

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

# H. RES. 558

Providing for the concurrence by the House with an amendment in the amendment of the Senate to H.R. 2440.

---

## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 3, 1994

Mr. OBERSTAR submitted the following resolution; which was considered under suspension of the rules and agreed to

---

## RESOLUTION

Providing for the concurrence by the House with an amendment in the amendment of the Senate to H.R. 2440.

1       *Resolved*, That upon the adoption of this resolution  
2 the bill (H.R. 2440) to amend the Independent Safety  
3 Board Act of 1974 to authorize appropriations for fiscal  
4 years 1994, 1995, and 1996, and for other purposes, with  
5 the Senate amendment thereto, shall be considered to have  
6 been taken from the Speaker's table to the end that the  
7 Senate amendment thereto be, and the same is hereby,  
8 agreed to with an amendment as follows:

9       In lieu of the matter proposed to be inserted by the  
10 amendment of the Senate, insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Independent Safety  
3 Board Act Amendments of 1994”.

4 **SEC. 2. AUTHORIZATION OF APPROPRIATIONS.**

5 Section 1118(a) of title 49, United States Code, is  
6 amended to read as follows:

7 “(a) IN GENERAL.—There is authorized to be appro-  
8 priated for the purposes of this chapter \$37,580,000 for  
9 fiscal year 1994, \$44,000,000 for fiscal year 1995, and  
10 \$45,100,000 for fiscal year 1996. Such sums shall remain  
11 available until expended.”.

12 **SEC. 3. APPLICABILITY OF CERTAIN REGULATIONS AND**  
13 **REQUIREMENTS TO THE OPERATION OF PUB-**  
14 **LIC AIRCRAFT.**

15 (a) DEFINITION OF PUBLIC AIRCRAFT.—Section  
16 40102(a)(37) of title 49, United States Code, is amended  
17 by striking subparagraph (B) and inserting the following:

18 “(B) does not include a government-owned  
19 aircraft—

20 “(i) transporting property for com-  
21 mercial purposes; or

22 “(ii) transporting passengers other  
23 than—

24 “(I) transporting (for other than  
25 commercial purposes) crewmembers or  
26 other persons aboard the aircraft

1           whose presence is required to perform,  
2           or is associated with the performance  
3           of, a governmental function such as  
4           firefighting, search and rescue, law  
5           enforcement, aeronautical research, or  
6           biological or geological resource man-  
7           agement; or

8                       “(II) transporting (for other than  
9                       commercial purposes) persons aboard  
10                      the aircraft if the aircraft is operated  
11                      by the Armed Forces or an intel-  
12                      ligence agency of the United States.

13           An aircraft described in the preceding sentence shall,  
14           notwithstanding any limitation relating to use of the  
15           aircraft for commercial purposes, be considered to be  
16           a public aircraft for the purposes of this part with-  
17           out regard to whether the aircraft is operated by a  
18           unit of government on behalf of another unit of gov-  
19           ernment, pursuant to a cost reimbursement agree-  
20           ment between such units of government, if the unit  
21           of government on whose behalf the operation is con-  
22           ducted certifies to the Administrator of the Federal  
23           Aviation Administration that the operation was nec-  
24           essary to respond to a significant and imminent  
25           threat to life or property (including natural re-

1 sources) and that no service by a private operator  
2 was reasonably available to meet the threat.”.

3 (b) AUTHORITY TO GRANT EXEMPTIONS.—

4 (1) IN GENERAL.—The Administrator of the  
5 Federal Aviation Administration may grant an ex-  
6 emption to any unit of Federal, State, or local gov-  
7 ernment from any requirement of part A of subtitle  
8 VII of title 49, United States Code, that would oth-  
9 erwise be applicable to current or future aircraft of  
10 such unit of government as a result of the amend-  
11 ment made by subsection (a) of this section.

12 (2) REQUIREMENTS.—The Administrator may  
13 grant an exemption under paragraph (1) only if—

14 (A) the Administrator finds that granting  
15 the exemption is necessary to prevent an undue  
16 economic burden on the unit of government;  
17 and

18 (B) the Administrator certifies that the  
19 aviation safety program of the unit of govern-  
20 ment is effective and appropriate to ensure safe  
21 operations of the type of aircraft operated by  
22 the unit of government.

23 (c) INVESTIGATIVE AUTHORITY OF BOARD.—

24 (1) ACCIDENTS INVOLVING PUBLIC AIR-  
25 CRAFT.—Section 1131(a)(1)(A) of title 49, United

1 States Code, is amended by inserting before the  
2 semicolon at the end the following: “or an aircraft  
3 accident involving a public aircraft as defined by sec-  
4 tion 40102(a)(37) of this title other than an aircraft  
5 operated by the Armed Forces or by an intelligence  
6 agency of the United States”.

7 (2) DUTIES AND POWERS.—Section 1131 of  
8 title 49, United States Code, is amended—

9 (A) by redesignating subsection (d) as sub-  
10 section (e); and

11 (B) by inserting after subsection (c) the  
12 following:

13 “(d) ACCIDENTS INVOLVING PUBLIC AIRCRAFT.—  
14 The Board, in furtherance of its investigative duties with  
15 respect to public aircraft accidents under subsection  
16 (a)(1)(A) of this section, shall have the same duties and  
17 powers as are specified for civil aircraft accidents under  
18 sections 1132(a), 1132(b), and 1134(b)(2) of this title.”.

19 (d) EFFECTIVE DATE.—The amendments made by  
20 subsections (a) and (c) shall take effect on the 180th day  
21 following the date of the enactment of this Act.

1 **SEC. 4. RELEASE OF RESERVATIONS AND RESTRICTIONS**  
2 **ON CERTAIN PROPERTY LOCATED IN**  
3 **RAPIDES PARISH, LOUISIANA.**

4 (a) **RELEASE.**—Notwithstanding any other provision  
5 of law, and except as provided in subsections (b) and (d),  
6 the United States releases without consideration all res-  
7 ervations, restrictions, conditions, and limitations on the  
8 use, encumbrance, or conveyance of certain real property  
9 (together with any improvements thereon and easements  
10 appurtenant thereto) consisting of approximately 1,991.53  
11 acres of land and located in Rapides Parish, Louisiana,  
12 the location of Esler Field, as identified in the deed of  
13 conveyance from the United States to the Parish of  
14 Rapides, Louisiana, dated January 23, 1958, to the extent  
15 such reservations, restrictions, conditions, and limitations  
16 are enforceable by the United States.

17 (b) **EXCEPTIONS.**—The United States reserves the  
18 right of reentry upon or use of the property described in  
19 subsection (a) for national defense purposes in time of war  
20 or other national emergency without charge. The release  
21 provided by subsection (a) does not apply to any condi-  
22 tions or assurances associated with (1) the continued  
23 nonexclusive use without charge of the airport and use of  
24 space at the airport, without charge, by the Louisiana Na-  
25 tional Guard, (2) the nonexclusive use of the airport by  
26 transient military aircraft without charge, or (3) the

1 nonexclusive use of the airport by transient military air-  
2 craft without charge during periods of maneuvers.

3 (c) LIMITATION ON STATUTORY CONSTRUCTION.—  
4 Nothing in this section shall be construed to affect the  
5 disposition or ownership of oil, gas, or other mineral re-  
6 sources either in or under the surface of the real property  
7 described in subsection (a).

8 (d) FEDERAL AVIATION ADMINISTRATION.—

9 (1) NONAPPLICABILITY OF RELEASE TO GRANT  
10 AGREEMENTS.—The release described in subsection  
11 (a) does not apply to any conditions and assurances  
12 associated with existing airport grant agreements be-  
13 tween the Rapides Parish Airport Authority/Esler  
14 Field and the Federal Aviation Administration.

15 (2) AGREEMENT.—Notwithstanding any other  
16 provisions of law, the Administrator of the Federal  
17 Aviation Administration shall enter into an agree-  
18 ment with the Airport Authority of Rapides Parish,  
19 Louisiana, to provide for the terms and conditions  
20 under which the real property described in sub-  
21 section (a) may be used, leased, sold, or otherwise  
22 disposed. The agreement shall be concluded not later  
23 than 180 days after the date of the enactment of  
24 this Act.

1       (e) EFFECTIVE DATE.—This section shall take effect  
2 on the 180th day following the date of the enactment of  
3 this Act.

○