

Union Calendar No. 44

105TH CONGRESS
1ST Session

H. R. 1271

[Report No. 105-61]

A BILL

To authorize the Federal Aviation Administration's research, engineering, and development programs for fiscal years 1998 through 2000, and for other purposes.

APRIL 21, 1997

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

APRIL 10, 1997

Mrs. MORELLA introduced the following bill; which was referred to the Committee on Science

APRIL 21, 1997

Additional sponsors: Mr. BROWN of California, Mr. EHLERS, Mr. GORDON, Mr. DAVIS of Virginia, and Ms. JACKSON-LEE of Texas

APRIL 21, 1997

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on April 10, 1997]

A BILL

To authorize the Federal Aviation Administration's research, engineering, and development programs for fiscal years 1998 through 2000, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “FAA Research, Engi-*
5 *neering, and Development Authorization Act of 1997”.*

6 **SEC. 2. AUTHORIZATION OF APPROPRIATIONS.**

7 *Section 48102(a) of title 49, United States Code, is*
8 *amended—*

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

10 *(2)(J);*

11 *(2) by striking the period at the end of para-*
12 *graph (3)(J) and inserting in lieu thereof a semi-*
13 *colon; and*

14 *(3) by adding at the end the following:*

15 *“(4) for fiscal year 1998, \$217,406,000, includ-*
16 *ing—*

17 *“(A) \$75,550,000 for system development*
18 *and infrastructure projects and activities;*

19 *“(B) \$19,614,000 for capacity and air traf-*
20 *fic management technology projects and activi-*
21 *ties;*

22 *“(C) \$15,132,000 for communications, navi-*
23 *gation, and surveillance projects and activities;*

24 *“(D) \$9,982,000 for weather projects and*
25 *activities;*

1 “(E) \$5,458,000 for airport technology
2 projects and activities;

3 “(F) \$26,625,000 for aircraft safety tech-
4 nology projects and activities;

5 “(G) \$49,895,000 for system security tech-
6 nology projects and activities;

7 “(H) \$10,737,000 for human factors and
8 aviation medicine projects and activities;

9 “(I) \$3,291,000 for environment and energy
10 projects and activities; and

11 “(J) \$1,122,000 for innovative/cooperative
12 research projects and activities;

13 “(5) for fiscal year 1999, \$224,000,000; and

14 “(6) for fiscal year 2000, \$231,000,000.”.

15 **SEC. 3. BUDGET DESIGNATION FOR RESEARCH AND DEVEL-**
16 **OPMENT ACTIVITIES.**

17 Section 48102 of title 49, United States Code, is
18 amended by adding at the end the following new subsection:

19 “(g) *DESIGNATION OF ACTIVITIES.*—(1) The amounts
20 appropriated under subsection (a) are for the support of
21 all research and development activities carried out by the
22 Federal Aviation Administration that fall within the cat-
23 egories of basic research, applied research, and development,
24 including the design and development of prototypes, in ac-
25 cordance with the classifications of the Office of Manage-

1 *ment and Budget Circular A–11 (Budget Formulation/Sub-*
2 *mission Process).*

3 “(2) *The President’s annual budget request for the Fed-*
4 *eral Aviation Administration shall include all research and*
5 *development activities within a single budget category. All*
6 *of the activities carried out by the Administration within*
7 *the categories of basic research, applied research, and devel-*
8 *opment, as classified by the Office of Management and*
9 *Budget Circular A–11, shall be placed in this single budget*
10 *category.*”.

11 **SEC. 4. NATIONAL AVIATION RESEARCH PLAN.**

12 *Section 44501(c)(2)(B) of title 49, United States Code,*
13 *is amended—*

14 (1) *by striking “and” at the end of clause (iii);*

15 (2) *by striking the period at the end of clause*
16 *(iv) and inserting in lieu thereof “; and”; and*

17 (3) *by adding at the end the following new*
18 *clause:*

19 “(v) *highlight the research and development tech-*
20 *nology transfer activities that promote technology*
21 *sharing among government, industry, and academia*
22 *through the Stevenson-Wydler Technology Innovation*
23 *Act of 1980.*”.

1 **SEC. 5. RESEARCH GRANTS PROGRAM INVOLVING UNDER-**
2 **GRADUATE STUDENTS.**

3 (a) *PROGRAM.*—Section 48102 of title 49, United
4 States Code, is amended by adding at the end the following
5 new subsection:

6 “(h) *RESEARCH GRANTS PROGRAM INVOLVING UN-*
7 *DERGRADUATE STUDENTS.*—

8 “(1) *ESTABLISHMENT.*—The Administrator of
9 the Federal Aviation Administration shall establish a
10 program for awarding grants to researchers at pri-
11 marily undergraduate institutions who involve under-
12 graduate students in their research on subjects of rel-
13 evance to the Federal Aviation Administration.
14 Grants may be awarded under this subsection for—

15 “(A) research projects to be carried out at
16 primarily undergraduate institutions; or

17 “(B) research projects that combine research
18 at primarily undergraduate institutions with
19 other research supported by the Federal Aviation
20 Administration.

21 “(2) *NOTICE OF CRITERIA.*—Within 6 months
22 after the date of the enactment of the FAA Research,
23 Engineering, and Development Authorization Act of
24 1997, the Administrator of the Federal Aviation Ad-
25 ministration shall establish and publish in the Fed-
26 eral Register criteria for the submittal of proposals

1 *for a grant under this subsection, and for the award-*
2 *ing of such grants.*

3 “(3) *PRINCIPAL CRITERIA.—The principal cri-*
4 *teria for the awarding of grants under this subsection*
5 *shall be—*

6 “(A) *the relevance of the proposed research*
7 *to technical research needs identified by the Fed-*
8 *eral Aviation Administration;*

9 “(B) *the scientific and technical merit of*
10 *the proposed research; and*

11 “(C) *the potential for participation by un-*
12 *dergraduate students in the proposed research.*

13 “(4) *COMPETITIVE, MERIT-BASED EVALUA-*
14 *TION.—Grants shall be awarded under this subsection*
15 *on the basis of evaluation of proposals through a com-*
16 *petitive, merit-based process.”.*

17 “(b) *AUTHORIZATION OF APPROPRIATIONS.—Section*
18 *48102(a) of title 49, United States Code, as amended by*
19 *this Act, is further amended—*

20 (1) *by inserting “, of which \$500,000 shall be for*
21 *carrying out the grant program established under*
22 *subsection (h)” after “projects and activities” in*
23 *paragraph (4)(J);*

24 (2) *by inserting “, of which \$500,000 shall be for*
25 *carrying out the grant program established under*

1 *subsection (h)” after “\$224,000,000” in paragraph*
2 *(5); and*

3 *(3) by inserting “, of which \$500,000 shall be for*
4 *carrying out the grant program established under*
5 *subsection (h)” after “\$231,000,000” in paragraph*
6 *(6).*

7 **SEC. 6. LIMITATIONS.**

8 *(a) PROHIBITION OF LOBBYING ACTIVITIES.—None of*
9 *the funds authorized by the amendments made by this Act*
10 *shall be available for any activity whose purpose is to influ-*
11 *ence legislation pending before the Congress, except that this*
12 *subsection shall not prevent officers or employees of the*
13 *United States or of its departments or agencies from com-*
14 *municating to Members of Congress on the request of any*
15 *Member or to Congress, through the proper channels, re-*
16 *quests for legislation or appropriations which they deem*
17 *necessary for the efficient conduct of the public business.*

18 *(b) LIMITATION ON APPROPRIATIONS.— No sums are*
19 *authorized to be appropriated to the Administrator of the*
20 *Federal Aviation Administration for fiscal years 1998,*
21 *1999, and 2000 for the Federal Aviation Administration*
22 *Research, Engineering, and Development account, unless*
23 *such sums are specifically authorized to be appropriated by*
24 *the amendments made by this Act.*

25 *(c) ELIGIBILITY FOR AWARDS.—*

1 (1) *IN GENERAL.*—*The Administrator of the Fed-*
2 *eral Aviation Administration shall exclude from con-*
3 *sideration for grant agreements made by that Admin-*
4 *istration after fiscal year 1997 any person who re-*
5 *ceived funds, other than those described in paragraph*
6 *(2), appropriated for a fiscal year after fiscal year*
7 *1997, under a grant agreement from any Federal*
8 *funding source for a project that was not subjected to*
9 *a competitive, merit-based award process. Any exclu-*
10 *sion from consideration pursuant to this subsection*
11 *shall be effective for a period of 5 years after the per-*
12 *son receives such Federal funds.*

13 (2) *EXCEPTION.*—*Paragraph (1) shall not apply*
14 *to the receipt of Federal funds by a person due to the*
15 *membership of that person in a class specified by law*
16 *for which assistance is awarded to members of the*
17 *class according to a formula provided by law.*

18 (3) *DEFINITION.*—*For purposes of this sub-*
19 *section, the term “grant agreement” means a legal in-*
20 *strument whose principal purpose is to transfer a*
21 *thing of value to the recipient to carry out a public*
22 *purpose of support or stimulation authorized by a*
23 *law of the United States, and does not include the ac-*
24 *quisition (by purchase, lease, or barter) of property or*
25 *services for the direct benefit or use of the United*

1 *States Government. Such term does not include a co-*
2 *operative agreement (as such term is used in section*
3 *6305 of title 31, United States Code) or a cooperative*
4 *research and development agreement (as such term is*
5 *defined in section 12(d)(1) of the Stevenson-Wydler*
6 *Technology Innovation Act of 1980 (15 U.S.C.*
7 *3710a(d)(1))).*

8 **SEC. 7. NOTICE.**

9 *(a) NOTICE OF REPROGRAMMING.—If any funds au-*
10 *thorized by the amendments made by this Act are subject*
11 *to a reprogramming action that requires notice to be pro-*
12 *vided to the Appropriations Committees of the House of*
13 *Representatives and the Senate, notice of such action shall*
14 *concurrently be provided to the Committees on Science and*
15 *Transportation and Infrastructure of the House of Rep-*
16 *resentatives and the Committee on Commerce, Science, and*
17 *Transportation of the Senate.*

18 *(b) NOTICE OF REORGANIZATION.—The Administrator*
19 *of the Federal Aviation Administration shall provide notice*
20 *to the Committees on Science, Transportation and Infra-*
21 *structure, and Appropriations of the House of Representa-*
22 *tives, and the Committees on Commerce, Science, and*
23 *Transportation and Appropriations of the Senate, not later*
24 *than 15 days before any major reorganization of any pro-*

1 *gram, project, or activity of the Federal Aviation Adminis-*
2 *tration for which funds are authorized by this Act.*

3 **SEC. 8. SENSE OF CONGRESS ON THE YEAR 2000 PROBLEM.**

4 *With the year 2000 fast approaching, it is the sense*
5 *of Congress that the Federal Aviation Administration*
6 *should—*

7 *(1) give high priority to correcting all 2-digit*
8 *date-related problems in its computer systems to en-*
9 *sure that those systems continue to operate effectively*
10 *in the year 2000 and beyond;*

11 *(2) assess immediately the extent of the risk to*
12 *the operations of the Federal Aviation Administration*
13 *posed by the problems referred to in paragraph (1),*
14 *and plan and budget for achieving Year 2000 compli-*
15 *ance for all of its mission-critical systems; and*

16 *(3) develop contingency plans for those systems*
17 *that the Federal Aviation Administration is unable to*
18 *correct in time.*

19 **SEC. 9. BUY AMERICAN.**

20 *(a) COMPLIANCE WITH BUY AMERICAN ACT.—No*
21 *funds appropriated pursuant to the amendments made by*
22 *this Act may be expended by an entity unless the entity*
23 *agrees that in expending the assistance the entity will com-*
24 *ply with sections 2 through 4 of the Act of March 3, 1933*

1 *(41 U.S.C. 10a–10c, popularly known as the “Buy Amer-*
2 *ican Act”)*.

3 **(b) SENSE OF CONGRESS.**—*In the case of any equip-*
4 *ment or products that may be authorized to be purchased*
5 *with financial assistance provided under the amendments*
6 *made by this Act, it is the sense of Congress that entities*
7 *receiving such assistance should, in expending the assist-*
8 *ance, purchase only American-made equipment and prod-*
9 *ucts.*

10 **(c) NOTICE TO RECIPIENTS OF ASSISTANCE.**—*In pro-*
11 *viding financial assistance under the amendments made by*
12 *this Act, the Administrator of the Federal Aviation Admin-*
13 *istration shall provide to each recipient of the assistance*
14 *a notice describing the statement made in subsection (a)*
15 *by the Congress.*