUISITION REQUIREMENTS.**—Section 160 of the Energy Policy and Conservation Act (42 U.S.C. 6240) is amended by inserting after subsection (c) the following:

“(d) **ADDITIONAL ACQUISITION REQUIREMENTS.**—

“(1) **IN GENERAL.**—To the maximum extent practicable, any acquisitions made by the Secretary of the Interior for the Strategic Petroleum Reserve through the royalty-in-kind program and any acquisitions made by the Secretary of Energy for the Reserve through any other acquisition method (referred to in this subsection as the ‘respective Secretary’) shall reflect a steady monthly dollar value of oil acquired through the royalty-in-kind program or any other acquisition method allowed by law.

“(2) **PARTICULAR INCLUSION.**—

“(A) **DEFINITION OF HEAVY CRUDE OIL.**—In this paragraph, the term ‘heavy crude oil’ means oil with a gravity index of not more than 22 degrees.

“(B) **REQUIREMENT.**—To the extent technologically feasible, financially beneficial for the Treasury of the United States, and compatible with domestic refining requirements, the respective Secretary shall include at least 10 percent heavy crude oil in making any acquisitions of crude oil for the Reserve.

“(3) **NEGOTIATION OF DELIVERY DATES.**—Nothing in this subsection limits the ability of the respective Secretary to negotiate delivery dates for crude oil acquired for the Reserve.

“(4) **NATIONAL SECURITY NEEDS.**—The respective Secretary may waive any requirement under this subsection if the respective Secretary determines that the requirement is inconsistent with the national security needs of the United States.”.

**SA 4660.** Mr. BARRASSO (for himself and Mr. ENSIGN) submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other

purposes; which was ordered to lie on the table; as follows:

At the end of title VII, insert the following:

**SEC. 717. PRIORITY OF REVIEW OF CONSTRUCTION PROJECTS.**

(a) FINDINGS.—Congress makes the following findings:

(1) Winter weather in States in cold regions of the United States shortens the period during the year in which construction projects may be carried out in such States.

(2) If review and approval processes for a construction project in such a State is delayed, the project may not be able to be completed in one construction season, adding additional costs to complete the project.

(b) PRIORITY OF REVIEW OF CONSTRUCTION PROJECTS.—

(1) REQUIREMENT TO PRIORITIZE.—The Administrator of the Federal Aviation Administration shall, to the maximum extent practicable, prioritize the review of construction projects by the Administrator in a manner so that such projects to be carried out in a State described in paragraph (2) are reviewed as early as possible.

(2) STATE DESCRIBED.—A State described in this paragraph is a State in which the weather during a typical calendar year prevents major construction projects from being carried out prior to May 1.

**SA 4661.** Mr. KERRY (for himself and Mr. LAUTENBERG) submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . AIRCRAFT RESCUE AND FIREFIGHTING STANDARDS.**

(a) RULEMAKING PROCEEDING.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking proceeding for the purpose of issuing a proposed and final rule that revises the aircraft rescue and firefighting standards under part 139 of title 14, Code of Federal Regulations, to improve the protection of the traveling public, other persons, aircraft, buildings, and the environment from fires and hazardous materials incidents.

(b) CONTENTS OF PROPOSED AND FINAL RULE.—The proposed and final rule to be issued under subsection (a) shall address—

(1) the mission of aircraft rescue and firefighting personnel, including responsibilities for passenger egress in the context of other requirements of the Federal Aviation Administration;

(2) the proper level of staffing;

(3) the timeliness of a response;

(4) the handling of hazardous materials incidents at airports;

(5) proper vehicle deployment; and

(6) the need for equipment modernization.

(c) CONSISTENCY WITH VOLUNTARY CONSENSUS STANDARDS.—The proposed and final rule issued under subsection (a) shall be, to the extent practicable, consistent with national voluntary consensus standards for aircraft rescue and firefighting services at airports.

(d) ASSESSMENTS OF POTENTIAL IMPACTS.—In the rulemaking proceeding initiated

under subsection (a), the Administrator shall assess the potential impact of any revisions to the firefighting standards on airports and air transportation service.

(e) INCONSISTENCY WITH STANDARDS.—If the proposed or final rule issued under subsection (a) is not consistent with national voluntary consensus standards for aircraft rescue and firefighting services at airports, the Administrator shall submit to the Office of Management and Budget an explanation of the reasons for such inconsistency in accordance with section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note; 110 Stat. 783).

(f) SMALL AIRPORT EXEMPTION.—

(1) IN GENERAL.—The Administrator may exempt any airport designated as an Index A or Index B under part 139 of title 14, Code of Federal Regulations, from the rule issued under subsection (a) if such airport petitions for such an exemption, in accordance with regulations promulgated by the Administrator.

(2) SAVINGS PROVISION.—Notwithstanding any other provision of this section, airports that file a petition under paragraph (1) shall be subject to the airport rescue and firefighting standards under part 139 of title 14, Code of Federal Regulations, in effect as of the date of the enactment of this Act, until the date on which the Administrator requires that such airports comply with the rule issued under subsection (a).

(g) FINAL RULE.—Not later than 2 years after the date of the enactment of this Act, the Administrator shall issue the final rule required under subsection (a).

**SA 4662.** Mr. WYDEN submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

On page 213, beginning on line 21, strike through page 214, line 9, and insert the following:

**SEC. 811. REPLENISH EMERGENCY SPENDING FROM HIGHWAY TRUST FUND.**

(a) IN GENERAL.—Section 9503(b) of the Internal Revenue Code of 1986 is amended—

(1) by adding at the end the following new paragraph:

“(7) EMERGENCY SPENDING REPLENISHMENT.—

“(A) IN GENERAL.—There is hereby appropriated to the Highway Trust Fund \$3,400,000,000.

“(B) ALLOCATION.—

“(i) ALLOCATION OF EXCESS REPLENISHMENT AMOUNT.—The fiscal year 2008 Highway Trust Fund excess amount shall be allocated among the accounts of the Highway Trust Fund as follows:

“(I) 80 percent of such amount shall be deposited in the Highway Account.

“(II) 20 percent of such amount shall be deposited in the Mass Transit Account.

“(ii) FISCAL YEAR 2008 HIGHWAY TRUST FUND EXCESS AMOUNT.—For purposes of this subparagraph, the term ‘fiscal year 2008 Highway Trust Fund excess amount’ means an amount equal to the excess of—

“(I) the amount by which the balance of the Highway Trust Fund that is available for obligations for fiscal year 2008 (as estimated by the Secretary as of the day before the date of the enactment of the Aviation In-

vestment and Modernization Act of 2008) is estimated by the Secretary to be increased by the enactment of subtitle B of title VIII of the Aviation Investment and Modernization Act, over

“(II) the amount by which the obligations of the Highway Trust Fund for fiscal year 2008 (as of the day before the date of the enactment of the Aviation Investment and Modernization Act) are estimated by the Secretary to exceed the balance of the Highway Trust Fund that is available for obligations for fiscal year 2008 (as of the day before the date of the enactment of the Aviation Investment and Modernization Act of 2008).”, and

(2) by striking “AMOUNTS EQUIVALENT TO CERTAIN TAXES AND PENALTIES” in the heading and inserting “CERTAIN AMOUNTS”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

**SEC. 812. OBLIGATION AUTHORITY FOR STIMULUS PROJECTS.**

(a) IN GENERAL.—Section 1102 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (23 U.S.C. 104 note; Public Law 109-59) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “(g) and (h)” and inserting “(g), (h), and (i)”; and

(B) in paragraph (4), by amending such paragraph to read as follows:

“(4) the amount that is the sum of—

“(A) \$39,585,075,404; and

“(B) the amount that is 80 percent of the fiscal year 2008 Highway Trust Fund excess amount (as defined in section 9503(b)(7)(B)(ii) of the Internal Revenue Code of 1986); for fiscal year 2008; and”; and

(2) by adding at the end the following:

“(I) OBLIGATION AUTHORITY FOR STIMULUS PROJECTS.—

“(1) IN GENERAL.—Of the obligation authority distributed under subsection (a)(4), an amount that is not less than the amount that is 80 percent of the fiscal year 2008 Highway Trust Fund excess amount (as defined in section 9503(b)(7)(B)(ii) of the Internal Revenue Code of 1986) shall be provided to States for use in carrying out highway projects that the States determine will provide rapid economic stimulus.

“(2) REQUIREMENT.—A State that seeks a distribution of the obligation authority described in paragraph (1) shall agree to obligate funds so received not later than 120 days after the date on which the State receives the funds.

“(3) FLEXIBILITY.—A State that receives a distribution of the obligation authority described in paragraph (1) may use the funds for any highway project described in paragraph (1), regardless of any funding limitation or formula that is otherwise applicable to projects carried out using obligation authority under this section.

“(4) FEDERAL SHARE.—The Federal share of any highway project carried out using funds described in paragraph (1) shall be 100 percent.”.

(b) CONFORMING AMENDMENTS.—

(1) The matter under the heading “(INCLUDING TRANSFER OF FUNDS)” under the heading “(HIGHWAY TRUST FUND)” under the heading “(LIMITATION ON OBLIGATIONS)” under the heading “FEDERAL-AID HIGHWAYS” under the heading “FEDERAL HIGHWAY ADMINISTRATION” of title I of division K of the Consolidated Appropriations Act, 2008 (Public Law 110-161; 121 Stat. 1844) is amended—

(A) by striking “in excess of \$40,216,051,359” and inserting “in excess of the amount that is the sum of \$40,216,051,359 and the amount

that is 80 percent of the fiscal year 2008 Highway Trust Fund excess amount (as defined in section 9503(b)(7)(B)(ii) of the Internal Revenue Code of 1986);” and

(B) by striking “the \$40,216,051,359 obligation limitation” and inserting “the obligation limitation in the amount of such sum”.

(2) The matter under the heading “(INCLUDING RESCISSION)” under the heading “(HIGHWAY TRUST FUND)” under the heading “(LIMITATION ON OBLIGATIONS)” under the heading “(LIQUIDATION OF CONTRACT AUTHORITY)” under the heading “(FORMULA AND BUS GRANTS)” under the heading “(FEDERAL TRANSIT ADMINISTRATION)” of title I of division K of the Consolidated Appropriations Act, 2008 (Public Law 110-161; 121 Stat. 1844) is amended by striking “\$6,855,000,000” and inserting “, and section 3052 of Public Law 109-59, the amount that is the sum of \$6,855,000,000 and the amount that is 20 percent of the fiscal year 2008 Highway Trust Fund excess amount (as defined in section 9503(b)(7)(B)(ii) of the Internal Revenue Code of 1986)”.

(3) Sections 9503(c)(1) and 9503(e)(3) of the Internal Revenue Code of 1986 are each amended by inserting “, as amended by the Aviation Investment and Modernization Act of 2008,” after “the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users”.

**SEC. 813. STIMULUS OF MANUFACTURING AND CONSTRUCTION THROUGH PUBLIC TRANSPORTATION INVESTMENT.**

(a) IN GENERAL.—Title III of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59; 119 Stat. 1544) is amended by adding at the end the following:

**“SEC. 3052. STIMULUS OF MANUFACTURING AND CONSTRUCTION THROUGH PUBLIC TRANSPORTATION INVESTMENT.**

“(a) AUTHORIZATION.—The Secretary is authorized to make stimulus grants under this section to public transportation agencies.

“(b) ELIGIBLE RECIPIENTS.—Stimulus grants authorized under subsection (a) may be awarded—

“(1) to public transportation agencies which have a full funding grant agreement in force on the date of enactment of this section with Federal payments scheduled in any year beginning with fiscal year 2008, for activities authorized under the full funding grant agreement that would expedite construction of the project; and

“(2) to designated recipients as defined in section 5307 of title 49, United States Code, for immediate use to address a backlog of existing maintenance needs or to purchase rolling stock or buses, if the contracts for such purchases are in place prior to the grant award.

“(c) USE OF FUNDS.—Of the amounts made available to carry out this section, the Secretary shall use to make grants under this section—

“(1) 30 percent of such amounts for stimulus grants to recipients described in subsection (b)(1); and

“(2) 70 percent of such amounts for stimulus grants to recipients described in subsection (b)(2).

“(d) DISTRIBUTION OF FUNDS.—

“(1) EXPEDITED NEW STARTS GRANTS.—Funds described in subsection (c)(1) shall be distributed among eligible recipients so that each recipient receives an equal percentage increase based on the Federal funding commitment for fiscal year 2008 specified in Attachment 6 of the recipient’s full funding grant agreement.

“(2) FORMULA GRANTS.—Of the funds described in subsection (c)(2)—

“(A) 60 percent shall be distributed according to the formula in subsections (a) through (c) of section 5336 of title 49, United States Code; and

“(B) 40 percent shall be distributed according to the formula in section 5340 of title 49, United States Code.

“(3) ALLOCATION.—The Secretary shall determine the allocation of the amounts described in subsection (c)(1) and shall apportion amounts described in subsection (c)(2) not later than 20 days after the date of enactment of this section.

“(4) NOTIFICATION TO CONGRESS.—The Secretary shall notify the committees referred to in section 5334(k) of title 49, United States Code, of the allocations determined under paragraph (3) not later than 3 days after such determination is made.

“(5) OBLIGATION REQUIREMENT.—The Secretary shall obligate the funds described in subsection (c)(1) as expeditiously as practicable, but in no case later than 120 days after the date of enactment of this section.

“(e) PRE-AWARD SPENDING AUTHORITY.—

“(1) IN GENERAL.—A recipient of a grant under this section shall have pre-award spending authority.

“(2) REQUIREMENTS.—Any expenditure made pursuant to pre-award spending authorized by this subsection shall conform with applicable Federal requirements in order to remain eligible for future Federal reimbursement.

“(f) FEDERAL SHARE.—The Federal share of a stimulus grant authorized under this section shall be 100 percent.

“(g) SELF-CERTIFICATION.—

“(1) IN GENERAL.—Prior to the obligation of stimulus grant funds under this section, the recipient of the grant award shall certify—

“(A) for recipients described in subsection (b)(1), that the recipient will comply with the terms and conditions that apply to grants under section 5309 of title 49, United States Code;

“(B) for recipients under subsection (b)(2), that the recipient will comply with the terms and conditions that apply to grants under section 5307 of title 49, United States Code; and

“(C) that the funds will be used in a manner that will stimulate the economy.

“(2) CERTIFICATION.—Required certifications may be made as part of the certification required under section 5307(d)(1) of title 49, United States Code.

“(3) AUDIT.—If, upon the audit of any recipient under this section, the Secretary finds that the recipient has not complied with the requirements of this section and has not made a good-faith effort to comply, the Secretary may withhold not more than 25 percent of the amount required to be appropriated for that recipient under section 5307 of title 49, United States Code, for the following fiscal year if the Secretary notifies the committees referred to in subsection (d)(4) at least 21 days prior to such withholding.”.

(b) STIMULUS GRANT FUNDING.—Section 5338 of title 49, United States Code, is amended by adding at the end the following:

“(h) STIMULUS GRANT FUNDING.—For fiscal year 2008, the amount that is 20 percent of the fiscal year 2008 Highway Trust Fund excess amount (as defined in section 9503(b)(7)(B)(ii) of the Internal Revenue Code of 1986) shall be available from the Mass Transit Account of the Highway Trust Fund to carry out section 3052 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.”.

(c) EXPANDED BUS SERVICE IN SMALL COMMUNITIES.—Section 5307(b)(2) of title 49, United States Code, is amended—

(1) in the paragraph heading, by striking “2007” and inserting “2009”;

(2) in subparagraph (A), by striking “2007” and inserting “2009”; and

(3) by adding at the end the following:

“(E) MAXIMUM AMOUNTS IN FISCAL YEARS 2008 AND 2009.—In fiscal years 2008 and 2009—

“(i) amounts made available to any urbanized area under clause (i) or (ii) of subparagraph (A) shall be not more than 50 percent of the amount apportioned in fiscal year 2002 to the urbanized area with a population of less than 200,000, as determined in the 1990 decennial census of population;

“(ii) amounts made available to any urbanized area under subparagraph (A)(iii) shall be not more than 50 percent of the amount apportioned to the urbanized area under this section for fiscal year 2003; and

“(iii) each portion of any area not designated as an urbanized area, as determined by the 1990 decennial census, and eligible to receive funds under subparagraph (A)(iv), shall receive an amount of funds to carry out this section that is not less than 50 percent of the amount the portion of the area received under section 5311 in fiscal year 2002.”.

**SA 4663.** Mr. THUNE (for himself and Mrs. BOXER) submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 88, strike line 3 and all that follows through page 89, line 5, and insert the following:

(a) IN GENERAL.—Section 41722 is amended by adding at the end the following:

“(f) CHRONICALLY DELAYED FLIGHTS.—

“(1) PUBLICATION OF LIST OF FLIGHTS.—Each air carrier holding a certificate issued under section 41102 that conducts scheduled passenger air transportation shall, on a monthly basis—

“(A) publish and update on the Internet website of the air carrier a list of chronically delayed flights operated by such air carrier; and

“(B) share such list with each entity that is authorized to book passenger air transportation for such air carrier for inclusion on the Internet website of such entity.

“(2) DISCLOSURE TO CUSTOMERS WHEN PURCHASING TICKETS.—For each individual who books passenger air transportation on the Internet website of an air carrier, or the Internet website of an entity that is authorized to book passenger air transportation for an air carrier, for any flight for which data is reported to the Department of Transportation under part 234 of title 14, Code of Federal Regulations, such air carrier or entity, as the case may be, shall prominently disclose to such individual, before such individual makes such booking, the following:

“(A) The on-time performance for the flight if the flight is a chronically delayed flight.

“(B) The cancellation rate for the flight if the flight is a chronically canceled flight.

“(3) DEFINITIONS.—In this subsection:

“(A) CHRONICALLY DELAYED FLIGHT.—The term ‘chronically delayed flight’ means a regularly scheduled flight that has failed to arrive on time (as such term is defined in section 234.2 of title 14, Code of Federal Regulations) at least 40 percent of the time during the most recent 3-month period for which data is available.

“(B) CHRONICALLY CANCELED FLIGHT.—The term ‘chronically canceled flight’ means a regularly scheduled flight at least 30 percent

of the departures of which have been canceled during the most recent 3-month period for which data is available.”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on the date that is 180 days after the date of the enactment of this Act.

**SA 4664.** Mr. DEMINT submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . CERTAIN PROVISION IS NULL AND VOID.**

Section 831, and the amendments made by such section, are hereby null and void and shall have no effect.

**SA 4665.** Mr. DEMINT submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . EARMARKS.**

(a) **IN GENERAL.**—It shall not be in order to consider a provision that proposes a congressional earmark of appropriated funds authorized by this Act.

(b) **DEFINITIONS.**—For the purpose of this section, the term “congressional earmark” means a provision or report language included primarily at the request of a Member, Delegate, Resident Commissioner, or Senator providing, authorizing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process.

(c) **SUPERMAJORITY WAIVER AND APPEAL.**—This section may be waived or suspended in the Senate only by an affirmative vote of  $\frac{3}{4}$  of the Members, duly chosen and sworn. An affirmative vote of  $\frac{3}{4}$  of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

**SA 4666.** Mr. DEMINT submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed to amendment SA 4585 proposed by Mr. ROCKEFELLER (for himself, Mr. INOUE, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the

Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . CERTAIN PROVISION IS NULL AND VOID.**

Section 831, and the amendments made by such section, are hereby null and void and shall have no effect.

**SA 4667.** Mrs. HUTCHISON submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by her to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

On page 99, after line 25, add the following:  
(d) **EXCEPTION TO CERTAIN BEYOND-PERIMETER EXEMPTIONS.**—Section 41718 is amended—

(1) in subsection (a), as amended, by striking “exemptions from the requirements of subparts K and S of part 93,” and insert “from the requirements of subparts K and S of part 93 of title 14.”; and

(2) in subsection (c), as amended, by adding at the end the following:

“(5) **EXCEPTION TO CERTAIN BEYOND-PERIMETER EXEMPTIONS.**—Of the exemptions granted under subsection (a), 4 shall be granted without regard to the competition requirement under subsection (a)(2) to air carriers for select routes originating from or terminating at a medium hub airport that is located—

“(A) outside the perimeter established for civil aircraft operations at Ronald Reagan Washington National Airport under section 49109; and

“(B) within a State that contains not fewer than 2 large hub airports that are located within such perimeter.”.

**SA 4668.** Mr. BAUCUS submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . AIRLINE MERGERS.**

The Comptroller General of the United States shall conduct a study of, and submit a report regarding, whether the proposed merger of Northwest Airlines and Delta Air Lines announced April 14, 2008, will harm air transport services in rural areas.

**SA 4669.** Mr. BAUCUS (for himself, Mr. TESTER, Mr. BINGAMAN, Ms. SNOWE, Mr. WYDEN, Mr. HARKIN, Mr. THUNE, and Mr. LEVIN) submitted, under au-

thority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

On page 111, between lines 4 and 5, insert the following:

“(g) **ADJUSTMENT FOR FUEL COSTS.**—

“(1) **IN GENERAL.**—The Secretary shall adjust the rate at which compensation is being paid under this subchapter for fuel costs to ensure that air carriers providing air service or air transportation under this subchapter are adequately compensated, as provided in paragraphs (2) and (3).

“(2) **INITIAL ADJUSTMENT.**—On the date that is 90 days after the date of the enactment of this Act, the Secretary shall adjust the rate of compensation for fuel costs for each air carrier described in paragraph (1) by the percentage increase or decrease, as the case may be, in the average fuel cost per block hour, as reported by the air carrier, for the 90-day period beginning on such date of enactment over the average fuel cost per block hour, as reported by the air carrier, during the 90-day period ending on such date of enactment.

“(3) **SUBSEQUENT ADJUSTMENTS.**—On the date that is 180 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary shall adjust the rate of compensation for fuel costs for each air carrier described in paragraph (1) by the percentage increase or decrease, as the case may be, in the average fuel cost per block hour, as reported by the air carrier, in the most recent 90-day period over the average fuel cost per block hour on which the adjustment for the preceding 90-day period was based.

“(4) **APPLICABILITY OF OTHER PROVISIONS.**—The Secretary shall make the adjustment under paragraph (1) without regard to any adjustment for significantly increased costs under subsection (e).”.

**SA 4670.** Mr. BAUCUS submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . AIRLINE MERGERS.**

In reviewing the proposed merger of Northwest Airlines and Delta Air Lines announced April 14, 2008, the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice shall consider any potential adverse effects on competition in urban and rural areas with fewer than 200,000 residents.

**SA 4671.** Mr. BAUCUS submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United



States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ AIRLINE MERGERS.**

In reviewing the proposed merger of Northwest Airlines and Delta Air Lines announced April 14, 2008, the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice shall consider whether Northwest Airlines or Delta Air Lines would be able to continue business operations if such proposed merger does not occur.

**SA 4672.** Mr. BAUCUS submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ AIRLINE MERGERS.**

(a) IN GENERAL.—For any covered airline merger, the waiting period described in section 7A(b)(1) of the Clayton Act (15 U.S.C. 18a(b)(1)) for that covered airline merger shall expire on the latter of—

(1) the date that is 1 year after the date of enactment of this Act; or

(2) the date that such waiting period otherwise expires under section 7A(b)(1) of the Clayton Act (15 U.S.C. 18a(b)(1)) (including such later date as may be set under subsection (e)(2) or (g)(2) of such section).

(b) DEFINITION OF COVERED AIRLINE MERGER.—In this section, the term “covered airline merger” means any acquisition of voting securities or assets of a person in the air transport services industry—

(1) relating to which—

(A) a notice is filed pursuant to the rules under section 7A(d)(1) of the Clayton Act (15 U.S.C. 18a(d)(1)) during the 1-year period beginning on the date of enactment of this Act; or

(B) the waiting period described in section 7A(b)(1) of the Clayton Act (15 U.S.C. 18a(b)(1)) has not expired on the date of enactment of this Act; and

(2) that the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice determines is likely to result in layoffs in, or reductions in air transport services to, rural areas.

**SA 4673.** Mr. BAUCUS submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ STUDY ON IMPACT OF PROPOSED MERGER BETWEEN DELTA AIR LINES AND NORTHWEST AIRLINES ON AIR TRANSPORTATION MARKET IN EUROPE.**

The Secretary of Transportation shall conduct a study on the proposed merger between Delta Air Lines and Northwest Airlines—

(1) to estimate, if such merger were completed, what share of the air transportation market in Europe such merged entity would have, taking into consideration the Open Skies Initiative; and

(2) to determine whether permitting such merger would violate any trade agreement with respect to which the United States is a party.

**SA 4674.** Mr. BAUCUS submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, insert the following:

**SEC. \_\_\_\_ ACTION BY STATE ATTORNEYS GENERAL AGAINST DELTA AND NORTHWEST MERGER.**

Congress encourages the Attorney General of any State adversely impacted by the proposed Delta and Northwest merger to bring an action under the Clayton Act to enjoin the merger or recover any appropriate damages.

**SA 4675.** Mr. BAUCUS submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ STUDY ON EXISTING CODE-SHARING AGREEMENTS AND PROPOSED MERGER BETWEEN DELTA AIR LINES AND NORTHWEST AIRLINES.**

The Secretary of Transportation shall conduct a study on the proposed merger between Delta Air Lines and Northwest Airlines to assess whether, because of existing code-sharing agreements between Northwest Airlines, Air France, and KLM Royal Dutch Airlines—

(1) such merger would provide greater access to United States air transportation markets by Air France and KLM Royal Dutch Airlines; and

(2) such increased access would be in the United States public interest.

**SA 4676.** Mr. BAUCUS submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropria-

tions for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, insert the following:

**SEC. \_\_\_\_ STUDY OF THE IMPACT THAT AIRLINE MERGERS HAVE HAD ON RURAL AREAS.**

(a) IN GENERAL.—The Attorney General shall conduct a study on the impact that airline mergers have had on rural areas since deregulation of the airline industry in 1978.

(b) REPORT.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall submit the findings from the study required by subsection (a) to Congress.

(c) DEFINITION.—In this section, the term “rural areas” means areas having fewer than 50,000 residents.

**SA 4677.** Mr. BAUCUS submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, insert the following:

**SEC. \_\_\_\_ STUDY OF THE IMPACT THAT AIRLINE MERGERS HAVE HAD ON NEW COMMERCIAL AIRLINE ENTRIES INTO RURAL MARKETS.**

(a) IN GENERAL.—The Attorney General shall conduct a study on the impact that airline mergers have had on new commercial airline entries into rural markets.

(b) REPORT.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall submit the findings from the study required by subsection (a) to Congress.

**SA 4678.** Mr. BAUCUS submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ AIRLINE MERGERS.**

The Comptroller General of the United States shall conduct a study of, and submit a report to Congress regarding, the effect of the proposed merger of Northwest Airlines and Delta Air Lines announced April 14, 2008, on—

(1) the compensation of executives of such companies; and

(2) the liabilities of the employee pension benefit plans of such companies relating to employees that are not executive-level employees.

**SA 4679.** Ms. CANTWELL submitted, under authority of the order of the

Senate of May 2, 2008, an amendment intended to be proposed by her to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

On page 99, line 12, strike “5” and insert “7”.

**SA 4680.** Ms. CANTWELL submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by her to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

On page 118, strike line 18 and all that follows through page 120, line 21, and insert the following:

**SEC. 508. INCREASING SAFETY FOR HELICOPTER AND FIXED WING EMERGENCY MEDICAL SERVICE OPERATORS AND PATIENTS.**

(a) COMPLIANCE REGULATIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), not later than 18 months after the date of the enactment of this Act, all pilots of a helicopter or fixed wing aircraft providing emergency medical services shall comply with part 135 of title 14, Code of Federal Regulations, if there is a medical crew on board, without regard to whether there are patients on board.

(2) EXCEPTION.—If an aircraft described in paragraph (1) is operating under instrument flight rules or is carrying out training therefor—

(A) the weather minimums and duty and rest time regulations under such part 135 of such title shall apply; and

(B) the weather reporting requirement at the destination shall not apply until such time as the Administrator of the Federal Aviation Administration determines that suitable, cost-effective, portable, and accurate ground-based weather measuring and reporting systems are available.

(b) IMPLEMENTATION OF FLIGHT RISK EVALUATION PROGRAM.—

(1) INITIATION.—Not later than 60 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking—

(A) to create a standardized checklist of risk evaluation factors based on Notice 8000.301, which was issued by the Administration on August 1, 2005; and

(B) to require helicopter and fixed wing aircraft emergency medical service operators to use the checklist created under subparagraph (A) to determine whether a mission should be accepted.

(2) COMPLETION.—The rulemaking initiated under paragraph (1) shall be completed not later than 18 months after it such initiation.

(c) COMPREHENSIVE CONSISTENT FLIGHT DISPATCH PROCEDURES.—

(1) INITIATION.—Not later than 60 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking—

(A) to require that helicopter and fixed wing emergency medical service operators

formalize and implement performance based flight dispatch and flight-following procedures; and

(B) to develop a method to assess and ensure that such operators comply with the requirements described in subparagraph (A).

(2) COMPLETION.—The rulemaking initiated under paragraph (1) shall be completed not later than 18 months after it such initiation.

(d) IMPROVING SITUATIONAL AWARENESS.—Any helicopter or fixed-wing aircraft used for emergency medical service operations that is ordered after the date of the enactment of this Act shall have on board a device that performs the function of a terrain awareness and warning system that meets the requirements of the applicable Federal Aviation Administration Technical Standard Order or other guidance prescribed by the Administration.

(e) IMPROVING THE DATA AVAILABLE TO NTSB INVESTIGATORS AT CRASH SITES.—

(1) STUDY.—Not later than 1 year after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall complete a study that—

(A) analyzes the feasibility of requiring devices that perform the function of recording voice communications and flight data information on helicopters and fixed wing aircraft used for emergency medical service operators; and

(B) addresses issues related to survivability, weight, and financial considerations of the requirement described in subparagraph (A).

(2) RULEMAKING.—Not later than 2 years after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall issue regulations that require devices that perform the function of recording voice communications and flight data information on board aircraft described in paragraph (1)(A).

**SA 4681.** Ms. CANTWELL submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by her to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 712 and insert the following:  
**SEC. 712. PILOT PROGRAM FOR REDEVELOPMENT OF AIRPORT PROPERTIES.**

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall establish a pilot program at not more than 4 public use airports, under which local airport operators, which have submitted a noise compatibility program approved by the Federal Aviation Administration under section 47504 of title 49, United States Code, will be awarded demonstration grants, from amounts made available under section 47117(e) of title 49, United States Code, and passenger facility revenue collected under section 40117 of title 49, United States Code, to establish partnerships with affected neighboring local jurisdictions—

(1) to support joint planning, engineering design, and environmental permitting for the assembly and redevelopment of property purchased with noise mitigation funds or passenger facility revenue;

(2) to encourage airport compatible land uses; and

(3) to generate economic benefits to the local airport authority and the adjacent community.

(b) DEMONSTRATION GRANTS.—

(1) IN GENERAL.—The Administrator shall award not more than 4 grants for pilot property redevelopment demonstration projects distributed geographically and targeted to airports that demonstrate—

(A) a readiness to implement cooperative land use management and redevelopment plans with the adjacent community;

(B) clear economic benefits to the local community; and

(C) financial return to the airport through the implementation of the redevelopment plan.

(2) FEDERAL SHARE.—

(A) IN GENERAL.—The United States Government share of the allowable costs of a project under this section shall be 80 percent.

(B) ALLOWABLE COSTS.—In determining the allowable costs for a project under this section, the Secretary shall deduct, from the total costs of the activities described in subsection (a), the portion of such costs that is equal to the portion of the total property to be redeveloped under this section that is not owned and will not be acquired by the airport operator pursuant to the noise compatibility program, the affected neighboring local jurisdictions, or other public entities.

(3) MAXIMUM AMOUNT.—Not more than \$5,000,000 of the amounts made available under section 47117(e) of title 49, United States Code, may be expended under this pilot program at any single public use airport.

(4) EXCEPTION.—The amounts paid to the Secretary under paragraph (3)—

(A) shall be in addition to amounts made available under section 48103 of title 49, United States Code;

(B) shall not be subject to any limitation on grant obligations for any fiscal year; and

(C) shall remain available until expended.

(c) GRANT REQUIREMENTS.—The Administrator may not award a demonstration grant under this section unless—

(1) grant funds are used to enable the airport operator and local jurisdictions undertaking the community redevelopment effort to expedite redevelopment efforts; and

(2) the grant is subject to a requirement that—

(A) the local jurisdiction governing the property interests in question adopts zoning regulations that permit airport compatible redevelopment; and

(B) in determining the part of the proceeds from disposing of the land that is subject to repayment or reinvestment under section 47107(c)(2)(A) of title 49, United States Code, the total amount of the grant issued under this section is added to the amount of any grants awarded to acquire land.

(d) NOISE COMPATIBILITY MEASURES.—Section 47504(a)(2) is amended—

(1) in subparagraph (D), by striking “and” at the end;

(2) in subparagraph (E), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(F) joint comprehensive land use planning including master plans, traffic studies, environmental evaluation and economic and feasibility studies, with neighboring local jurisdictions undertaking community redevelopment in the area where the land or other property interest acquired by the airport operator pursuant to this subsection is located, to encourage and enhance redevelopment opportunities that reflect zoning and uses that will prevent the introduction of additional incompatible uses and enhance redevelopment potential.”.

(e) **USE OF PASSENGER FACILITY REVENUE.**—Eligible agencies that own or operate airports designated by the Administrator for participation in the pilot program under this section may use passenger facility revenue collected under section 40117 of title 49, United States Code, to pay for any project costs described in subsection (a) that are not financed with a demonstration grants awarded under this section.

(f) **REPORT TO CONGRESS.**—Not later than 30 months after the date on which the first grant is awarded under this section, the Administrator shall submit a report to Congress that describes the effectiveness of the program.

(g) **SUNSET.**—This section shall expire on September 30, 2011.

**SA 4682.** Mrs. MURRAY submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by her to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

On page 190, between lines 2 and 3, insert the following:

**SEC. 717. PROHIBITION ON USE OF FUNDS TO REDUCE HOURS AT THE SPOKANE INTERNATIONAL AIRPORT AIR TRAFFIC CONTROL TOWER.**

None of the amounts authorized to be appropriated or otherwise made available by this Act may be obligated or expended to reduce the hours of operation of the Spokane International Airport (GEG) Air Traffic Control Tower.

**SA 4683.** Mrs. MURRAY submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by her to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

On page 131, between lines 13 and 14, insert the following:

**SEC. 520. INSPECTOR GENERAL EVALUATION OF SECURITY AT NATIONAL AIRSPACE SYSTEM FACILITIES.**

(a) **IN GENERAL.**—The Inspector General of the Department of Transportation shall conduct an evaluation of physical security at Federal Aviation Administration National Airspace System facilities.

(b) **CONTENTS.**—The evaluation required under subsection (a) shall include the following:

(1) A comprehensive assessment of the security regulations, processes, and standards of the Federal Aviation Administration for ensuring adequate physical security at National Airspace System facilities.

(2) A comprehensive assessment of the compliance of the Federal Aviation Administration with existing security regulations, processes, and standards at all National Airspace System facilities, including air traffic control towers, terminal radar approach control facilities, and air route traffic control centers.

(3) An evaluation of the adequacy of the internal controls of the Federal Aviation Administration for ensuring compliance with and enforcement of security regulations, processes, and standards relating to physical security at National Airspace System facilities.

(4) An evaluation of the adequacy of security training, antiterrorism training, and weapons qualifications training provided to contract security guards.

(5) An evaluation of the regulations, processes, and standards of the Federal Aviation Administration relating to drug and alcohol testing and background checks of contract security guards.

(6) An evaluation of the adequacy of the internal controls of the Federal Aviation Administration for ensuring full compliance with and enforcement of regulations, processes, and standards applicable to the hiring and training of contract security guards.

(c) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Inspector General shall submit the Committee on Appropriations and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Appropriations and the Committee on Transportation and Infrastructure of the House of Representatives a report containing—

(1) the results of the evaluation required under subsection (a); and

(2) any recommendations to the Federal Aviation Administration with respect to improving—

(A) regulations, processes, and standards for ensuring adequate physical security at National Airspace System facilities; and

(B) oversight of and compliance with security measures at National Airspace System facilities.

**SA 4684.** Mrs. MURRAY submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by her to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

On page 95, between lines 21 through 22, insert the following:

(c) **LIMITATION ON LOCAL SHARE.**—Section 47124(b)(3) is amended by adding at the end the following:

“(F) **LIMITATION ON LOCAL SHARE FOR CERTAIN AIRPORTS.**—Notwithstanding any other provision of this section, in the case of an airport that is certified under part 139 of title 14, Code of Federal Regulations, and that has more than 10,000 but fewer than 50,000 passenger enplanements per year, the local share of the costs of carrying out the Contract Tower Program shall not exceed 20 percent.”.

**SA 4685.** Mr. WYDEN submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. . DEFINITIONS RELATING TO AMATEUR-BUILT AIRCRAFT.**

As used in section 21.191(g) of title 14, Code of Federal Regulations—

(1) the term “fabricated” means to perform work on a part or component, such as gluing, forming, shaping, trimming, drilling, applying protective coatings, riveting, spot welding or heat-treating, transforming the part or component into its finished state for inclusion into a sub-assembly or within a final assembly; and

(2) the term “major portion” means more than ½ of the sum of the applicable fabrication, assembly, and installation tasks needed to complete an airworthy aircraft.

**SA 4686.** Mr. CARPER (for himself and Mr. VOINOVICH) submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**Subtitle —Infrastructure Improvement**

**SEC. 1. SHORT TITLE.**

This subtitle may be cited as the “National Infrastructure Improvement Act of 2008”.

**SEC. 2. DEFINITIONS.**

In this subtitle:

(1) **ACQUISITION.**—The term “acquisition” includes any necessary activities for siting a facility, equipment, structures, or rolling stock by purchase, lease-purchase, trade, or donation.

(2) **COMMISSION.**—The term “Commission” means the National Commission on the Infrastructure of the United States established by section 3(a).

(3) **CONSTRUCTION.**—The term “construction” means—

(A) the design, planning, and erection of new infrastructure;

(B) the expansion of existing infrastructure;

(C) the reconstruction of an infrastructure project at an existing site; and

(D) the installation of initial or replacement infrastructure equipment.

(4) **INFRASTRUCTURE.**—

(A) **IN GENERAL.**—The term “infrastructure” means a nonmilitary structure or facility, and any equipment and any non-structural elements associated with such a structure or facility.

(B) **INCLUSIONS.**—The term “infrastructure” includes—

(i) a surface transportation facility (such as a road, bridge, highway, public transportation facility, and freight and passenger rail), as the Commission, in consultation with the National Surface Transportation Policy and Revenue Study Commission established by section 1909(b)(1) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59; 119 Stat. 1471), determines to be appropriate;

(ii) a mass transit facility;

(iii) an airport or airway facility;

(iv) a resource recovery facility;

(v) a water supply and distribution system;

(vi) a wastewater collection, conveyance, or treatment system, and related facilities;

(vii) a stormwater treatment system to manage, reduce, treat, or reuse municipal stormwater;

(viii) waterways, locks, dams, and associated facilities;

(ix) a levee and any related flood damage reduction facility;

(x) a dock or port; and

(xi) a solid waste disposal facility.

(5) NONSTRUCTURAL ELEMENTS.—The term “nonstructural elements” includes —

(A) any feature that preserves and restores a natural process, a landform (including a floodplain), a natural vegetated stream side buffer, wetland, or any other topographical feature that can slow, filter, and naturally store storm water runoff and flood waters;

(B) any natural design technique that percolates, filters, stores, evaporates, and detains water close to the source of the water; and

(C) any feature that minimizes or disconnects impervious surfaces to slow runoff or allow precipitation to percolate.

(6) MAINTENANCE.—The term “maintenance” means any regularly scheduled activity, such as a routine repair, intended to ensure that infrastructure continues to operate efficiently and as intended.

(7) REHABILITATION.—The term “rehabilitation” means an action to extend the useful life or improve the effectiveness of existing infrastructure, including—

(A) the correction of a deficiency;

(B) the modernization or replacement of equipment;

(C) the modernization of, or replacement of parts for, rolling stock relating to infrastructure;

(D) the use of nonstructural elements; and

(E) the removal of infrastructure that is deteriorated or no longer useful.

#### SEC. 3. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the “National Commission on the Infrastructure of the United States” to ensure that the infrastructure of the United States—

(1) meets current and future demand;

(2) facilitates economic growth;

(3) is maintained in a manner that ensures public safety; and

(4) is developed or modified in a sustainable manner.

(b) MEMBERSHIP.—

(c) COMPOSITION.—The Commission shall be composed of 8 members, of whom—

(A) 2 members shall be appointed by the President;

(B) 2 members shall be appointed by the Speaker of the House of Representatives;

(C) 1 member shall be appointed by the minority leader of the House of Representatives;

(D) 2 members shall be appointed by the majority leader of the Senate; and

(E) 1 member shall be appointed by the minority leader of the Senate.

(2) QUALIFICATIONS.—Each member of the Commission shall—

(A) have experience in 1 or more of the fields of economics, public administration, civil engineering, public works, construction, and related design professions, planning, public investment financing, environmental engineering, or water resources engineering; and

(B) represent a cross-section of geographical regions of the United States.

(3) DATE OF APPOINTMENTS.—The members of the Commission shall be appointed under paragraph (1) not later than 90 days after date of the enactment of this Act.

(c) TERM; VACANCIES.—

(1) TERM.—A member shall be appointed for the life of the Commission.

(2) VACANCIES.—A vacancy in the Commission—

(A) shall not affect the powers of the Commission; and

(B) shall be filled, not later than 30 days after the date on which the vacancy occurs, in the same manner as the original appointment was made.

(d) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold the initial meeting of the Commission.

(e) MEETINGS.—The Commission shall meet at the call of the Chairperson or the request of the majority of the Commission members.

(f) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(g) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall select a Chairperson and Vice Chairperson from among the members of the Commission.

#### SEC. 4. DUTIES.

(a) STUDY.—

(1) IN GENERAL.—Not later than February 15, 2010, the Commission shall complete a study of all matters relating to the state of the infrastructure of the United States.

(2) MATTERS TO BE STUDIED.—In carrying out paragraph (1), the Commission shall study matters such as—

(A) the capacity of infrastructure to sustain current and anticipated economic development and competitiveness, including long-term economic growth, including the potential return to the United States economy on investments in new infrastructure as opposed to investments in existing infrastructure;

(B) the age and condition of public infrastructure (including congestion and changes in the condition of that infrastructure as compared with preceding years);

(C) the methods used to finance the construction, acquisition, rehabilitation, and maintenance of infrastructure (including general obligation bonds, tax-credit bonds, revenue bonds, user fees, excise taxes, direct governmental assistance, and private investment);

(D) any trends or innovations in methods used to finance the construction, acquisition, rehabilitation, and maintenance of infrastructure;

(E) investment requirements, by type of infrastructure, that are necessary to maintain the current condition and performance of the infrastructure and the investment needed (adjusted for inflation and expressed in real dollars) to improve infrastructure in the future;

(F) based on the current level of expenditure (calculated as a percentage of total expenditure and in constant dollars) by Federal, State, and local governments—

(i) the projected amount of need the expenditures will meet 5, 15, 30, and 50 years after the date of the enactment of this Act; and

(ii) the levels of investment requirements, as identified under subparagraph (E);

(G) any trends or innovations in infrastructure procurement methods;

(H) any trends or innovations in construction methods or materials for infrastructure;

(I) the impact of local development patterns on demand for Federal funding of infrastructure;

(J) the impact of deferred maintenance; and

(K) the collateral impact of deteriorated infrastructure.

(b) RECOMMENDATIONS.—The Commission shall develop recommendations—

(1) on a Federal infrastructure plan that will detail national infrastructure program priorities, including alternative methods of

meeting national infrastructure investment needs to effectuate balanced economic development;

(2) on infrastructure improvements and methods of delivering and providing for infrastructure facilities;

(3) for analysis or criteria and procedures that may be used by Federal agencies and State and local governments in—

(A) inventorying existing and needed infrastructure improvements;

(B) assessing the condition of infrastructure improvements;

(C) developing uniform criteria and procedures for use in conducting the inventories and assessments; and

(d) maintaining publicly accessible data; and

(4) for proposed guidelines for the uniform reporting, by Federal agencies, of construction, acquisition, rehabilitation, and maintenance data with respect to infrastructure improvements.

(c) STATEMENT AND RECOMMENDATIONS.—Not later than February 15, 2010, the Commission shall submit to Congress—

(1) a detailed statement of the findings and conclusions of the Commission; and

(2) the recommendations of the Commission under subsection (b), including recommendations for such legislation and administrative actions for 5-, 15-, 30-, and 50-year time periods as the Commission considers to be appropriate.

#### SEC. 5. POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission shall hold such hearings, meet and act at such times and places, take such testimony, administer such oaths, and receive such evidence as the Commission considers advisable to carry out this subtitle.

(b) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Commission may secure directly from a Federal agency such information as the Commission considers necessary to carry out this subtitle.

(2) PROVISION OF INFORMATION.—On request of the Chairperson of the Commission, the head of the Federal agency shall provide the information to the Commission.

(c) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(d) CONTRACTS.—The Commission may enter into contracts with other entities, including contracts under which 1 or more entities, with the guidance of the Commission, conduct the study required under section 4(a).

(e) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

#### SEC. 6. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—A member of the Commission shall serve without pay, but shall be allowed a per diem allowance for travel expenses, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(b) STAFF.—

(1) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws, including regulations, appoint and terminate an executive director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(2) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by a majority of the members of the Commission.

(3) COMPENSATION.—



(A) IN GENERAL.—Except as provided in subparagraph (B), the Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(B) MAXIMUM RATE OF PAY.—In no event shall any employee of the Commission (other than the executive director) receive as compensation an amount in excess of the maximum rate of pay for Executive Level IV under section 5315 of title 5, United States Code.

(C) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

(1) IN GENERAL.—An employee of the Federal Government may be detailed to the Commission without reimbursement.

(2) CIVIL SERVICE STATUS.—The detail of a Federal employee shall be without interruption or loss of civil service status or privilege.

(d) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—On request of the Commission, the Secretary of the Army, acting through the Chief of Engineers, shall provide, on a reimbursable basis, such office space, supplies, equipment, and other support services to the Commission and staff of the Commission as are necessary for the Commission to carry out the duties of the Commission under this subtitle.

#### SEC. 7. REPORTS.

(a) INTERIM REPORTS.—Not later than 1 year after the date of the initial meeting of the Commission, the Commission shall submit an interim report containing a detailed summary of the progress of the Commission, including meetings and hearings conducted during the interim period, to—

(1) the President;

(2) the Committees on Transportation and Infrastructure and Natural Resources of the House of Representatives; and

(3) the Committees on Environment and Public Works, Energy and Natural Resources, and Commerce, Science, and Transportation of the Senate.

(b) FINAL REPORT.—On termination of the Commission under section 9, the Commission shall submit a final report containing a detailed statement of the findings and conclusions of the Commission and recommendations for legislation and other policies to implement those findings and conclusions, to—

(1) the President;

(2) the Committees on Transportation and Infrastructure and Natural Resources of the House of Representatives; and

(3) the Committees on Environment and Public Works, Energy and Natural Resources, and Commerce, Science, and Transportation of the Senate.

(c) TRANSPARENCY.—A report submitted under subsection (a) or (b) shall be made available to the public electronically, in a user-friendly format, including on the Internet.

#### SEC. 8. FUNDING.

For each of the fiscal years 2009 through 2011, upon request by the Commission—

(1) using amounts made available to the Secretary of Transportation from any source or account other than the Highway Trust Fund, the Secretary of Transportation shall transfer to the Commission \$750,000 for use in carrying out this subtitle;

(2) using amounts from the General Expenses account of the Corps of Engineers (other than amounts in that account made available through the Department of Defense), the Secretary of the Army, acting through the Chief of Engineers, shall transfer to the Commission \$250,000 for use in carrying out this subtitle; and

(3) the Administrator of the Environmental Protection Agency shall transfer to the Commission \$250,000 for use in carrying out this subtitle.

#### SEC. 9. TERMINATION OF COMMISSION.

The Commission shall terminate on September 30, 2011.

**SA 4687.** Mr. MARTINEZ submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ . PLAN FOR THE EXPANSION OF SPACE TRANSPORTATION SUPPORT SERVICES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the space transportation industry of the United States has matured to the point that civilian and commercial launch requirements can appropriately be served by the private sector;

(2) the Federal Aviation Administration is the appropriate regulatory agency for ensuring the safety of space transportation support services;

(3) like other transportation modes developed before space transportation, space launch is becoming increasingly commercial and increasingly important as a strategic capability for the economic growth of the United States; and

(4) the Nation's space transportation capabilities would benefit from conformity with the Federal Aviation Administration's support systems for aviation management and infrastructure.

(b) PLAN TO EXPAND SPACE TRANSPORTATION SUPPORT SERVICES.—

(1) IN GENERAL.—Not later than February 1, 2009, the Administrator of the Federal Aviation Administration, in consultation with the Administrator of the National Aeronautics and Space Administration, the Secretary of the Air Force, and the Commercial Space Transportation Advisory Committee of the Federal Aviation Administration, shall develop and submit to Congress and the President a plan to expand space transportation support services to improve the international competitiveness of the space transportation providers and spaceports of the United States.

(2) CONTENTS.—The plan required under paragraph (1) shall include the following:

(A) A plan to develop a common civilian range safety system to support commercial and civilian launch and reentry operations at spaceport sites licensed by the Federal Aviation Administration, including such sites currently served by United States military ranges.

(B) A review of laws, regulations, and policies that may impede the development of a common civilian range system and the competitiveness of United States commercial launch providers and spaceports and any recommendations with respect to amending such laws, regulations, and policies.

(C) A plan for adapting existing aviation support systems to support space transportation, including the National Plan of Integrated Airport Systems, the Airport and Airway Trust Fund, the Airport Improvement Program, aerospace workforce technical cer-

tifications, and the Air Transportation Centers of Excellence Program.

(D) An identification of technologies necessary to support space transportation.

**SA 4688.** Mr. LAUTENBERG (for himself, Mr. SCHUMER, Mrs. CLINTON, and Mr. MENENDEZ) submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, insert the following:

#### Subtitle B—Runway Safety

##### SECTION 521. SHORT TITLE.

This subtitle may be cited as the “Runway Safety Improvement Act of 2008”.

##### SEC. 522. STRATEGIC PLAN FOR RUNWAY SAFETY.

(a) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration (referred to in this subtitle as the “Administrator”) shall develop and submit to Congress a report that contains a strategic runway safety plan.

(b) CONTENTS OF PLAN.—The strategic runway safety plan submitted under subsection (a) shall—

(1) include—

(A) goals to improve runway safety;

(B) a description of near- and longer-term actions designed to reduce the severity, number, and rate of runway incursions;

(C) time frames and resources needed for the actions described in subparagraph (B); and

(D) a plan to implement a continuous evaluative process to track performance toward the goals referred to in subparagraph (A); and

(2) address the increased runway safety risk associated with the expected increases in the volume of air traffic.

(c) AUDIT OF STRATEGIC RUNWAY SAFETY PLAN.—The Comptroller General of the United States shall—

(1) conduct an audit of the plan developed under subsection (a); and

(2) submit periodic reports to the Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives that describe—

(A) the efficacy of the runway safety plan in reducing runway safety risks; and

(B) the progress of the Federal Aviation Administration in complying with the plan.

##### SEC. 523. TECHNOLOGY IMPROVEMENTS.

(a) PLAN AND SCHEDULE FOR INSTALLATION AND DEPLOYMENT OF SYSTEMS TO PROVIDE ALERTS OF POTENTIAL RUNWAY INCURSIONS.—

(1) DEPLOYMENT PLAN.—Not later than December 31, 2008, the Administrator shall submit to Congress a plan for the installation of and deployment schedule for systems to alert air traffic controllers and flight crews of potential runway incursions at—

(A) the 35 commercial airports in the United States that are most at risk of runway incursions; and

(B) general aviation airports identified by the Administrator as being most at risk of runway incursions.

(2) CONTENTS.—The plan submitted under paragraph (1) shall—

(A) ensure existing technology for improved situational awareness is available to

pilots of commercial and large general aviation aircraft;

(B) enhance the value of investments in existing surface movement detection systems by ensuring that runway incursion alert data collected by such systems are automatically and directly transmitted to flight crews; and

(C) ensure that airports most at risk of runway incursions receive priority for the installation of advanced surface movement detection systems.

(3) OBJECTIVES.—The installation and deployment schedule required under paragraph (1) shall ensure that—

(A) not later than March 31, 2009, the Administrator certifies an integrated aircraft and ground-based capability that transmits direct warnings of runway incursions through advanced surface movement detection systems or other detection systems, as appropriate, without controller intervention;

(B) not later than December 31, 2009, capability providing aural indication of own aircraft position relative to airport runways is installed on—

(i) all aircraft operated pursuant to part 121 or 135 of title 14, Code of Federal Regulations, with more than 10 seats; and

(ii) all turbine-powered aircraft operated pursuant to part 91 of such title 14, with more than 6 seats;

(C) not later than June 30, 2010, the Administrator provides the capability described in subparagraph (A) at all airports equipped with advanced surface movement detection systems;

(D) not later than December 31, 2010, all aircraft described in subparagraph (B) at airports equipped with advanced surface movement detection systems are equipped with the capability to receive, process, and present runway incursion alerts to pilots; and

(E) a schedule is published for the equipping of aircraft operated pursuant to part 125 or 129 of title 14, Code of Federal Regulations.

(b) REVIEW OF IMPLEMENTATION OF ADVANCED SURFACE MOVEMENT DETECTION SYSTEMS.—The Inspector General of the Department of Transportation shall—

(1) review the installation of each advanced surface movement detection system funded by the Administrator to ensure that each system functions in accordance with the product's certification by the Administrator; and

(2) submit an annual report to the Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives that describes the status of the proper implementation of each system, including a review of the system's—

(A) reliability to ensure it is not susceptible to failures to generate timely alerts for controllers to take appropriate action; and

(B) ability to successfully operate in all climate conditions in which aircraft operations are conducted at the airport.

#### SEC. 524. INFRASTRUCTURE UPGRADES.

(a) AUTHORIZATION OF APPROPRIATIONS FOR TECHNOLOGY INVESTMENTS.—There are authorized to be appropriated to the Administrator, from amounts deposited in the Airport and Airway Trust Fund established under section 9502(d) of the Internal Revenue Code of 1986, to install systems designed to reduce the potential for runway incursions through the purchase and installation of advanced surface movement detection systems, and ground-based infrastructure for cockpit-direct audible runway incursion warning systems—

(1) \$41,000,000 for fiscal year 2009;

(2) \$42,250,000 for fiscal year 2010; and

(3) \$45,000,000 for fiscal year 2011.

(b) AUTHORIZATION OF APPROPRIATIONS FOR NEAR-TERM IMPROVEMENTS.—There are au-

thorized to be appropriated to the Administrator, from amounts deposited in the Airport and Airways Trust Fund established under section 9502(d) of the Internal Revenue Code of 1986, to reduce the potential for runway incursions through the purchase and installation of appropriate automatic equipment, including runway occupancy alerting and warning equipment, perimeter taxiways, and runway status lights—

(1) \$40,000,000 for fiscal year 2009;

(2) \$45,000,000 for fiscal year 2010; and

(3) \$55,000,000 for fiscal year 2011.

(c) AUTHORIZATION OF APPROPRIATIONS FOR RUNWAY SAFETY AREA IMPROVEMENTS.—There are authorized to be appropriated to the Administrator, from amounts deposited in the Airport and Airway Trust Fund established under section 9502(d) of the Internal Revenue Code of 1986, to improve runway safety areas to meet Federal Aviation Administration standards—

(1) \$150,000,000 for fiscal year 2009;

(2) \$200,000,000 for fiscal year 2010; and

(3) \$75,000,000 for fiscal year 2011.

(d) CODIFICATION OF RUNWAY SAFETY DESIGN STANDARD COMPLIANCE REQUIREMENT FROM PUBLIC LAW 109-115.—Section 44727 is amended by adding at the end the following:

“(c) DEADLINE FOR RUNWAY SAFETY AREA DESIGN STANDARD COMPLIANCE.—Not later than December 31, 2015, the owner or operator of each airport described in section 44706(a) shall improve the airport's runway safety areas to comply with the Federal Aviation Administration design standards required under part 139 of title 14, Code of Federal Regulations.”.

(e) ANNUAL REPORT ON RUNWAY SAFETY AREA COMPLIANCE.—The Administrator shall annually submit to the Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives a report that describes the progress of the Administration toward improving the runway safety areas at airports described in section 44706(a) of title 49, United States Code.

#### SEC. 525. REVIEW OF RUNWAY AND TAXIWAY LIGHTING AND MARKINGS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall—

(1) review the type of runway and taxiway lighting (both daytime and nighttime configurations) and markings at large and medium hub airports for compliance with standards issued by the Federal Aviation Administration; and

(2) identify runways on which nonstandard lighting and markings, including variance in illumination levels and standard colors used on runways and taxiways, may contribute, or may have contributed, to operational errors or incidents.

(b) INITIAL REPORT.—Not later than 60 days after the completion of the review under subsection (a), the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that—

(1) describes the variance in lighting conditions and markings at airport runways described in subsection (a);

(2) identifies those runways that are most likely to contribute to operational errors and incidents; and

(3) includes a plan for remedying variance in lighting conditions and markings at nonstandard runways, including associated costs.

(c) COMPREHENSIVE REVIEW AND REPORT.—Not later than January 1, 2010, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of

the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report covering the subjects described in subsection (b), after conducting a full review of the factors described in subsection (a) for all airports described in section 44706(a) of title 49, United States Code.

#### SEC. 526. MONITORING AND RECORDING EQUIPMENT FOR NAVIGATION AND LIGHTING AIDS.

(a) IN GENERAL.—The Administrator, in consultation with the Chairman of the National Transportation Safety Board, shall evaluate the potential for improving safety and accident investigations through the use of systems, including existing technologies, that record and enable the archival of the operational status of lighting systems on the movement areas of, or that are critical to the safe operations at, airports described in section 44706(a) of title 49, United States Code, and the operational status of ground-based navigation aids at or near airports described in section 44706(a) of title 49, United States Code, which are used to provide approach, departure, takeoff, and landing guidance at such airports.

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes the results of the evaluation required under subsection (a).

#### SEC. 527. IMPROVED DATA COLLECTION ON RUNWAY OVERRUNS.

The Administrator of the Federal Aviation Administration shall—

(1) collect data, using either existing sources of aircraft operational incidents or a new reporting process, regarding aircraft excursions that do not result in fatalities, injuries, or significant property damage;

(2) examine the data collected pursuant to paragraph (1) on an ongoing basis; and

(3) submit an annual report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that describes—

(A) trends and potential safety risks identified by the data; and

(B) actions taken by airports and the Federal Aviation Administration to reduce those risks.

**SA 4689.** Mrs. MCCASKILL (for herself, Mr. SPECTER, Mr. OBAMA, and Mrs. CLINTON) submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by her to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SECTION . ENHANCED OVERSIGHT AND INSPECTION OF REPAIR STATIONS.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Federal Aviation Administration.

(2) AIR CARRIER.—The term “air carrier” has the meaning given that term in section 40102(a) of title 49, United States Code.

(3) AIR TRANSPORTATION.—The term “air transportation” has the meaning given that term in such section 40102(a).

(4) AIRCRAFT.—The term “aircraft” has the meaning given that term in such section 40102(a).

(5) COVERED MAINTENANCE WORK.—The term “covered maintenance work” means maintenance work that is substantial, scheduled, or a required inspection item, as determined by the Administrator.

(6) PART 121 AIR CARRIER.—The term “part 121 air carrier” means an air carrier that holds a certificate under part 121 of title 14, Code of Federal Regulations (or any successor regulation).

(7) PART 145 REPAIR STATION.—The term “part 145 repair station” means a repair station that holds a certificate under part 145 of title 14, Code of Federal Regulations (or any successor regulation).

(8) UNITED STATES COMMERCIAL AIRCRAFT.—The term “United States commercial aircraft” means an aircraft registered in the United States and owned or leased by a commercial air carrier.

(b) REGULATION OF REPAIR STATIONS FOR SAFETY.—

(1) IN GENERAL.—Chapter 447 is amended by adding at the end the following:

**“SEC. 44730. REPAIR STATIONS.**

**“(a) DEFINITIONS.—**In this section:

**“(1) COVERED MAINTENANCE WORK.—**The term ‘covered maintenance work’ means maintenance work that is substantial, scheduled, or a required inspection item, as determined by the Administrator.

**“(2) PART 121 AIR CARRIER.—**The term ‘part 121 air carrier’ means an air carrier that holds a certificate under part 121 of title 14, Code of Federal Regulations (or any successor regulation).

**“(3) PART 145 REPAIR STATION.—**The term ‘part 145 repair station’ means a repair station that holds a certificate under part 145 of title 14, Code of Federal Regulations (or any successor regulation).

**“(4) UNITED STATES COMMERCIAL AIRCRAFT.—**The term ‘United States commercial aircraft’ means an aircraft registered in the United States and owned or leased by a commercial air carrier.

**“(b) REQUIREMENTS FOR MAINTENANCE PERSONNEL PROVIDING COVERED MAINTENANCE WORK.—**Not later than 3 years after the date of the enactment of this section, the Administrator shall prescribe regulations requiring all covered maintenance work on United States commercial aircraft to be performed by maintenance personnel employed by—

**“(1) a part 145 repair station;**

**“(2) a part 121 air carrier; or**

**“(3) a person that provides contract maintenance personnel to a part 145 repair station or a part 121 air carrier, if such personnel—**

**“(A) meet the requirements of such repair station or air carrier, as the case may be;**

**“(B) work under the direct supervision and control of such repair station or air carrier, as the case may be; and**

**“(C) carry out their work in accordance with the quality control manuals of such repair station or the maintenance manual of such air carrier, as the case may be.**

**“(c) CERTIFICATION OF INSPECTION OF FOREIGN REPAIR STATIONS.—**Not later than 2 years after the date of the enactment of this section, and annually thereafter, the Administrator shall certify to Congress that—

**“(1) each certified foreign repair station that performs maintenance work on an aircraft or a component of an aircraft for a part 121 air carrier has been inspected not fewer than 2 times in the preceding calendar year by an aviation safety inspector of the Federal Aviation Administration; and**

**“(2) not fewer than 1 of the inspections required by paragraph (1) for each certified foreign repair station was carried out at such repair station without any advance notice to such foreign repair station.**

**“(d) DRUG AND ALCOHOL TESTING OF FOREIGN REPAIR STATION PERSONNEL.—**Not later than 1 year after the date of the enactment of this section, the Administrator shall modify the certification requirements under part 145 of title 14, Code of Federal Regulations, to include testing for the use of alcohol or a controlled substance in accordance with section 45102 of this title of any individual employed by a foreign repair station and performing a safety-sensitive function on a United States commercial aircraft for a foreign repair station.”

**(2) TEMPORARY PROGRAM OF IDENTIFICATION AND OVERSIGHT OF NONCERTIFIED REPAIR FACILITIES.—**

**(A) DEVELOP PLAN.—**Not later than 180 days after the date of the enactment of this Act, the Administrator shall develop a plan for a program—

**(i) to require each part 121 air carrier to identify and submit to the Administrator a complete list of all noncertificated maintenance providers that perform covered maintenance work on United States commercial aircraft used by such part 121 air carriers to provide air transportation;**

**(ii) to validate lists described in clause (i) that are submitted by a part 121 air carrier to the Administrator by sampling the records of part 121 air carriers, such as maintenance activity reports and general vendor listings; and**

**(iii) to carry out surveillance and oversight by field inspectors of the Federal Aviation Administration of all noncertificated maintenance providers that perform covered maintenance work on United States commercial aircraft for part 121 air carriers.**

**(B) REPORT ON PLAN FOR PROGRAM.—**Not later than 180 days after the date of the enactment of this Act, the Administrator shall submit to Congress a report that contains the plan required by subparagraph (A).

**(C) IMPLEMENTATION OF PLANNED PROGRAM.—**Not later than 1 year after the date of the enactment of this Act and until regulations are prescribed under section 44730(b) of title 49, United States Code, as added by paragraph (1), the Administrator shall carry out the plan required by subparagraph (A).

**(D) ANNUAL REPORT ON IMPLEMENTATION.—**Not later than 180 days after the commencement of the plan under subparagraph (C) and each year thereafter until the regulations described in such subparagraph are prescribed, the Administrator shall submit to Congress a report on the implementation of the plan carried out under such subparagraph.

**(3) CLERICAL AMENDMENT.—**The analysis for chapter 447 of title 49, United States Code, is amended by adding at the end the following: “44730. Repairs stations.”

**(d) UPDATE OF FOREIGN REPAIR FEE SCHEDULE.—**

**(1) IN GENERAL.—**Not later than 1 year after the date of the enactment of this Act, the Administrator shall revise the methodology for computation of fees for certification services performed outside the United States under part 187 of title 14, Code of Federal Regulations, to cover fully the costs to the Federal Aviation Administration of such certification services, including—

**(A) the costs of all related inspection services;**

**(B) all travel expenses, salary, and employment benefits of inspectors who provide such services; and**

**(C) any increased costs to the Administration resulting from requirements of this section.**

**(2) UPDATES.—**The Administrator shall periodically revise such methodology to account for subsequent changes in such costs to the Administration.

**(e) ANNUAL REPORT BY INSPECTOR GENERAL.—**Not later than 1 year after the date of the enactment of this Act and annually thereafter, the Inspector General of the Department of Transportation shall submit to Congress a report on the implementation of—

**(1) section 44730 of title 49, United States Code, as added by subsection (b)(1) of this section;**

**(2) subsection (b)(2) of this section;**

**(4) subsection (d) of this section; and**

**(5) the regulations prescribed or amended under the provisions described in this subsection.**

**SA 4690.** Mrs. BOXER submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed to amendment SA 4627 proposed by Mr. ROCKEFELLER to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

On page 87, between lines 9 and 10, insert the following: “The Secretary may not approve a contingency service plan that does not closely adhere to the standards set forth in subsection (a)(2).”

**SA 4691.** Mrs. DOLE submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by her to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

On page 120, between lines 21 and 22, insert the following:

**(f) NONPREEMPTION.—**Nothing in this section or in section 41713(b) of title 49, United States Code, shall affect the authority of a State or a political subdivision of a State to regulate air ambulance services provided within that State with respect to—

**(1) access to and availability of air ambulance services; or**

**(2) the standards of quality of care by air ambulance services.**

**SA 4692.** Mrs. DOLE submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by her to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 65, strike line 24 and all that follows through page 66, line 2, and insert the following:

**(4) Until the recommendations of the Board are completed, the Administrator may not—**

**(A) consolidate any additional approach control facilities into the Southern California TRACON or the Memphis TRACON; or**

(B) de-consolidate, de-combine, split, or otherwise realign the approach control facilities at Charlotte Douglas International Airport.

**SA 4693.** Mr. BUNNING submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SECTION \_\_\_\_ . FEDERAL FLIGHT DECK OFFICERS.**

Section 44921 is amended—

(1) by amending subsection (a) to read as follows:

“(a) **ESTABLISHMENT.**—The Secretary of Homeland Security shall establish a Federal flight deck officer program to deputize eligible pilots as Federal law enforcement officers to defend against acts of criminal violence and air piracy. Such deputized pilots shall be known as ‘Federal flight deck officers.’; and

(2) by amending subsection (f) to read as follows:

“(f) **AUTHORITY TO CARRY FIREARMS.**—

“(1) **IN GENERAL.**—Notwithstanding any other provision of law, the Secretary shall authorize Federal flight deck officers to purchase and carry a firearm on the officer's person in any State and between States, in accordance with this section.

“(2) **AUTHORITY.**—A Federal flight deck officer shall have the same authority to carry a firearm as the authority granted to other Federal law enforcement officers under Federal law.

“(3) **PROCEDURES.**—The operational procedures relating to carrying firearms applicable to Federal flight deck officers may not be more restrictive than the procedures that are generally imposed on other Federal law enforcement officers who are legally authorized to carry a firearm.

“(4) **LOCKED DEVICES.**—

“(A) **NO REQUIREMENT TO USE.**—Federal flight deck officers may not be required to carry or transport a firearm in a locked bag, box, holster, or any other device.

“(B) **REQUIREMENT TO PROVIDE.**—Upon the request of a Federal flight deck officer, the Secretary of Homeland Security shall provide a secure locking device or other appropriate container for storage of a firearm by the Federal flight deck officer.

“(5) **TRAINING.**—

“(A) **IN GENERAL.**—Except as provided in subparagraph (B), Federal flight deck officers may not be required to complete any additional training beyond the training required of such officers as the date of the enactment of the Aviation Investment and Modernization Act of 2008.

“(B) **ON-LINE TRAINING.**—The Secretary of Homeland Security may require Federal flight deck officers to complete additional web-based online training.”.

**SA 4694.** Mr. BUNNING submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed to amendment SA 4585 proposed by Mr. ROCKEFELLER (for himself, Mr. INOUE, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2881, to amend title 49, United States Code,

to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 603 and insert the following:

**SEC. 603. AVIATION FUEL PRODUCED FROM CLEAN COAL AND ALTERNATIVE AND UNCONVENTIONAL DOMESTIC FEEDSTOCKS FOR CIVILIAN AND MILITARY AIRCRAFT.**

(a) **ESTABLISHMENT OF ALTERNATIVE JET FUEL PROGRAM.**—From amounts made available under section 48102(a) of title 49, United States Code, the Secretary of Transportation, in consultation with the Secretary of the Air Force, shall establish a program related to developing jet fuel produced from clean coal and from alternative and unconventional domestic feedstocks. The program shall include participation by educational and research institutions that have existing facilities and experience in the development and deployment of technology that process coal and alternative and unconventional domestic feedstocks into aviation fuel.

(b) **PROGRAM REQUIREMENTS.**—Any alternative jet fuel program established by a Federal agency, including the program established under subsection (a) and the Department of the Air Force alternative jet fuel program, may include grants, reimbursable agreements, long-term contracts, and other instruments authorized under section 106(1)(6) of title 49, United States Code. Such program may include long-term contracts or agreements for the acquisition of alternative jet fuel, but only if such contracts or agreements are—

(1) for a term of not more than 25 years;

(2) at a price that is competitive, throughout the term of the contract or agreement, with the market price of petroleum-derived aviation fuel of similar quality; and

(3) for a fuel that has lower lifecycle greenhouse gas emissions as compared to the lifecycle greenhouse gas emissions of the petroleum-based aviation fuel that was displaced.

(c) **CLARIFICATION.**—In the case of a Federal agency agreement for alternative jet fuel, the lifecycle greenhouse gas emissions associated with the production and combustion of the fuel supplied under the contract shall be considered to be less than such emissions from the equivalent conventional fuel produced from conventional petroleum sources if such emissions are determined to be lower—

(1) by peer-reviewed research conducted or reviewed by a National Laboratory; or

(2) by the head of the Federal agency, based on available research and testing.

(d) **DESIGNATION OF INSTITUTION AS A CENTER OF EXCELLENCE.**—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall designate an institution described in subsection (a) as a Center for Excellence for Coal-to-Jet-Fuel Research.

(e) **TAX CREDIT FOR ALTERNATIVE AND UNCONVENTIONAL AVIATION FUEL MIXTURE.**—

(1) **IN GENERAL.**—Section 6426 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(i) **ALTERNATIVE AND UNCONVENTIONAL AVIATION FUEL MIXTURE.**—

“(1) **IN GENERAL.**—For purposes of this section, the alternative and unconventional aviation fuel mixture credit is the product of 50 cents and the number of gallons of alternative and unconventional aviation fuel used by the taxpayer in producing any alternative and unconventional aviation fuel mixture for

sale or use in a trade or business of the taxpayer.

“(2) **ALTERNATIVE AND UNCONVENTIONAL AVIATION FUEL MIXTURE.**—For purposes of this subsection, the term ‘alternative and unconventional aviation fuel mixture’ means a mixture of alternative and unconventional aviation fuel and aviation-grade kerosene which—

“(A) is sold by the taxpayer producing such mixture to any person for use as a fuel, or

“(B) is used as a fuel by the taxpayer producing such mixture.

“(3) **ALTERNATIVE AND UNCONVENTIONAL AVIATION FUEL.**—For purposes of this subsection, the term ‘alternative and unconventional aviation fuel’ means aviation fuel that is produced from unconventional resources (including coal, natural gas, biomass, ethanol, butanol, and hydrogen) and is determined, through peer-reviewed research conducted or reviewed by a National Laboratory, or by the head of a Federal agency, would produce lower lifecycle greenhouse gas emissions, as compared to the lifecycle greenhouse gas emissions of the displaced aviation fuel.

“(4) **TERMINATION.**—This subsection shall not apply to any sale or use for any period after December 31, 2016.”.

(2) **CONFORMING AMENDMENTS.**—Section 6426(a)(1) of the Internal Revenue Code of 1986 is amended by striking “and (e)” and inserting “(e), and (i)”.

(3) **EFFECTIVE DATE.**—The amendments made by this subsection shall apply to any sale or use after the date of the enactment of this Act.

(f) **SENSE OF THE SENATE.**—It is the sense of the Senate that the Department of Transportation, Federal Aviation Administration, Department of the Air Force, and other Federal agencies should continue research, testing, evaluation, and use of alternative fuels as defined in this section with the goals of—

(1) reducing emissions;

(2) lowering the cost of aviation fuel; and

(3) increasing the performance, reliability, and security of aviation fuel production and supply.

**SA 4695.** Mr. BUNNING submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SECTION \_\_\_\_ . FEDERAL FLIGHT DECK OFFICERS.**

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(1) by amending subsection (a) to read as follows:

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“(2) **AUTHORITY.**—A Federal flight deck officer shall have the same authority to carry a firearm as the authority granted to other Federal law enforcement officers under Federal law.

“(3) **PROCEDURES.**—The operational procedures relating to carrying firearms applicable to Federal flight deck officers may not be more restrictive than the procedures that are generally imposed on other Federal law enforcement officers who are legally authorized to carry a firearm.

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“(A) **NO REQUIREMENT TO USE.**—Federal flight deck officers may not be required to carry or transport a firearm in a locked bag, box, holster, or any other device.

“(B) **REQUIREMENT TO PROVIDE.**—Upon the request of a Federal flight deck officer, the Secretary of Homeland Security shall provide a secure locking device or other appropriate container for storage of a firearm by the Federal flight deck officer.

“(5) **TRAINING.**—

“(A) **IN GENERAL.**—Except as provided in subparagraph (B), Federal flight deck officers may not be required to complete any additional training beyond the training required of such officers as the date of the enactment of the Aviation Investment and Modernization Act of 2008.

“(B) **ON-LINE TRAINING.**—The Secretary of Homeland Security may require Federal flight deck officers to complete additional web-based online training.”

**SA 4696.** Mr. BUNNING submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed to amendment SA 4585 proposed by Mr. ROCKEFELLER (for himself, Mr. INOUE, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 603 and insert the following:

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(a) **ESTABLISHMENT OF ALTERNATIVE JET FUEL PROGRAM.**—From amounts made available under section 48102(a) of title 49, United States Code, the Secretary of Transportation, in consultation with the Secretary of the Air Force, shall establish a program related to developing jet fuel produced from clean coal and from alternative and unconventional domestic feedstocks. The program shall include participation by educational and research institutions that have existing facilities and experience in the development and deployment of technology that process coal and alternative and unconventional domestic feedstocks into aviation fuel.

(b) **PROGRAM REQUIREMENTS.**—Any alternative jet fuel program established by a Federal agency, including the program established under subsection (a) and the Department of the Air Force alternative jet fuel program, may include grants, reimbursable agreements, long-term contracts, and other instruments authorized under section 106(l)(6) of title 49, United States Code. Such program may include long-term contracts or agreements for the acquisition of alternative jet fuel, but only if such contracts or agreements are—

(1) for a term of not more than 25 years;

(2) at a price that is competitive, throughout the term of the contract or agreement, with the market price of petroleum-derived aviation fuel of similar quality; and

(3) for a fuel that has lower lifecycle greenhouse gas emissions as compared to the lifecycle greenhouse gas emissions of the petroleum-based aviation fuel that was displaced.

(c) **CLARIFICATION.**—In the case of a Federal agency agreement for alternative jet fuel, the lifecycle greenhouse gas emissions associated with the production and combustion of the fuel supplied under the contract shall be considered to be less than such emissions from the equivalent conventional fuel produced from conventional petroleum sources if such emissions are determined to be lower—

(1) by peer-reviewed research conducted or reviewed by a National Laboratory; or

(2) by the head of the Federal agency, based on available research and testing.

(d) **DESIGNATION OF INSTITUTION AS A CENTER OF EXCELLENCE.**—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall designate an institution described in subsection (a) as a Center for Excellence for Coal-to-Jet-Fuel Research.

(e) **TAX CREDIT FOR ALTERNATIVE AND UNCONVENTIONAL AVIATION FUEL MIXTURE.**—

(1) **IN GENERAL.**—Section 6426 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(i) **ALTERNATIVE AND UNCONVENTIONAL AVIATION FUEL MIXTURE.**—

“(1) **IN GENERAL.**—For purposes of this section, the alternative and unconventional aviation fuel mixture credit is the product of 50 cents and the number of gallons of alternative and unconventional aviation fuel used by the taxpayer in producing any alternative and unconventional aviation fuel mixture for sale or use in a trade or business of the taxpayer.

“(2) **ALTERNATIVE AND UNCONVENTIONAL AVIATION FUEL MIXTURE.**—For purposes of this subsection, the term ‘alternative and unconventional aviation fuel mixture’ means a mixture of alternative and unconventional aviation fuel and aviation-grade kerosene which—

“(A) is sold by the taxpayer producing such mixture to any person for use as a fuel, or

“(B) is used as a fuel by the taxpayer producing such mixture.

“(3) **ALTERNATIVE AND UNCONVENTIONAL AVIATION FUEL.**—For purposes of this subsection, the term ‘alternative and unconventional aviation fuel’ means aviation fuel that is produced from unconventional resources (including coal, natural gas, biomass, ethanol, butanol, and hydrogen) and is determined, through peer-reviewed research conducted or reviewed by a National Laboratory, or by the head of a Federal agency, would produce lower lifecycle greenhouse gas emissions, as compared to the lifecycle greenhouse gas emissions of the displaced aviation fuel.

“(4) **TERMINATION.**—This subsection shall not apply to any sale or use for any period after December 31, 2016.”

(2) **CONFORMING AMENDMENT.**—Section 6426(a)(1) of the Internal Revenue Code of 1986 is amended by striking “and (e)” and inserting “(e), and (i)”.

(3) **EFFECTIVE DATE.**—The amendments made by this subsection shall apply to any sale or use after the date of the enactment of this Act.

(f) **SENSE OF THE SENATE.**—It is the sense of the Senate that the Department of Transportation, Federal Aviation Administration, Department of the Air Force, and other Federal agencies should continue research, testing,

evaluation, and use of alternative fuels as defined in this section with the goals of—

(1) reducing emissions;

(2) lowering the cost of aviation fuel; and

(3) increasing the performance, reliability, and security of aviation fuel production and supply.

**SA 4697.** Mr. HATCH (for himself, Mr. BENNETT, Mr. CRAIG, Mr. CRAPO, and Mr. BARRASSO) submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . PRESERVATION AND EXPANSION OF ACCESS TO RONALD REAGAN WASHINGTON NATIONAL AIRPORT FOR SMALL COMMUNITIES.**

(a) **IN GENERAL.**—Section 41718 is amended by adding at the end the following:

“(g) **USE OF AIRPORT SLOTS FOR BEYOND PERIMETER FLIGHTS.**—

“(1) **IN GENERAL.**—Notwithstanding section 49109 or any other provision of law, and subject to the approval of the Secretary under paragraph (2), an air carrier that holds or operates air carrier slots at Ronald Reagan Washington National Airport as of the date of the enactment of this subsection, pursuant to subparts K and S of part 93 of title 14, Code of Federal Regulations, that are being used as of that date for scheduled service between that Airport and a large hub airport (as defined in section 40102(a)(29)), may use not more than 2 of such slots for service between Ronald Reagan Washington National Airport and any large hub airport located outside of the perimeter restriction described in section 49109.

“(2) **APPROVAL BY SECRETARY.**—The Secretary shall approve the use of air carrier slots described in paragraph (1) if—

“(A) the use of such air carrier slots results in the provision of air transportation from Ronald Reagan Washington National Airport to small communities outside the perimeter restriction through the large hub airport with respect to which the air carrier slots are used; and

“(B) the Secretary determines that approving such use will not result in the reduction of nonstop air transportation between Ronald Reagan Washington National Airport and small or medium hub airports inside the perimeter restriction.”

(b) **AUDITS OF SLOT EXCHANGES.**—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary of Transportation shall conduct an audit of the use of air carrier slots at Ronald Reagan Washington National Airport for air transportation between that Airport and airports located outside of the perimeter restriction described in section 49109 of title 49, United States Code, authorized pursuant to the amendment made by subsection (a), to determine if small communities outside of the perimeter restriction are benefitting from the use of such air carrier slots.

**SA 4698.** Mr. BAUCUS (for himself and Mr. GRASSLEY) submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to



be proposed to amendment SA 4627 proposed by Mr. ROCKEFELLER to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VIII, insert the following:

**SEC. \_\_\_\_ REQUIRED FUNDING OF NEW ACCRUALS UNDER AIR CARRIER PENSION PLANS.**

(a) IN GENERAL.—Section 402(a) of the Pension Protection Act of 2006, as amended by section 6615(a) of the U. S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110-28), is amended—

(1) in paragraph (2)—

(A) by striking “to its first taxable year beginning in 2008”,

(B) by striking “for such taxable year” and inserting “for its first plan year beginning in 2008”, and

(C) by striking “and by using, in determining the funding target for each of the 10 plan years during such period, an interest rate of 8.25 percent (rather than the segment rates calculated on the basis of the corporate bond yield curve)”, and

(2) by adding at the end the following new flush matter:

“If the plan sponsor of an eligible plan elects the application of paragraph (2), the plan sponsor may also elect, in determining the funding target for each of the 10 plan years during the period described in paragraph (2), to use an interest rate of 8.25 percent (rather than the segment rates calculated on the basis of the corporate bond yield curve). Notwithstanding the preceding sentence, in the case of any plan year of the eligible plan for which such 8.25 percent interest rate is used, the minimum required contribution under section 303 of such Act and section 430 of such Code shall in no event be less than the target normal cost of the plan for such plan year (as determined under section 303(b) of such Act and section 430(b) of such Code). A plan sponsor may revoke the election to use the 8.25 percent interest rate and if the revocation is made, the revocation shall apply to the plan year for which made and all subsequent plan years and the plan sponsor may not elect to use the 8.25 percent interest rate for any subsequent plan year.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Pension Protection Act of 2006 to which such amendments relate.

**SA 4699.** Mr. CARDIN (for himself, Ms. MIKULSKI, Mr. WARNER, and Mr. WEBB) submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, insert the following:

**SEC. \_\_\_\_ NATIONAL CAPITAL TRANSPORTATION AMENDMENTS ACT OF 2007.**

(a) SHORT TITLE; FINDINGS.—

(1) SHORT TITLE.—This section may be cited as the “National Capital Transportation Amendments Act of 2007”.

(2) FINDINGS.—Congress finds as follows:

(A) Metro, the public transit system of the Washington metropolitan area, is essential for the continued and effective performance of the functions of the Federal Government, and for the orderly movement of people during major events and times of regional or national emergency.

(B) On 3 occasions, Congress has authorized appropriations for the construction and capital improvement needs of the Metrorail system.

(C) Additional funding is required to protect these previous Federal investments and ensure the continued functionality and viability of the original 103-mile Metrorail system.

(B) FEDERAL CONTRIBUTION FOR CAPITAL PROJECTS FOR WASHINGTON METROPOLITAN AREA TRANSIT SYSTEM.—The National Capital Transportation Act of 1969 (sec. 9-1111.01 et seq., D.C. Official Code) is amended by adding at the end the following:

“AUTHORIZATION OF ADDITIONAL FEDERAL CONTRIBUTION FOR CAPITAL AND PREVENTIVE MAINTENANCE PROJECTS

“SEC. 18. (a) AUTHORIZATION.—Subject to the succeeding provisions of this section, the Secretary of Transportation is authorized to make grants to the Transit Authority, in addition to the contributions authorized under sections 3, 14, and 17, for the purpose of financing in part the capital and preventive maintenance projects included in the Capital Improvement Program approved by the Board of Directors of the Transit Authority.

“(b) USE OF FUNDS.—The Federal grants made pursuant to the authorization under this section shall be subject to the following limitations and conditions:

“(1) The work for which such Federal grants are authorized shall be subject to the provisions of the Compact (consistent with the amendments to the Compact described in subsection (d)).

“(2) Each such Federal grant shall be for 50 percent of the net project cost of the project involved, and shall be provided in cash from sources other than Federal funds or revenues from the operation of public mass transportation systems. Consistent with the terms of the amendment to the Compact described in subsection (d)(1), any funds so provided shall be solely from undistributed cash surpluses, replacement or depreciation funds or reserves available in cash, or new capital.

“(c) APPLICABILITY OF REQUIREMENTS FOR MASS TRANSPORTATION CAPITAL PROJECTS RECEIVING FUNDS UNDER FEDERAL TRANSPORTATION LAW.—Except as specifically provided in this section, the use of any amounts appropriated pursuant to the authorization under this section shall be subject to the requirements applicable to capital projects for which funds are provided under chapter 53 of title 49, United States Code, except to the extent that the Secretary of Transportation determines that the requirements are inconsistent with the purposes of this section.

“(d) AMENDMENTS TO COMPACT.—No amounts may be provided to the Transit Authority pursuant to the authorization under this section until the Transit Authority notifies the Secretary of Transportation that each of the following amendments to the Compact (and any further amendments which may be required to implement such amendments) have taken effect:

“(1)(A) An amendment requiring that all payments by the local signatory governments for the Transit Authority for the purpose of matching any Federal funds appropriated in any given year authorized under subsection (a) for the cost of operating and

maintaining the adopted regional system are made from amounts derived from dedicated funding sources.

“(B) For purposes of this paragraph, the term ‘dedicated funding source’ means any source of funding which is earmarked or required under State or local law to be used to match Federal appropriations authorized under this Act for payments to the Transit Authority.

“(2) An amendment establishing the Office of the Inspector General of the Transit Authority in accordance with section 3 of the National Capital Transportation Amendments Act of 2007.

“(3) An amendment expanding the Board of Directors of the Transit Authority to include 4 additional Directors appointed by the Administrator of General Services, of whom 2 shall be nonvoting and 2 shall be voting, and requiring one of the voting members so appointed to be a regular passenger and customer of the bus or rail service of the Transit Authority.

“(e) AMOUNT.—There are authorized to be appropriated to the Secretary of Transportation for grants under this section an aggregate amount not to exceed \$1,500,000,000 to be available in increments over 10 fiscal years beginning in fiscal year 2009, or until expended.

“(f) AVAILABILITY.—Amounts appropriated pursuant to the authorization under this section—

“(1) shall remain available until expended; and

“(2) shall be in addition to, and not in lieu of, amounts available to the Transit Authority under chapter 53 of title 49, United States Code, or any other provision of law.

“(g) ACCESS TO WIRELESS SERVICES IN METRO-RAIL SYSTEM.—

“(1) REQUIRING TRANSIT AUTHORITY TO PROVIDE ACCESS TO SERVICE.—No amounts may be provided to the Transit Authority pursuant to the authorization under this section unless the Transit Authority ensures that customers of the rail service of the Transit Authority have access within the rail system to services provided by any licensed wireless provider that notifies the Transit Authority (in accordance with such procedures as the Transit Authority may adopt) of its intent to offer service to the public, in accordance with the following timetable:

“(A) Not later than 1 year after the date of the enactment of the National Capital Transportation Amendments Act of 2007, in the 20 underground rail station platforms with the highest volume of passenger traffic.

“(B) Not later than 4 years after such date, throughout the rail system.

“(2) ACCESS OF WIRELESS PROVIDERS TO SYSTEM FOR UPGRADES AND MAINTENANCE.—No amounts may be provided to the Transit Authority pursuant to the authorization under this section unless the Transit Authority ensures that each licensed wireless provider who provides service to the public within the rail system pursuant to paragraph (1) has access to the system on an ongoing basis (subject to such restrictions as the Transit Authority may impose to ensure that such access will not unduly impact rail operations or threaten the safety of customers or employees of the rail system) to carry out emergency repairs, routine maintenance, and upgrades to the service.

“(3) PERMITTING REASONABLE AND CUSTOMARY CHARGES.—Nothing in this subsection may be construed to prohibit the Transit Authority from requiring a licensed wireless provider to pay reasonable and customary charges for access granted under this subsection.

“(4) REPORTS.—Not later than 1 year after the date of the enactment of the National Capital Transportation Amendments Act of

2007, and each of the 3 years thereafter, the Transit Authority shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report on the implementation of this subsection.

“(5) DEFINITION.—In this subsection, the term ‘licensed wireless provider’ means any provider of wireless services who is operating pursuant to a Federal license to offer such services to the public for profit.”

(C) WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY INSPECTOR GENERAL.—

(1) ESTABLISHMENT OF OFFICE.—

(A) IN GENERAL.—The Washington Metropolitan Area Transit Authority (referred to in this subsection as the “Transit Authority”) shall establish in the Transit Authority the Office of the Inspector General (referred to in this subsection as the “Office”), headed by the Inspector General of the Transit Authority (referred to in this subsection as the “Inspector General”).

(B) DEFINITION.—In subparagraph (A), the “Washington Metropolitan Area Transit Authority” means the Authority established under Article III of the Washington Metropolitan Area Transit Authority Compact (Public Law 89-774).

(2) INSPECTOR GENERAL.—

(A) APPOINTMENT.—The Inspector General shall be appointed by the vote of a majority of the Board of Directors of the Transit Authority, and shall be appointed without regard to political affiliation and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations, as well as familiarity or experience with the operation of transit systems.

(B) TERM OF SERVICE.—The Inspector General shall serve for a term of 5 years, and an individual serving as Inspector General may be reappointed for not more than 2 additional terms.

(C) REMOVAL.—The Inspector General may be removed from office prior to the expiration of his term only by the unanimous vote of all of the members of the Board of Directors of the Transit Authority, and the Board shall communicate the reasons for any such removal to the Governor of Maryland, the Governor of Virginia, the Mayor of the District of Columbia, the chair of the Committee on Government Reform of the House of Representatives, and the chair of the Committee on Homeland Security and Governmental Affairs of the Senate.

(3) DUTIES.—

(A) APPLICABILITY OF DUTIES OF INSPECTOR GENERAL OF EXECUTIVE BRANCH ESTABLISHMENT.—The Inspector General shall carry out the same duties and responsibilities with respect to the Transit Authority as an Inspector General of an establishment carries out with respect to an establishment under section 4 of the Inspector General Act of 1978 (5 U.S.C. App. 4), under the same terms and conditions which apply under such section.

(B) CONDUCTING ANNUAL AUDIT OF FINANCIAL STATEMENTS.—The Inspector General shall be responsible for conducting the annual audit of the financial accounts of the Transit Authority, either directly or by contract with an independent external auditor selected by the Inspector General.

(C) REPORTS.—

(i) SEMIANNUAL REPORTS TO TRANSIT AUTHORITY.—The Inspector General shall prepare and submit semiannual reports summarizing the activities of the Office in the same manner, and in accordance with the same deadlines, terms, and conditions, as an Inspector General of an establishment under

section 5 of the Inspector General Act of 1978 (5 U.S.C. App. 5). For purposes of applying section 5 of such Act to the Inspector General, the Board of Directors of the Transit Authority shall be considered the head of the establishment, except that the Inspector General shall transmit to the General Manager of the Transit Authority a copy of any report submitted to the Board pursuant to this paragraph.

(ii) ANNUAL REPORTS TO LOCAL SIGNATORY GOVERNMENTS AND CONGRESS.—Not later than January 15 of each year, the Inspector General shall prepare and submit a report summarizing the activities of the Office during the previous year, and shall submit such reports to the Governor of Maryland, the Governor of Virginia, the Mayor of the District of Columbia, the chair of the Committee on Government Reform of the House of Representatives, and the chair of the Committee on Homeland Security and Governmental Affairs of the Senate.

(D) INVESTIGATIONS OF COMPLAINTS OF EMPLOYEES AND MEMBERS.—

(i) AUTHORITY.—The Inspector General may receive and investigate complaints or information from an employee or member of the Transit Authority concerning the possible existence of an activity constituting a violation of law, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety.

(ii) NONDISCLOSURE.—The Inspector General shall not, after receipt of a complaint or information from an employee or member, disclose the identity of the employee or member without the consent of the employee or member, unless the Inspector General determines such disclosure is unavoidable during the course of the investigation.

(iii) PROHIBITING RETALIATION.—An employee or member of the Transit Authority who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or threaten to take any action against any employee or member as a reprisal for making a complaint or disclosing information to the Inspector General, unless the complaint was made or the information disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

(E) INDEPENDENCE IN CARRYING OUT DUTIES.—Neither the Board of Directors of the Transit Authority, the General Manager of the Transit Authority, nor any other member or employee of the Transit Authority may prevent or prohibit the Inspector General from carrying out any of the duties or responsibilities assigned to the Inspector General under this subsection.

(4) POWERS.—

(A) IN GENERAL.—The Inspector General may exercise the same authorities with respect to the Transit Authority as an Inspector General of an establishment may exercise with respect to an establishment under section 6(a) of the Inspector General Act of 1978 (5 U.S.C. App. 6(a)), other than paragraphs (7), (8), and (9) of such section.

(B) STAFF.—

(i) ASSISTANT INSPECTOR GENERALS AND OTHER STAFF.—The Inspector General shall appoint and fix the pay of—

(I) an Assistant Inspector General for Audits, who shall be responsible for coordinating the activities of the Inspector General relating to audits;

(II) an Assistant Inspector General for Investigations, who shall be responsible for coordinating the activities of the Inspector General relating to investigations; and

(III) such other personnel as the Inspector General considers appropriate.

(ii) INDEPENDENCE IN APPOINTING STAFF.—No individual may carry out any of the duties or responsibilities of the Office unless the individual is appointed by the Inspector General, or provides services procured by the Inspector General, pursuant to this subparagraph. Nothing in this clause may be construed to prohibit the Inspector General from entering into a contract or other arrangement for the provision of services under this subsection.

(iii) APPLICABILITY OF TRANSIT SYSTEM PERSONNEL RULES.—None of the regulations governing the appointment and pay of employees of the Transit System shall apply with respect to the appointment and compensation of the personnel of the Office, except to the extent agreed to by the Inspector General. Nothing in the previous sentence may be construed to affect clauses (i) and (ii).

(C) EQUIPMENT AND SUPPLIES.—The General Manager of the Transit Authority shall provide the Office with appropriate and adequate office space, together with such equipment, supplies, and communications facilities and services as may be necessary for the operation of the Office, and shall provide necessary maintenance services for such office space and the equipment and facilities located therein.

(5) TRANSFER OF FUNCTIONS.—To the extent that any office or entity in the Transit Authority prior to the appointment of the first Inspector General under this subsection carried out any of the duties and responsibilities assigned to the Inspector General under this subsection, the functions of such office or entity shall be transferred to the Office upon the appointment of the first Inspector General under this subsection.

(d) STUDY AND REPORT BY COMPTROLLER GENERAL.—

(1) STUDY.—The Comptroller General shall conduct a study on the use of the funds provided under section 18 of the National Capital Transportation Act of 1969 (as added by this section).

(2) REPORT.—Not later than 3 years after the date of the enactment of this Act, the Comptroller General shall submit a report to the Committee on Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate on the study conducted under paragraph (1).

## TEXT OF AMENDMENTS

**SA 4700.** Mr. DeMINT submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

### SEC. \_\_\_\_ . CERTAIN PROVISION IS NULL AND VOID.

Section 831, and the amendments made by such section, are hereby null and void and shall have no effect.