

103^D CONGRESS
2^D SESSION

S. 2024

**SENATE AMENDMENT
TO HOUSE
AMENDMENT**

In the Senate of the United States,

May 12 (legislative day, May 2), 1994.

Resolved, That the Senate agree to the amendment of the House of Representatives to the bill (S. 2024) entitled “An Act to provide temporary obligational authority for the airport improvement program and to provide for certain airport fees to be maintained at existing levels for up to 60 days, and for other purposes” with the following

**SENATE AMENDMENT TO
HOUSE AMENDMENT:**

In lieu of the matter proposed to be inserted by the House amendment to the text of the bill, insert:

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

2 *This Act may be cited as the “Airport Improvement*
3 *Program Temporary Extension Act of 1994”.*

4 ***TITLE I—AIRPORT***
5 ***IMPROVEMENT PROGRAM***

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

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

11 *(1) by striking “and” after “1992,”; and*

1 (2) by inserting “, and \$15,413,157,000 for fiscal
2 years ending before October 1, 1994” before the period
3 at the end.

4 (b) *OBLIGATIONAL AUTHORITY.*—Section 505(b)(1) of
5 the Airport and Airway Improvement Act of 1982 (49 App.
6 U.S.C. 2204(b)(1)) is amended by striking “September 30,
7 1993” and inserting “June 30, 1994”.

8 **SEC. 102. APPORTIONMENT OF FUNDS.**

9 Section 507(b)(3)(A) of the Airport and Airway Im-
10 provement Act of 1982 (49 App. U.S.C. 2206(b)(3)(A)) is
11 amended—

12 (1) by striking “or reducing the amount author-
13 ized or” and inserting “the amount”;

14 (2) by inserting “to less than \$1,900,000,000”
15 after “to be obligated”; and

16 (3) by striking “limited or reduced”.

17 **SEC. 103. MINIMUM AMOUNT FOR PRIMARY AIRPORTS.**

18 Section 507(b)(1) of the Airport and Airway Improve-
19 ment Act of 1982 (49 App. U.S.C. 2206(b)(1)) is amended
20 by striking “\$400,000” and inserting “\$500,000”.

21 **SEC. 104. DISCRETIONARY FUND.**

22 (a) *MINIMUM AMOUNT TO BE CREDITED.*—Section
23 507(c) of the Airport and Airway Improvement Act of 1982
24 (49 App. U.S.C. 2206(c)) is amended by adding at the end
25 the following new paragraph:

1 “(5) *SPECIAL RULE.*—(A) *In any fiscal year not*
2 *less than \$325,000,000 of the amount made available*
3 *under section 505(a) shall be credited to the discre-*
4 *tionary fund established by paragraph (1), and such*
5 *\$325,000,000 shall be exclusive of amounts that have*
6 *been apportioned in a prior year under this section*
7 *and which remain available for obligation.*

8 “(B) *In any fiscal year in which the amount*
9 *credited to the discretionary fund pursuant to para-*
10 *graph (1) is less than \$325,000,000, the total amount*
11 *calculated under subparagraph (C) of this paragraph*
12 *shall be reduced by an amount which, when credited*
13 *to the discretionary fund, will, together with the*
14 *amount credited pursuant to paragraph (1), equal*
15 *\$325,000,000.*

16 “(C) *The total amount, for any fiscal year, that*
17 *is subject to reduction pursuant to subparagraph (B)*
18 *shall be the sum of—*

19 “(i) *the amount determined under sub-*
20 *section (a)(1);*

21 “(ii) *the amount determined under sub-*
22 *section (a)(2);*

23 “(iii) *the amount determined under sub-*
24 *section (a)(3);*

1 (3) in paragraph (4), by striking “ $\frac{1}{2}$ ” and in-
2 serting “ $\frac{3}{4}$ ”.

3 **SEC. 106. REIMBURSEMENT FOR PAST EXPENDITURES.**

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

7 (1) by striking “or” at the end of subparagraph
8 (A);

9 (2) by inserting “or” after the semicolon at the
10 end of subparagraph (B); and

11 (3) by inserting after subparagraph (B) the fol-
12 lowing:

13 “(C)(i) it was incurred—

14 “(I) during fiscal year 1994;

15 “(II) before execution of a grant agreement
16 with respect to the project but in accordance
17 with an airport layout plan approved by the
18 Secretary and in accordance with all applicable
19 statutory and administrative requirements that
20 would have been applicable to the project if the
21 grant agreement had been executed; and

22 “(III) for work related to a project for
23 which a grant agreement was previously executed
24 during fiscal year 1994; and

1 “(ii) its Federal share is only paid with sums
2 apportioned under sections 507(a)(1) and 507(a)(2).”.

3 **SEC. 107. TERMINAL DEVELOPMENT.**

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

7 (1) in the second sentence—

8 (A) by inserting after “may be used” the
9 following: “; subject to the approval of the Sec-
10 retary, (A)”; and

11 (B) by striking the period at the end and
12 inserting the following: “, and (B) by the sponsor
13 of a reliever airport for the types of project costs
14 allowable under paragraph (1) of this subsection,
15 including project costs allowable for a commer-
16 cial service airport which annually has .05 per-
17 cent or less of the total enplanements in the
18 United States.”; and

19 (2) by adding at the end the following: “All or
20 any portion of the sums to be distributed at the dis-
21 cretion of the Secretary under sections 507(c) and
22 507(d) for any fiscal year may be distributed for use
23 by primary airports each of which annually has .05
24 percent or less of the total enplanements in the United

1 *States for project costs allowable under paragraph (1)*
2 *of this subsection.”.*

3 **SEC. 108. EXPENDITURES FROM AIRPORT AND AIRWAY**
4 **TRUST FUND.**

5 *Section 9502(d)(1)(A) of the Internal Revenue Code of*
6 *1986 (relating to expenditures from Airport and Airway*
7 *Trust Fund) is amended by striking “(as such Acts were*
8 *in effect on the date of the enactment of the Airport and*
9 *Airway Safety, Capacity, Noise Improvement, and Inter-*
10 *modal Transportation Act of 1992)” and inserting “or the*
11 *Airport Improvement Program Temporary Extension Act*
12 *of 1994 (as such Acts were in effect on the date of the enact-*
13 *ment of the Airport Improvement Program Temporary Ex-*
14 *tension Act of 1994)”.*

15 **SEC. 109. UPWARD ADJUSTMENTS.**

16 *(a) IN GENERAL.—The second sentence of section*
17 *505(b)(1) of the Airport and Airway Improvement Act of*
18 *1982 (49 App. U.S.C. 2204(b)(1)) is further amended by—*
19 *(1) inserting “(A)” before “Apportioned”; and*
20 *(2) inserting before the period at the end “; and*
21 *(B) funds which have been recovered by the United*
22 *States from grants made under this title if such funds*
23 *are obligated only for increases under sections*
24 *512(b)(2) and 512(b)(3) of this title in the maximum*

1 *obligation of the United States for any other grant*
2 *made under this title”.*

3 **(b) RETROACTIVE EFFECTIVE DATE.**—*The amendment*
4 *made by subsection (a) shall take effect October 1, 1993.*

5 **TITLE II—AIRPORT-AIR CARRIER**
6 **DISPUTES REGARDING AIR-**
7 **PORT FEES**

8 **SEC. 201. EMERGENCY AUTHORITY TO FREEZE CERTAIN**
9 **AIRPORT FEES.**

10 **(a) COMPLAINT BY AIR CARRIER.**—

11 **(1) FILING.**—*An air carrier may file prior to*
12 *June 30, 1994, with the Secretary a written com-*
13 *plaint alleging that any increased fee imposed upon*
14 *such air carrier by the owner or operator of an air-*
15 *port is not reasonable. The air carrier shall simulta-*
16 *neously file with the Secretary proof that a copy of*
17 *the complaint has been served on the owner or opera-*
18 *tor of the airport.*

19 **(2) OPPORTUNITY TO RESPOND.**—*Before issuing*
20 *an order under subsection (b), the Secretary shall pro-*
21 *vide the owner or operator of the airport an oppor-*
22 *tunity to respond to the filed complaint.*

23 **(3) FRIVOLOUS COMPLAINT.**—*If the Secretary de-*
24 *termines that a complaint is frivolous, the Secretary*
25 *may refuse to accept the complaint for filing.*

1 (b) *ORDER BY THE SECRETARY.*—

2 (1) *IN GENERAL.*—Except as provided by para-
3 graph (2), the Secretary shall issue, within 7 days
4 after the filing of a complaint in accordance with
5 subsection (a), an order prohibiting the owner or op-
6 erator of the airport from collecting the increased por-
7 tion of the fee that is the subject of the complaint, un-
8 less the Secretary makes a preliminary determination
9 that the increased fee is reasonable. Subject to sub-
10 section (d), the order shall cease to be effective on
11 June 30, 1994.

12 (2) *LIMINATION.*—The Secretary shall not issue
13 an order under this subsection prohibiting the collec-
14 tion of any portion of a fee for which the Secretary's
15 informal mediation assistance was requested on
16 March 21, 1994.

17 (c) *OPPORTUNITY TO COMMENT AND FURNISH RELAT-*
18 *ED MATERIAL.*—Within a period prescribed by the Sec-
19 retary, the owner or operator of the airport and any affected
20 air carrier may submit comments to the Secretary on a
21 complaint filed under subsection (a) and furnish to the Sec-
22 retary any related documents or other material.

23 (d) *ACTION ON COMPLAINT.*—Based on comments and
24 material provided under subsection (c), the Secretary may
25 take appropriate action on the complaint, including termi-

1 *nation or other modification of any order issued under sub-*
2 *section (b).*

3 *(e) APPLICABILITY.—This section does not apply to a*
4 *fee imposed pursuant to a written agreement binding on*
5 *air carriers using the facilities of an airport.*

6 *(f) EFFECT ON EXISTING AGREEMENTS.—Nothing in*
7 *this section shall adversely affect any existing written agree-*
8 *ment between an air carrier and the owner or operator of*
9 *an airport.*

10 **SEC. 202. DEFINITIONS.**

11 *For purposes of this title—*

12 *(1) the term “fee” means any rate, rental charge,*
13 *landing fee, or other service charge for the use of air-*
14 *port facilities; and*

15 *(2) the term “Secretary” means the Secretary of*
16 *Transportation.*

17 **TITLE III—REFORM OF AIR**
18 **TRAFFIC CONTROL SYSTEM**

19 **SEC. 301. AIR TRAFFIC CONTROL SYSTEM.**

20 *(a) STUDY.—The Secretary of Transportation shall*
21 *undertake a study of management, regulatory, and legisla-*
22 *tive reforms which would enable the air traffic control sys-*
23 *tem of the Federal Aviation Administration to provide bet-*
24 *ter services to users and reduce the costs of providing serv-*
25 *ices, without reducing the safety of the system or the avail-*

1 *ability of the system to all categories of users and without*
2 *changing the basic organizational structure under which the*
3 *system is part of the Federal Aviation Administration.*

4 (b) *COMPONENTS.—The study to be conducted under*
5 *subsection (a) shall include the following:*

6 (1) *Evaluation of reforms which would stream-*
7 *line procurement, enhance the ability to attract and*
8 *retain adequate staff at hard-to-staff facilities, sim-*
9 *plify the personnel process, provide funding stability,*
10 *ensure continuity of leadership, and reduce the inci-*
11 *dence of unnecessarily detailed management oversight.*

12 (2) *Identification of any existing laws or regula-*
13 *tions governing procurement or personnel which are*
14 *having an adverse effect on the operation or mod-*
15 *ernization of the air traffic control system.*

16 (3) *Evaluation of a range of possible reforms*
17 *and the advantages and disadvantages of each pos-*
18 *sible reform.*

19 (4) *Comparison of the advantages and disadvan-*
20 *tages of each possible reform with the comparable ad-*
21 *vantages and disadvantages to be achieved under any*
22 *proposal of the Secretary of Transportation to create*
23 *a separate Federal corporate entity to operate the air*
24 *traffic control system.*

1 (c) *DEADLINE.*—The results of the study to be con-
2 ducted under subsection (a) shall be contained in a report
3 which shall be completed by the Secretary of Transportation
4 on or before the date which is 180 days after the date of
5 the enactment of this Act, or the date on which the Secretary
6 submits to Congress proposed legislation to create a separate
7 corporate entity to operate the air traffic control system,
8 whichever date occurs first.

9 (d) *TRANSMITTAL.*—On the date of completion of the
10 report under subsection (c), the Secretary of Transportation
11 shall transmit copies of the report to the Committee on
12 Commerce, Science, and Transportation of the Senate and
13 the Committee on Public Works and Transportation of the
14 House of Representatives.

15 **TITLE IV—MISCELLANEOUS** 16 **PROVISIONS**

17 **SEC. 401. GRANDFATHER PROVISION FOR FAA DEMONSTRATION PROJECT.** 18

19 (a) *IN GENERAL.*—Notwithstanding the termination of
20 the personnel demonstration project for certain Federal
21 Aviation Administration employees on June 17, 1994, pur-
22 suant to section 4703 of title 5, United States Code, the
23 Federal Aviation Administration, subject to subsection (d),
24 shall continue to pay quarterly retention allowance pay-
25 ments in accordance with subsection (b) to those employees

1 *who are entitled to quarterly retention allowance payments*
2 *under the demonstration project as of June 16, 1994.*

3 *(b) COMPUTATION RULES.—*

4 *(1) IN GENERAL.—The amount of each quarterly*
5 *retention allowance payment to which an employee is*
6 *entitled under subsection (a) shall be the amount of*
7 *the last quarterly retention allowance payment paid*
8 *to such employee under the personnel demonstration*
9 *project prior to June 17, 1994, reduced by that por-*
10 *tion of the amount of any increase in the employee's*
11 *annual rate of basic pay subsequent to June 17, 1994,*
12 *from any source, which is allocable to the quarter for*
13 *which the allowance is to be paid (or, if applicable,*
14 *to that portion of the quarter for which the allowance*
15 *is to be paid). For purposes of the preceding sentence,*
16 *the increase in an employee's annual rate of basic*
17 *pay includes—*

18 *(A) any increase under section 5303 of title*
19 *5, United States Code;*

20 *(B) any increase in locality-based com-*
21 *parability payments under section 5304 of such*
22 *title 5 (except if, or to the extent that, such in-*
23 *crease is offset by a reduction of an interim geo-*
24 *graphic adjustment under section 302 of the Fed-*

1 *eral Employees Pay Comparability Act of 1990*
2 *(5 U.S.C. 5304 note));*

3 *(C) any establishment or increase in a spe-*
4 *cial rate of pay under section 5305 of such title*
5 *5;*

6 *(D) any increase in basic pay pursuant to*
7 *a promotion under section 5334 of such title 5;*

8 *(E) any periodic step-increase under section*
9 *5335 of such title 5;*

10 *(F) any additional step-increase under sec-*
11 *tion 5336 of such title 5; and*

12 *(G) any other increase in annual rate of*
13 *basic pay under any other provision of law.*

14 *(2) SECTION RULE.—In the case of an employee*
15 *on leave without pay or other similar status for any*
16 *part of the quarter prior to June 17, 1994, based on*
17 *which the amount of the allowance payments for such*
18 *employee under subsection (a) are computed, the*
19 *“amount of the last quarterly retention allowance*
20 *payment paid to such employee under the personnel*
21 *demonstration project prior to June 17, 1994” shall,*
22 *for purposes of paragraph (1), be deemed to be the*
23 *amount of the allowance which would have been pay-*
24 *able to such employee for such quarter under such*

1 *project had such employee been in pay status through-*
2 *out such quarter.*

3 (c) *TERMINATION.*—*An employee’s entitlement to*
4 *quarterly retention allowance payments under this section*
5 *shall cease when—*

6 (1) *the amount of such allowance is reduced to*
7 *zero under subsection (b), or*

8 (2) *the employee separates or moves to a position*
9 *in which the employee would not, prior to June 17,*
10 *1994, have been entitled to receive an allowance under*
11 *the demonstration project,*

12 *whichever is earlier.*

13 (d) *SPECIAL PAYMENT RULE.*—*The Administrator of*
14 *the Federal Aviation Administration may make payment*
15 *for the costs incurred under the program established by sub-*
16 *section (a) for the period between June 18, 1994, and Sep-*
17 *tember 30, 1994, following the end of the first full pay pe-*
18 *riod that begins on or after October 1, 1994, subject to ap-*
19 *propriations made available in fiscal year 1995.*

20 (e) *STUDY OF RECRUITMENT AND RETENTION INCEN-*
21 *TIVES.*—*The Administrator of the Federal Aviation Admin-*
22 *istration shall conduct a study of impediments that may*
23 *exist to achieving appropriate air traffic controller staffing*
24 *levels at hard-to-staff facilities. In conducting such study,*
25 *the Administrator shall identify and evaluate the extent to*

1 *which special incentives, of a financial or non-financial na-*
2 *ture, could be useful in recruiting or retaining air traffic*
3 *controllers at such facilities. The Administrator shall sub-*
4 *mit to the Committee on Commerce, Science, and Transpor-*
5 *tation of the Senate and the Committee on Public Works*
6 *and Transportation of the House of Representatives not*
7 *later than 180 days after the date of enactment of this Act*
8 *a report on (1) the results of such study, (2) planned ad-*
9 *ministrative actions, and (3) any recommended legislation.*

Attest:

Secretary.

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