

103<sup>RD</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 2739**

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**AMENDMENT**

***In the Senate of the United States,***

*June 16 (legislative day, June 7), 1994.*

*Resolved*, That the bill from the House of Representatives (H.R. 2739) entitled “An Act to amend the Airport and Airway Improvement Act of 1982 to authorize appropriations for fiscal years 1994, 1995, and 1996, and for other purposes”, do pass with the following

**AMENDMENT:**

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “Federal Aviation Ad-*  
3 *ministration Authorization Act of 1994”.*

4 ***TITLE I—AIRPORT AND AIRWAY***  
5 ***IMPROVEMENT ACT OF 1982***  
6 ***AMENDMENTS***

7 ***SEC. 101. AIRPORT IMPROVEMENT PROGRAM AUTHORIZA-***  
8 ***TION.***

9 *(a) AUTHORIZATION.—The second sentence of section*  
10 *505(a) of the Airport and Airway Improvement Act of 1982*  
11 *(49 App. U.S.C. 2204(a)) is amended—*

1           (1) by striking “and” immediately after “1993,”;

2           (2) by striking “\$15,413,157,000” and inserting  
3           in lieu thereof “\$17,463,157,000”; and

4           (3) by inserting “, \$19,663,157,000 for fiscal  
5           years ending before October 1, 1995, and  
6           \$21,943,157,000 for fiscal years ending before October  
7           1, 1996” immediately before the period at the end.

8           (b) OBLIGATIONAL AUTHORITY.—Section 505(b)(1) of  
9           the Airport and Airway Improvement Act of 1982 (49 App.  
10           U.S.C. 2204(b)(1)) is amended by striking “June 30, 1994”  
11           and inserting in lieu thereof “September 30, 1996”.

12       **SEC. 102. INNOVATIVE TECHNOLOGY.**

13           Section 502(a) of the Airport and Airway Improve-  
14           ment Act of 1982 (49 App. U.S.C. 2201(a)) is amended by  
15           striking “and” at the end of paragraph (13); by striking  
16           the period at the end of paragraph (14) and inserting in  
17           lieu thereof a semicolon; and by inserting immediately after  
18           paragraph (14) the following new paragraph:

19           “(15) it is in the national interest to encourage  
20           projects that employ innovative technology, concepts,  
21           and approaches that will promote safety, capacity,  
22           and efficiency improvements in the construction of  
23           airports and in the air transportation system, and it  
24           is therefore an objective of this Act that the Secretary  
25           encourage and solicit innovative technology proposals

1        *and activities in the expenditure of funding pursuant*  
2        *to the Act;”.*

3        **SEC. 103. DEFINITION OF AIRPORT DEVELOPMENT.**

4        *Section 503(a)(2) of the Airport and Airway Improve-*  
5        *ment Act of 1982 (49 App. U.S.C. 2202(a)(2)) is amend-*  
6        *ed—*

7                (1) *in subparagraph (B)(ii), by inserting “(in-*  
8                *cluding explosive detection devices) and universal ac-*  
9                *cess systems” immediately after “safety or security*  
10               *equipment”; and*

11               (2) *in subparagraph (F), by striking “and if*  
12               *funded by a grant under this title.”.*

13        **SEC. 104. PREVENTIVE MAINTENANCE.**

14        *Section 505 of the Airport and Airway Improvement*  
15        *Act of 1982 (49 App. U.S.C. 2204) is amended by adding*  
16        *at the end the following new subsection:*

17               “(e) *PREVENTIVE MAINTENANCE.—(1) After January*  
18               *1, 1995, no funds made available for an airport pursuant*  
19               *to a grant under this title shall be available for the replace-*  
20               *ment or reconstruction of pavement unless the sponsor has*  
21               *provided such assurances or certifications as the Secretary*  
22               *may determine appropriate that such airport has imple-*  
23               *mented an effective pavement maintenance/management*  
24               *program. The Secretary may require such reports on pave-*

1 *ment condition and pavement management programs as the*  
2 *Secretary determines may be useful.*

3 *“(2) Not later than 1 year after the date of enactment*  
4 *of this subsection, the Secretary shall issue such regulations*  
5 *as may be necessary to ensure that no product shall be used*  
6 *for pavement maintenance or rehabilitation under this sec-*  
7 *tion unless the manufacturer of such product warrants to*  
8 *the satisfaction of the Secretary the performance of such*  
9 *product.”.*

10 **SEC. 105. LANDING AIDS AND NAVIGATIONAL EQUIPMENT**

11 **INVENTORY POOL.**

12 *Section 506(a) of the Airport and Airway Improve-*  
13 *ment Act of 1982 (49 App. U.S.C. 2205(a)) is amended by*  
14 *adding at the end the following new paragraph:*

15 *“(4) LANDING AIDS AND NAVIGATIONAL EQUIP-*  
16 *MENT INVENTORY POOL.—*

17 *“(A) ESTABLISHMENT OF PROGRAM.—Not*  
18 *later than December 31, 1993, and notwithstand-*  
19 *ing any other provision of this title, the Sec-*  
20 *retary shall establish and implement a program*  
21 *to purchase and reserve an inventory of preci-*  
22 *sion approach instrument landing system equip-*  
23 *ment, to be made available on an expedited basis*  
24 *for installation at airports.*

1           “(B) *AUTHORIZATION.*—No less than  
2           \$30,000,000 of the amounts appropriated under  
3           paragraph (1) for each of the fiscal years 1994,  
4           1995, and 1996 shall be available for the purpose  
5           of carrying out this paragraph, including acqui-  
6           sition, site preparation work, installation, and  
7           related expenditures.”.

8   **SEC. 106. MICROWAVE LANDING SYSTEM.**

9           Section 506(a) of the Airport and Airway Improve-  
10          ment Act of 1982 (49 App. U.S.C. 2205(a)), as amended  
11          by this Act, is further amended by adding at the end the  
12          following new paragraph:

13               “(5) *MICROWAVE LANDING SYSTEM.*—Notwith-  
14               standing any other provision of law, none of the  
15               amounts appropriated under this subsection may be  
16               used for the development or procurement of the micro-  
17               wave landing system, except as necessary to meet obli-  
18               gations of the Government that may arise under con-  
19               tracts in effect on January 1, 1994.”.

20   **SEC. 107. PRESERVATION OF FUNDS AND PRIORITY FOR**  
21               **AIRPORT AND AIRWAY PROGRAMS.**

22          Section 506(e)(5) of the Airport and Airway Improve-  
23          ment Act of 1982 (49 App. U.S.C. 2205(e)(5)) is amended  
24          by striking “September 30, 1995,” and inserting in lieu  
25          thereof “September 30, 1996,”.

1 **SEC. 108. MILITARY AIRPORT SET-ASIDE.**

2 *Section 508(d)(5) of the Airport and Airway Improve-*  
3 *ment Act of 1982 (49 App. U.S.C. 2207(d)(5)) is amended*  
4 *by striking “each of fiscal years 1994 and 1995” and insert-*  
5 *ing in lieu thereof “fiscal year 1994 and each of the fiscal*  
6 *years thereafter”.*

7 **SEC. 109. MILITARY AIRPORT PROGRAM.**

8 *Section 508(f) of the Airport and Airway Improve-*  
9 *ment Act of 1982 (49 App. U.S.C. 2207(f)) is amended—*

10 *(1) by amending the subsection heading to read*  
11 *as follows:*

12 *“(f) MILITARY AIRPORT PROGRAM.—”;*

13 *(2) by amending paragraph (1) to read as fol-*  
14 *lows:*

15 *“(1) DESIGNATION.—The Secretary may des-*  
16 *ignate one or more military airports to receive funds*  
17 *distributed under subsection (d)(5). Airports des-*  
18 *ignated under this subsection prior to the date of en-*  
19 *actment of the Federal Aviation Administration Au-*  
20 *thorization Act of 1994 shall remain eligible to receive*  
21 *grants under subsection (d)(5).”;*

22 *(3) by striking paragraph (2);*

23 *(4) in paragraph (3)—*

24 *(A) by striking “and in conducting the sur-*  
25 *vey under paragraph (2)”;*

1           (B) by striking “current or military air-  
2           ports” and inserting in lieu thereof “military  
3           airports listed in the reports issued by the De-  
4           fense Base Closure and Realignment Commis-  
5           sion”; and

6           (C) by inserting “most” immediately before  
7           “enhance”;

8           (5) by striking the second sentence in para-  
9           graph (4);

10          (6) by striking “for fiscal years 1993, 1994,  
11          and 1995” in paragraph (6); and

12          (7) by redesignating paragraphs (3) through  
13          (6) as paragraphs (2) through (5), respectively.

14   **SEC. 110. SUBMISSION AND APPROVAL OF PROJECT GRANT**  
15                                   **APPLICATIONS.**

16          Section 509(a)(3) of the Airport and Airway Improve-  
17          ment Act of 1982 (49 App. U.S.C. 2208(a)(3)) is amend-  
18          ed—

19               (1) by striking “2 or more” wherever it appears  
20               and inserting in lieu thereof “1 or more”; and

21               (2) by striking “similar”.

1 **SEC. 111. REIMBURSEMENT FOR CERTAIN PAST EXPENDI-**  
2 **TURES.**

3 *Section 513(a)(2) of the Airport and Airway Improve-*  
4 *ment Act of 1982 (49 App. U.S.C. 2212(a)(2)) is amend-*  
5 *ed—*

6 *(1) by striking “or” at the end of subparagraph*  
7 *(B);*

8 *(2) by striking the period at the end of subpara-*  
9 *graph (C) and inserting in lieu thereof “; or”; and*

10 *(3) by adding at the end the following new sub-*  
11 *paragraph:*

12 *“(D)(i) it was incurred (I) not more than*  
13 *2 years before the grant agreement for such*  
14 *project was executed; (II) after September 30,*  
15 *1993, and not later than September 30, 1996;*  
16 *(III) in accordance with an airport layout plan*  
17 *approved by the Secretary and in accordance*  
18 *with all applicable statutory and administrative*  
19 *requirements that would have been applicable to*  
20 *such work if the project had been carried out*  
21 *after the grant agreement had been executed; and*  
22 *(IV) in the case of projects initiated on or after*  
23 *90 days following the date of enactment of this*  
24 *subparagraph, after receiving the Secretary’s ap-*  
25 *proval of the project;*

1           “(ii) allowable costs under clause (i) may  
2 include (I) interest payable on, and the retire-  
3 ment of, the principal of bonds or other evidence  
4 of indebtedness incurred to initiate the project  
5 involved and before the grant agreement for such  
6 project was executed; and (II) interest payable  
7 on, and the retirement of, the principal of bonds  
8 or other evidences of indebtedness the proceeds of  
9 which were used to finance the development work  
10 for which reimbursement is provided under this  
11 subparagraph; and

12           “(iii) only the sums apportioned under sec-  
13 tions 507(a)(1) and 507(a)(2) may be obligated  
14 for project costs allowable under clause (i) of this  
15 subparagraph;”.

16 **SEC. 112. TERMINAL DEVELOPMENT.**

17           Section 513(b) of the Airport and Airway Improve-  
18 ment Act of 1982 (49 App. U.S.C. 2212(b)) is amended by  
19 striking paragraph (5) and redesignating paragraph (6) as  
20 paragraph (5).

21 **SEC. 113. AUTHORITY TO CONTINUE LETTERS OF INTENT.**

22           Notwithstanding any other provision of law, the Sec-  
23 retary of Transportation (hereinafter referred to as the  
24 “Secretary”) may issue letters of intent under section  
25 513(d) of the Airport and Airway Improvement Act of 1982

1 *(49 App. U.S.C. 2212(d)) and use funds for planning, ap-*  
2 *proving, and administering grants under the Airport Im-*  
3 *provement Program for issuing such letters of intent.*

4 **SEC. 114. LETTERS OF INTENT.**

5 *Section 513(d)(1) of the Airport and Airway Improve-*  
6 *ment Act of 1982 (49 App. U.S.C. 2212(d)(1)) is amended*  
7 *by adding at the end the following new subparagraph:*

8 *“(H) LIMITATION OF STATUTORY CONSTRUC-*  
9 *TION.—Nothing in this section shall be construed to*  
10 *prohibit the obligation of amounts pursuant to a let-*  
11 *ter of intent under this paragraph in the same fiscal*  
12 *year as the letter of intent is issued.”.*

13 **SEC. 115. REPORTS ON IMPACTS OF NEW AIRPORT**  
14 **PROJECTS.**

15 *Section 509(b) of the Airport and Airway Improve-*  
16 *ment Act of 1982 (49 App. U.S.C. 2208(b)) is amended by*  
17 *adding at the end the following new paragraph:*

18 *“(10) At least 90 days prior to the approval of*  
19 *a project grant application for construction of a new*  
20 *hub airport that is expected to have 0.25 percent or*  
21 *more of the total annual enplanements in the United*  
22 *States, the Secretary shall submit to Congress a re-*  
23 *port analyzing the anticipated impact of such pro-*  
24 *posed new airport on—*

1           “(A) the fees charged to air carriers (includ-  
2           ing landing fees), and other costs that will be in-  
3           curred by air carriers, for using the proposed  
4           airport;

5           “(B) air transportation that will be pro-  
6           vided in the geographic region of the proposed  
7           airport; and

8           “(C) the availability and cost of providing  
9           air transportation to rural areas in such geo-  
10          graphic region.”.

11 **SEC. 116. AIRPORT SAFETY DATA COLLECTION.**

12           *The Airport and Airway Improvement Act of 1982 (49*  
13 *App. U.S.C. 2201 et seq.) is amended by adding at the end*  
14 *the following new section:*

15 **“SEC. 535. AIRPORT SAFETY DATA COLLECTION.**

16           *“Notwithstanding any other provision of law, the Ad-*  
17 *ministrator of the Federal Aviation Administration may*  
18 *contract, using sole source or limited source authority, for*  
19 *the collection of airport safety data.”.*

20 **SEC. 117. INTERMODAL SYSTEM PLANNING.**

21           *(a) DEFINITION.—The second sentence of section*  
22 *503(a)(7) of the Airport and Airway Improvement Act of*  
23 *1982 (49 App. U.S.C. 2202(a)(7)) is amended by inserting*  
24 *“the role which airports play in the transportation system*

1 *in a specific area,” immediately after “identification of sys-*  
2 *tem needs,”.*

3 (b) *INTEGRATED AIRPORT SYSTEM PLANNING*  
4 *GRANTS.—Section 508(d)(4) of the Airport and Airway*  
5 *Improvement Act of 1982 (49 App. U.S.C. 2207(d)(4)) is*  
6 *amended—*

7 (1) *by inserting “(A)” immediately before “Not*  
8 *less than”;*

9 (2) *by striking the period at the end and insert-*  
10 *ing in lieu thereof “; and”;* and

11 (3) *by adding at the end the following new sub-*  
12 *paragraphs:*

13 “(B) *Prior to the Secretary’s approval of a*  
14 *grant to a planning agency for integrated air-*  
15 *port system planning, the planning agency shall,*  
16 *insofar as its powers permit, certify that the*  
17 *sponsor of any airport enplaning 0.25 percent or*  
18 *more of the total number of passengers enplaned*  
19 *annually at all commercial service airports is*  
20 *considered to be an operator of a major mode of*  
21 *transportation pursuant to the section 134(b)(2)*  
22 *of title 23, United States Code, and that any*  
23 *such sponsor is a member, or will be appointed*  
24 *a member as soon as practicable, of such plan-*  
25 *ning agency.*

1           “(C) Where such airport sponsor is a mu-  
2           nicipality, county, or other entity of local gov-  
3           ernment which already retains membership on  
4           such planning agency, such planning agency  
5           shall include an additional member from such  
6           municipality, county, or entity of local govern-  
7           ment to represent the airport. In order for the  
8           Secretary to approve a grant to a planning  
9           agency under this paragraph, the airport must  
10          be a co-applicant for such grant, and such grant  
11          shall be for planning for projects that substan-  
12          tially benefit the airport and shall be in propor-  
13          tion to the benefit it provides to the airport.”.

14 **SEC. 118. STUDY ON INNOVATIVE FINANCING.**

15          (a) *STUDY.*—The Secretary shall study, as a means  
16          of supplementing financing available under the Airport Im-  
17          provement Program, innovative approaches for using Fed-  
18          eral funds to finance airport development. Mechanisms  
19          should be considered that will produce greater investments  
20          in airport development per dollar of Federal expenditure.  
21          The Secretary shall consider, among other options, ap-  
22          proaches that would permit the entering into of agreements  
23          with non-Federal entities, such as airport sponsors, for the  
24          loan of Federal funds, guarantee of loan repayment, or pur-  
25          chase of insurance or other forms of enhancement for bor-

1 *rower debt, including the use of unobligated Airport Im-*  
2 *provement Program contract authority and unobligated*  
3 *balances in the Airport and Airway Trust Fund. The Sec-*  
4 *retary also shall consider means to lower the cost of financ-*  
5 *ing airport development. The Secretary may, in considering*  
6 *innovative financing, consult with airport owners and oper-*  
7 *ators and public and private sector experts.*

8       **(b) REPORT TO CONGRESS.**—*The Secretary shall re-*  
9 *port the findings of the study required by subsection (a)*  
10 *to the Committee on Commerce, Science, and Transpor-*  
11 *tation of the Senate and the Committee on Public Works*  
12 *and Transportation of the House of Representatives not*  
13 *later than 12 months after the date of enactment of this*  
14 *Act.*

15 **SEC. 119. ADVANCED LANDING SYSTEM.**

16       *Notwithstanding any other provision of law or regula-*  
17 *tion, the Administrator of the Federal Aviation Adminis-*  
18 *tration (hereinafter referred to as the “Administrator”)*  
19 *shall consider for approval under subpart C of part 171*  
20 *of title 14, Code of Federal Regulations, the new generation,*  
21 *low cost, advanced landing system being developed by the*  
22 *Department of Defense. The charter for approval of such*  
23 *system shall be considered and acted upon expeditiously by*  
24 *the Regional Administrator of the Federal Aviation Admin-*  
25 *istration in the region where such system is being developed.*

1 **SEC. 120. TECHNICAL AMENDMENTS.**

2 (a) *DEFINITIONS.*—Section 503(a)(2)(B) of the Air-  
3 port and Airway Improvement Act of 1982 (49 App. U.S.C.  
4 2202(a)(2)(B)) is amended by moving clauses (vii) and  
5 (viii) 2 ems to the right.

6 (b) *AIRPORT PLANS.*—Section 504(a)(1) of the Airport  
7 and Airway Improvement Act of 1982 (49 App. U.S.C.  
8 2203(a)(1)) is amended by redesignating clauses (1), (2),  
9 and (3) as clauses (A), (B), and (C), respectively.

10 (c) *CERTAIN PROJECT COSTS.*—Section 513(b)(4) of  
11 the Airport and Airway Improvement Act of 1982 (49 App.  
12 U.S.C. 2212(b)(4)) is amended—

13 (1) by inserting “or (in the case of a commercial  
14 service airport which annually has less than 0.05 per-  
15 cent of the total enplanements in the United States)  
16 between January 1, 1992, and October 31, 1992,” im-  
17 mediately after “July 12, 1976,”; and

18 (2) by adding at the end the following new sub-  
19 paragraph:

20 “(D) That, with respect to a project at a com-  
21 mercial service airport which annually has less than  
22 0.05 percent of the total enplanements in the United  
23 States, the Secretary may approve the use of the  
24 funds described under paragraph (2), notwithstand-  
25 ing the provisions of sections 505(d), 511(a)(16), and  
26 515.”.

1 **SEC. 121. EXPENDITURES FROM AIRPORT AND AIRWAY**  
2 **TRUST FUND.**

3 *Section 9502(d)(1)(A) of the Internal Revenue Code of*  
4 *1986 (relating to expenditure from Airport and Airway*  
5 *Trust Fund) is amended—*

6 *(1) by inserting “or the Airport and Airway*  
7 *Safety, Capacity, Noise Improvement, and Inter-*  
8 *modal Transportation Act of 1992” immediately after*  
9 *“Capacity Expansion Act of 1990”; and*

10 *(2) by striking “(as such Acts were in effect on*  
11 *the date of the enactment of the Airport Improvement*  
12 *Program Temporary Extension Act of 1994)” and in-*  
13 *serting in lieu thereof “or the Federal Aviation Ad-*  
14 *ministration Authorization Act of 1994 (as such Acts*  
15 *were in effect on the date of the enactment of the Fed-*  
16 *eral Aviation Administration Authorization Act of*  
17 *1994)”.*

18 **SEC. 122. ASBESTOS REMOVAL AND BUILDING DEMOLITION**  
19 **AND REMOVAL, VACANT AIR FORCE STATION,**  
20 **MARIN COUNTY, CALIFORNIA.**

21 *(a) AUTHORIZATION OF APPROPRIATIONS.—Notwith-*  
22 *standing subsection (d) of section 9502 of the Internal Reve-*  
23 *nue Code of 1986 (26 U.S.C. 9502), there is authorized to*  
24 *be appropriated in fiscal year 1995 from the Airport and*  
25 *Airway Trust Fund established by such section 9502 to the*  
26 *account for the Department of Transportation for facilities*

1 *and equipment of the Federal Aviation Administration such*  
2 *amount as may be necessary to permit the Administrator*  
3 *of the Federal Aviation Administration to carry out asbes-*  
4 *tos abatement activities and the demolition and removal of*  
5 *buildings at the site of the vacant Air Force station located*  
6 *on Mount Tamalpais, Marin County, California. The*  
7 *amount authorized to be appropriated by the preceding sen-*  
8 *tence shall not exceed its share of the costs of carrying out*  
9 *such activities, demolitions, and removals.*

10 (b) *AUTHORITY TO USE FUNDS.—The Administrator*  
11 *may use the funds appropriated pursuant to the authoriza-*  
12 *tion of appropriations in subsection (a) to carry out the*  
13 *abatement activities and demolition and removal described*  
14 *in that subsection. Such funds shall be available for such*  
15 *purpose until expended.*

16 **TITLE II—FEDERAL AVIATION**  
17 **ACT OF 1958**

18 **SEC. 201. ASSISTANCE TO FOREIGN AVIATION AUTHORI-**  
19 **TIES.**

20 (a) *IN GENERAL.—Section 313 of the Federal Aviation*  
21 *Act of 1958 (49 App. U.S.C. 1354) is amended by adding*  
22 *at the end the following new subsection:*

23 “(g) *ASSISTANCE TO FOREIGN AVIATION AUTHORI-*  
24 *TIES.—(1) The Administrator may provide safety-related*  
25 *training and operational services to foreign aviation au-*

1 *thorities with or without reimbursement, if the Adminis-*  
2 *trator determines that providing such services promotes*  
3 *aviation safety. To the extent practicable, air travel reim-*  
4 *bursed under this subsection shall be conducted on United*  
5 *States air carriers.*

6           “(2) Funds received by the Administrator pursu-  
7           ant to this section shall be credited to the appropria-  
8           tion from which the expenses were incurred in provid-  
9           ing such services.”.

10           (b) *CONFORMING AMENDMENT.*—*The table of contents*  
11 *of the Federal Aviation Act of 1958 is amended by adding*  
12 *at the end of the item relating to section 313 the following:*

          “(g) *Assistance to foreign aviation authorities.*”.

13 **SEC. 202. FOREIGN FEE COLLECTION.**

14           *Section 313(f) of the Federal Aviation Act of 1958 (49*  
15 *App. U.S.C. 1354(f)) is amended—*

16                   (1) *by redesignating paragraphs (3) and (4) as*  
17 *paragraphs (4) and (5), respectively; and*

18                   (2) *by inserting immediately after paragraph (2)*  
19 *the following new paragraph:*

20                           “(3) *RECOVERY OF COST OF FOREIGN AVIATION*  
21 *SERVICES.*—

22                                   “(A) *ESTABLISHMENT OF FEES.*—*Notwith-*  
23 *standing the limitation of paragraph (4), the*  
24 *Administrator may establish and collect fees for*  
25 *providing or carrying out the following aviation*

1           *services outside the United States: any test, au-*  
2           *thorization, certificate, permit, rating, evalua-*  
3           *tion, approval, inspection, or review.*

4           “(B) *LEVEL OF FEES.*—*Such fees shall be*  
5           *established as necessary to recover the additional*  
6           *cost of providing or carrying out such services*  
7           *outside the United States, as compared to the*  
8           *cost of providing or carrying out such services*  
9           *within the United States; except that the Admin-*  
10          *istrator may, for such services as the Adminis-*  
11          *trator designates, establish fees at a level nec-*  
12          *essary to recover the full cost of providing such*  
13          *services.*

14          “(C) *EFFECT ON OTHER AUTHORITY.*—*The*  
15          *provisions of this paragraph do not limit the Ad-*  
16          *ministrator’s authority to establish and collect*  
17          *fees permitted under section 334 of title 49,*  
18          *United States Code.*

19          “(D) *CREDITING OF PREESTABLISHED*  
20          *FEES.*—*Fees described in subparagraph (A) that*  
21          *were not established before the date of enactment*  
22          *of the Federal Aviation Administration Author-*  
23          *ization Act of 1994 may be credited in accord-*  
24          *ance with paragraph (5).”.*

1 **SEC. 203. SAFETY AT ASPEN-PITKIN COUNTY AIRPORT.**

2       (a) *NIGHTTIME OPERATIONS.*—On and after the date  
3 of enactment of this Act, nighttime operations (takeoffs and  
4 landings) at Aspen-Pitkin County Airport in the State of  
5 Colorado shall be allowed for pilots operating under parts  
6 91 and 135 of title 14, Code of Federal Regulations, between  
7 30 minutes after official sunset and 11 p.m., local time,  
8 only if they are (1) granted clearance by air traffic control,  
9 (2) instrument-rated, (3) operating an aircraft that is  
10 equipped as required under section 91.205(d) of such title  
11 14 for instrument flight, and (4) operating an instrument  
12 approach or departure approved by the Federal Aviation  
13 Administration. An instrument-rated pilot may operate  
14 under visual flight rules at such County Airport between  
15 30 minutes after official sunset and 11:00 p.m., only if such  
16 pilot has completed at least one takeoff or landing in the  
17 preceding 12 calendar months at such County Airport, is  
18 granted clearance by air traffic control, and operates an  
19 instrument-certified aircraft.

20       (b) *COMMITMENTS OF AIRPORT OWNER OR OPERA-*  
21 *TOR.*—The owner or operator of the Aspen-Pitkin County  
22 Airport shall be considered to be in compliance with the  
23 requirements of the Aircraft Noise and Capacity Act of 1990  
24 (49 App. U.S.C. 2151 et seq.) and not otherwise unjustly  
25 discriminatory when such owner or operator notifies the  
26 Administrator that such owner or operator (1) commits to

1 *modify its existing regulation to expand access to general*  
2 *aviation operations under such special operating restric-*  
3 *tions as are created under subsection (a) and such condi-*  
4 *tions applicable to aircraft noise certification as are cur-*  
5 *rently in effect for night operations at such County Airport*  
6 *and (2) commits permanently not to enforce its 1990 regu-*  
7 *latory action eliminating the so-called “ski season excep-*  
8 *tion” to its nighttime curfew. To remain in compliance,*  
9 *such owner or operator shall carry out both such commit-*  
10 *ments as of the effective date of the Administrator’s action*  
11 *establishing special operating restrictions at such County*  
12 *Airport in accordance with subsection (a).*

13 *(c) MOUNTAIN FLYING.—The Administrator shall issue*  
14 *a Notice of Proposed Rulemaking on mountain flying.*

15 **SEC. 204. EXEMPTIONS FROM SLOT RULES.**

16 *(a) FINDINGS.—The Congress finds that—*

17 *(1) the issue of slot requirements imposed by*  
18 *Federal Aviation Administration regulations for high*  
19 *density airports (commonly known as the “High Den-*  
20 *sity Rule”) is a longstanding, significant concern to*  
21 *each of the affected airports, the residents of neighbor-*  
22 *ing communities, and the aviation industry;*

23 *(2) such slot regulations serve many purposes,*  
24 *including ensuring that each airport operates effi-*  
25 *ciently; and*

1           (3) the Secretary has announced as part of the  
2           President's Initiative to Promote a Strong Competi-  
3           tive Aviation Industry that the Secretary will under-  
4           take a comprehensive examination of such slot regula-  
5           tions and complete such examination by November  
6           1994.

7           (b) *STUDY*.—(1) The Secretary's current examination  
8           of slot regulations, referred to in subsection (a)(3), shall in-  
9           clude consideration of—

10           (A) the impact of the current slot allocation  
11           process upon the ability of air carriers to provide es-  
12           sential air service in accordance with section 419 of  
13           the Federal Aviation Act of 1958 (49 App. U.S.C.  
14           1389);

15           (B) the impact of such allocation process upon  
16           the ability of new entrant air carriers to obtain slots  
17           in time periods that enable them to provide service;

18           (C) the impact of such allocation process on the  
19           ability of foreign air carriers to obtain slots;

20           (D) the fairness of such process to air carriers  
21           and the extent to which air carriers are provided  
22           equivalent rights of access to airports in the countries  
23           of which foreign air carriers holding slots are citizens;

24           (E) the impact, on the ability of air carriers to  
25           provide domestic and international service, of the

1       *withdrawal of slots from air carriers in order to pro-*  
2       *vide slots for foreign air carriers; and*

3               *(F) the impact of aircraft noise on affected com-*  
4       *munities.*

5       *(2) The Secretary shall, not later than November 30,*  
6       *1994, complete and transmit the results of such examina-*  
7       *tion to the Committee on Commerce, Science, and Trans-*  
8       *portation of the Senate and the Committee on Public Works*  
9       *and Transportation of the House of Representatives.*

10       *(c) RULEMAKING PROCEEDING.—The Secretary shall*  
11       *conduct a rulemaking proceeding based on the results of the*  
12       *examination described in subsection (b). In the course of*  
13       *such proceeding, the Secretary shall issue proposed regula-*  
14       *tions not later than March 1, 1995, and shall issue final*  
15       *regulations not later than June 1, 1995.*

16       *(d) EXEMPTIONS FOR HIGH DENSITY AIRPORTS.—(1)*  
17       *If the Secretary finds it to be in the public interest, the*  
18       *Secretary may grant exemptions from requirements under*  
19       *subparts K and S of part 93 of title 14, Code of Federal*  
20       *Regulations, pertaining to slots at any high density airport*  
21       *except Washington National Airport, to—*

22               *(A) air carriers using Stage 3 aircraft, and com-*  
23       *muter operators, to enable such carriers to provide es-*  
24       *sential air service under section 419 of the Federal*  
25       *Aviation Act of 1958 (49 App. U.S.C. 1389);*

1           (B) air carriers and foreign air carriers to en-  
2           able such carriers to provide foreign air transpor-  
3           tation, using Stage 3 aircraft; and

4           (C) new entrant air carriers at such high density  
5           airport, only under circumstances determined by the  
6           Secretary to be exceptional.

7           (2) Notwithstanding sections 6005(c)(5)(C) and  
8           6009(e) of the Metropolitan Washington Airports Act of  
9           1986 (49 App. U.S.C. 2454(c)(5)(C) and 2458(e)), the Sec-  
10          retary may, only under circumstances determined by the  
11          Secretary to be exceptional, grant to an air carrier cur-  
12          rently holding or operating a slot an exemption from re-  
13          quirements under subparts K and S of part 93 of title 14,  
14          Code of Federal Regulations, pertaining to slots at Wash-  
15          ington National Airport, to enable that carrier to provide  
16          service with Stage 3 aircraft, except that such exemption—

17               (A) shall not result in an increase in the number  
18               of slots at Washington National Airport;

19               (B) shall not increase the number of operations  
20               at Washington National Airport in any 1-hour period  
21               by more than two operations;

22               (C) shall not result in the withdrawal or reduc-  
23               tion of slots operated by an air carrier; and

24               (D) shall not result in a net increase in noise  
25               impact on surrounding communities resulting from

1       *both changes in timing of operations permitted under*  
2       *this paragraph.*

3       (3) *No exemption granted under paragraph (1) or (2)*  
4       *may be effective on or after the date on which the final regu-*  
5       *lations issued under subsection (c) become effective.*

6       (e) *WEEKEND OPERATIONS.*—*The Secretary shall con-*  
7       *sider the advisability of revising section 93.227 of title 14,*  
8       *Code of Federal Regulations, so as to eliminate weekend*  
9       *schedules from the determination as to whether the 80 per-*  
10       *cent standard of subsection (a)(1) of that section has been*  
11       *met.*

12       (f) *LIMITATION ON CERTAIN SLOT WITHDRAWALS.*—  
13       *Notwithstanding section 93.223 of title 14, Code of Federal*  
14       *Regulations, the Secretary shall not, before final regulations*  
15       *are issued under subsection (c) of this section, withdraw*  
16       *a slot from any air carrier at O'Hare International Airport*  
17       *for the purpose of providing the slot to another air carrier,*  
18       *or foreign air carrier, for foreign air transportation.*

19       (g) *DEFINITIONS.*—*For purposes of this section—*

20               (1) *The terms “air carrier”, “foreign air car-*  
21               *rier”, and “foreign air transportation” have the*  
22               *meanings given those terms, respectively, in section*  
23               *101 of the Federal Aviation Act of 1958 (49 App.*  
24               *U.S.C. 1301).*

1           (2) The term “commuter operator” means an air  
2 carrier as described in section 93.124(c)(2) of title 14,  
3 Code of Federal Regulations (as in effect on March 1,  
4 1994).

5           (3) The term “high density airport” means an  
6 airport at which the Administrator limits the number  
7 of instrument flight rule takeoffs and landings of an  
8 aircraft.

9           (4) The term “new entrant air carrier” means  
10 an air carrier that does not hold a slot at the airport  
11 concerned and has never sold or given up a slot at  
12 that airport after December 16, 1985.

13           (5) The term “slot” means a reservation, by an  
14 air carrier or foreign air carrier at an airport, for  
15 an instrument flight rule takeoff or landing of an air-  
16 craft in air transportation.

17 **SEC. 205. AIR SERVICE TERMINATION NOTICE.**

18           (a) *IN GENERAL.*—(1) Title IV of the Federal Aviation  
19 Act of 1958 (49 App. U.S.C. 1371 et seq.) is amended by  
20 adding at the end the following new section:

21 **“SEC. 420. AIR SERVICE TERMINATION NOTICE.**

22           “(a) *IN GENERAL.*—An air carrier may not terminate  
23 interstate or overseas air transportation from a nonhub air-  
24 port included on the Secretary’s latest published list of such

1 *airports, unless such air carrier has given the Secretary at*  
2 *least 60 days' notice before such termination.*

3       “(b) *EXCEPTIONS.—The Secretary shall not apply the*  
4 *requirements of subsection (a) when—*

5               “(1) *the carrier involved is experiencing a sud-*  
6 *den or unforeseen financial emergency, including nat-*  
7 *ural weather related emergencies, equipment-related*  
8 *emergencies, and strikes;*

9               “(2) *the termination of transportation is made*  
10 *for seasonal purposes only;*

11               “(3) *the carrier involved has operated at the af-*  
12 *ected nonhub airport for 180 days or less;*

13               “(4) *the carrier involved provides other transpor-*  
14 *tation by jet from another airport serving the same*  
15 *community as the affected nonhub airport; or*

16               “(5) *the carrier involved makes alternative ar-*  
17 *rangements, such as a change of aircraft size, or other*  
18 *types of arrangements with a part 121 or part 135*  
19 *air carrier, that continues uninterrupted service from*  
20 *the affected nonhub airport.*

21       “(c) *WAIVERS FOR REGIONAL/COMMUTER CAR-*  
22 *RIERS.—Prior to October 1, 1994, the Secretary shall estab-*  
23 *lish terms and conditions under which regional/commuter*  
24 *carriers can be excluded from the termination notice re-*  
25 *quirement.*

1       “(d) *DEFINITIONS.*—*For purposes of this section—*

2               “(1) *NONHUB AIRPORT.*—*The term ‘nonhub air-*  
3 *port’ has the meaning that term has under section*  
4 *419(k)(4).*

5               “(2) *PART 121 AIR CARRIER.*—*The term ‘part*  
6 *121 air carrier’ means an air carrier to which part*  
7 *121 of title 14, Code of Federal Regulations, applies.*

8               “(3) *PART 135 AIR CARRIER.*—*The term ‘part*  
9 *135 air carrier’ means an air carrier to which part*  
10 *135 of title 14, Code of Federal Regulations, applies.*

11              “(4) *REGIONAL/COMMUTER CARRIERS.*—*The*  
12 *term ‘regional/commuter carrier’ means—*

13                       “(A) *a part 135 air carrier; or*

14                       “(B) *a part 121 air carrier that provides*  
15 *air transportation exclusively with aircraft hav-*  
16 *ing a seating capacity of no more than 70 pas-*  
17 *sengers.*

18              “(5) *TERMINATION.*—*The term ‘termination’*  
19 *means the cessation of all service at an airport by an*  
20 *air carrier.’’.*

21       (2) *The portion of the table of contents of the Federal*  
22 *Aviation Act of 1958 relating to title IV is amended by in-*  
23 *serting immediately after the item relating to section 419*  
24 *the following new item:*

      “Sec. 420. *Air service termination notice.*

          “(a) *In general.*

          “(b) *Exceptions.*

*“(c) Waivers for regional/commuter carriers.*

*“(d) Definitions.”.*

1       **(b) CIVIL PENALTIES.**—Section 901(a)(1) of the Fed-  
2       eral Aviation Act of 1958 (49 App. U.S.C. 1471(a)(1)) is  
3       amended by inserting “section 420 or” immediately after  
4       “\$10,000 for each violation of”.

5       **(c) EFFECTIVE DATE.**—The amendments made by this  
6       section shall be effective beginning on October 1, 1994.

7       **SEC. 206. COOPERATIVE AGREEMENTS FOR RESEARCH, EN-**  
8       **GINEERING, AND DEVELOPMENT.**

9       **(a) IN GENERAL.**—Section 312 of the Federal Aviation  
10      Act of 1958 (49 App. U.S.C. 1353) is amended by adding  
11      at the end the following new subsection:

12      **“(j) COOPERATIVE AGREEMENTS.**—The Administrator  
13      may enter into cooperative agreements on a cost-shared  
14      basis with Federal and non-Federal entities that the Ad-  
15      ministrators may select in order to conduct, encourage, and  
16      promote aviation research, engineering, and development,  
17      including the development of prototypes and demonstration  
18      models.”.

19      **(b) CONFORMING AMENDMENT.**—The table of contents  
20      of the Federal Aviation Act of 1958 is amended by adding  
21      at the end of the item relating to section 312 the following:

*“(j) Cooperative agreements.”.*

1 **SEC. 207. TECHNICAL AMENDMENTS.**

2 *Section 1112 of the Federal Aviation Act of 1958 (49*  
3 *App. U.S.C. 1512) is amended—*

4 *(1) by striking “50 per centum” wherever it ap-*  
5 *pears and inserting in lieu “50 percent”;*

6 *(2) by redesignating subsection (c) as subsection*  
7 *(d); and*

8 *(3) by inserting immediately after subsection (b)*  
9 *the following new subsection:*

10 *“(c) Compensation paid by an air carrier to an em-*  
11 *ployee described in subsection (a) in connection with such*  
12 *employee’s authorized leave or other authorized absence*  
13 *from regular duties on the carrier’s aircraft in order to per-*  
14 *form services on behalf of the employee’s airline union shall*  
15 *not be subject to the income tax laws of a State or subdivi-*  
16 *sion thereof, other than the State or subdivision thereof of*  
17 *the employee’s residence and the State or subdivision thereof*  
18 *in which the employee’s scheduled flight time would have*  
19 *been more than 50 percent of the employee’s total scheduled*  
20 *flight time for the calendar year had the employee been en-*  
21 *gaged full time in the performance of regularly assigned du-*  
22 *ties on the carrier’s aircraft.”.*

23 **SEC. 208. REVIEW OF PASSENGER FACILITY CHARGE PRO-**  
24 **GRAM.**

25 *The Secretary shall conduct a review of section*  
26 *158.49(b) of title 14, Code of Federal Regulations, to assess*

1 *the effectiveness of such section in light of the objectives of*  
2 *section 1113(e) of the Federal Aviation Act of 1958 (49 App.*  
3 *U.S.C. 1513(e)) and shall take such corrective action as the*  
4 *Secretary determines to be necessary to address any prob-*  
5 *lems discovered in the review.*

6 **SEC. 209. EXCEPTIONS APPLICABLE TO STATE OF HAWAII.**

7       (a) *DEFINITIONS.—(1) Section 101(24) of the Federal*  
8 *Aviation Act of 1958 (49 App. U.S.C. 1301(24)) is amended*  
9 *by adding at the end the following new sentence: “For pur-*  
10 *poses of title IV, the term ‘interstate air transportation’*  
11 *does not include air transportation of passengers commenc-*  
12 *ing and terminating in the State of Hawaii.”.*

13       (2) *Section 101(26) of the Federal Aviation Act of*  
14 *1958 (49 App. U.S.C. 1301(26)) is amended by adding at*  
15 *the end the following: “With respect to transportation of*  
16 *passengers by air within the State of Hawaii, the term*  
17 *‘intrastate air transportation’ means the carriage of per-*  
18 *sons by a common carrier for compensation or hire, by such*  
19 *aircraft, commencing and terminating in the State of Ha-*  
20 *waii; except that the carriage of passengers moving as a*  
21 *part of a single itinerary on a single ticket for transpor-*  
22 *tation on an air carrier or air carriers, beginning and/or*  
23 *ending outside the State of Hawaii, is deemed to be in*  
24 *interstate transportation.”.*

1           (b) *FEDERAL PREEMPTION.*—(1) *Section 105(a) of the*  
2 *Federal Aviation Act of 1958 (49 App. U.S.C. 1305(a)) is*  
3 *amended by adding at the end the following new paragraph:*

4           “(3) *The provisions of paragraph (1) shall not*  
5 *apply to any transportation by air of persons com-*  
6 *mencing and terminating within the State of Ha-*  
7 *waii.”.*

8           (2) *Section 105(b)(2) of the Federal Aviation Act of*  
9 *1958 (49 App. U.S.C. 1305(b)(2)) is amended by striking*  
10 *“(other than the State of Hawaii)”.*

11 ***SEC. 210. TRANSPORTATION SECURITY REPORT.***

12           *Section 315(b)(1) of the Federal Aviation Act of 1958*  
13 *(49 App. U.S.C. 1356(b)(1)) is amended by striking “De-*  
14 *cember 31” and inserting in lieu thereof “March 31”.*

15 ***SEC. 211. INTERMODAL ALL-CARGO AIR CARRIERS.***

16           (a) *DEFINITIONS.*—*Section 101 of the Federal Avia-*  
17 *tion Act of 1958 (49 App. U.S.C. 1301) is amended by re-*  
18 *designating paragraphs (25) through (41) as paragraphs*  
19 *(26) through (42), respectively; and by inserting imme-*  
20 *diately after paragraph (24) the following new paragraph:*

21           “(25) *‘Intermodal all-cargo air carrier’ means—*  
22                           “(A) *an air carrier (including an indirect*  
23 *cargo air carrier, as defined in section 296.3 of*  
24 *title 14, Code of Federal Regulations, as in effect*

1           on March 1, 1994) that undertakes to provide the  
2           transportation described in section 105(a)(4); or

3           “(B) any other carrier—

4                   “(i) which has authority to provide  
5           transportation;

6                   “(ii) which (I) is affiliated with an air  
7           carrier described in subparagraph (A)  
8           through common controlling ownership, or  
9           (II) utilizes as principal or as shipper’s  
10          agent, or is affiliated through common con-  
11          trolling ownership with companies that uti-  
12          lize, an air carrier described in subpara-  
13          graph (A) at least 15,000 times annually;  
14          and

15                   “(iii) which undertakes to provide the  
16          transportation described in section  
17          105(a)(4).”.

18          (b) *PREEMPTION.*—Section 105(a) of the Federal Avia-  
19          tion Act of 1958 (49 App. U.S.C. 1305(a)), as amended by  
20          this Act, is further amended by adding at the end the follow-  
21          ing new paragraph:

22                   “(4)(A) Except as provided in subparagraph  
23          (B), no State or political subdivision thereof, no  
24          interstate agency of two or more States, and no other  
25          political agency of two or more States shall enact or

1 *enforce any law, rule, regulation, standard, or other*  
2 *provision having the force and effect of law relating*  
3 *to rates, routes, or services of any intermodal all-*  
4 *cargo air carrier when such carrier is transporting*  
5 *property, pieces, parcels, or packages between States*  
6 *or wholly within any single State by aircraft or by*  
7 *motor vehicle (whether or not such property has had*  
8 *or will have a prior or subsequent air movement).*

9 *“(B) Subparagraph (A)—*

10 *“(i) does not apply to the transportation of*  
11 *household goods as defined in section 10102(11)*  
12 *of title 49, United States Code;*

13 *“(ii) shall not restrict safety regulatory au-*  
14 *thority; and*

15 *“(iii) does not apply to the regulation of ve-*  
16 *hicle size and weight.*

17 *For purposes of clause (ii), the authority to regulate*  
18 *rates, routes, or services shall not be construed as safe-*  
19 *ty regulatory authority, and the authority permitted*  
20 *under the Hazardous Materials Transportation Act*  
21 *(49 App. U.S.C. 1801 et seq.) to regulate routing shall*  
22 *not be affected.*

23 *“(C) For purposes of this paragraph, a person*  
24 *who is an intermodal all-cargo air carrier in any one*  
25 *State shall be considered such a carrier in all States.*

1           “(D) This paragraph shall not in any way limit  
2           the applicability of paragraph (1).”.

3       **TITLE III—AVIATION SAFETY**  
4       **AND NOISE ABATEMENT ACT**  
5       **OF 1979 AMENDMENTS**

6       **SEC. 301. REPEAL OF ANNUAL REPORT REQUIREMENT.**

7           Section 401 of the Aviation Safety and Noise Abate-  
8           ment Act of 1979 (Public Law 96–193; 94 Stat. 57) is re-  
9           pealed.

10       **SEC. 302. NOISE ABATEMENT PROGRAMS.**

11           (a) *SOUNDPROOFING OF CERTAIN RESIDENTIAL*  
12           *BUILDINGS.*—Section 104(c)(2) of the Aviation Safety and  
13           *Noise Abatement Act of 1979 (49 App. U.S.C. 2104(c)(2))*  
14           *is amended—*

15                   (1) by inserting “(A)” immediately before “to  
16                   operators of airports”; and

17                   (2) by striking the period at the end and insert-  
18                   ing in lieu thereof “; and (B) for projects to sound-  
19                   proof residential buildings—

20                           “(i) if the operator of the airport involved  
21                           received approval for a grant for a project to  
22                           soundproof residential buildings pursuant to sec-  
23                           tion 301(d)(4)(B) of the Airport and Airway  
24                           Safety and Capacity Expansion Act of 1987;

1           “(ii) if the operator of the airport involved  
2 submits updated noise exposure contours, as re-  
3 quired by the Secretary; and

4           “(iii) if the Secretary determines that the  
5 proposed projects are compatible with the pur-  
6 poses of this Act.”.

7           (b) *SOUNDPROOFING AND ACQUISITION OF CERTAIN*  
8 *RESIDENTIAL PROPERTIES.*—Section 104(c) of the *Avia-*  
9 *tion Safety and Noise Abatement Act of 1979 (49 App.*  
10 *U.S.C. 2104(c))* is amended by adding at the end the follow-  
11 *ing new paragraph:*

12           “(4) *SOUNDPROOFING AND ACQUISITION OF CER-*  
13 *TAIN RESIDENTIAL PROPERTIES.*—The Secretary is  
14 authorized under this section to make grants to opera-  
15 tors of airports and to units of local government re-  
16 ferred to in paragraph (1) for projects to soundproof  
17 residential buildings located on residential properties,  
18 and for projects to acquire residential properties, at  
19 which noise levels are not compatible with normal op-  
20 erations of an airport—

21           “(A) if the operator of the airport involved  
22 amended an existing local aircraft noise regula-  
23 tion during calendar year 1993 to increase the  
24 maximum permitted noise levels for scheduled  
25 air carrier aircraft as a direct result of imple-

1           *mentation of revised aircraft noise departure*  
2           *procedures mandated for aircraft safety purposes*  
3           *by the Administrator of the Federal Aviation*  
4           *Administration for standardized application at*  
5           *airports served by scheduled air carriers;*

6                   “(B) *if the operator of the airport involved*  
7                   *submits updated noise exposure contours, as re-*  
8                   *quired by the Secretary; and*

9                   “(C) *if the Secretary determines that the*  
10                  *proposed projects are compatible with the pur-*  
11                  *poses of this Act.”.*

12   **SEC. 303. WAIVER AUTHORITY FOR FOREIGN AIR CARRIERS.**

13           (a) *IN GENERAL.*—Section 9308(b)(1) of the Aviation  
14   *Noise and Capacity Act of 1990 (49 App. U.S.C.*  
15   *2157(b)(1)) is amended by inserting “or a foreign air car-*  
16   *rier” immediately after “air carrier” wherever it appears.*

17           (b) *DEFINITION.*—Section 9308(h)(1) of the Aviation  
18   *Noise and Capacity Act of 1990 (49 App. U.S.C.*  
19   *2157(h)(1)) is amended to read as follows:*

20                   “(1) *AIR CARRIER; FOREIGN AIR CARRIER; AIR*  
21                   *TRANSPORTATION; UNITED STATES.*—The terms ‘air  
22                   *carrier’, ‘foreign air carrier’, ‘air transportation’,*  
23                   *and ‘United States’ have the meanings such terms*  
24                   *have under section 101 of the Federal Aviation Act of*  
25                   *1958.”.*

1 **SEC. 304. RESEARCH PROGRAM ON QUIET AIRCRAFT TECH-**  
2 **NOLOGY.**

3 *The Federal Aviation Administration Research, Engi-*  
4 *neering, and Development Authorization Act of 1992 (title*  
5 *III of Public Law 102–581; 106 Stat. 495) is amended by*  
6 *adding at the end the following new section:*

7 **“SEC. 306. RESEARCH PROGRAM ON QUIET AIRCRAFT TECH-**  
8 **NOLOGY FOR PROPELLER AND ROTOR DRIV-**  
9 **EN AIRCRAFT.**

10 *“(a) ESTABLISHMENT.—The Administrator of the Fed-*  
11 *eral Aviation Administration (FAA) and the Administrator*  
12 *of the National Aeronautics and Space Administration*  
13 *(NASA) shall conduct a study to identify technologies for*  
14 *noise reduction of propeller driven aircraft and rotorcraft.*

15 *“(b) GOAL.—The goal of the study conducted under*  
16 *subsection (a) is to determine the status of research and*  
17 *development now underway in the area of quiet technology*  
18 *for propeller driven aircraft and rotorcraft, including tech-*  
19 *nology that is cost beneficial, and to determine whether a*  
20 *research program to supplement existing research activities*  
21 *is necessary.*

22 *“(c) PARTICIPATION.—In conducting the study re-*  
23 *quired under subsection (a), the Administrator of the FAA*  
24 *and the administrator of NASA shall encourage the partici-*  
25 *pation of the Department of Defense, the Department of the*

1 *Interior, the airtour industry, the aviation industry, aca-*  
2 *demia and other appropriate groups.*

3       “(d) *REPORT.*—Not less than 280 days after enactment  
4 *of this section the Administrator of the FAA and the Ad-*  
5 *ministrator of NASA shall transmit to Congress a report*  
6 *on the results of the study required under subsection (a).*

7       “(e) *RESEARCH AND DEVELOPMENT PROGRAM.*—If the  
8 *Administrator of the FAA and the Administrator of NASA*  
9 *determine that additional research and development is nec-*  
10 *essary and would substantially contribute to the develop-*  
11 *ment of quiet aircraft technology, then the agencies shall*  
12 *conduct an appropriate research program in consultation*  
13 *with the entities listed in subsection (c) to develop safe, ef-*  
14 *fective, and economical noise reduction technology (includ-*  
15 *ing technology that can be applied to existing propeller*  
16 *driven aircraft and rotorcraft) that would result in aircraft*  
17 *that operate at substantially reduced levels of noise to re-*  
18 *duce the impact of such aircraft and rotorcraft on the re-*  
19 *sources of national parks and other areas.”.*

20       ***TITLE IV—MISCELLANEOUS***  
21                               ***PROVISIONS***

22       ***SEC. 401. DISCONTINUATION OF AVIATION SAFETY JOUR-***  
23                               ***NAL.***

24       *The Administrator may not publish, nor contract with*  
25 *any other organization for the publication of, the magazine*

1 *known as the “Aviation Safety Journal”. Any existing con-*  
2 *tract for publication of the magazine shall be cancelled*  
3 *within 30 days after the date of enactment of this Act.*

4 **SEC. 402. SAFETY OF JUNEAU INTERNATIONAL AIRPORT.**

5 *(a) STUDY.—(1) Within 30 days after the date of en-*  
6 *actment of this Act, the Secretary, in cooperation with the*  
7 *National Transportation Safety Board, the National*  
8 *Guard, and the Juneau International Airport, shall under-*  
9 *take a study of the safety of the approaches to the Juneau*  
10 *International Airport.*

11 *(2) Such study shall examine—*

12 *(A) the crash of Alaska Airlines Flight 1866 on*  
13 *September 4, 1971;*

14 *(B) the crash of a Lear Jet on October 22, 1985;*

15 *(C) the crash of an Alaska Army National*  
16 *Guard aircraft on November 12, 1992;*

17 *(D) the adequacy of NAVAIDs in the vicinity of*  
18 *the Juneau International Airport;*

19 *(E) the possibility of inaccurate data from Sis-*  
20 *ters Island DVOR, and the possibility of confusion be-*  
21 *tween Elephant Island Non-Directional Beacon and*  
22 *Coghlan Island Non-Directional Beacon;*

23 *(F) the need for a singular Approach Surveil-*  
24 *lance Radar site on top of Heintzleman Ridge;*

1           (G) the need for a Terminal Very High Fre-  
2           quency Omni-Directional Range (Terminal VOR)  
3           navigational aid in Gastineau Channel; and

4           (H) any other matters any of the parties named  
5           in paragraph (1) think appropriate to the safety of  
6           aircraft approaching or leaving the Juneau Inter-  
7           national Airport.

8           (b) REPORT.—(1) Within 6 months after the date of  
9           enactment of this Act, the Secretary shall submit to the  
10          Committee on Commerce, Science, and Transportation of  
11          the Senate and the Committee on Public Works and Trans-  
12          portation of the House of Representatives a report which—

13                 (A) details the matters considered by the study;

14                 (B) summarizes any conclusions reached by the  
15                 participants in the study;

16                 (C) proposes specific recommendations to im-  
17                 prove or enhance the safety of aircraft approaching or  
18                 leaving the Juneau International Airport, or contains  
19                 a detailed explanation of why no recommendations  
20                 are being proposed;

21                 (D) estimates the cost of any proposed rec-  
22                 ommendations; and

23                 (E) includes any other matters the Secretary  
24                 deems appropriate.

1       (2) *The report shall include any minority views if con-*  
2 *sensus is not reached among the parties listed in subsection*  
3 *(a)(1).*

4 **SEC. 403. SOLDOTNA AIRPORT IMPROVEMENT.**

5       (a) *RELEASE.*—*Notwithstanding section 16 of the Fed-*  
6 *eral Airport Act (as in effect on December 12, 1963), the*  
7 *Secretary is authorized, subject to the provisions of section*  
8 *4 of the Act of October 1, 1949 (50 App. U.S.C. 1622c),*  
9 *and the provisions of subsection (b) of this section, to grant*  
10 *releases from any of the terms, conditions, reservations, and*  
11 *restrictions contained in the deed of conveyance dated De-*  
12 *cember 12, 1963, under which the United States conveyed*  
13 *certain property to the city of Soldotna, Alaska, for airport*  
14 *purposes.*

15       (b) *CONDITIONS.*—*Any release granted under sub-*  
16 *section (a) shall be subject to the following conditions:*

17           (1) *The city of Soldotna, Alaska, shall agree*  
18 *that, in conveying any interest in the property which*  
19 *the United States conveyed to the city by deed dated*  
20 *December 12, 1963, the city will receive an amount*  
21 *for such interest which is equal to the fair market*  
22 *value (as determined pursuant to regulations issued*  
23 *by the Secretary).*

1           (2) *Any such amount so received by the city*  
2           *shall be used by the city for the development, improve-*  
3           *ment, operation, or maintenance of a public airport.*

4 **SEC. 404. ROLLA AIRPORT IMPROVEMENT.**

5           (a) *AUTHORIZATION TO GRANT RELEASES.—Notwith-*  
6           *standing section 16 of the Federal Airport Act (as in effect*  
7           *on December 30, 1957), the Secretary is authorized, subject*  
8           *to the provisions of section 4 of the Act of October 1, 1949*  
9           *(50 App. U.S.C. 1622c), and the provisions of subsection*  
10          *(b) of this section, to grant releases from any of the terms,*  
11          *conditions, reservations, and restrictions contained in the*  
12          *deed of conveyance dated December 30, 1957, or any other*  
13          *deed of conveyance dated after such date and before the date*  
14          *of enactment of this Act, under which the United States*  
15          *conveyed certain property to the city of Rolla, Missouri, for*  
16          *airport purposes.*

17          (b) *CONDITIONS.—Any release granted under sub-*  
18          *section (a) shall be subject to the following conditions:*

19               (1) *The city of Rolla, Missouri, shall agree that,*  
20               *in conveying any interest in the property which the*  
21               *United States conveyed to the city by a deed described*  
22               *in subsection (a), the city will receive an amount for*  
23               *such interest which is equal to the fair market value*  
24               *(as determined pursuant to regulations issued by the*  
25               *Secretary).*

1           (2) *Any such amount so received by the city*  
2           *shall be used by the city for the development, improve-*  
3           *ment, operation, or maintenance of a public airport.*

4 **SEC. 405. PALM SPRINGS, CALIFORNIA.**

5           (a) *AUTHORITY TO GRANT RELEASE.*—*Notwithstand-*  
6           *ing section 4 of the Act of October 1, 1949 (50 App. U.S.C.*  
7           *1622c), and subject to the provisions of subsection (b), the*  
8           *Administrator shall grant releases from all of the terms,*  
9           *conditions, reservations, and restrictions contained in the*  
10           *deed of conveyance dated September 15, 1949, under which*  
11           *the United States conveyed certain property to Palm*  
12           *Springs, California, for airport purposes. The releases shall*  
13           *apply only to approximately 11 acres of lot 16 of section*  
14           *13, and approximately 39.07 acres of lots 19 and 20 of sec-*  
15           *tion 19, used by the city of Palm Springs, California, for*  
16           *general governmental purposes.*

17           (b) *CONDITIONS.*—*Any release granted by the Admin-*  
18           *istrator under subsection (a) shall be subject to the following*  
19           *conditions:*

20           (1) *The Administrator shall waive any require-*  
21           *ment that there be credited to the account of the air-*  
22           *port any amount attributable to the city's use for gov-*  
23           *ernmental purposes of any land conveyed under the*  
24           *deed of conveyance referred to in subsection (a) before*  
25           *the date of enactment of this section.*

1           (2) *The city shall abandon all claims, against*  
2 *income of the Palm Springs Regional Airport or other*  
3 *assets of that airport, for reimbursement of general*  
4 *revenue funds that the city may have expended before*  
5 *the date of enactment of this Act for acquisition of*  
6 *523.39 acres of land conveyed August 28, 1961, for*  
7 *airport purposes and for expenses incurred at any*  
8 *time in connection with such acquisition, and such*  
9 *claims shall not be eligible for reimbursement under*  
10 *the Airport and Airway Improvement Act of 1982 or*  
11 *any successor Act.*

12 **SEC. 406. RELOCATION OF AIRWAY FACILITIES.**

13           *Compensation received by the United States for trans-*  
14 *fer of the San Jacinto Disposal Area by the United States*  
15 *to the City of Galveston, Texas, shall include compensation*  
16 *to be provided to the Federal Aviation Administration for*  
17 *all costs of establishing airway facilities to replace existing*  
18 *airway facilities on the San Jacinto Disposal Area. Such*  
19 *compensation shall include but is not limited to the replace-*  
20 *ment of the land, clear zones, buildings and equipment, and*  
21 *demolition and disposal of the existing facilities on the San*  
22 *Jacinto Disposal Area.*

23 **SEC. 407. AUGUSTA STATE AIRPORT WEATHER SERVICES.**

24           (a) *REQUIREMENT.*—(1) *The Secretary shall provide*  
25 *for weather observation services, including direct radio con-*

1 *tact between weather observers and pilots, at Augusta State*  
2 *Airport in Maine.*

3       (2) *The Secretary shall be responsible for the operation*  
4 *and maintenance of equipment necessary to carry out para-*  
5 *graph (1).*

6       (b) *REIMBURSABLE AGREEMENTS.—The Secretary is*  
7 *authorized to enter into a reimbursable agreement with the*  
8 *Maine Department of Transportation for the provision of*  
9 *weather services pursuant to subsection (a).*

10 ***SEC. 408. STUDY ON CHILD RESTRAINT SYSTEMS.***

11       (a) *STUDY.—The Administrator shall conduct a study*  
12 *on the availability, effectiveness, cost, and usefulness of re-*  
13 *straint systems that may offer protection to a child carried*  
14 *in the lap of an adult aboard an air carrier aircraft or*  
15 *provide for the attachment of a child restraint device to the*  
16 *aircraft.*

17       (b) *STUDY CRITERIA.—Among other issues, the study*  
18 *shall examine the impact of the following:*

19               (1) *The direct cost to families of requiring air*  
20 *carriers to provide restraint systems and requiring*  
21 *infants to use them, including whether airlines will*  
22 *charge a fare for use of seats containing infant re-*  
23 *straining systems; such estimate to cover a ten-year*  
24 *period;*

1           (2) *The impact on air carrier aircraft passenger*  
2 *volume by requiring use of infant restraint systems,*  
3 *including whether families will choose to travel to des-*  
4 *tinations by other means, including automobiles; such*  
5 *estimate to cover a ten-year period;*

6           (3) *The impact on fatality rates of infants using*  
7 *other modes of transportation, including automobiles,*  
8 *subject to the findings in subsection (b)(2) above; such*  
9 *estimate to cover a ten-year period; and*

10          (4) *The efficacy of infant restraint systems cur-*  
11 *rently marketed as able to be used for air carrier air-*  
12 *craft.*

13          (c) *REPORT.—The Administrator shall submit to the*  
14 *Committee on Commerce, Science, and Transportation of*  
15 *the Senate and the Committee on Public Works and Trans-*  
16 *portation of the House of Representatives a report on the*  
17 *results of the study required in subsection (a). The report*  
18 *shall be submitted within 6 months after the date of enact-*  
19 *ment of this Act.*

20 **SEC. 409. AIRCRAFT SMOKE EMERGENCIES.**

21          *The Administrator shall enforce Federal Aviation Ad-*  
22 *ministration regulations relating to pilot vision and smoke*  
23 *emergencies caused by dense, continuous smoke in the cock-*  
24 *pit on current and future aircraft and shall report to Con-*  
25 *gress within 1 year after the date of enactment of this Act*

1 *on the Administrator's efforts to ensure compliance with*  
2 *such regulations.*

3 **SEC. 410. REAL ESTATE TRANSFERS AND WEATHER OBSER-**  
4 **VATIONS IN ALASKA.**

5 (a) *TRANSFER OF SITE IN LAKE MINCHUMINA, ALAS-*  
6 *KA.—The Administrator shall convey to the community of*  
7 *Lake Minchumina, Alaska, the Federal Aviation Adminis-*  
8 *tration building number 106 and a reasonable amount of*  
9 *land to make use of the property, at Lake Minchumina,*  
10 *Alaska, for the purpose of providing educational facilities,*  
11 *under the terms set forth in Agreement No. DTFA04–93–*  
12 *J–82007, between the Federal Aviation Administration and*  
13 *the Iditarod Area School District, and such other terms as*  
14 *are mutually agreed on between the Administrator and the*  
15 *community of Lake Minchumina.*

16 (b) *TRANSFER OF SITE IN FORT YUKON, ALASKA.—*  
17 *The Administrator shall convey to the city of Fort Yukon,*  
18 *Alaska, the buildings of the Federal Aviation Administra-*  
19 *tion and land in Fort Yukon, Alaska (described as that por-*  
20 *tion of Lot 4, U.S. Survey 7161, within section 8, T.20*  
21 *N., R.12E., Fairbanks Meridian consisting of 7.14 acres,*  
22 *and containing the health clinic and staff housing for the*  
23 *aforementioned clinic) for the purpose of providing health*  
24 *services, under terms that are mutually agreed on between*  
25 *the Administrator and the city of Fort Yukon.*

1           (c) *WEATHER OBSERVATION SERVICES IN ALASKA.*—  
2 *The Administrator shall provide human observers to offer*  
3 *real-time weather information to pilots by direct radio con-*  
4 *tact in Alaska at—*

5           (1) *Dutch Harbor, Valdez, Wrangell, Petersburg,*  
6 *Sand Point, and Yakutat on a full-time basis;*

7           (2) *Aniak, St. Marys, Dillingham, Unalakleet,*  
8 *Fort Yukon, Port Heiden, Anaktuvuk Pass, and Gus-*  
9 *tavus to replace the Automated Weather Observing*  
10 *System (AWOS) in the event of failures and to verify*  
11 *AWOS reports when the safety of aircraft is at risk;*  
12 *and*

13           (3) *other communities that the Administrator de-*  
14 *termines require human weather observers.*

15 **SEC. 411. STURGIS, KENTUCKY.**

16           (a) *AUTHORIZATION TO GRANT RELEASES.*—*Notwith-*  
17 *standing any other provision of law, the Administrator is*  
18 *authorized, subject to section 4 of the Act of October 1, 1949*  
19 *(50 App. U.S.C. 1622c), and subsection (b) of this section,*  
20 *to grant releases with respect to such parcels of land, or*  
21 *portions of such parcels, as the Administrator determines*  
22 *are no longer required for airport purposes, from any of*  
23 *the terms, conditions, reservations, and restrictions con-*  
24 *tained in the deed of conveyance dated July 13, 1948, under*  
25 *which the United States conveyed such property to the*

1 *Union County Air Board, State of Kentucky, for airport*  
2 *purposes of the Sturgis Municipal Airport.*

3 (b) *CONDITIONS.*—*Any release granted by the Admin-*  
4 *istrator under subsection (a) shall be subject to the following*  
5 *conditions:*

6 (1) *The Union County Air Board shall agree*  
7 *that, in leasing or conveying any interest in the prop-*  
8 *erty with respect to which releases are granted under*  
9 *subsection (a), such Board will receive an amount*  
10 *that is equal to the fair lease value or the fair market*  
11 *value, as the case may be (as determined pursuant to*  
12 *regulations issued by the Secretary).*

13 (2) *Such Board shall use any amount so received*  
14 *only for the development, improvement, operation, or*  
15 *maintenance of the Sturgis Municipal Airport.*

16 (3) *Any other conditions that the Administrator*  
17 *considers necessary to protect or advance the interests*  
18 *of the United States in civil aviation.*

19 **SEC. 412. GAMBLING ON COMMERCIAL AIRCRAFT.**

20 (a) *AMENDMENTS.*—(1) *Title IV of the Federal Avia-*  
21 *tion Act of 1958 (49 App. U.S.C. 1371 et seq.), as amended*  
22 *by this Act, is further amended by adding at the end the*  
23 *following new section:*

1 **“SEC. 422. GAMBLING RESTRICTIONS.**

2       “(a) *IN GENERAL.*—No air carrier or foreign air car-  
3 rier may install, transport, or operate, or permit the use  
4 of, any gambling device on board an aircraft in foreign air  
5 transportation.

6       “(b) *DEFINITION.*—In this section, the term ‘gambling  
7 device’ means any machine or mechanical device (including  
8 gambling applications on electronic interactive video sys-  
9 tems installed on board aircraft for passenger use)—

10           “(1) which when operated may deliver, as the re-  
11 sult of the application of an element of chance, any  
12 money or property; or

13           “(2) by the operation of which a person may be-  
14 come entitled to receive, as the result of the applica-  
15 tion of an element of chance, any money or prop-  
16 erty.”.

17       (2) *The portion of the table of contents of the Federal*  
18 *Aviation Act of 1958 relating to title IV, as amended by*  
19 *this Act, is further amended by inserting immediately after*  
20 *the item relating to section 421 the following new item:*

“Sec. 422. *Gambling restrictions.*

“(a) *In general.*

“(b) *Definition.*”.

21       (b) *AVIATION SAFETY STUDY.*—The Administrator of  
22 the Federal Aviation Administration shall, within 90 days  
23 after the date of enactment of this Act, complete a study  
24 of the aviation safety effects of gambling applications on

1 *electronic interactive video systems installed on board air-*  
2 *craft for passenger use. The study shall include an evalua-*  
3 *tion of the effect of such systems on the navigational and*  
4 *other electronic equipment of the aircraft, on the passengers*  
5 *and crew of the aircraft, and on issues relating to the meth-*  
6 *od of payment. The Administrator shall, within 5 days*  
7 *after completing the study, submit a report to the Commit-*  
8 *tee on Commerce, Science, and Transportation of the Senate*  
9 *and the Committee on Public Works and Transportation*  
10 *of the House of Representatives on the results of the study.*

11 *(c) STUDY ON COMPETITION EFFECTS.—The Secretary*  
12 *of Transportation shall, within 90 days after the date of*  
13 *enactment of this Act, complete a study of the competitive*  
14 *implications of permitting foreign air carriers only, but not*  
15 *United States air carriers, to install, transport, and operate*  
16 *gambling application on electronic interactive video sys-*  
17 *tems on board aircraft in the foreign commerce of the Unit-*  
18 *ed States on flights over international waters, or in fifth*  
19 *freedom city-pair markets. The Secretary shall, within 5*  
20 *days after the completion of the study, submit a report to*  
21 *the Committee on Commerce, Science, and Transportation*  
22 *of the Senate and the Committee on Public Works and*  
23 *Transportation of the House of Representatives on the re-*  
24 *sults of the study.*

1 **SEC. 413. LAND ACQUISITION COSTS.**

2 *Notwithstanding section 512 of the Airport and Air-*  
3 *way Improvement Act of 1982 (49 U.S.C. App. 2211), the*  
4 *Secretary of Transportation may approve an upward ad-*  
5 *justment not to exceed \$750,000, in the maximum obliga-*  
6 *tion of the United States under an Airport Improvement*  
7 *Program grant issued to a reliever airport after September*  
8 *1, 1989, and before October 1, 1989, in order to assist in*  
9 *funding increased land acquisition costs (as determined in*  
10 *judicial proceedings) and associated eligible project costs.*

11 **SEC. 414. MONROE AIRPORT IMPROVEMENT.**

12 *(a) AUTHORIZATION TO GRANT RELEASES.—Notwith-*  
13 *standing section 16 of the Federal Airport Act (as in effect*  
14 *on the date of transfer of Selman Field, Louisiana, from*  
15 *the United States to the city of Monroe, Louisiana), the Ad-*  
16 *ministrator of the Federal Aviation Administration is au-*  
17 *thorized, subject to the provisions of section 4 of the Act*  
18 *of October 1, 1949 (50 App. U.S.C. 1622c), and the provi-*  
19 *sions of subsection (b) of this section, to grant releases from*  
20 *any of the terms, conditions, reservations, and restrictions*  
21 *contained in the 1949 deed of conveyance, or any other deed*  
22 *of conveyance occurring subsequent to that initial trans-*  
23 *ference and before the date of enactment of this Act, under*  
24 *which the United States conveyed certain property then*  
25 *constituting Selman Field, Louisiana, to the city of Monroe,*  
26 *Louisiana, for airport purposes.*

1       (b) *CONDITIONS.*—Any release granted under sub-  
2 section (a) shall be subject to the following conditions:

3           (1) *The city of Monroe, Louisiana, shall agree*  
4 *that, in conveying any interest in the property which*  
5 *the United States conveyed to the city by a deed de-*  
6 *scribed in subsection (a), the city will receive an*  
7 *amount for such interest which is equal to the fair*  
8 *market value (as determined pursuant to regulations*  
9 *issued by the Secretary of Transportation).*

10          (2) *Any such amount so received by the city*  
11 *shall be used by the city for the development, improve-*  
12 *ment, operation, or maintenance of a public airport.*

13 **SEC. 415. NORTH KOREA.**

14       (a) *FINDINGS.*—(1) *President Clinton stated in No-*  
15 *vember of 1993, it is the official policy of the United States*  
16 *that North Korea cannot be allowed to become a nuclear*  
17 *power.*

18          (2) *The United States seeks to compel North Korea,*  
19 *through the imposition of sanctions or other means, to act*  
20 *in accordance with its freely undertaken obligations under*  
21 *the Nuclear Non-Proliferation Treaty and to abandon its*  
22 *efforts to develop nuclear weapons.*

23          (3) *North Korea has repeatedly threatened to withdraw*  
24 *from the Nuclear Non-Proliferation Treaty, has resisted ef-*  
25 *forts of the International Atomic Energy Agency to conduct*

1 *effective inspections of its nuclear program, and has stated*  
2 *that it would consider the imposition of economic sanctions*  
3 *as a declaration of war and has threatened retaliatory ac-*  
4 *tion.*

5       (4) *The North Korean government has constructed and*  
6 *has operated a reprocessing facility at Yongbyon solely de-*  
7 *signed to convert spent nuclear fuel into plutonium with*  
8 *which to make nuclear weapons. Further, the existence of*  
9 *this facility and the development of these weapons gravely*  
10 *threatens security in the region and increases the likelihood*  
11 *of worldwide nuclear terrorism.*

12       (5) *The Secretary of Defense stated that the United*  
13 *States must act on the assumption that there will be some*  
14 *increase in the risk of war if sanctions are imposed on*  
15 *North Korea.*

16       (6) *It is incumbent on the United States to take all*  
17 *necessary and prudent action to act together with the Re-*  
18 *public of Korea to ensure the preparedness of United States*  
19 *and Republic of Korea forces to repel as quickly as possible*  
20 *any attack from North Korea and to protect the safety and*  
21 *security of United States and Republic of Korea forces, as*  
22 *well as the safety and security of the civilian population*  
23 *of the peninsula.*

24       (b) *SENSE OF THE SENATE.*—*It is the sense of the Sen-*  
25 *ate that the United States should immediately take all nec-*

1 *essary and prudent actions to enhance the preparedness and*  
2 *safety of United States forces and urge and assist the Re-*  
3 *public of Korea to do likewise in order to deter and, if nec-*  
4 *essary, repel an attack from North Korea.*

5 **SEC. 416. REQUIREMENT FOR CONTINUATION OF RADAR**  
6 **APPROACH CONTROL ACTIVITIES.**

7 (a) *FINDING.*—*Congress finds that the President’s*  
8 *Five-Point Plan for Revitalizing Base Closure Commu-*  
9 *nities dated July 2, 1993, encourages all Federal agencies*  
10 *to marshal the resources of such agencies in order to pro-*  
11 *vide coordinated assistance to communities that experience*  
12 *adverse economic circumstances as the result of the closure*  
13 *of a military installation under a base closure law.*

14 (b) *REQUIREMENT.*—*The Administrator of the Federal*  
15 *Aviation Administration shall carry out on-going radar*  
16 *approach control activities at K. I. Sawyer Air Force Base,*  
17 *Michigan. The Administrator shall carry out such activities*  
18 *in the most cost-effective manner using any funds available*  
19 *to the Administrator.*

20 **SEC. 417. SENSE OF THE SENATE.**

21 *It is the sense of the Senate that the Inspector General*  
22 *of the Department of Transportation in carrying out the*  
23 *duties and responsibilities of the Inspector General Act of*  
24 *1978 has oversight responsibilities and may conduct and*  
25 *supervise audits and investigations relating to any funds*

1 *appropriated by the Congress and made available for any*  
2 *programs or operations at Washington National Airport*  
3 *and Dulles International Airport, and that the Inspector*  
4 *General shall—*

5 *(1) provide leadership and coordination and rec-*  
6 *ommend policies for activities designed to promote the*  
7 *economy, efficiency, and effectiveness of such pro-*  
8 *grams and operations; and*

9 *(2) act to prevent and detect fraud and abuse in*  
10 *such programs and operations; and*

11 *(3) inform the Secretary of the Department of*  
12 *Transportation and the Congress about problems and*  
13 *deficiencies relating to the administration of such*  
14 *programs and operations.*

15 **SEC. 418. RELIGIOUS LIBERTY.**

16 *(a) FINDINGS.—The Congress finds that—*

17 *(1) the liberties protected by our Constitution in-*  
18 *clude religious liberty protected by the first amend-*  
19 *ment;*

20 *(2) citizens of the United States profess the be-*  
21 *liefs of almost every conceivable religion;*

22 *(3) Congress has historically protected religious*  
23 *expression even from governmental action not in-*  
24 *tended to be hostile to religion;*

1           (4) *the Supreme Court has written that “the free*  
2 *exercise of religion means, first and foremost, the*  
3 *right to believe and profess whatever religious doc-*  
4 *trine one desires”;*

5           (5) *the Supreme Court has firmly settled that*  
6 *under our Constitution the public expression of ideas*  
7 *may not be prohibited merely because the content of*  
8 *the ideas is offensive to some;*

9           (6) *Congress enacted the Religious Freedom Res-*  
10 *toration Act of 1993 to restate and make clear again*  
11 *our intent and position that religious liberty is and*  
12 *should forever be granted protection from unwar-*  
13 *ranted and unjustified government intrusions and*  
14 *burdens;*

15           (7) *the Equal Employment Opportunity Com-*  
16 *mission has written proposed guidelines to title VII*  
17 *of the Civil Rights Act of 1964, published in the Fed-*  
18 *eral Register on October 1, 1993, that may result in*  
19 *the infringement of religious liberty;*

20           (8) *such guidelines do not appropriately resolve*  
21 *issues related to religious liberty and religious expres-*  
22 *sion in the workplace;*

23           (9) *properly drawn guidelines for the determina-*  
24 *tion of religious harassment should provide appro-*  
25 *prate guidance to employers and employees and as-*

1        *sist in the continued preservation of religious liberty*  
2        *as guaranteed by the first amendment;*

3            *(10) the Commission states in its proposed*  
4        *guidelines that it retains wholly separate guidelines*  
5        *for the determination of sexual harassment because*  
6        *the Commission believes that sexual harassment raises*  
7        *issues about human interaction that are to some ex-*  
8        *tent unique in comparison to other harassment and*  
9        *may warrant separate treatment; and*

10           *(11) the subject of religious harassment also*  
11        *raises issues about human interaction that are to*  
12        *some extent unique in comparison to other harass-*  
13        *ment.*

14        *(b) SENSE OF THE CONGRESS.—It is the sense of the*  
15        *Congress that, for purposes of issuing final regulations*  
16        *under title VII of the Civil Rights Act of 1964 in connection*  
17        *with the proposed guidelines published by the Equal Em-*  
18        *ployment Opportunity Commission on October 1, 1993 (58*  
19        *Fed. Reg. 51266)—*

20           *(1) the category of religion should be withdrawn*  
21        *from the proposed guidelines at this time;*

22           *(2) any new guidelines for the determination of*  
23        *religious harassment should be drafted so as to make*  
24        *explicitly clear that symbols or expressions of reli-*  
25        *gious belief consistent with the first amendment and*

1        *the Religious Freedom Restoration Act of 1993 are*  
2        *not to be restricted and do not constitute proof of har-*  
3        *assment;*

4            (3) *the Commission should hold public hearings*  
5        *on such new proposed guidelines; and*

6            (4) *the Commission should receive additional*  
7        *public comment before issuing similar new regula-*  
8        *tions.*

9        **SEC. 419. INFORMATION ON DISINSECTION OF AIRCRAFT.**

10        (a) *AVAILABILITY OF INFORMATION.*—*In the interest*  
11        *of protecting the health of air travelers, the Secretary of*  
12        *Transportation shall publish a list of the countries (as de-*  
13        *termined by the Secretary) that require disinsection of air-*  
14        *craft landing in such countries while passengers and crew*  
15        *are on board such aircraft.*

16        (b) *REVISION.*—*The Secretary shall revise the list re-*  
17        *quired under subsection (a) on a periodic basis.*

18        (c) *PUBLICATION.*—*The Secretary shall publish the list*  
19        *required under subsection (a) not later than 30 days after*  
20        *the date of the enactment of this Act. The Secretary shall*  
21        *publish a revision to the list not later than 30 days after*  
22        *completing the revision under subsection (b).*

23        **SEC. 420. CONTRACT TOWER ASSISTANCE.**

24        *The Secretary of Transportation shall take appro-*  
25        *priate action to assist Chandler, Arizona, Aberdeen, South*

1 *Dakota, and other communities where the Secretary deems*  
2 *such assistance appropriate, in obtaining the installation*  
3 *of a Level I Contract Tower for those communities.*

4 **SEC. 421. SENSE OF SENATE ON ISSUANCE OF REPORT ON**  
5 **USAGE OF RADAR AT THE CHEYENNE, WYO-**  
6 **MING AIRPORT.**

7 *It is the sense of the Senate that the Secretary of*  
8 *Transportation—*

9 *(1) should take such action as may be necessary*  
10 *to revise the cost/benefit analysis process of the De-*  
11 *partment of Transportation to fully take projected*  
12 *military enplanement and cost savings figures into*  
13 *consideration with regard to radar installations at*  
14 *joint-use civilian/military airports;*

15 *(2) should require the Administrator of the Fed-*  
16 *eral Aviation Administration to reevaluate the air-*  
17 *craft radar needs at the Cheyenne, Wyoming Airport,*  
18 *and enter into an immediate dialogue with officials*  
19 *of the Wyoming Air Guard, F.E. Warren Air Force*  
20 *Base, and Cheyenne area leaders in the phase II*  
21 *radar installation reevaluation of the Administration*  
22 *and adjust cost/benefit determinations based to some*  
23 *appropriate degree on already provided military fig-*  
24 *ures and concerns and other enplanement projections*  
25 *in the region; and*



1        *poses for which airport revenues may be spent under*  
2        *section 511(a)(12), including reasonable reserves and*  
3        *other funds to facilitate financing and cover contin-*  
4        *gencies.”.*

5        **SEC. 502. AIRPORT FINANCIAL REPORTING.**

6        (a) *FORMAT FOR REPORTING.*—*Within 180 days after*  
7        *the date of enactment of this Act, the Secretary shall pre-*  
8        *scribe a uniform simplified format for reporting that is ap-*  
9        *plicable to airports. Such a format shall be designed to en-*  
10       *able the public to understand readily how funds are col-*  
11       *lected and spent at airports, and to provide sufficient infor-*  
12       *mation relating to total revenues, operating expenditures,*  
13       *capital expenditures, debt service payments, contributions*  
14       *to restricted funds, accounts, or reserves required by financ-*  
15       *ing agreements or covenants or airport lease or use agree-*  
16       *ments or covenants. Such format shall require each commer-*  
17       *cial service airport to report the amount of any revenue*  
18       *surplus, the amount of concession-generated revenue, and*  
19       *other information as required by the Secretary.*

20       (b) *REQUIREMENT TO USE FORMAT.*—*Within 1 year*  
21       *after the date of enactment of this Act and once each year*  
22       *thereafter, each airport which is subject to any grant assur-*  
23       *ance under section 511(a) of the Airport and Airway Im-*  
24       *provement Act of 1982 (49 App. U.S.C. 2210(a)) shall file*

1 *reports to the Secretary in the format prescribed by the Sec-*  
2 *retary under this section.*

3 *(c) ANNUAL SUMMARIES.—The Secretary shall provide*  
4 *annual summaries of such reports to the Committee on*  
5 *Commerce, Science, and Transportation of the Senate and*  
6 *the Committee on Public Works and Transportation of the*  
7 *House of Representatives.*

8 **SEC. 503. ADDITIONAL ENFORCEMENT AGAINST ILLEGAL**  
9 **DIVERSION OF AIRPORT REVENUE.**

10 *(a) NEW POLICIES AND PROCEDURES.—Section 511*  
11 *of the Airport and Airway Improvement Act of 1982 (49*  
12 *App. U.S.C. 2210) is amended by adding at the end the*  
13 *following new subsection:*

14 *“(i) POLICIES AND PROCEDURES TO ENSURE EN-*  
15 *FORCEMENT AGAINST ILLEGAL DIVERSION OF AIRPORT*  
16 *REVENUE.—*

17 *“(1) IN GENERAL.—Not later than 90 days after*  
18 *the date of enactment of this subsection, the Secretary*  
19 *shall establish policies and procedures that will assure*  
20 *the prompt and effective enforcement of subsections*  
21 *(a)(9) and (a)(12) and grant assurances made under*  
22 *such subsections. Such policies and procedures shall*  
23 *recognize the exemption provision in subsection*  
24 *(a)(12), and shall respond to the information con-*  
25 *tained in the reports of the Inspector General of the*

1 *Department of Transportation on airport revenue di-*  
2 *version and such other relevant information as the*  
3 *Secretary may by law consider.*

4 “(2) *REVENUE DIVERSION.*—*Such policies and*  
5 *procedures shall prohibit, at a minimum, the diver-*  
6 *sion of airport revenues (except as authorized under*  
7 *subsection (a)(12)) through—*

8 “(A) *direct payments or indirect payments,*  
9 *other than payments reflecting the value of serv-*  
10 *ices and facilities provided to the airport;*

11 “(B) *use of airport revenues for general eco-*  
12 *nomical development, marketing, and promotional*  
13 *activities unrelated to airports or airport sys-*  
14 *tems;*

15 “(C) *payments in lieu of taxes or other as-*  
16 *sessments that exceed the value of services pro-*  
17 *vided; or*

18 “(D) *payments to compensate*  
19 *nonsponsoring governmental bodies for lost tax*  
20 *revenues exceeding stated tax rates.*

21 “(3) *EFFORTS TO BE SELF-SUSTAINING.*—*With*  
22 *respect to subsection (a)(9), such policies and proce-*  
23 *dures shall take into account, at a minimum, whether*  
24 *owners and operators of airports, when entering into*  
25 *new or revised agreements or otherwise establishing*

1        *rates, charges, and fees, have undertaken reasonable*  
2        *efforts to make their particular airports as self-sus-*  
3        *taining as possible under the circumstances existing*  
4        *at such airports.*

5            *“(4) ADMINISTRATIVE SAFEGUARDS.—Such poli-*  
6        *cies and procedures shall mandate internal controls,*  
7        *auditing requirements, and increased levels of Depart-*  
8        *ment of Transportation personnel sufficient to re-*  
9        *spond fully and promptly to complaints received re-*  
10       *garding possible violations of subsections (a)(9) and*  
11       *(a)(12) and related grant assurances and to alert the*  
12       *Secretary to such possible violations.”.*

13        *(b) JUDICIAL ENFORCEMENT.—If any airport sponsor*  
14       *violates section 511(a)(12) of the Airport and Airway Im-*  
15       *provement Act of 1982 (49 App. U.S.C. 2210(a)(12)) or any*  
16       *grant assurance thereunder, or violates section 536(d) of*  
17       *such Act, the Secretary may apply to the district court of*  
18       *the United States, for any district in which such airport*  
19       *sponsor carries on business or in which the violation oc-*  
20       *curred, for the enforcement of such section or assurance; and*  
21       *such court shall have jurisdiction to enforce obedience there-*  
22       *to by a writ of injunction or other process, mandatory or*  
23       *otherwise, restraining such airport sponsor from further*  
24       *violation of such section or assurance and requiring their*  
25       *obedience thereto.*

1           (c) *WITHHOLDING OF APPROVAL OF APPLICATIONS*  
2 *FOR GRANTS OR PASSENGER FACILITY CHARGES.*—Sec-  
3 *tion 519 of the Airport and Airway Improvement Act of*  
4 *1982 (49 App. U.S.C. 2218) is amended by adding at the*  
5 *end the following new subsection:*

6           “(c) *ACTION ON GRANT ASSURANCES CONCERNING*  
7 *AIRPORT REVENUES.*—*If after notice and opportunity for*  
8 *a hearing the Secretary finds a violation of section*  
9 *511(a)(12), as further defined by the Secretary under sec-*  
10 *tion 511(i), or a violation of an assurance under section*  
11 *511(a)(12), and the Secretary has provided an opportunity*  
12 *for the airport sponsor to take corrective action to cure such*  
13 *violation and such corrective action has not been taken*  
14 *within the period of time set by the Secretary, the Secretary*  
15 *shall withhold approval of any new grant application for*  
16 *funds under this Act, or any proposed modification to an*  
17 *existing grant that would increase the amount of funds*  
18 *made available under this Act to the airport sponsor, and*  
19 *withhold approval of any new application to impose a fee*  
20 *under section 1113(e) of the Federal Aviation Act of 1958*  
21 *(49 App. U.S.C. 1513(e)). Such applications may thereafter*  
22 *be approved only upon a finding by the Secretary that such*  
23 *corrective action as the Secretary requires has been taken*  
24 *to address the violation and that the violation no longer*  
25 *exists.”.*

1       (d) *CIVIL PENALTIES.*—(1) *Section 901(a)(1) of the*  
2 *Federal Aviation Act of 1958 (49 App. U.S.C. 1471(a)(1))*  
3 *is amended—*

4           (A) *by inserting “or (C) section 511(a)(12) of the*  
5 *Airport and Airway Improvement Act of 1982 (49*  
6 *App. U.S.C. 2210(a)(12)) or any assurance there-*  
7 *under,” immediately after “under this Act,” in the*  
8 *first sentence; and*

9           (B) *by inserting a semicolon and “except that in*  
10 *the case of a violation of section 511(a)(12) of the*  
11 *Airport and Airway Improvement Act of 1982 (49*  
12 *App. U.S.C. 2210(a)(12)), the maximum civil penalty*  
13 *for a continuing violation shall not exceed \$50,000”*  
14 *immediately before the period at the end of the second*  
15 *sentence.*

16       (2) *Section 901(a)(3)(A) of the Federal Aviation Act*  
17 *of 1958 (49 App. U.S.C. 1471(a)(3)(A)) is amended by in-*  
18 *serting “, or a violation of section 511(a)(12) of the Airport*  
19 *and Airway Improvement Act of 1982 (49 App. U.S.C.*  
20 *2210(a)(12)), as further defined by the Secretary under sec-*  
21 *tion 511(i) of such Act, or a violation of an assurance under*  
22 *such section 511(a)(12)” immediately before the period at*  
23 *the end.*

1           (3) Section 901(a)(3)(E) of the Federal Aviation Act  
2 of 1958 (49 App. U.S.C. 1471(a)(3)(E)) is amended by add-  
3 ing at the end the following new clause:

4                   “(iv) CERTAIN VIOLATIONS OF AIRPORT  
5 AND AIRWAY IMPROVEMENT ACT OF 1982.—In  
6 the case of a violation of section 511(a)(12) of  
7 the Airport and Airway Improvement Act of  
8 1982 or an assurance thereunder—

9                           “(I) a civil penalty shall not be as-  
10 sessed against an individual;

11                           “(II) a civil penalty may be com-  
12 promised as provided under paragraph (2)  
13 of this section; and

14                           “(III) judicial review of any order as-  
15 sessed a civil penalty may be obtained only  
16 pursuant to section 1006 of this Act.”.

17 **SEC. 504. RESOLUTION OF AIRPORT-AIR CARRIER DISPUTES**  
18 **CONCERNING AIRPORT FEES.**

19           The Airport and Airway Improvement Act of 1982 (49  
20 App. U.S.C. 2201 et seq.), as amended by this Act, is further  
21 amended by adding at the end the following new section:

22 **“SEC. 536. RESOLUTION OF AIRPORT-AIR CARRIER DIS-**  
23 **PUTES CONCERNING AIRPORT FEES.**

24           “(a) AUTHORITY TO REQUEST SECRETARY’S DETER-  
25 MINATION.—

1           “(1) *IN GENERAL.*—*The Secretary shall issue a*  
2           *determination as to whether a fee imposed upon one*  
3           *or more air carriers by the owner or operator of an*  
4           *airport is reasonable, if—*

5                     “(A) *a written request for such determina-*  
6                     *tion is filed with the Secretary by such owner or*  
7                     *operator; or*

8                     “(B) *a written complaint requesting such*  
9                     *determination is filed with the Secretary by an*  
10                    *affected air carrier within 60 days after such*  
11                    *carrier receives written notice of the establish-*  
12                    *ment, or increase, of such fee.*

13           “(2) *CALCULATION OF FEE.*—*A fee subject to a*  
14           *determination of reasonableness under this section*  
15           *may be calculated pursuant to either a compensatory*  
16           *or residual fee methodology or any combination there-*  
17           *of.*

18           “(3) *SECRETARY NOT TO SET FEE.*—*In deter-*  
19           *mining whether a fee is reasonable under this section,*  
20           *the Secretary may only determine whether the fee is*  
21           *reasonable or unreasonable and shall not set the level*  
22           *of the fee.*

23           “(b) *PROCEDURAL REGULATIONS.*—*The Secretary, not*  
24           *later than 90 days after the date of enactment of this sec-*

1 *tion, shall publish in the Federal Register final regulations,*  
2 *policy statements, or guidelines establishing—*

3           “(1) *the procedures for acting upon any written*  
4 *request or complaint filed under subsection (a)(1);*  
5 *and*

6           “(2) *the standards or guidelines that shall be*  
7 *used by the Secretary in determining under this sub-*  
8 *section whether an airport fee is reasonable.*

9           “(c) *DECISIONS BY SECRETARY.—The final regula-*  
10 *tions, policy statements, or guidelines required in subsection*  
11 *(b) shall provide the following:*

12           “(1) *Not more than 120 days after an air carrier*  
13 *files with the Secretary a written complaint relating*  
14 *to an airport fee, the Secretary shall issue a final*  
15 *order determining whether such fee is reasonable.*

16           “(2) *Within 30 days after such complaint is filed*  
17 *with the Secretary, the Secretary shall dismiss the*  
18 *complaint if no significant dispute exists or shall as-*  
19 *sign the matter to an administrative law judge; and*  
20 *thereafter the matter shall be handled in accordance*  
21 *with part 302 of title 14, Code of Federal Regula-*  
22 *tions, and any specifically applicable provisions of*  
23 *this section.*

24           “(3) *The administrative law judge shall issue a*  
25 *recommended decision within 90 days after the com-*

1 *plaint is filed or within such shorter period as the*  
2 *Secretary may specify.*

3 *“(4) If the Secretary, upon the expiration of 120*  
4 *days after the filing of the complaint, has not issued*  
5 *a final order, the decision of the administrative law*  
6 *judge shall be deemed to be the final order of the Sec-*  
7 *retary.*

8 *“(5) Any party to the dispute may seek review*  
9 *of a final order of the Secretary under this subsection*  
10 *in the courts of appeal of the United States.*

11 *“(6) Any findings of fact in a final order of the*  
12 *Secretary under this subsection, if supported by sub-*  
13 *stantial evidence, shall be conclusive if challenged in*  
14 *a court pursuant to this subsection. No objection to*  
15 *such a final order shall be considered by the court un-*  
16 *less objection was urged before an administrative law*  
17 *judge or the Secretary at a proceeding under this sub-*  
18 *section or, if not so urged, unless there were reason-*  
19 *able grounds for failure to do so.*

20 *“(d) ESCROW; GUARANTEE OF AIR CARRIER AC-*  
21 *CESS.—*

22 *“(1) ESCROW.—Any fee increase or newly estab-*  
23 *lished fee (except for a fee paid as part of an agree-*  
24 *ment entered into prior to June 9, 1994, under which*  
25 *such fee is paid under protest), which is the subject*

1       of a complaint that is not dismissed by the Secretary,  
2       shall be paid by the complainant air carrier into an  
3       appropriate escrow account maintained for such pur-  
4       pose, until final disposition of the matter by the Sec-  
5       retary. The balance of the escrow account, including  
6       any interest accumulated thereon, shall be disbursed  
7       in accordance with directions in the final order of the  
8       Secretary.

9               “(2) *GUARANTEE OF AIR CARRIER ACCESS.*—  
10       Contingent upon an air carrier’s compliance with the  
11       escrow requirements of paragraph (1) and pending  
12       the issuance of a final order of the Secretary deter-  
13       mining the reasonableness of a fee that is the subject  
14       of a complaint filed under subsection (a)(1)(B), an  
15       owner or operator of an airport may not deny an air  
16       carrier currently providing air service at the airport  
17       reasonable access to airport facilities or service, or  
18       otherwise interfere with an air carrier’s rates, routes,  
19       or services, as a means of enforcing the fee.

20               “(e) *APPLICABILITY.*—This section does not apply to—

21               “(1) a fee imposed pursuant to a written agree-  
22       ment with air carriers using the facilities of an air-  
23       port;

1           “(2) a fee imposed pursuant to a financing  
2 agreement or covenant entered into prior to the date  
3 of enactment of this section; or

4           “(3) any other existing fee not in dispute as of  
5 such date of enactment.

6           “(f) *EFFECT ON EXISTING AGREEMENTS.*—Nothing in  
7 this section shall adversely affect—

8           “(1) the rights of any party under any existing  
9 written agreement between an air carrier and the  
10 owner or operator of an airport; or

11           “(2) the ability of an airport to meet its obliga-  
12 tions under a financing agreement, or covenant, that  
13 is in force as of the date of enactment of this section.

14           “(g) *DEFINITION.*—In this section, the term ‘fee’ means  
15 any rate, rental charge, landing fee, or other service charge  
16 for the use of airport facilities.”.

17           **TITLE VI—COMMITTEE**  
18           **OVERSIGHT HEARINGS**

19           **SEC. 601. SCOPE OF THE HEARINGS.**

20           *The Committee on Banking, Housing, and Urban Af-*  
21 *fairs (referred to as the “committee”) shall—*

22           (1) *conduct hearings into whether improper con-*  
23 *duct occurred regarding—*

24           (A) *communications between officials of the*  
25 *White House and the Department of the Treas-*

1            *ury or the Resolution Trust Corporation relating*  
2            *to the Whitewater Development Corporation and*  
3            *the Madison Guaranty Savings and Loan Asso-*  
4            *ciation;*

5            *(B) the Park Service Police investigation*  
6            *into the death of White House Deputy Counsel*  
7            *Vincent Foster; and*

8            *(C) the way in which White House officials*  
9            *handled documents in the office of White House*  
10           *Deputy Counsel Vincent Foster at the time of his*  
11           *death; and*

12           *(2)(A) make such findings of fact as are war-*  
13           *ranted and appropriate;*

14           *(B) make such recommendations, including rec-*  
15           *ommendations for new legislation and amendments to*  
16           *existing laws and any administrative or other ac-*  
17           *tions, as the committee may determine to be necessary*  
18           *or desirable; and*

19           *(C) fulfill the Constitutional oversight and in-*  
20           *forming function of the Congress with respect to the*  
21           *matters described in this section.*

22           *The hearings authorized by this title shall begin on a date*  
23           *determined by the Majority Leader, in consultation with*  
24           *the Minority Leader, but no later than the earlier of July*

1 29, 1994, or within 30 days after the conclusion of the first  
2 phase of the independent counsel's investigation.

3 **SEC. 602. MEMBERSHIP, ORGANIZATION, AND JURISDIC-**  
4 **TION OF THE COMMITTEE FOR PURPOSES OF**  
5 **THE HEARINGS.**

6 (a)(1) For the sole purpose of conducting the hearings  
7 authorized by this title, the committee shall consist of—

8 (A) the members of the Committee on Banking,  
9 Housing, and Urban Affairs, who shall, in serving as  
10 members of the committee, reflect the legislative and  
11 oversight interests of other committees of the Senate  
12 with a jurisdictional interest (if any) in the hearings  
13 authorized in paragraph (1) of section 601 as pro-  
14 vided in subparagraph (B);

15 (B)(i) Senator Kerry and Senator Bond from the  
16 Committee on Small Business;

17 (ii) Senator Riegle and Senator Roth from the  
18 Committee on Finance; and

19 (iii) Senator Shelby and Senator Domenici from  
20 the Subcommittee on Public Lands, Parks, and For-  
21 ests of the Committee on Energy and Natural Re-  
22 sources;

23 (iv) Senator Moseley-Braun from the Committee  
24 on the Judiciary; and

1           (v) *Senator Sasser and Senator Roth from the*  
2           *Permanent Subcommittee on Investigations; and*

3           (C) *the ranking member of the Committee on the*  
4           *Judiciary who shall serve for purposes of considering*  
5           *matters within the jurisdiction of the Committee on*  
6           *the Judiciary, but shall not serve as a voting member*  
7           *of the committee.*

8           (2) *For the purpose of paragraph 4 of rule XXV of*  
9           *the Standing Rules of the Senate, service of the ranking*  
10          *member of the Committee on the Judiciary as a member*  
11          *of the committee shall not be taken into account.*

12          (b) *The jurisdiction of the committee shall encompass*  
13          *the jurisdiction of the committees and subcommittees listed*  
14          *in subsection (a)(1)(B), to the extent, if any, pertinent to*  
15          *the hearings authorized by this title.*

16          (c) *A majority of the members of the committee shall*  
17          *constitute a quorum for reporting a matter or recommenda-*  
18          *tion to the Senate, except that the committee may fix a less-*  
19          *er number as a quorum for the purpose of taking testimony*  
20          *before the committee or for conducting the other business*  
21          *of the committee as provided in paragraph 7 of rule XXV*  
22          *of the Standing Rules of the Senate.*

23          **SEC. 603. ADDITIONAL STAFF FOR THE COMMITTEE.**

24          (a) *The committee, through the chairman, may request*  
25          *and use, with the prior consent of the chairman of any com-*

1 *mittee or subcommittee listed in section 602(a)(1)(B), the*  
2 *services of members of the staff of such committee or sub-*  
3 *committee.*

4 *(b) In addition to staff provided pursuant to sub-*  
5 *section (a) and to assist the committee in its hearings, the*  
6 *chairman may appoint and fix the compensation of addi-*  
7 *tional staff.*

8 **SEC. 604. PUBLIC ACTIVITIES OF THE COMMITTEE.**

9 *(a) Consistent with the rights of persons subject to in-*  
10 *vestigation and inquiry, the committee shall make every ef-*  
11 *fort to fulfill the right of the public and the Congress to*  
12 *know the essential facts and implications of the activities*  
13 *of officials of the United States Government with respect*  
14 *to the matters covered by the hearings as described in sec-*  
15 *tion 601.*

16 *(b) In furtherance of the public's and Congress' right*  
17 *to know, the committee—*

18 *(1) shall hold, as the chairman (in consultation*  
19 *with the ranking member) considers appropriate and*  
20 *in accordance with paragraph 5(b) of rule XXVI of*  
21 *the Standing Rules of the Senate, open hearings sub-*  
22 *ject to consultation and coordination with the inde-*  
23 *pendent counsel appointed pursuant to title 28, parts*  
24 *600 and 603, of the Code of Federal Regulations (re-*  
25 *ferred to as the "independent counsel");*

1           (2) may make interim reports to the Senate as  
2           it considers appropriate; and

3           (3) shall, in order to accomplish the purposes set  
4           forth in subsection (a), make a final comprehensive  
5           public report to the Senate of the findings of fact and  
6           any recommendations specified in paragraph (2) of  
7           section 601.

8   **SEC. 605. POWERS OF THE COMMITTEE.**

9           (a) The committee shall do everything necessary and  
10          appropriate under the laws and Constitution of the United  
11          States to conduct the hearings specified in section 601.

12          (b) The committee is authorized to exercise all of the  
13          powers and responsibilities of a committee under rule XXVI  
14          of the Standing Rules of the Senate and section 705 of the  
15          Ethics in Government Act of 1978 (2 U.S.C. 288d), includ-  
16          ing the following:

17               (1) To issue subpoenas or orders for the attend-  
18               ance of witnesses or for the production of documen-  
19               tary or physical evidence before the committee. A sub-  
20               poena may be authorized by the committee or by the  
21               chairman with the agreement of the ranking member  
22               and may be issued by the chairman or any other  
23               member designated by the chairman, and may be  
24               served by any person designated by the chairman or  
25               the authorized member anywhere within or without

1        *the borders of the United States to the full extent per-*  
2        *mitted by law. The chairman of the committee, or*  
3        *any other member thereof, is authorized to administer*  
4        *oaths to any witnesses appearing before the commit-*  
5        *tee.*

6            (2) *Except that the committee shall have no*  
7        *power to exercise the powers of a committee under sec-*  
8        *tion 6005 of title 18, United States Code for immu-*  
9        *nizing witnesses.*

10           (3) *To procure the temporary or intermittent*  
11        *services of individual consultants, or organizations*  
12        *thereof.*

13           (4) *To use on a reimbursable basis, with the*  
14        *prior consent of the Government department or agen-*  
15        *cy concerned, the services of personnel of such depart-*  
16        *ment or agency.*

17           (5) *To report violations of any law to the appro-*  
18        *priate Federal, State, or local authorities.*

19           (6) *To expend, to the extent the committee deter-*  
20        *mines necessary and appropriate, any money made*  
21        *available to such committee by the Senate to conduct*  
22        *the hearings and to make the reports authorized by*  
23        *this title.*

24           (7) *To require by subpoena or order the attend-*  
25        *ance, as witnesses, before the committee or at deposi-*

1        *tions, any person who may have knowledge or infor-*  
2        *mation concerning matters specified in section*  
3        *601(1).*

4            *(8) To take depositions under oath anywhere*  
5        *within the United States, to issue orders by the chair-*  
6        *man or his designee which require witnesses to an-*  
7        *swer written interrogatories under oath.*

8            *(9) To issue commissions and to notice deposi-*  
9        *tions for staff members to examine witnesses and to*  
10       *receive evidence under oath administered by an indi-*  
11       *vidual authorized by law to administer oaths. The*  
12       *committee, acting through the chairman, may delegate*  
13       *to designated staff members the power to authorize*  
14       *and issue commissions and deposition notices.*

15        *(c)(1) Subject to the provisions of paragraph (2), the*  
16       *committee shall be governed by the rules of the Committee*  
17       *on Banking, Housing, and Urban Affairs, except that the*  
18       *committee may modify its rules for purposes of the hearings*  
19       *conducted under this title. The committee shall cause any*  
20       *such amendments to be published in the Congressional*  
21       *Record.*

22        *(2) The committee's rules shall be consistent with the*  
23       *Standing Rules of the Senate and this title.*

24        **SEC. 606. RELATION TO OTHER INVESTIGATIONS.**

25        *In order to—*

1           (1) expedite the thorough conduct of the hearings  
2 authorized by this title;

3           (2) promote efficiency among all the various in-  
4 vestigations underway in all branches of the United  
5 States Government; and

6           (3) engender a high degree of confidence on the  
7 part of the public regarding the conduct of such hear-  
8 ing,

9 the committee is encouraged—

10           (A) to obtain relevant information concern-  
11 ing the status of the independent counsel's inves-  
12 tigation to assist in establishing a hearing sched-  
13 ule for the committee; and

14           (B) to coordinate, to the extent practicable,  
15 its activities with the investigation of the inde-  
16 pendent counsel.

17 **SEC. 607. SALARIES AND EXPENSES.**

18 Senate Resolution 71 (103d Congress) is amended—

19           (1) in section 2(a) by striking “\$56,428,119”  
20 and inserting “\$56,828,419”; and

21           (2) in section 6(c) by striking “\$3,220,767” and  
22 inserting “\$3,620,767”.

1 **SEC. 608. REPORTS; TERMINATION.**

2       (a) *The committee shall make the final public report*  
3 *to the Senate required by section 604(b) not later than the*  
4 *end of the One Hundred Third Congress.*

5       (b) *The final report of the committee may be accom-*  
6 *panied by whatever confidential annexes are necessary to*  
7 *protect confidential information.*

8       (c) *The authorities granted by this title shall terminate*  
9 *30 days after submission of the committee's final report.*  
10 *All records, files, documents, and other materials in the pos-*  
11 *session, custody, or control of the committee shall remain*  
12 *under the control of the regularly constituted Committee on*  
13 *Banking, Housing, and Urban Affairs.*

14 **SEC. 609. COMMITTEE JURISDICTION AND RULE XXV.**

15       *The jurisdiction of the committee is granted pursuant*  
16 *to this title notwithstanding the provisions of paragraph*  
17 *1 of rule XXV of the Standing Rules of the Senate relating*  
18 *to the jurisdiction of the standing committees of the Senate.*

19 **SEC. 610. COMMITTEE FUNDING AND RULE XXVI.**

20       *The supplemental authorization for the committee is*  
21 *granted pursuant to this title notwithstanding the provi-*  
22 *sions of paragraph 9 of rule XXVI of the Standing Rules*  
23 *of the Senate.*

24 **SEC. 611. ADDITIONAL HEARINGS.**

25       (a) *In the fulfillment of the Senate's constitutional*  
26 *oversight role, additional hearings on the matters identified*

1 *in the resolution passed by the Senate by a vote of 98–0*  
2 *on March 17, 1994 should by authorized as appropriate*  
3 *under, and in accordance with, the provisions of that reso-*  
4 *lution.*

5 *(b) Any additional hearings should be structured and*  
6 *sequenced in such a manner that in the judgement of the*  
7 *two leaders they would not interfere with the ongoing inves-*  
8 *tigation of Special Counsel Robert B. Fiske, Jr.*

9 **SEC. 612. ADDITIONAL HEARINGS.**

10 *(a) In the fulfillment of the Senate's constitutional*  
11 *oversight role, additional hearings on the matters identified*  
12 *in the resolution passed by the Senate by a vote of 98–0*  
13 *on March 17, 1994 should by authorized as appropriate*  
14 *under, and in accordance with, the provisions of that reso-*  
15 *lution.*

16 *(b) Any additional hearings should be structured and*  
17 *sequenced in such a manner that in the judgement of the*  
18 *two leaders they would not interfere with the ongoing inves-*  
19 *tigation of Special Counsel Robert B. Fiske, Jr.*

20 **SEC. 613. ADDITIONAL HEARINGS.**

21 *(a) In the fulfillment of the Senate's constitutional*  
22 *oversight role, additional hearings on the matters identified*  
23 *in the resolution passed by the Senate by a vote of 98–0*  
24 *on March 17, 1994 should by authorized as appropriate*

1 *under, and in accordance with, the provisions of that reso-*  
2 *lution.*

3 *(b) Any additional hearings should be structured and*  
4 *sequenced in such a manner that in the judgement of the*  
5 *two leaders they would not interfere with the ongoing inves-*  
6 *tigation of Special Counsel Robert B. Fiske, Jr.*

7 **SEC. 614. ADDITIONAL HEARINGS.**

8 *(a) In the fulfillment of the Senate's constitutional*  
9 *oversight role, additional hearings on the matters identified*  
10 *in the resolution passed by the Senate by a vote of 98-0*  
11 *on March 17, 1994 should be authorized as appropriate*  
12 *under, and in accordance with, the provisions of that reso-*  
13 *lution.*

14 *(b) Any additional hearings should be structured and*  
15 *sequenced in such a manner that in the judgement of the*  
16 *two leaders they would not interfere with the ongoing inves-*  
17 *tigation of Special Counsel Robert B. Fiske, Jr.*

18 **SEC. 615. HEARING DATE.**

19 *Notwithstanding any other provision of this Act, for*  
20 *purposes of conducting such hearings and related activities*  
21 *of the Committee on Banking, Housing, and Urban Affairs*  
22 *required under this Act, such hearings shall begin on a date*  
23 *no later than July 29, 1994, or within 30 days after the*  
24 *conclusion of the first phase of the independent counsel's*  
25 *investigation, whichever is the earlier.*

1 **SEC. 616. ADDITIONAL HEARINGS.**

2       (a) *In the fulfillment of the Senate's constitutional*  
3 *oversight role, additional hearings on the matters identified*  
4 *in the resolution passed by the Senate by a vote of 98-0*  
5 *on March 17, 1994 should be authorized as appropriate*  
6 *under, and in accordance with, the provisions of that reso-*  
7 *lution.*

8       (b) *Any additional hearings should be structured and*  
9 *sequenced in such a manner that in the judgement of the*  
10 *two leaders they would not interfere with the ongoing inves-*  
11 *tigation of Special Counsel Robert B. Fiske, Jr.*

12 **SEC. 617. ADDITIONAL HEARINGS.**

13       (a) *In the fulfillment of the Senate's constitutional*  
14 *oversight role, additional hearings on the matters identified*  
15 *in the resolution passed by the Senate by a vote of 98-0*  
16 *on March 17, 1994 should be authorized as appropriate*  
17 *under, and in accordance with, the provisions of that reso-*  
18 *lution.*

19       (b) *Any additional hearings should be structured and*  
20 *sequenced in such a manner that in the judgement of the*  
21 *two leaders they would not interfere with the ongoing inves-*  
22 *tigation of Special Counsel Robert B. Fiske, Jr.*

23 **SEC. 618. ADDITIONAL HEARINGS.**

24       (a) *In the fulfillment of the Senate's constitutional*  
25 *oversight role, additional hearings on the matters identified*  
26 *in the resolution passed by the Senate by a vote of 98-0*

1 *on March 17, 1994 should be authorized as appropriate*  
2 *under, and in accordance with, the provisions of that reso-*  
3 *lution.*

4 *(b) Any additional hearings should be structured and*  
5 *sequenced in such a manner that in the judgement of the*  
6 *two leaders they would not interfere with the ongoing inves-*  
7 *tigation of Special Counsel Robert B. Fiske, Jr.*

8 **SEC. 619. ADDITIONAL HEARINGS.**

9 *(a) In the fulfillment of the Senate's constitutional*  
10 *oversight role, additional hearings on the matters identified*  
11 *in the resolution passed by the Senate by a vote of 98-0*  
12 *on March 17, 1994 should be authorized as appropriate*  
13 *under, and in accordance with, the provisions of that reso-*  
14 *lution.*

15 *(b) Any additional hearings should be structured and*  
16 *sequenced in such a manner that in the judgement of the*  
17 *two leaders they would not interfere with the ongoing inves-*  
18 *tigation of Special Counsel Robert B. Fiske, Jr.*

Attest:

Secretary.

HR 2739 EAS—2

HR 2739 EAS—3

HR 2739 EAS—4

HR 2739 EAS—5

HR 2739 EAS—6

HR 2739 EAS—7

HR 2739 EAS—8

HR 2739 EAS—9

HR 2739 EAS—10