

Union Calendar No. 102

106TH CONGRESS
1ST Session

H. R. 1000

[Report No. 106-167, Parts I and II]

A BILL

To amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes.

JUNE 11, 1999

Committees on the Budget and Rules discharged; 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

MARCH 4, 1999

Mr. SHUSTER (for himself, Mr. DUNCAN, Mr. OBERSTAR, and Mr. LIPINSKI) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on the Budget, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

MAY 28, 1999

Reported from the Committee on Transportation and Infrastructure with an amendment

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

MAY 28, 1999

Referral to the Committees on the Budget and Rules extended until June 11, 1999

JUNE 11, 1999

Additional sponsors: Mr. TERRY, Mr. DICKEY, Mr. TRAFICANT, Mr. HOLDEN, Mr. LATOURETTE, Mr. KLINK, Mr. COSTELLO, Mrs. TAUSCHER, Mr. MORAN of Kansas, Mr. BLUMENAUER, Mr. COOKSEY, Mr. RAHALL, Mr. BASS, Ms. BROWN of Florida, Mr. DOOLITTLE, Mr. BOSWELL, Mr. TAUZIN, Mr. LAMPSON, Mr. BEREUTER, Ms. MILLENDER-McDONALD, Mr. KUYKENDALL, Ms. NORTON, Mr. ISAKSON, Mr. EHLERS, Mr. SHERWOOD, Mr. TAYLOR of Mississippi, Mr. GARY MILLER of California, Mr. CUMMINGS, Mr. BOEHLERT, Ms. DANNER, Mr. DEMINT, Mr. DEFazio, Mrs. KELLY, Mr. LAHOOD, Mr. BACHUS, Mr. PASCRELL, Mr. QUINN, Mr. EVANS, Mr. HASTINGS of Florida, Ms. BERKLEY, Mrs. CUBIN, Mr. HILL of Montana, Mr. PETERSON of Minnesota, Mr. ORTIZ, Mr. POMBO,

Mr. SOUDER, Mr. ENGLISH, Mr. SHOWS, Mr. PICKETT, Mr. CLAY, and
Ms. LEE

JUNE 11, 1999

Committees on the Budget and Rules discharged; committed to the Committee
of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on March 4, 1999]

A BILL

To amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, 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; TABLE OF CONTENTS.**

4 (a) *SHORT TITLE.*—*This Act may be cited as the*
5 *“Aviation Investment and Reform Act for the 21st Cen-*
6 *tury”.*

7 (b) *TABLE OF CONTENTS.*—

Sec. 1. Short title; table of contents.

Sec. 2. Amendments to title 49, United States Code.

Sec. 3. Applicability.

Sec. 4. Administrator defined.

TITLE I—AIRPORT AND AIRWAY IMPROVEMENTS

Subtitle A—Funding

Sec. 101. Airport improvement program.

Sec. 102. Airway facilities improvement program.

Sec. 103. FAA operations.

Sec. 104. AIP formula changes.

Sec. 105. Passenger facility fees.

Sec. 106. Budget submission.

Subtitle B—Airport Development

Sec. 121. Runway incursion prevention devices; emergency call boxes.

Sec. 122. Windshear detection equipment.

- Sec. 123. Enhanced vision technologies.*
- Sec. 124. Pavement maintenance.*
- Sec. 125. Competition plans.*
- Sec. 126. Matching share.*
- Sec. 127. Letters of intent.*
- Sec. 128. Grants from small airport fund.*
- Sec. 129. Discretionary use of unused apportionments.*
- Sec. 130. Designating current and former military airports.*
- Sec. 131. Contract tower cost-sharing.*
- Sec. 132. Innovative use of airport grant funds.*
- Sec. 133. Aviation security program.*
- Sec. 134. Inherently low-emission airport vehicle pilot program.*
- Sec. 135. Technical amendments.*
- Sec. 136. Conveyances of airport property for public airports.*

Subtitle C—Miscellaneous

- Sec. 151. Treatment of certain facilities as airport-related projects.*
- Sec. 152. Terminal development costs.*
- Sec. 153. General facilities authority.*
- Sec. 154. Denial of airport access to certain air carriers.*
- Sec. 155. Construction of runways.*
- Sec. 156. Use of recycled materials.*

TITLE II—AIRLINE SERVICE IMPROVEMENTS

Subtitle A—Service to Airports Not Receiving Sufficient Service

- Sec. 201. Access to high density airports.*
- Sec. 202. Funding for air carrier service to airports not receiving sufficient service.*
- Sec. 203. Waiver of local contribution.*
- Sec. 204. Policy for air service to rural areas.*
- Sec. 205. Determination of distance from hub airport.*

Subtitle B—Regional Air Service Incentive Program

- Sec. 211. Establishment of regional air service incentive program.*

TITLE III—FAA MANAGEMENT REFORM

- Sec. 301. Air traffic control system defined.*
- Sec. 302. Air Traffic Control Oversight Board.*
- Sec. 303. Chief Operating Officer.*
- Sec. 304. Federal Aviation Management Advisory Council.*
- Sec. 305. Environmental streamlining.*
- Sec. 306. Clarification of regulatory approval process.*
- Sec. 307. Independent study of FAA costs and allocations.*

TITLE IV—FAMILY ASSISTANCE

- Sec. 401. Responsibilities of National Transportation Safety Board.*
- Sec. 402. Air carrier plans.*
- Sec. 403. Foreign air carrier plans.*
- Sec. 404. Applicability of Death on the High Seas Act.*

TITLE V—SAFETY

- Sec. 501. Cargo collision avoidance systems deadlines.*
- Sec. 502. Records of employment of pilot applicants.*
- Sec. 503. Whistleblower protection for FAA employees.*
- Sec. 504. Safety risk mitigation programs.*
- Sec. 505. Flight operations quality assurance rules.*
- Sec. 506. Small airport certification.*
- Sec. 507. Life-limited aircraft parts.*
- Sec. 508. FAA may fine unruly passengers.*
- Sec. 509. Report on air transportation oversight system.*
- Sec. 510. Airplane emergency locators.*

TITLE VI—WHISTLEBLOWER PROTECTION

- Sec. 601. Protection of employees providing air safety information.*
- Sec. 602. Civil penalty.*

TITLE VII—MISCELLANEOUS PROVISIONS

- Sec. 701. Duties and powers of Administrator.*
- Sec. 702. Public aircraft.*
- Sec. 703. Prohibition on release of offeror proposals.*
- Sec. 704. Multiyear procurement contracts.*
- Sec. 705. Federal Aviation Administration personnel management system.*
- Sec. 706. Nondiscrimination in airline travel.*
- Sec. 707. Joint venture agreement.*
- Sec. 708. Extension of war risk insurance program.*
- Sec. 709. General facilities and personnel authority.*
- Sec. 710. Implementation of article 83 bis of the Chicago Convention.*
- Sec. 711. Public availability of airmen records.*
- Sec. 712. Appeals of emergency revocations of certificates.*
- Sec. 713. Government and industry consortia.*
- Sec. 714. Passenger manifest.*
- Sec. 715. Cost recovery for foreign aviation services.*
- Sec. 716. Technical corrections to civil penalty provisions.*
- Sec. 717. Waiver under Airport Noise and Capacity Act.*
- Sec. 718. Metropolitan Washington Airport Authority.*
- Sec. 719. Acquisition management system.*
- Sec. 720. Centennial of Flight Commission.*
- Sec. 721. Aircraft situational display data.*
- Sec. 722. Elimination of backlog of equal employment opportunity complaints.*
- Sec. 723. Newport News, Virginia.*
- Sec. 724. Grant of easement, Los Angeles, California.*
- Sec. 725. Regulation of Alaska guide pilots.*
- Sec. 726. Aircraft repair and maintenance advisory panel.*
- Sec. 727. Operations of air taxi industry.*
- Sec. 728. Sense of Congress concerning completion of comprehensive national air-space redesign.*
- Sec. 729. Compliance with requirements.*
- Sec. 730. Aircraft noise levels at airports.*
- Sec. 731. FAA consideration of certain State proposals.*

TITLE VIII—NATIONAL PARKS AIR TOUR MANAGEMENT

- Sec. 801. Short title.*
- Sec. 802. Findings.*

Sec. 803. Air tour management plans for national parks.

Sec. 804. Advisory group.

Sec. 805. Reports.

Sec. 806. Exemptions.

Sec. 807. Definitions.

TITLE IX—TRUTH IN BUDGETING

Sec. 901. Short title.

Sec. 902. Budgetary treatment of Airport and Airway Trust Fund.

Sec. 903. Safeguards against deficit spending out of Airport and Airway Trust Fund.

Sec. 904. Applicability.

TITLE X—ADJUSTMENT OF TRUST FUND AUTHORIZATIONS

Sec. 1001. Adjustment of trust fund authorizations.

Sec. 1002. Budget estimates.

Sec. 1003. Sense of Congress on fully offsetting increased aviation spending.

1 SEC. 2. AMENDMENTS TO TITLE 49, UNITED STATES CODE.

2 *Except as otherwise specifically provided, whenever in*
 3 *this Act an amendment or repeal is expressed in terms of*
 4 *an amendment to, or repeal of, a section or other provision*
 5 *of law, the reference shall be considered to be made to a*
 6 *section or other provision of title 49, United States Code.*

7 **SEC. 3. APPLICABILITY.**

8 *Except as otherwise specifically provided, this Act and*
 9 *the amendments made by this Act shall apply only to fiscal*
 10 *years beginning after September 30, 1999.*

11 **SEC. 4. ADMINISTRATOR DEFINED.**

12 *In this Act, the term “Administrator” means the Ad-*
 13 *ministrator of the Federal Aviation Administration.*

1 **TITLE I—AIRPORT AND AIRWAY**
2 **IMPROVEMENTS**
3 **Subtitle A—Funding**

4 **SEC. 101. AIRPORT IMPROVEMENT PROGRAM.**

5 (a) *AUTHORIZATION OF APPROPRIATIONS.*—Section
6 48103 is amended by striking “shall be” the last place it
7 appears and all that follows through the period at the end
8 and inserting the following: “shall be—

9 “(1) \$2,410,000,000 for fiscal year 1999;

10 “(2) \$2,475,000,000 for fiscal year 2000;

11 “(3) \$4,000,000,000 for fiscal year 2001;

12 “(4) \$4,100,000,000 for fiscal year 2002;

13 “(5) \$4,250,000,000 for fiscal year 2003; and

14 “(6) \$4,350,000,000 for fiscal year 2004.”.

15 (b) *OBLIGATIONAL AUTHORITY.*—Section 47104(c) is
16 amended by striking “After” and all that follows through
17 “1999,” and inserting “After September 30, 2004,”.

18 **SEC. 102. AIRWAY FACILITIES IMPROVEMENT PROGRAM.**

19 (a) *GENERAL AUTHORIZATION AND APPROPRIA-*
20 *TIONS.*—Effective September 30, 1999, section 48101(a) is
21 amended by striking paragraphs (1), (2), and (3) and in-
22 serting the following:

23 “(1) Such sums as may be necessary for fiscal
24 year 2000.

25 “(2) \$2,500,000,000 for fiscal year 2001.

1 “(3) \$3,000,000,000 for each of fiscal years 2002
2 through 2004.”.

3 (b) *UNIVERSAL ACCESS SYSTEMS.*—Section 48101 is
4 amended by adding at the end the following:

5 “(d) *UNIVERSAL ACCESS SYSTEMS.*—Of the amounts
6 appropriated under subsection (a) for fiscal year 2001,
7 \$8,000,000 may be used for the voluntary purchase and in-
8 stallation of universal access systems.”.

9 **SEC. 103. FAA OPERATIONS.**

10 (a) *AUTHORIZATION OF APPROPRIATIONS FROM GEN-*
11 *ERAL FUND.*—Effective September 30, 1999, section 106(k)
12 is amended—

13 (1) by inserting “(1) *IN GENERAL.*—” before
14 “*There*”;

15 (2) in paragraph (1) (as designated by para-
16 graph (1) of this subsection) by striking “*the Admin-*
17 *istration*” and all that follows through the period at
18 the end and inserting the following: “*the*
19 *Administration*—

20 “(A) such sums as may be necessary for fis-
21 cal year 2000;

22 “(B) \$6,450,000,000 for fiscal year 2001;

23 “(C) \$6,886,000,000 for fiscal year 2002;

24 “(D) \$7,357,000,000 for fiscal year 2003;

25 and

1 “(E) \$7,860,000,000 for fiscal year 2004.”;

2 (3) by adding at the end the following:

3 “(2) *AUTHORIZED EXPENDITURES.*—Of the
4 amounts appropriated under paragraph (1) for fiscal
5 years 2001 through 2004—

6 “(A) \$450,000 per fiscal year may be used
7 for wildlife hazard mitigation measures and
8 management of the wildlife strike database of the
9 Federal Aviation Administration;

10 “(B) such sums as may be necessary may be
11 used to fund an office within the Federal Avia-
12 tion Administration dedicated to supporting in-
13 frastructure systems development for both general
14 aviation and the vertical flight industry;

15 “(C) such sums as may be necessary may be
16 used to revise existing terminal and en route
17 procedures and instrument flight rules to facili-
18 tate the takeoff, flight, and landing of tiltrotor
19 aircraft and to improve the national airspace
20 system by separating such aircraft from con-
21 gested flight paths of fixed-wing aircraft;

22 “(D) such sums as may be necessary may be
23 used to establish helicopter approach procedures
24 using current technologies (such as the Global

1 *Positioning System) to support all-weather,*
2 *emergency medical service for trauma patients;*

3 “(E) \$3,000,000 per fiscal year may be used
4 to implement the 1998 airport surface operations
5 safety action plan of the Federal Aviation Ad-
6 ministration;

7 “(F) \$2,000,000 per fiscal year may be used
8 to support a university consortium established to
9 provide an air safety and security management
10 certificate program, working cooperatively with
11 United States air carriers; except that funds
12 under this subparagraph—

13 “(i) may not be used for the construc-
14 tion of a building or other facility; and

15 “(ii) may only be awarded on the basis
16 of open competition; and

17 “(G) such sums as may be necessary may be
18 used to develop or improve training programs
19 (including model training programs and cur-
20 riculum) for security screeners at airports.”; and

21 (4) by indenting paragraph (1) (as designated
22 by paragraph (1) of this subsection) and aligning
23 such paragraph (1) with paragraph (2) (as added by
24 paragraph (2) of this subsection).

1 (b) *AUTHORIZATION OF APPROPRIATIONS FROM*
2 *TRUST FUND.*—*Section 48104 is amended—*

3 (1) *by striking subsection (b) and redesignating*
4 *subsection (c) as subsection (b);*

5 (2) *in subsection (b) (as so redesignated)—*

6 (A) *by striking the subsection heading and*
7 *inserting “GENERAL RULE: LIMITATION ON*
8 *TRUST FUND AMOUNTS.—”; and*

9 (B) *in the matter preceding paragraph*
10 *(1)—*

11 (i) *by striking “The amount” and in-*
12 *serting “Except as provided in subsection*
13 *(c), the amount”; and*

14 (ii) *by striking “for each of fiscal years*
15 *1994 through 1998” and inserting “for fis-*
16 *cal year 2000 and each fiscal year there-*
17 *after”; and*

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

19 “(c) *SPECIAL RULE FOR FISCAL YEARS 2000–2004.—*

20 “(1) *IN GENERAL.—If the amount appropriated*
21 *under section 106(k) for any of fiscal years 2000*
22 *through 2004 less the amount that would be appro-*
23 *priated, but for this subsection, from the Trust Fund*
24 *for the purposes of paragraphs (1) and (2) of sub-*
25 *section (a) for such fiscal year is greater than the gen-*

1 *eral fund cap, the amount appropriated from the*
2 *Trust Fund for the purposes of paragraphs (1) and*
3 *(2) of subsection (a) for such fiscal year shall equal*
4 *the amount appropriated under section 106(k) for*
5 *such fiscal year less the general fund cap.*

6 *“(2) GENERAL FUND CAP DEFINED.—In this sub-*
7 *section, the term ‘general fund cap’ means that por-*
8 *tion of the amounts appropriated for programs of the*
9 *Federal Aviation Administration for fiscal year 1998*
10 *that was derived from the general fund of the Treas-*
11 *ury.*

12 *(c) LIMITATION ON OBLIGATING OR EXPENDING*
13 *AMOUNTS.—Section 48108 is amended by striking sub-*
14 *section (c).*

15 **SEC. 104. AIP FORMULA CHANGES.**

16 *(a) DISCRETIONARY FUND.—Section 47115 is amend-*
17 *ed by striking subsections (g) and (h) and inserting the fol-*
18 *lowing:*

19 *“(g) PRIORITY FOR LETTERS OF INTENT.—*

20 *“(1) IN GENERAL.—Subject to paragraph (2), the*
21 *Secretary shall fulfill intentions to obligate under sec-*
22 *tion 47110(e) with amounts available in the fund es-*
23 *tablished by subsection (a) and, if such amounts are*
24 *not sufficient for a fiscal year, with amounts made*
25 *available to carry out sections 47114(c)(1)(A),*

1 47114(c)(2), 47114(d), and 47117(e) on a pro rata
2 basis.

3 “(2) *PROCEDURE.*—Before apportioning funds
4 under sections 47114(c)(1)(A), 47114(c)(2), 47114(d),
5 and 47117(e) of each fiscal year, the Secretary shall
6 determine the amount of funds that will be necessary
7 to fulfill intentions to obligate under section 47110(e)
8 in such fiscal year. If such amount is greater than the
9 amount of funds that will be available in the fund es-
10 tablished by subsection (a) for such fiscal year, the
11 Secretary shall reduce the amount to be apportioned
12 under such sections for such fiscal year on a pro rata
13 basis by an amount equal to the difference.”.

14 (b) *AMOUNTS APPORTIONED TO SPONSORS.*—

15 (1) *AMOUNTS TO BE APPORTIONED.*—Effective
16 October 1, 2000, section 47114(c)(1) is amended—

17 (A) in subparagraph (A) by striking clauses

18 (i) through (v) and inserting the following:

19 “(i) \$23.40 for each of the first 50,000 passenger
20 boardings at the airport during the prior calendar
21 year;

22 “(ii) \$15.60 for each of the next 50,000 passenger
23 boardings at the airport during the prior calendar
24 year;

1 “(iii) \$7.80 for each of the next 400,000 pas-
2 senger boardings at the airport during the prior cal-
3 endar year;

4 “(iv) \$1.95 for each of the next 500,000 pas-
5 senger boardings at the airport during the prior cal-
6 endar year; and

7 “(v) \$1.50 for each additional passenger board-
8 ing at the airport during the prior calendar year.”;
9 and

10 (B) in subparagraph (B) by striking
11 “\$500,000 nor more than \$22,000,000” and in-
12 serting “\$1,500,000”.

13 (2) *SPECIAL RULES.*—Section 47114(c)(1) is
14 amended by adding at the end the following:

15 “(C) Notwithstanding subparagraph (A), the Secretary
16 shall apportion to an airport sponsor in a fiscal year an
17 amount equal to the amount apportioned to that sponsor
18 in the previous fiscal year if the Secretary finds that—

19 “(i) passenger boardings at the airport were less
20 than 10,000 in the calendar year used to calculate the
21 apportionment;

22 “(ii) the airport had at least 10,000 passenger
23 boardings in the calendar year prior to the calendar
24 year used to calculate the apportionment; and

1 “(iii) the cause of the decrease in passenger
2 boardings was a temporary but significant interrup-
3 tion in service by an air carrier to that airport due
4 to an employment action, natural disaster, or other
5 event unrelated to the demand for air transportation
6 at the airport.

7 “(D) Notwithstanding subparagraph (A), the Sec-
8 retary shall apportion on the first day of the first fiscal
9 year following the official opening of a new airport with
10 scheduled passenger air transportation an amount equal to
11 the minimum amount set forth in subparagraph (B) to the
12 sponsor of such airport.”.

13 (c) *CARGO ONLY AIRPORTS.*—Section 47114(c)(2)(A)
14 is amended by striking “2.5 percent” and inserting “3 per-
15 cent”.

16 (d) *ENTITLEMENT FOR GENERAL AVIATION AIR-*
17 *PORTS.*—Effective October 1, 2000, section 47114(d) is
18 amended—

19 (1) in the subsection heading by striking “TO
20 STATES” and inserting “FOR GENERAL AVIATION
21 AIRPORTS”;

22 (2) in paragraph (1) by striking “(1) In this”
23 and inserting “(1) DEFINITIONS.—In this”;

24 (3) by indenting paragraph (1) and aligning
25 paragraph (1) (and its subparagraphs) with para-

1 *graph (2) (as amended by paragraph (2) of this sub-*
2 *section); and*

3 *(4) by striking paragraph (2) and inserting the*
4 *following:*

5 *“(2) APPORTIONMENTS.—The Secretary shall ap-*
6 *portion 20 percent of the amount subject to appor-*
7 *tionment for each fiscal year as follows:*

8 *“(A) To each airport, excluding primary*
9 *airports but including reliever and nonprimary*
10 *commercial service airports, in States the lesser*
11 *of—*

12 *“(i) \$200,000; or*

13 *“(ii) $\frac{1}{5}$ of the most recently published*
14 *estimate of the 5-year costs for airport im-*
15 *provement for the airport, as listed in the*
16 *national plan of integrated airport systems*
17 *developed by the Federal Aviation Adminis-*
18 *tration under section 47103.*

19 *“(B) Any remaining amount to States as*
20 *follows:*

21 *“(i) 0.62 percent of the remaining*
22 *amount to Guam, American Samoa, the*
23 *Commonwealth of the Northern Mariana Is-*
24 *lands, and the Virgin Islands.*

1 “(ii) *Except as provided in paragraph*
2 *(3), 49.69 percent of the remaining amount*
3 *for airports, excluding primary airports but*
4 *including reliever and nonprimary commer-*
5 *cial service airports, in States not named in*
6 *clause (i) in the proportion that the popu-*
7 *lation of each of those States bears to the*
8 *total population of all of those States.*”

9 “(iii) *Except as provided in paragraph*
10 *(3), 49.69 percent of the remaining amount*
11 *for airports, excluding primary airports but*
12 *including reliever and nonprimary commer-*
13 *cial service airports, in States not named in*
14 *clause (i) in the proportion that the area of*
15 *each of those States bears to the total area*
16 *of all of those States.*”

17 *(e) USE OF APPORTIONMENTS FOR ALASKA, PUERTO*
18 *RICO, AND HAWAII.—Section 47114(d)(3) is amended to*
19 *read as follows:*

20 “(3) *SPECIAL RULE.—An amount apportioned*
21 *under paragraph (2) to Alaska, Puerto Rico, or Ha-*
22 *waii for airports in such State may be made avail-*
23 *able by the Secretary for any public airport in those*
24 *respective jurisdictions.*”

1 (f) *USE OF STATE-APPORTIONED FUNDS FOR SYSTEM*
2 *PLANNING.*—Section 47114(d) is amended by adding at the
3 end the following:

4 “(4) *INTEGRATED AIRPORT SYSTEM PLANNING.*—
5 *Notwithstanding paragraph (2), funds made available*
6 *under this subsection may be used for integrated air-*
7 *port system planning that encompasses 1 or more pri-*
8 *mary airports.”.*

9 (g) *FLEXIBILITY IN PAVEMENT CONSTRUCTION STAND-*
10 *ARDS.*—

11 Section 47114(d) is further amended by adding at the
12 end the following:

13 “(5) *FLEXIBILITY IN PAVEMENT CONSTRUCTION*
14 *STANDARDS.*—*The Secretary may permit the use of*
15 *State highway specifications for airfield pavement*
16 *construction using funds made available under this*
17 *subsection at nonprimary airports serving aircraft*
18 *that do not exceed 60,000 pounds gross weight if the*
19 *Secretary determines that—*

20 “(A) *safety will not be negatively affected;*
21 *and*

22 “(B) *the life of the pavement will not be*
23 *shorter than it would be if constructed using*
24 *Federal Aviation Administration standards.”.*

1 (h) *GRANTS FOR AIRPORT NOISE COMPATIBILITY*

2 *PLANNING.*—Section 47117(e)(1) is amended—

3 (1) in subparagraph (A) by striking “31 per-
4 cent” each place it appears and inserting “34 per-
5 cent”; and

6 (2) in subparagraph (B) by striking “At least”
7 and all that follows through “sponsors of current”
8 and inserting “At least 4 percent to sponsors of cur-
9 rent”.

10 (i) *SUPPLEMENTAL APPORTIONMENT FOR ALASKA.*—

11 *Effective October 1, 2000, section 47114(e) is amended—*

12 (1) in the subsection heading by striking “AL-
13 TERNATIVE” and inserting “SUPPLEMENTAL”;

14 (2) in paragraph (1)—

15 (A) by striking “Instead of apportioning
16 amounts for airports in Alaska under” and in-
17 serting “IN GENERAL.—Notwithstanding”;

18 (B) by striking “those airports” and insert-
19 ing “airports in Alaska”; and

20 (C) by inserting before the period at the end
21 of the first sentence “and by increasing the
22 amount so determined for each of those airports
23 by 3 times”;

1 (3) *in paragraph (2) by inserting “AUTHORITY*
2 *FOR DISCRETIONARY GRANTS.—” before “This sub-*
3 *section”;*

4 (4) *by striking paragraph (3) and inserting the*
5 *following:*

6 “(3) *AIRPORTS ELIGIBLE FOR FUNDS.—An*
7 *amount apportioned under this subsection may be*
8 *used for any public airport in Alaska.”; and*

9 (5) *by indenting paragraph (1) and aligning*
10 *paragraph (1) (and its subparagraphs) and para-*
11 *graph (2) with paragraph (3) (as amended by para-*
12 *graph (4) of this subsection).*

13 (j) *REPEAL OF APPORTIONMENT LIMITATION ON COM-*
14 *MERCIAL SERVICE AIRPORTS IN ALASKA.—Section 47117*
15 *is amended by striking subsection (f) and by redesignating*
16 *subsections (g) and (h) as subsections (f) and (g), respec-*
17 *tively.*

18 **SEC. 105. PASSENGER FACILITY FEES.**

19 (a) *AUTHORITY TO IMPOSE HIGHER FEE.—Section*
20 *40117(b) is amended by adding at the end the following:*

21 “(4) *Notwithstanding paragraph (1), the Secretary*
22 *may authorize under this section an eligible agency to im-*
23 *pose a passenger facility fee in whole dollar amounts of*
24 *more than \$3 on each paying passenger of an air carrier*
25 *or foreign air carrier boarding an aircraft at an airport*

1 *the agency controls to finance an eligible airport-related*
2 *project, including making payments for debt service on in-*
3 *debtedness incurred to carry out the project, if the Secretary*
4 *finds—*

5 “(A) *that the project will make a significant con-*
6 *tribution to improving air safety and security, in-*
7 *creasing competition among air carriers, reducing*
8 *current or anticipated congestion, or reducing the im-*
9 *port of aviation noise on people living near the air-*
10 *port;*

11 “(B) *that the project cannot be paid for from*
12 *funds reasonably expected to be available for the pro-*
13 *grams referred to in section 48103; and*

14 “(C) *that the amount to be imposed is not more*
15 *than twice that which may be imposed under para-*
16 *graph (1).”.*

17 **(b) LIMITATION ON APPROVAL OF CERTAIN APPLICA-**
18 **TIONS.—***Section 40117(d) is amended—*

19 (1) *by striking “and” at the end of paragraph*
20 *(2);*

21 (2) *by striking the period at the end of para-*
22 *graph (3) and inserting “; and”; and*

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

24 “(4) *in the case of an application to impose a*
25 *fee of more than \$3 for a surface transportation or*

1 *terminal project, the agency has made adequate provi-*
2 *sion for financing the airside needs of the airport, in-*
3 *cluding runways, taxiways, aprons, and aircraft*
4 *gates.”.*

5 *(c) REDUCING APPORTIONMENTS.—Section 47114(f) is*
6 *amended—*

7 *(1) by striking “An amount” and inserting the*
8 *following:*

9 *“(1) IN GENERAL.—An amount”;*

10 *(2) by striking “an amount equal to” and all*
11 *that follows through the period at the end and insert-*
12 *ing the following: “an amount equal to—*

13 *“(A) in the case of a fee of \$3 or less, 50*
14 *percent of the projected revenues from the fee in*
15 *the fiscal year but not by more than 50 percent*
16 *of the amount that otherwise would be appor-*
17 *tioned under this section; and*

18 *“(B) in the case of a fee of more than \$3,*
19 *75 percent of the projected revenues from the fee*
20 *in the fiscal year but not by more than 75 per-*
21 *cent of the amount that otherwise would be ap-*
22 *portioned under this section.”; and*

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

24 *“(2) EFFECTIVE DATE OF REDUCTION.—A reduc-*
25 *tion in an apportionment required by paragraph (1)*

1 (3) by adding at the end the following:

2 “(11) runway and taxiway incursion prevention
3 devices, including integrated in-pavement lighting
4 systems for runways and taxiways.”.

5 (c) *INCLUSION OF UNIVERSAL ACCESS SYSTEMS AND*
6 *EMERGENCY CALL BOXES AS AIRPORT DEVELOPMENT.*—

7 Section 47102(3)(B) is amended—

8 (1) in clause (ii)—

9 (A) by striking “and universal access sys-
10 tems,” and inserting “, universal access systems,
11 and emergency call boxes,”; and

12 (B) by inserting “and integrated in-pave-
13 ment lighting systems for runways and taxiways
14 and other runway and taxiway incursion pre-
15 vention devices” before the semicolon at the end;
16 and

17 (2) by inserting before the semicolon at the end
18 of clause (iii) the following: “, including closed circuit
19 weather surveillance equipment”.

20 **SEC. 122. WINDSHEAR DETECTION EQUIPMENT.**

21 Section 47102(3)(B) is further amended—

22 (1) by striking “and” at the end of clause (v);

23 (2) by striking the period at the end of clause
24 (vi) and inserting a semicolon; and

25 (3) by adding at the end the following:

1 “(vii) windshear detection equipment;
2 and”.

3 **SEC. 123. ENHANCED VISION TECHNOLOGIES.**

4 (a) *STUDY.*—*The Administrator shall conduct a study*
5 *of the feasibility of requiring United States airports to in-*
6 *stall enhanced vision technologies to replace or enhance con-*
7 *ventional landing light systems over the 10-year period fol-*
8 *lowing the date of completion of such study.*

9 (b) *REPORT.*—*Not later than 180 days after the date*
10 *of enactment of this Act, the Administrator shall transmit*
11 *to Congress a report on the results of the study conducted*
12 *under subsection (a), together with such recommendations*
13 *as the Administrator considers appropriate.*

14 (c) *INCLUSION OF INSTALLATION AS AIRPORT DEVEL-*
15 *OPMENT.*—*Section 47102 is amended—*

16 (1) *in paragraph (3)(B) (as amended by this*
17 *Act) by adding at the end the following:*

18 “(viii) enhanced vision technologies
19 that are certified by the Administrator of
20 the Federal Aviation Administration and
21 that are intended to replace or enhance con-
22 ventional landing light systems.”; and

23 (2) *by adding at the end the following:*

24 “(21) *ENHANCED VISION TECHNOLOGIES.*—*The*
25 *term ‘enhanced vision technologies’ means laser guid-*

1 *ance, ultraviolet guidance, infrared, and cold cathode*
2 *technologies.”.*

3 *(d) CERTIFICATION.—Not later than 180 days after the*
4 *date of enactment of this Act, the Administrator shall trans-*
5 *mit to Congress a schedule for deciding whether or not to*
6 *certify laser guidance equipment for use as approach light-*
7 *ing at United States airports and of cold cathode lighting*
8 *equipment for use as runway and taxiway lighting at*
9 *United States airports and as lighting at United States hel-*
10 *iports.*

11 **SEC. 124. PAVEMENT MAINTENANCE.**

12 *(a) REPEAL OF PILOT PROGRAM.—*

13 *(1) IN GENERAL.—Section 47132 is repealed.*

14 *(2) CONFORMING AMENDMENT.—The analysis for*
15 *chapter 471 is amended by striking the item relating*
16 *to section 47132.*

17 *(b) ELIGIBILITY AS AIRPORT DEVELOPMENT.—Section*
18 *47102(3) is amended by adding at the end the following:*

19 *“(H) routine work to preserve and extend*
20 *the useful life of runways, taxiways, and aprons*
21 *at airports that are not primary airports, under*
22 *guidelines issued by the Administrator.”.*

23 **SEC. 125. COMPETITION PLANS.**

24 *(a) IN GENERAL.—Section 47106 is amended by add-*
25 *ing at the end the following:*

1 “(f) *COMPETITION PLANS.*—

2 “(1) *PROHIBITION.*—*Beginning in fiscal year*
3 *2001, no passenger facility fee may be approved for*
4 *a covered airport under section 40117 and no grant*
5 *may be made under this subchapter for a covered air-*
6 *port unless the airport has submitted to the Secretary*
7 *a written competition plan in accordance with this*
8 *subsection.*

9 “(2) *CONTENTS.*—*A competition plan under this*
10 *subsection shall include information on the avail-*
11 *ability of airport gates and related facilities, leasing*
12 *and sub-leasing arrangements, gate-use requirements,*
13 *patterns of air service, gate-assignment policy, finan-*
14 *cial constraints, airport controls over air- and*
15 *ground-side capacity, whether the airport intends to*
16 *build or acquire gates that would be used as common*
17 *facilities, and airfare levels (as compiled by the De-*
18 *partment of Transportation) compared to other large*
19 *airports.*

20 “(3) *COVERED AIRPORT DEFINED.*—*In this sub-*
21 *section, the term ‘covered airport’ means a commer-*
22 *cial service airport—*

23 “(A) *that has more than .25 percent of the*
24 *total number of passenger boardings each year at*
25 *all such airports; and*

1 “(B) at which 1 or 2 air carriers control
2 more than 50 percent of the passenger
3 boardings.”.

4 (b) *CROSS REFERENCE.*—Section 40117 is amended
5 by adding at the end the following:

6 “(j) *COMPETITION PLANS.*—Beginning in fiscal year
7 2001, no eligible agency may impose a passenger facility
8 fee under this section with respect to a covered airport (as
9 such term is defined in section 47106(f)) unless the agency
10 has submitted to the Secretary a written competition plan
11 in accordance with such section. This subsection does not
12 apply to passenger facility fees in effect before the date of
13 enactment of this subsection.”.

14 **SEC. 126. MATCHING SHARE.**

15 Section 47109(a) is amended—

16 (1) by redesignating paragraphs (2) and (3) as
17 paragraphs (3) and (4), respectively;

18 (2) by inserting after paragraph (1) the fol-
19 lowing:

20 “(2) not more than 90 percent for a project fund-
21 ed by a grant issued to and administered by a State
22 under section 47128, relating to the State block grant
23 program;”;

24 (3) by striking “and” at the end of paragraph
25 (3) (as so redesignated);

1 (4) *by striking the period at the end of para-*
2 *graph (4) (as so redesignated) and inserting “; and”;*
3 *and*

4 (5) *by adding at the end the following:*

5 “*(5) 100 percent in fiscal year 2001 for any*
6 *project—*

7 “*(A) at an airport other than a primary*
8 *airport; or*

9 “*(B) at a primary airport having less than*
10 *.05 percent of the total number of passenger*
11 *boardings each year at all commercial service*
12 *airports.”.*

13 **SEC. 127. LETTERS OF INTENT.**

14 *Section 47110(e) is amended—*

15 (1) *by striking paragraph (2)(C) and inserting*
16 *the following:*

17 “*(C) that meets the criteria of section 47115(d)*
18 *and, if for a project at a commercial service airport*
19 *having at least 0.25 percent of the boardings each*
20 *year at all such airports, the Secretary decides will*
21 *enhance system-wide airport capacity significantly.”;*
22 *and*

23 (2) *by striking paragraph (5) and inserting the*
24 *following:*

1 “(5) *LETTERS OF INTENT.*—*The Secretary may not re-*
2 *quire an eligible agency to impose a passenger facility fee*
3 *under section 40117 in order to obtain a letter of intent*
4 *under this section.*”.

5 **SEC. 128. GRANTS FROM SMALL AIRPORT FUND.**

6 (a) *SET-ASIDE FOR MEETING SAFETY TERMS IN AIR-*
7 *PORT OPERATING CERTIFICATES.*—*Section 47116 is*
8 *amended by adding at the end the following:*

9 “(e) *SET-ASIDE FOR MEETING SAFETY TERMS IN AIR-*
10 *PORT OPERATING CERTIFICATES.*—*In the first fiscal year*
11 *beginning after the effective date of regulations issued to*
12 *carry out section 44706(b) with respect to airports described*
13 *in section 44706(a)(2), and in each of the next 4 fiscal*
14 *years, the lesser of \$15,000,000 or 20 percent of the amounts*
15 *that would otherwise be distributed to sponsors of airports*
16 *under subsection (b)(2) shall be used to assist the airports*
17 *in meeting the terms established by the regulations. If the*
18 *Secretary publishes in the Federal Register a finding that*
19 *all the terms established by the regulations have been met,*
20 *this subsection shall cease to be effective as of the date of*
21 *such publication.*”.

22 (b) *NOTIFICATION OF SOURCE OF GRANT.*—*Section*
23 *47116 is further amended by adding at the end the fol-*
24 *lowing:*

1 “(f) *NOTIFICATION OF SOURCE OF GRANT.*—Whenever
2 *the Secretary makes a grant under this section, the Sec-*
3 *retary shall notify the recipient of the grant, in writing,*
4 *that the source of the grant is from the small airport fund.”.*

5 (c) *TECHNICAL AMENDMENTS.*—Section 47116(d) is
6 *amended—*

7 (1) *by striking “In making” and inserting the*
8 *following:*

9 “(1) *CONSTRUCTION OF NEW RUNWAYS.*—*In*
10 *making”;*

11 (2) *by adding at the end the following:*

12 “(2) *AIRPORT DEVELOPMENT FOR TURBINE POW-*
13 *ERED AIRCRAFT.*—*In making grants to sponsors de-*
14 *scribed in subsection (b)(1), the Secretary shall give*
15 *priority consideration to airport development projects*
16 *to support operations by turbine powered aircraft, if*
17 *the non-Federal share of the project is at least 40 per-*
18 *cent.”; and*

19 (3) *by aligning the remainder of paragraph (1)*
20 *(as designated by paragraph (1) of this subsection)*
21 *with paragraph (2) (as added by paragraph (2) of*
22 *this subsection).*

1 **SEC. 129. DISCRETIONARY USE OF UNUSED APPORTION-**
2 **MENTS.**

3 *Section 47117(f) (as redesignated by section 104(j) of*
4 *this Act) is amended to read as follows:*

5 *“(f) DISCRETIONARY USE OF APPORTIONMENTS.—*

6 *“(1) IN GENERAL.—Subject to paragraph (2), if*
7 *the Secretary finds that all or part of an amount of*
8 *an apportionment under section 47114 is not re-*
9 *quired during a fiscal year to fund a grant for which*
10 *the apportionment may be used, the Secretary may*
11 *use during such fiscal year the amount not so re-*
12 *quired to make grants for any purpose for which*
13 *grants may be made under section 48103. The finding*
14 *may be based on the notifications that the Secretary*
15 *receives under section 47105(f) or on other informa-*
16 *tion received from airport sponsors.*

17 *“(2) RESTORATION OF APPORTIONMENTS.—*

18 *“(A) IN GENERAL.—If the fiscal year for*
19 *which a finding is made under paragraph (1)*
20 *with respect to an apportionment is not the last*
21 *fiscal year of availability of the apportionment*
22 *under subsection (b), the Secretary shall restore*
23 *to the apportionment an amount equal to the*
24 *amount of the apportionment used under para-*
25 *graph (1) for a discretionary grant whenever a*

1 *sufficient amount is made available under sec-*
2 *tion 48103.*

3 “(B) *PERIOD OF AVAILABILITY.*—*If restora-*
4 *tion under this paragraph is made in the fiscal*
5 *year for which the finding is made or the suc-*
6 *ceeding fiscal year, the amount restored shall be*
7 *subject to the original period of availability of*
8 *the apportionment under subsection (b). If the*
9 *restoration is made thereafter, the amount re-*
10 *stored shall remain available in accordance with*
11 *subsection (b) for the original period of avail-*
12 *ability of the apportionment, plus the number of*
13 *fiscal years during which a sufficient amount*
14 *was not available for the restoration.*

15 “(3) *NEWLY AVAILABLE AMOUNTS.*—

16 “(A) *RESTORED AMOUNTS TO BE UNAVAIL-*
17 *ABLE FOR DISCRETIONARY GRANTS.*—*Of an*
18 *amount newly available under section 48103 of*
19 *this title, an amount equal to the amounts re-*
20 *stored under paragraph (2) shall not be available*
21 *for discretionary grant obligations under section*
22 *47115.*

23 “(B) *USE OF REMAINING AMOUNTS.*—*Sub-*
24 *paragraph (A) does not impair the Secretary’s*
25 *authority under paragraph (1), after a restora-*

1 (C) by striking “each such subsequent 5-fis-
2 cal-year period” and inserting “each such subse-
3 quent period”; and

4 (4) by adding at the end the following:

5 “(f) *DESIGNATION OF GENERAL AVIATION AIRPORT.*—
6 *Notwithstanding any other provision of this section, at least*
7 *3 of the airports designated under subsection (a) shall be*
8 *general aviation airports that were former military instal-*
9 *lations closed or realigned under a section referred to in*
10 *subsection (a)(1).”.*

11 (b) *TERMINAL BUILDING FACILITIES.*—*Section*
12 *47118(d) (as redesignated by subsection (a)(2) of this sec-*
13 *tion) is amended by striking “\$5,000,000” and inserting*
14 *“\$7,000,000”.*

15 (c) *ELIGIBILITY OF AIR CARGO TERMINALS.*—*Section*
16 *47118(e) (as redesignated by subsection (a)(2) of this sec-*
17 *tion) is amended—*

18 (1) *in subsection heading by striking “AND*
19 *HANGARS” and inserting “HANGARS, AND AIR CARGO*
20 *TERMINALS”;*

21 (2) *by striking “\$4,000,000” and inserting*
22 *“\$7,000,000”; and*

23 (3) *by inserting after “hangars” the following:*
24 *“and air cargo terminals of an area that is 50,000*
25 *square feet or less”.*

1 **SEC. 131. CONTRACT TOWER COST-SHARING.**

2 *Section 47124(b) is amended by adding at the end the*
3 *following:*

4 *“(3) CONTRACT AIR TRAFFIC CONTROL TOWER*
5 *PILOT PROGRAM.—*

6 *“(A) IN GENERAL.—The Secretary shall es-*
7 *tablish a pilot program to contract for air traffic*
8 *control services at Level I air traffic control tow-*
9 *ers, as defined by the Administrator of the Fed-*
10 *eral Aviation Administration, that do not qual-*
11 *ify for the Contract Tower program established*
12 *under subsection (a) and continued under para-*
13 *graph (1) (hereafter in this paragraph referred*
14 *to as the ‘Contract Tower Program’).*

15 *“(B) PROGRAM COMPONENTS.—In carrying*
16 *out the pilot program established under subpara-*
17 *graph (A), the Administrator shall—*

18 *“(i) utilize for purposes of cost-benefit*
19 *analyses, current, actual, site-specific data,*
20 *forecast estimates, or airport master plan*
21 *data provided by a facility owner or oper-*
22 *ator and verified by the Administrator;*

23 *“(ii) approve for participation only fa-*
24 *ilities willing to fund a pro rata share of*
25 *the operating costs of the air traffic control*
26 *tower to achieve a 1 to 1 benefit-to-cost*

1 *ratio, as required for eligibility under the*
2 *Contract Tower Program; and*

3 “(iii) *approve for participation no*
4 *more than 2 facilities willing to fund up to*
5 *50 percent, but not less than 25 percent, of*
6 *construction costs for an air traffic control*
7 *tower built by the airport operator and for*
8 *each of such facilities the Federal share of*
9 *construction cost does not exceed \$1,100,000.*

10 “(C) *PRIORITY.—In selecting facilities to*
11 *participate in the program under this para-*
12 *graph, the Administrator shall give priority to*
13 *the following:*

14 “(i) *Air traffic control towers that are*
15 *participating in the Contract Tower Pro-*
16 *gram but have been notified that they will*
17 *be terminated from such program because*
18 *the Administration has determined that the*
19 *benefit-to-cost ratio for their continuation*
20 *in such program is less than 1.0.*

21 “(ii) *Air traffic control towers that the*
22 *Administrator determines have a benefit-to-*
23 *cost ratio of at least .85.*

24 “(iii) *Air traffic control towers of the*
25 *Federal Aviation Administration that are*

1 *closed as a result of the air traffic control-*
2 *lers strike in 1981.*

3 “(iv) *Air traffic control towers that are*
4 *located at airports or points at which an*
5 *air carrier is receiving compensation under*
6 *the essential air service program under this*
7 *chapter.*

8 “(v) *Air traffic control towers located*
9 *at airports that are prepared to assume*
10 *partial responsibility for maintenance costs.*

11 “(vi) *Air traffic control towers that are*
12 *located at airports with safety or oper-*
13 *ational problems related to topography,*
14 *weather, runway configuration, or mix of*
15 *aircraft.*

16 “(D) *COSTS EXCEEDING BENEFITS.—If the*
17 *costs of operating an air traffic tower under the*
18 *pilot program established under this paragraph*
19 *exceed the benefits, the airport sponsor or State*
20 *or local government having jurisdiction over the*
21 *airport shall pay the portion of the costs that ex-*
22 *ceed such benefit.*

23 “(E) *FUNDING.—Of the amounts appro-*
24 *priated pursuant to section 106(k), not to exceed*

1 \$6,000,000 per fiscal year may be used to carry
2 out this paragraph.”.

3 **SEC. 132. INNOVATIVE USE OF AIRPORT GRANT FUNDS.**

4 (a) *IN GENERAL.*—Subchapter I of chapter 471 is
5 amended by adding at the end the following:

6 **“§47135. Innovative financing techniques**

7 “(a) *IN GENERAL.*—The Secretary of Transportation
8 may approve applications for not more than 25 airport de-
9 velopment projects for which grants received under this sub-
10 chapter may be used for innovative financing techniques.
11 Such projects shall be located at airports that each year
12 have less than .25 percent of the total number of passenger
13 boardings each year at all commercial service airports.

14 “(b) *PURPOSE.*—The purpose of grants made under
15 this section shall be to provide information on the benefits
16 and difficulties of using innovative financing techniques for
17 airport development projects.

18 “(c) *LIMITATIONS.*—

19 “(1) *NO GUARANTEES.*—In no case shall the im-
20 plementation of an innovative financing technique
21 under this section be used in a manner giving rise to
22 a direct or indirect guarantee of any airport debt in-
23 strument by the United States Government.

24 “(2) *TYPES OF TECHNIQUES.*—In this section,
25 innovative financing techniques are limited to—

1 “(A) *payment of interest;*

2 “(B) *commercial bond insurance and other*
3 *credit enhancement associated with airport*
4 *bonds for eligible airport development; and*

5 “(C) *flexible non-Federal matching require-*
6 *ments.*”.

7 (b) *CONFORMING AMENDMENT.—The analysis for sub-*
8 *chapter I of chapter 471 is amended by adding at the end*
9 *the following:*

“47135. Innovative financing techniques.”.

10 **SEC. 133. AVIATION SECURITY PROGRAM.**

11 (a) *IN GENERAL.—Subchapter I of chapter 471 is fur-*
12 *ther amended by adding the following new section:*

13 **“§47136. Aviation security program**

14 “(a) *GENERAL AUTHORITY.—To improve security at*
15 *public airports in the United States, the Secretary of*
16 *Transportation shall carry out not less than one project to*
17 *test and evaluate innovative aviation security systems and*
18 *related technology.*

19 “(b) *PRIORITY.—In carrying out this section, the Sec-*
20 *retary shall give the highest priority to a request from an*
21 *eligible sponsor for a grant to undertake a project that—*

22 “(1) *evaluates and tests the benefits of innovative*
23 *aviation security systems or related technology, in-*
24 *cluding explosives detection systems, for the purpose*
25 *of improving aviation security, including aircraft*

1 *physical security, access control, and passenger and*
2 *baggage screening; and*

3 “(2) *provides testing and evaluation of airport*
4 *security systems and technology in an operational,*
5 *test bed environment.*

6 “(c) *MATCHING SHARE.—Notwithstanding section*
7 *47109, the United States Government’s share of allowable*
8 *project costs for a project under this section shall be 100*
9 *percent.*

10 “(d) *TERMS AND CONDITIONS.—The Secretary may es-*
11 *tablish such terms and conditions as the Secretary deter-*
12 *mines appropriate for carrying out a project under this sec-*
13 *tion, including terms and conditions relating to the form*
14 *and content of a proposal for a project, project assurances,*
15 *and schedule of payments.*

16 “(e) *ELIGIBLE SPONSOR DEFINED.—In this section,*
17 *the term ‘eligible sponsor’ means a nonprofit corporation*
18 *composed of a consortium of public and private persons,*
19 *including a sponsor of a primary airport, with the nec-*
20 *essary engineering and technical expertise to successfully*
21 *conduct the testing and evaluation of airport and aircraft*
22 *related security systems.*

23 “(f) *AUTHORIZATION OF APPROPRIATIONS.—Of the*
24 *amounts made available to the Secretary under section*
25 *47115 in a fiscal year, the Secretary shall make available*

1 *not less than \$5,000,000 for the purpose of carrying out*
 2 *this section.”.*

3 (b) *CONFORMING AMENDMENT.—The analysis for sub-*
 4 *chapter I of chapter 471 is further amended by adding at*
 5 *the end the following:*

“47136. Aviation security program.”.

6 **SEC. 134. INHERENTLY LOW-EMISSION AIRPORT VEHICLE**
 7 **PILOT PROGRAM.**

8 (a) *IN GENERAL.—Subchapter I of chapter 471 is fur-*
 9 *ther amended by adding at the end the following:*

10 **“§47137. Inherently low-emission airport vehicle pilot**
 11 **program**

12 *“(a) IN GENERAL.—The Secretary of Transportation*
 13 *shall carry out a pilot program at not more than 10 public-*
 14 *use airports under which the sponsors of such airports may*
 15 *use funds made available under section 48103 for use at*
 16 *such airports to carry out inherently low-emission vehicle*
 17 *activities. Notwithstanding any other provision of this sub-*
 18 *chapter, inherently low-emission vehicle activities shall for*
 19 *purposes of the pilot program be treated as eligible for as-*
 20 *sistance under this subchapter.*

21 *“(b) LOCATION IN AIR QUALITY NONATTAINMENT*
 22 *AREAS.—A public-use airport shall be eligible for partici-*
 23 *pation in the pilot program only if the airport is located*
 24 *in an air quality nonattainment area (as defined in section*
 25 *171(2) of the Clean Air Act (42 U.S.C. 7501(d)).*

1 “(c) *SELECTION CRITERIA.*—*In selecting from among*
2 *applicants for participation in the pilot program, the Sec-*
3 *retary shall give priority consideration to applicants that*
4 *will achieve the greatest air quality benefits measured by*
5 *the amount of emissions reduced per dollar of funds ex-*
6 *pende under the pilot program.*

7 “(d) *UNITED STATES GOVERNMENT’S SHARE.*—*Not-*
8 *withstanding any other provision of this subchapter, the*
9 *United States Government’s share of the costs of a project*
10 *carried out under the pilot program shall be 50 percent.*

11 “(e) *MAXIMUM AMOUNT.*—*Not more than \$2,000,000*
12 *may be expended under the pilot program at any single*
13 *public-use airport.*

14 “(f) *REPORT TO CONGRESS.*—*Not later than 18*
15 *months after the date of enactment of this section, the Sec-*
16 *retary shall transmit to the Committee on Transportation*
17 *and Infrastructure of the House of Representatives and the*
18 *Committee on Commerce, Science, and Transportation of*
19 *the Senate a report containing an evaluation of the effec-*
20 *tiveness of the pilot program.*

21 “(g) *INHERENTLY LOW-EMISSION VEHICLE ACTIVITY*
22 *DEFINED.*—*In this section, the term ‘inherently low-emis-*
23 *sion vehicle activity’ means—*

24 “(1) *the construction of infrastructure facilities*
25 *necessary for the use of vehicles that are certified as*

1 *inherently low-emission vehicles under title 40 of the*
2 *Code of Federal Regulations, that are labeled in ac-*
3 *cordance with section 88.312–93(c) of such title, and*
4 *that are located or primarily used at public-use air-*
5 *ports;*

6 “(2) *the payment of that portion of the cost of*
7 *acquiring such vehicles that exceeds the cost of acquir-*
8 *ing other vehicles that would be used for the same*
9 *purpose; or*

10 “(3) *the acquisition of technological equipment*
11 *necessary for the use of vehicles described in para-*
12 *graph (1).”.*

13 (b) *CONFORMING AMENDMENT.—The analysis for sub-*
14 *chapter I of chapter 471 is further amended by adding at*
15 *the end the following:*

“47137. Inherently low-emission airport vehicle pilot program.”.

16 **SEC. 135. TECHNICAL AMENDMENTS.**

17 (a) *CONTINUATION OF PROJECT FUNDING.—Section*
18 *47108 is amended by adding at the end the following:*

19 “(e) *CHANGE IN AIRPORT STATUS.—In the event that*
20 *the status of a primary airport changes to a nonprimary*
21 *airport at a time when a terminal development project*
22 *under a multiyear agreement under subsection (a) is not*
23 *yet completed, the project shall remain eligible for funding*
24 *from discretionary funds under section 47115 at the fund-*

1 *ing level and under the terms provided by the agreement,*
2 *subject to the availability of funds.”.*

3 *(b) PASSENGER FACILITY FEE WAIVER FOR CERTAIN*
4 *CLASS OF CARRIERS OR FOR SERVICE TO AIRPORTS IN ISO-*
5 *LATED COMMUNITIES.—Section 40117(i) is amended—*

6 *(1) by striking “and” at the end of paragraph*
7 *(1);*

8 *(2) by striking the period at the end of para-*
9 *graph (2) and inserting “; and”; and*

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

11 *“(3) may permit a public agency to request that*
12 *collection of a passenger facility fee be waived for—*

13 *“(A) passengers enplaned by any class of*
14 *air carrier or foreign air carrier if the number*
15 *of passengers enplaned by the carrier in the class*
16 *constitutes not more than 1 percent of the total*
17 *number of passengers enplaned annually at the*
18 *airport at which the fee is imposed; or*

19 *“(B) passengers traveling to an airport—*

20 *“(i) that has fewer than 2,500 pas-*
21 *senger boardings each year and receives*
22 *scheduled passenger service; and*

23 *“(ii) in a community which has a pop-*
24 *ulation of less than 10,000 and is not con-*
25 *nected by a land highway to the land-con-*

1 *nected National Highway System within a*
2 *State.”.*

3 **SEC. 136. CONVEYANCES OF AIRPORT PROPERTY FOR PUB-**
4 **LIC AIRPORTS.**

5 *(a) PROJECT GRANT ASSURANCES.—Section 47107(h)*
6 *is amended by inserting “(including an assurance with re-*
7 *spect to disposal of land by an airport owner or operator*
8 *under subsection (c)(2)(B) without regard to whether or not*
9 *the assurance or grant was made before December 29,*
10 *1987)” after “1987”.*

11 *(b) CONVEYANCES OF UNITED STATES GOVERNMENT*
12 *LAND.—Section 47125(a) is amended by adding at the end*
13 *the following: “The Secretary may only release an option*
14 *of the United States for a reversionary interest under this*
15 *subsection after providing notice and an opportunity for*
16 *public comment. The Secretary shall publish in the Federal*
17 *Register any decision of the Secretary to release a rever-*
18 *sionary interest and the reasons for the decision.”.*

19 *(c) REQUESTS BY PUBLIC AGENCIES.—Section 47151*
20 *is amended by adding at the end the following:*

21 *“(d) REQUESTS BY PUBLIC AGENCIES.—Except with*
22 *respect to a request made by another department, agency,*
23 *or instrumentality of the executive branch of the United*
24 *States Government, such a department, agency, or instru-*
25 *mentality shall give priority consideration to a request*

1 *made by a public agency (as defined in section 47102) for*
2 *surplus property described in subsection (a) for use at a*
3 *public airport.”.*

4 (d) *NOTICE AND PUBLIC COMMENT; PUBLICATION OF*
5 *DECISIONS.—Section 47153(a) is amended—*

6 (1) *in paragraph (1) by inserting “, after pro-*
7 *viding notice and an opportunity for public com-*
8 *ment,” after “if the Secretary decides”; and*

9 (2) *by adding at the end the following:*

10 “(3) *PUBLICATION OF DECISIONS.—The Sec-*
11 *retary shall publish in the Federal Register any deci-*
12 *sion to waive a term under paragraph (1) and the*
13 *reasons for the decision.”.*

14 (e) *CONSIDERATIONS.—Section 47153 is amended by*
15 *adding at the end the following:*

16 “(c) *CONSIDERATIONS.—In deciding whether to waive*
17 *a term required by section 47152 or add another term, the*
18 *Secretary shall consider the current and future needs of the*
19 *users of the airport.”.*

20 (f) *REFERENCES TO GIFTS.—Chapter 471 is*
21 *amended—*

22 (1) *in section 47151—*

23 (A) *in subsection (a)—*

1 (i) in the matter preceding paragraph
2 (1) by striking “give” and inserting “con-
3 vey to”; and

4 (ii) in paragraph (2) by striking “gift”
5 and inserting “conveyance”;

6 (B) in subsection (b)—

7 (i) by striking “giving” and inserting
8 “conveying”; and

9 (ii) by striking “gift” and inserting
10 “conveyance”; and

11 (C) in subsection (c)—

12 (i) in the subsection heading by strik-
13 ing “GIVEN” and inserting “CONVEYED”;
14 and

15 (ii) by striking “given” and inserting
16 “conveyed”;

17 (2) in section 47152—

18 (A) in the section heading by striking
19 “**gifts**” and inserting “**conveyances**”; and

20 (B) in the matter preceding paragraph (1)
21 by striking “gift” and inserting “conveyance”;

22 (3) in section 47153(a)(1)—

23 (A) by striking “gift” each place it appears
24 and inserting “conveyance”; and

1 (B) by striking “given” and inserting “con-
2 veyed”; and

3 (4) in the analysis for such chapter by striking
4 the item relating to section 47152 and inserting the
5 following:

“47152. Terms of conveyances.”.

6 **Subtitle C—Miscellaneous**

7 **SEC. 151. TREATMENT OF CERTAIN FACILITIES AS AIRPORT-** 8 **RELATED PROJECTS.**

9 Section 40117(a)(3)(E) is amended—

10 (1) by striking “and” and inserting a comma;
11 and

12 (2) by striking the period at the end and insert-
13 ing the following: “(including structural foundations
14 and floor systems, exterior building walls and load-
15 bearing interior columns or walls, windows, door and
16 roof systems, and building utilities (including heat-
17 ing, air conditioning, ventilation, plumbing, and elec-
18 trical service)), and aircraft fueling facilities adjacent
19 to the gate.”.

20 **SEC. 152. TERMINAL DEVELOPMENT COSTS.**

21 (a) WITH RESPECT TO PASSENGER FACILITY
22 CHARGES.—Section 40117(a)(3) is further amended—

23 (1) by redesignating subparagraphs (C), (D),
24 and (E) as subparagraphs (D), (E), and (F), respec-
25 tively; and

1 (2) *by inserting after subparagraph (B) the fol-*
2 *lowing:*

3 “(C) *for costs of terminal development re-*
4 *ferred to in subparagraph (B) incurred after Au-*
5 *gust 1, 1986, at an airport that did not have*
6 *more than .25 percent of the total annual pas-*
7 *senger boardings in the United States in the*
8 *most recent calendar year for which data is*
9 *available and at which total passenger boardings*
10 *declined by at least 16 percent between calendar*
11 *year 1989 and calendar year 1997;”.*

12 (b) *REPAYING BORROWED MONEY.—Section 47119(a)*
13 *is amended—*

14 (1) *in the matter preceding paragraph (1)—*

15 (A) *by striking “0.05” and inserting*
16 *“0.25”; and*

17 (B) *by striking “between January 1, 1992,*
18 *and October 31, 1992,” and inserting “between*
19 *August 1, 1986, and September 30, 1990, or be-*
20 *tween June 1, 1991, and October 31, 1992;”;* and

21 (2) *in paragraph (1)(B) by striking “an airport*
22 *development project outside the terminal area at that*
23 *airport” and inserting “any needed airport develop-*
24 *ment project affecting safety, security, or capacity”.*

1 (c) *NONHUB AIRPORTS.*—Section 47119(c) is amended
2 by striking “0.05” and inserting “0.25”.

3 (d) *NONPRIMARY COMMERCIAL SERVICE AIRPORTS.*—
4 Section 47119 is amended by adding at the end the fol-
5 lowing:

6 “(d) *DETERMINATION OF PASSENGER BOARDING AT*
7 *COMMERCIAL SERVICE AIRPORT.*—For the purpose of deter-
8 mining whether an amount may be distributed for a fiscal
9 year from the discretionary fund in accordance with sub-
10 section (b)(2)(A) to a commercial service airport, the Sec-
11 retary shall make the determination of whether or not a
12 public airport is a commercial service airport on the basis
13 of the number of passenger boardings and type of air service
14 at the public airport in the calendar year that includes the
15 first day of such fiscal year or the preceding calendar year,
16 whichever is more beneficial to the airport.”.

17 **SEC. 153. GENERAL FACILITIES AUTHORITY.**

18 (a) *CONTINUATION OF ILS INVENTORY PROGRAM.*—
19 Section 44502(a)(4)(B) is amended—

20 (1) by striking “each of fiscal years 1995 and
21 1996” and inserting “each of fiscal years 1999
22 through 2004”; and

23 (2) by inserting “under new or existing con-
24 tracts” after “including acquisition”.

1 (b) *LORAN-C NAVIGATION FACILITIES.*—Section
2 44502(a) is amended by adding at the end the following:

3 “(5) *MAINTENANCE AND UPGRADE OF LORAN-C*
4 *NAVIGATION FACILITIES.*—The Secretary shall main-
5 *tain and upgrade Loran-C navigation facilities*
6 *throughout the transition period to satellite-based*
7 *navigation.”.*

8 **SEC. 154. DENIAL OF AIRPORT ACCESS TO CERTAIN AIR**
9 **CARRIERS.**

10 Section 44706 is amended by adding at the end the
11 following:

12 “(g) *INCLUDED CHARTER AIR TRANSPORTATION.*—
13 *For the purposes of subsection (a)(2), a scheduled passenger*
14 *operation includes charter air transportation for which the*
15 *general public is provided in advance a schedule containing*
16 *the departure location, departure time, and arrival location*
17 *of the flights.*

18 “(h) *AUTHORITY TO PRECLUDE SCHEDULED PAS-*
19 *SENGER OPERATIONS.*—The Administrator shall permit an
20 airport that will be subject to certification under subsection
21 (a)(2) to preclude scheduled passenger operations (including
22 public charter operations described in subsection (g)) at the
23 airport if the airport notifies the Administrator, in writing,
24 that it does not intend to obtain an airport operating cer-
25 tificate.”.

1 **SEC. 155. CONSTRUCTION OF RUNWAYS.**

2 *Notwithstanding any provision of law that specifically*
3 *restricts the number of runways at a single international*
4 *airport, the Secretary of Transportation may obligate funds*
5 *made available under chapters 471 and 481 of title 49,*
6 *United States Code, for any project to construct a new run-*
7 *way at such airport, unless this section is expressly re-*
8 *pealed.*

9 **SEC. 156. USE OF RECYCLED MATERIALS.**

10 *(a) STUDY.—The Administrator shall conduct a study*
11 *of the use of recycled materials (including recycled pave-*
12 *ments, waste materials, and byproducts) in pavement used*
13 *for runways, taxiways, and aprons and the specification*
14 *standards in tests necessary for the use of recycled materials*
15 *in such pavement. The primary focus of the study shall be*
16 *on the long term physical performance, safety implications,*
17 *and environmental benefits of using recycled materials in*
18 *aviation pavement.*

19 *(b) CONTRACTING.—The Administrator may carry out*
20 *the study under this section by entering into a contract with*
21 *a university of higher education with expertise necessary*
22 *to carry out the study.*

23 *(c) REPORT.—Not later than 1 year after the date of*
24 *enactment of this Act, the Administrator shall transmit to*
25 *Congress a report on the results of the study conducted*

1 *under this section together with recommendations con-*
 2 *cerning the use of recycled materials in aviation pavement.*

3 *(d) FUNDING.—Of the amounts appropriated pursuant*
 4 *to section 106(k), not to exceed \$1,500,000 in the aggregate*
 5 *may be used to carry out this section.*

6 ***TITLE II—AIRLINE SERVICE***
 7 ***IMPROVEMENTS***

8 ***Subtitle A—Service to Airports Not***
 9 ***Receiving Sufficient Service***

10 ***SEC. 201. ACCESS TO HIGH DENSITY AIRPORTS.***

11 *(a) REPEAL OF SLOT RULE FOR CERTAIN AIR-*
 12 *PORTS.—Effective March 1, 2000, the requirements of sub-*
 13 *parts K and S of part 93 of title 14, Code of Federal Regu-*
 14 *lations, are of no force and effect at an airport other than*
 15 *Ronald Reagan Washington National Airport. The Sec-*
 16 *retary of Transportation is authorized to undertake appro-*
 17 *priate actions to effectuate an orderly termination of these*
 18 *requirements.*

19 *(b) SLOT EXEMPTIONS FOR SERVICE TO REAGAN NA-*
 20 *TIONAL AIRPORT.—Section 41714 is amended by striking*
 21 *subsections (e) and (f) and inserting the following:*

22 *“(e) SLOTS FOR AIRPORTS NOT RECEIVING SUFFI-*
 23 *CIENT SERVICE.—*

24 *“(1) EXEMPTIONS.—Notwithstanding chapter*
 25 *491, the Secretary may by order grant exemptions*

1 *from the requirements under subparts K and S of*
2 *part 93 of title 14, Code of Federal Regulations (per-*
3 *taining to slots at high density airports), to enable*
4 *air carriers to provide nonstop air transportation*
5 *using jet aircraft that comply with the stage 3 noise*
6 *levels of part 36 of such title 14 between Ronald*
7 *Reagan Washington National Airport and an airport*
8 *that had less than 2,000,000 enplanements in the*
9 *most recent year for which such enplanement data is*
10 *available or between Ronald Reagan Washington Na-*
11 *tional Airport and an airport that does not have non-*
12 *stop transportation to Ronald Reagan Washington*
13 *National Airport using such aircraft on the date on*
14 *which the application for an exemption is filed.*

15 *“(2) LIMITATIONS.—*

16 *“(A) MAXIMUM NUMBER OF EXEMPTIONS.—*

17 *No more than 2 exemptions per hour and no*
18 *more than 6 exemptions per day may be granted*
19 *under this subsection for slots at Ronald Reagan*
20 *Washington National Airport.*

21 *“(B) MAXIMUM DISTANCE OF FLIGHTS.—An*

22 *exemption may be granted under this subsection*
23 *for a slot at Ronald Reagan Washington Na-*
24 *tional Airport only if the flight utilizing such*
25 *slot begins or ends within 1,250 miles of the Air-*

1 port and a stage 3 aircraft is used for such
2 flight.

3 “(3) *APPLICATION.*—An air carrier interested in
4 an exemption under this subsection shall submit to
5 the Secretary an application for such exemption. No
6 application may be submitted to the Secretary before
7 the last day of the 30-day period beginning on the
8 date of the enactment of this paragraph.

9 “(4) *DEADLINE FOR DECISION.*—Notwith-
10 standing any other provision of law, the Secretary
11 shall make a decision with regard to granting an ex-
12 emption under this subsection on or before the 120th
13 day following the date of the application for the ex-
14 emption. If the Secretary does not make the decision
15 on or before such 120th day, the air carrier applying
16 for the service may provide such service until the Sec-
17 retary makes the decision or the Administrator of the
18 Federal Aviation Administration determines that pro-
19 viding such service would have an adverse effect on
20 air safety.

21 “(5) *PERIOD OF EFFECTIVENESS.*—An exemp-
22 tion granted under this subsection shall remain in ef-
23 fect only while the air carrier for whom the exemption
24 is granted continues to provide the nonstop air trans-
25 portation for which the exemption is granted.

1 “(f) *TREATMENT OF CERTAIN COMMUTER AIR CAR-*
 2 *RIERS.—The Secretary shall treat all commuter air carriers*
 3 *that have cooperative agreements, including code share*
 4 *agreements with other air carriers, equally for determining*
 5 *eligibility for exemptions under this section regardless of*
 6 *the form of the corporate relationship between the commuter*
 7 *air carrier and the other air carrier.”.*

8 (c) *CONFORMING AMENDMENTS.—Effective March 1,*
 9 *2000, section 41714 (as amended by subsection (b) of this*
 10 *section) is amended—*

11 (1) *by striking subsections (a), (b), (c), (g), and*
 12 *(i);*

13 (2) *by redesignating subsections (d), (e), (f), and*
 14 *(h) as subsections (a), (b), (c), and (d), respectively;*

15 (3) *in the heading for subsection (a) (as so red-*
 16 *esignated) by striking “SPECIAL RULES FOR”; and*

17 (4) *by striking subsection (c) (as so redesignated)*
 18 *and inserting the following:*

19 “(c) *SLOT DEFINED.—The term ‘slot’ means a reserva-*
 20 *tion for an instrument flight rule takeoff or landing by an*
 21 *air carrier or an aircraft in air transportation.”.*

22 **SEC. 202. FUNDING FOR AIR CARRIER SERVICE TO AIR-**
 23 **PORTS NOT RECEIVING SUFFICIENT SERVICE.**

24 (a) *IN GENERAL.—Section 41742(a) is amended by*
 25 *striking “\$50,000,000” and inserting “\$60,000,000”.*

1 **(b) FUNDING FOR SMALL COMMUNITY AIR SERVICE.**—
2 *Section 41742(b) of title 49, United States Code, is amended*
3 *to read as follows:*

4 **“(b) FUNDING FOR SMALL COMMUNITY AIR SERV-**
5 **ICE.**—

6 **“(1) IN GENERAL.**—*Notwithstanding any other*
7 *provision of law, from moneys credited to the account*
8 *established under section 45303(a), including the*
9 *funds derived from fees imposed under the authority*
10 *contained in section 45301(a)—*

11 **“(A)** *not to exceed \$50,000,000 for each fis-*
12 *cal year beginning after September 30, 1999,*
13 *shall be used to carry out the small community*
14 *air service program under this subchapter; and*

15 **“(B)** *not to exceed \$10,000,000 for such fis-*
16 *cal year shall be used—*

17 **“(i)** *for assisting an air carrier to sub-*
18 *sidize service to and from an underserved*
19 *airport for a period not to exceed 3 years;*

20 **“(ii)** *for assisting an underserved air-*
21 *port to obtain jet aircraft service (and to*
22 *promote passenger use of that service) to*
23 *and from the underserved airport; and*

24 **“(iii)** *for assisting an underserved air-*
25 *port to implement such other measures as*

1 *the Secretary of Transportation, in con-*
2 *sultation with such airport, considers ap-*
3 *propriate to improve air service both in*
4 *terms of the cost of such service to con-*
5 *sumers and the availability of such service,*
6 *including improving air service through*
7 *marketing and promotion of air service and*
8 *enhanced utilization of airport facilities.*

9 “(2) *RURAL AIR SAFETY.*—*Any funds that are*
10 *made available by paragraph (1) for a fiscal year*
11 *and that the Secretary determines will not be obli-*
12 *gated or expended before the last day of such fiscal*
13 *year shall be available to the Administrator for use*
14 *under this subchapter in improving rural air safety*
15 *at airports with less than 100,000 annual boardings.*

16 “(3) *ALLOCATION OF ADDITIONAL FUNDING.*—*If,*
17 *for a fiscal year beginning after September 30, 1999,*
18 *more than \$60,000,000 is made available under sub-*
19 *section (a) to carry out the small community air serv-*
20 *ice program, 1/2 of the amounts in excess of*
21 *\$60,000,000 shall be used for the purposes specified in*
22 *paragraph (1)(B), in addition to amounts made*
23 *available for such purposes under paragraph (1)(B).*

24 “(4) *USE OF UNOBLIGATED AMOUNTS.*—*Any*
25 *funds made available under paragraph (1)(A) for the*

1 *small community air service program for a fiscal*
2 *year that the Secretary determines will not be obli-*
3 *gated or expended before the last day of such fiscal*
4 *year shall be available for use by the Secretary for the*
5 *purposes described in paragraph (1)(B).*

6 “(5) *AUTHORIZATION OF APPROPRIATIONS.—In*
7 *addition to amounts made available under paragraph*
8 *(1), of the amounts appropriated pursuant to section*
9 *106(k) for a fiscal year beginning after September 30,*
10 *2000, not to exceed \$15,000,000 may be used—*

11 “(A) *to provide assistance to an air carrier*
12 *to subsidize service to and from an underserved*
13 *airport for a period not to exceed 3 years;*

14 “(B) *to provide assistance to an under-*
15 *served airport to obtain jet aircraft service (and*
16 *to promote passenger use of that service) to and*
17 *from the underserved airport; and*

18 “(C) *to provide assistance to an underserved*
19 *airport to implement such other measures as the*
20 *Secretary, in consultation with such airport,*
21 *considers appropriate to improve air service both*
22 *in terms of the cost of such service to consumers*
23 *and the availability of such service, including*
24 *improving air service through marketing and*

1 *promotion of air service and enhanced utiliza-*
2 *tion of airport facilities.*

3 “(6) *PRIORITY CRITERIA FOR ASSISTING AIR-*
4 *PORTS NOT RECEIVING SUFFICIENT SERVICE.—In pro-*
5 *viding assistance to airports under paragraphs (1)(B)*
6 *and (5), the Administrator shall give priority to those*
7 *airports for which a community will provide, from*
8 *local sources (other than airport revenues), a portion*
9 *of the cost of the activity to be assisted.*

10 “(7) *DEFINITIONS.—In this subsection, the fol-*
11 *lowing definitions apply:*

12 “(A) *UNDERSERVED AIRPORT.—The term*
13 *‘underserved airport’ means a nonhub airport or*
14 *small hub airport (as such terms are defined in*
15 *section 41731) that—*

16 “(i) *the Secretary determines is not re-*
17 *ceiving sufficient air carrier service; or*

18 “(ii) *has unreasonably high airfares.*

19 “(B) *UNREASONABLY HIGH AIRFARE.—The*
20 *term ‘unreasonably high airfare’, as used with*
21 *respect to an airport, means that the airfare list-*
22 *ed in the table entitled ‘Top 1,000 City-Pair*
23 *Market Summarized by City’, contained in the*
24 *Domestic Airline Fares Consumer Report of the*
25 *Department of Transportation, for one or more*

1 *markets for which the airport is a part of has an*
 2 *average yield listed in such table that is more*
 3 *than 19 cents.”.*

4 (c) *CONFORMING AMENDMENTS.—Chapter 417 is*
 5 *amended—*

6 (1) *in the heading for section 41742 by striking*
 7 “**Essential**” *and inserting “***Small commu-**
 8 **nity**”;

9 (2) *in each of subsections (a), (b), and (c) of sec-*
 10 *tion 41742 by striking “essential air” each place it*
 11 *appears and inserting “small community air”; and*

12 (3) *in the analysis for such chapter by striking*
 13 *the item relating to section 41742 and inserting the*
 14 *following:*

“41742. Small community air service authorization.”.

15 **SEC. 203. WAIVER OF LOCAL CONTRIBUTION.**

16 *Section 41736(b) is amended by adding at the end the*
 17 *following:*

18 “*Paragraph (4) shall not apply to any place for which a*
 19 *proposal was approved or that was designated as eligible*
 20 *under this section in the period beginning on October 1,*
 21 *1991, and ending on December 31, 1997.”.*

22 **SEC. 204. POLICY FOR AIR SERVICE TO RURAL AREAS.**

23 *Section 40101(a) is amended by adding at the end the*
 24 *following:*

1 *muter air carriers that purchase regional jet aircraft for*
2 *use in serving those markets.*

3 **“§41762. Definitions**

4 *“In this subchapter, the following definitions apply:*

5 *“(1) AIR CARRIER.—The term ‘air carrier’*
6 *means any air carrier holding a certificate of public*
7 *convenience and necessity issued by the Secretary of*
8 *Transportation under section 41102.*

9 *“(2) AIRCRAFT PURCHASE.—The term ‘aircraft*
10 *purchase’ means the purchase of commercial transport*
11 *aircraft, including spare parts normally associated*
12 *with the aircraft.*

13 *“(3) CAPITAL RESERVE SUBSIDY AMOUNT.—The*
14 *term ‘capital reserve subsidy amount’ means the*
15 *amount of budget authority sufficient to cover esti-*
16 *mated long-term cost to the United States Govern-*
17 *ment of a Federal credit instrument, calculated on a*
18 *net present value basis, excluding administrative costs*
19 *and any incidental effects on government receipts or*
20 *outlays in accordance with provisions of the Federal*
21 *Credit Reform Act of 1990 (2 U.S.C. 661 et seq).*

22 *“(4) COMMUTER AIR CARRIER.—The term ‘com-*
23 *muter air carrier’ means an air carrier that pri-*
24 *marily operates aircraft designed to have a maximum*

1 *passenger seating capacity of 75 or less in accordance*
2 *with published flight schedules.*

3 “(5) *FEDERAL CREDIT INSTRUMENT.*—*The term*
4 *‘Federal credit instrument’ means a secured loan,*
5 *loan guarantee, or line of credit authorized to be*
6 *made under this subchapter.*

7 “(6) *FINANCIAL OBLIGATION.*—*The term ‘finan-*
8 *cial obligation’ means any note, bond, debenture, or*
9 *other debt obligation issued by an obligor in connec-*
10 *tion with the financing of an aircraft purchase, other*
11 *than a Federal credit instrument.*

12 “(7) *LENDER.*—*The term ‘lender’ means any*
13 *non-Federal qualified institutional buyer (as defined*
14 *by section 230.144A(a) of title 17, Code of Federal*
15 *Regulations (or any successor regulation) known as*
16 *Rule 144A(a) of the Security and Exchange Commis-*
17 *sion and issued under the Security Act of 1933 (15*
18 *U.S.C. 77a et seq.)), including—*

19 “(A) *a qualified retirement plan (as defined*
20 *in section 4974(c) of the Internal Revenue Code*
21 *of 1986) that is a qualified institutional buyer;*
22 *and*

23 “(B) *a governmental plan (as defined in*
24 *section 414(d) of the Internal Revenue Code of*
25 *1986) that is a qualified institutional buyer.*

1 “(8) *LINE OF CREDIT*.—The term ‘line of credit’
2 means an agreement entered into by the Secretary
3 with an obligor under section 41763(d) to provide a
4 direct loan at a future date upon the occurrence of
5 certain events.

6 “(9) *LOAN GUARANTEE*.—The term ‘loan guar-
7 antee’ means any guarantee or other pledge by the
8 Secretary under section 41763(c) to pay all or part
9 of any of the principal of and interest on a loan or
10 other debt obligation issued by an obligor and funded
11 by a lender.

12 “(10) *NEW ENTRANT AIR CARRIER*.—The term
13 ‘new entrant air carrier’ means an air carrier that
14 has been providing air transportation according to a
15 published schedule for less than 5 years, including
16 any person that has received authority from the Sec-
17 retary to provide air transportation but is not pro-
18 viding air transportation.

19 “(11) *NONHUB AIRPORT*.—The term ‘nonhub air-
20 port’ means an airport that each year has less than
21 .05 percent of the total annual boardings in the
22 United States.

23 “(12) *OBLIGOR*.—The term ‘obligor’ means a
24 party primarily liable for payment of the principal
25 of or interest on a Federal credit instrument, which

1 *party may be a corporation, partnership, joint ven-*
2 *ture, trust, or governmental entity, agency, or instru-*
3 *mentality.*

4 “(13) *REGIONAL JET AIRCRAFT.*—*The term ‘re-*
5 *gional jet aircraft’ means a civil aircraft—*

6 “(A) *powered by jet propulsion; and*

7 “(B) *designed to have a maximum pas-*
8 *senger seating capacity of not less than 30 nor*
9 *more than 75.*

10 “(14) *SECURED LOAN.*—*The term ‘secured loan’*
11 *means a direct loan funded by the Secretary in con-*
12 *nection with the financing of an aircraft purchase*
13 *under section 41763(b).*

14 “(15) *SMALL HUB AIRPORT.*—*The term ‘small*
15 *hub airport’ means an airport that each year has at*
16 *least .05 percent, but less than .25 percent, of the total*
17 *annual boardings in the United States.*

18 “(16) *UNDERSERVED MARKET.*—*The term ‘un-*
19 *derserved market’ means a passenger air transpor-*
20 *tation market (as defined by the Secretary) that—*

21 “(A) *is served (as determined by the Sec-*
22 *retary) by a nonhub airport or a small hub air-*
23 *port;*

24 “(B) *is not within a 40-mile radius of an*
25 *airport that each year has at least .25 percent of*

1 *the total annual boardings in the United States;*
2 *and*

3 “(C) *the Secretary determines does not have*
4 *sufficient air service.*

5 **“§ 41763. Federal credit instruments**

6 “(a) *IN GENERAL.—Subject to this section, the Sec-*
7 *retary of Transportation may enter into agreements with*
8 *1 or more obligors to make available Federal credit instru-*
9 *ments, the proceeds of which shall be used to finance aircraft*
10 *purchases.*

11 “(b) *SECURED LOANS.—*

12 “(1) *TERMS AND LIMITATIONS.—*

13 “(A) *IN GENERAL.—A secured loan under*
14 *this section with respect to an aircraft purchase*
15 *shall be on such terms and conditions and con-*
16 *tain such covenants, representatives, warranties,*
17 *and requirements (including requirements for*
18 *audits) as the Secretary determines appropriate.*

19 “(B) *MAXIMUM AMOUNT.—No secured loan*
20 *may be made under this section—*

21 “(i) *that extends to more than 50 per-*
22 *cent of the purchase price (including the*
23 *value of any manufacturer credits, post-*
24 *purchase options, or other discounts) of the*

1 *aircraft, including spare parts, to be pur-*
2 *chased; or*

3 “(ii) *that, when added to the remain-*
4 *ing balance on any other Federal credit in-*
5 *struments made under this subchapter, pro-*
6 *vides more than \$100,000,000 of out-*
7 *standing credit to any single obligor.*

8 “(C) *FINAL PAYMENT DATE.—The final*
9 *payment on the secured loan shall not be due*
10 *later than 18 years after the date of execution of*
11 *the loan agreement.*

12 “(D) *SUBORDINATION.—The secured loan*
13 *may be subordinate to claims of other holders of*
14 *obligations in the event of bankruptcy, insol-*
15 *veny, or liquidation of the obligor as determined*
16 *appropriate by the Secretary.*

17 “(E) *FEEES.—The Secretary may establish*
18 *fees at a level sufficient to cover all or a portion*
19 *of the costs to the United States Government of*
20 *making a secured loan under this section. The*
21 *proceeds of such fees shall be deposited in an ac-*
22 *count to be used by the Secretary for the purpose*
23 *of administering the program established under*
24 *this subchapter and shall be available upon de-*
25 *posit until expended.*

1 “(2) *REPAYMENT.*—

2 “(A) *SCHEDULE.*—*The Secretary shall es-*
3 *tablish a repayment schedule for each secured*
4 *loan under this section based on the projected*
5 *cash flow from aircraft revenues and other re-*
6 *payment sources.*

7 “(B) *COMMENCEMENT.*—*Scheduled loan re-*
8 *payments of principal and interest on a secured*
9 *loan under this section shall commence no later*
10 *than 3 years after the date of execution of the*
11 *loan agreement.*

12 “(3) *PREPAYMENT.*—

13 “(A) *USE OF EXCESS REVENUE.*—*After sat-*
14 *isfying scheduled debt service requirements on all*
15 *financial obligations and secured loans and all*
16 *deposit requirements under the terms of any*
17 *trust agreement, bond resolution, or similar*
18 *agreement securing financial obligations, the se-*
19 *cured loan may be prepaid at anytime without*
20 *penalty.*

21 “(B) *USE OF PROCEEDS OF REFI-*
22 *NANCING.*—*The secured loan may be prepaid at*
23 *any time without penalty from proceeds of refi-*
24 *nancing from non-Federal funding sources.*

25 “(c) *LOAN GUARANTEES.*—

1 “(1) *IN GENERAL.*—A loan guarantee under this
2 *section with respect to a loan made for an aircraft*
3 *purchase shall be made in such form and on such*
4 *terms and conditions and contain such covenants,*
5 *representatives, warranties, and requirements (includ-*
6 *ing requirements for audits) as the Secretary deter-*
7 *mines appropriate.*

8 “(2) *MAXIMUM AMOUNT.*—No loan guarantee
9 *shall be made under this section—*

10 “(A) *that extends to more than the unpaid*
11 *interest and 50 percent of the unpaid principal*
12 *on any loan;*

13 “(B) *that, for any loan or combination of*
14 *loans, extends to more than 50 percent of the*
15 *purchase price (including the value of any man-*
16 *ufacturer credits, post-purchase options, or other*
17 *discounts) of the aircraft, including spare parts,*
18 *to be purchased with the loan or loan combina-*
19 *tion;*

20 “(C) *on any loan with respect to which*
21 *terms permit repayment more than 15 years*
22 *after the date of execution of the loan; or*

23 “(D) *that, when added to the remaining*
24 *balance on any other Federal credit instruments*
25 *made under this subchapter, provides more than*

1 \$100,000,000 of outstanding credit to any single
2 obligor.

3 “(3) FEES.—The Secretary may establish fees at
4 a level sufficient to cover all or a portion of the costs
5 to the United States Government of making a loan
6 guarantee under this section. The proceeds of such fees
7 shall be deposited in an account to be used by the Sec-
8 retary for the purpose of administering the program
9 established under this subchapter and shall be avail-
10 able upon deposit until expended.

11 “(d) LINES OF CREDIT.—

12 “(1) IN GENERAL.—Subject to the requirements
13 of this subsection, the Secretary may enter into agree-
14 ments to make available lines of credit to 1 or more
15 obligors in the form of direct loans to be made by the
16 Secretary at future dates on the occurrence of certain
17 events for any aircraft purchase selected under this
18 section.

19 “(2) TERMS AND LIMITATIONS.—

20 “(A) IN GENERAL.—A line of credit under
21 this subsection with respect to an aircraft pur-
22 chase shall be on such terms and conditions and
23 contain such covenants, representatives, warran-
24 ties, and requirements (including requirements

1 *for audits) as the Secretary determines appro-*
2 *priate.*

3 “(B) *MAXIMUM AMOUNT.—*

4 “(i) *TOTAL AMOUNT.—The amount of*
5 *any line of credit shall not exceed 50 per-*
6 *cent of the purchase price (including the*
7 *value of any manufacturer credits, post-*
8 *purchase options, or other discounts) of the*
9 *aircraft, including spare parts.*

10 “(ii) *1-YEAR DRAWS.—The amount*
11 *drawn in any year shall not exceed 20 per-*
12 *cent of the total amount of the line of credit.*

13 “(C) *DRAWS.—Any draw on the line of*
14 *credit shall represent a direct loan.*

15 “(D) *PERIOD OF AVAILABILITY.—The line*
16 *of credit shall be available not more than 5 years*
17 *after the aircraft purchase date.*

18 “(E) *RIGHTS OF THIRD-PARTY CREDI-*
19 *TORS.—*

20 “(i) *AGAINST UNITED STATES GOVERN-*
21 *MENT.—A third-party creditor of the obligor*
22 *shall not have any right against the United*
23 *States Government with respect to any*
24 *draw on the line of credit.*

1 “(ii) *ASSIGNMENT.*—An obligor may
2 assign the line of credit to 1 or more lenders
3 or to a trustee on the lender’s behalf.

4 “(F) *SUBORDINATION.*—A direct loan under
5 this subsection may be subordinate to claims of
6 other holders of obligations in the event of bank-
7 ruptcy, insolvency, or liquidation of the obligor
8 as determined appropriate by the Secretary.

9 “(G) *FEEES.*—The Secretary may establish
10 fees at a level sufficient to cover all of a portion
11 of the costs to the United States Government of
12 providing a line of credit under this subsection.
13 The proceeds of such fees shall be deposited in an
14 account to be used by the Secretary for the pur-
15 pose of administering the program established
16 under this subchapter and shall be available
17 upon deposit until expended.

18 “(3) *REPAYMENT.*—

19 “(A) *SCHEDULE.*—The Secretary shall es-
20 tablish a repayment schedule for each direct loan
21 under this subsection.

22 “(B) *COMMENCEMENT.*—Scheduled loan re-
23 payments of principal or interest on a direct
24 loan under this subsection shall commence no
25 later than 3 years after the date of the first draw

1 *on the line of credit and shall be repaid, with in-*
2 *terest, not later than 18 years after the date of*
3 *the first draw.*

4 “(e) *RISK ASSESSMENT.*—*Before entering into an*
5 *agreement under this section to make available a Federal*
6 *credit instrument, the Secretary, in consultation with the*
7 *Director of the Office of Management and Budget, shall de-*
8 *termine an appropriate capital reserve subsidy amount for*
9 *the Federal credit instrument based on such credit evalua-*
10 *tions as the Secretary deems necessary.*

11 “(f) *CONDITIONS.*—*Subject to subsection (h), the Sec-*
12 *retary may only make a Federal credit instrument avail-*
13 *able under this section if the Secretary finds that—*

14 “(1) *the aircraft to be purchased with the Fed-*
15 *eral credit instrument is a regional jet aircraft needed*
16 *to improve the service and efficiency of operation of*
17 *a commuter air carrier or new entrant air carrier;*

18 “(2) *the commuter air carrier or new entrant air*
19 *carrier enters into a legally binding agreement that*
20 *requires the carrier to use the aircraft to provide serv-*
21 *ice to underserved markets; and*

22 “(3) *the prospective earning power of the com-*
23 *muter air carrier or new entrant air carrier, together*
24 *with the character and value of the security pledged,*
25 *including the collateral value of the aircraft being ac-*

1 *quired and any other assets or pledges used to secure*
2 *the Federal credit instrument, furnish—*

3 *“(A) reasonable assurances of the air car-*
4 *rier’s ability and intention to repay the Federal*
5 *credit instrument within the terms established by*
6 *the Secretary—*

7 *“(i) to continue its operations as an*
8 *air carrier; and*

9 *“(ii) to the extent that the Secretary*
10 *determines to be necessary, to continue its*
11 *operations as an air carrier between the*
12 *same route or routes being operated by the*
13 *air carrier at the time of the issuance of the*
14 *Federal credit instrument; and*

15 *“(B) reasonable protection to the United*
16 *States.*

17 *“(g) LIMITATION ON COMBINED AMOUNT OF FEDERAL*
18 *CREDIT INSTRUMENTS.—The Secretary shall not allow the*
19 *combined amount of Federal credit instruments available*
20 *for any aircraft purchase under this section to exceed—*

21 *“(1) 50 percent of the cost of the aircraft pur-*
22 *chase; or*

23 *“(2) \$100,000,000 for any single obligor.*

24 *“(h) REQUIREMENT.—Subject to subsection (i), no*
25 *Federal credit instrument may be made under this section*

1 *for the purchase of any regional jet aircraft that does not*
2 *comply with the stage 3 noise levels of part 36 of title 14*
3 *of the Code of Federal Regulations, as in effect on January*
4 *1, 1999.*

5 “(i) *OTHER LIMITATIONS.*—*No Federal credit instru-*
6 *ment shall be made by the Secretary under this section for*
7 *the purchase of a regional jet aircraft unless the commuter*
8 *air carrier or new entrant air carrier enters into a legally*
9 *binding agreement that requires the carrier to provide*
10 *scheduled passenger air transportation to the underserved*
11 *market for which the aircraft is purchased for a period of*
12 *not less than 36 consecutive months after the date that air-*
13 *craft is placed in service.*

14 **“§41764. Use of Federal facilities and assistance**

15 “(a) *USE OF FEDERAL FACILITIES.*—*To permit the*
16 *Secretary of Transportation to make use of such expert ad-*
17 *vice and services as the Secretary may require in carrying*
18 *out this subchapter, the Secretary may use available serv-*
19 *ices and facilities of other agencies and instrumentalities*
20 *of the United States Government—*

21 “(1) *with the consent of the appropriate Federal*
22 *officials; and*

23 “(2) *on a reimbursable basis.*

24 “(b) *ASSISTANCE.*—*The head of each appropriate de-*
25 *partment or agency of the United States Government shall*

1 *exercise the duties and powers of that head in such manner*
2 *as to assist in carrying out the policy specified in section*
3 *41761.*

4 “(c) *OVERSIGHT.*—*The Secretary shall make available*
5 *to the Comptroller General of the United States such infor-*
6 *mation with respect to any Federal credit instrument made*
7 *under this subchapter as the Comptroller General may re-*
8 *quire to carry out the duties of the Comptroller General*
9 *under chapter 7 of title 31.*

10 **“§41765. *Administrative expenses***

11 *“In carrying out this subchapter, the Secretary shall*
12 *use funds made available by appropriations to the Depart-*
13 *ment of Transportation for the purpose of administration,*
14 *in addition to the proceeds of any fees collected under this*
15 *subchapter, to cover administrative expenses of the Federal*
16 *credit instrument program under this subchapter.*

17 **“§41766. *Funding.***

18 *“Of the amounts appropriated under section 106(k) for*
19 *each of fiscal years 2001 through 2004, such sums as may*
20 *be necessary may be used to carry out this subchapter, in-*
21 *cluding administrative expenses.*

22 **“§41767. *Termination***

23 “(a) *AUTHORITY TO ISSUE FEDERAL CREDIT INSTRU-*
24 *MENTS.*—*The authority of the Secretary of Transportation*
25 *to issue Federal credit instruments under section 41763*

1 *shall terminate on the date that is 5 years after the date*
 2 *of the enactment of this subchapter.*

3 “(b) *CONTINUATION OF AUTHORITY TO ADMINISTER*
 4 *PROGRAM FOR EXISTING FEDERAL CREDIT INSTRU-*
 5 *MENTS.—On and after the termination date, the Secretary*
 6 *shall continue to administer the program established under*
 7 *this subchapter for Federal credit instruments issued under*
 8 *this subchapter before the termination date until all obliga-*
 9 *tions associated with such instruments have been satisfied.”.*

10 “(b) *CONFORMING AMENDMENT.—The analysis for*
 11 *chapter 417 is amended by adding at the end the following:*

 “*SUBCHAPTER III—REGIONAL AIR SERVICE INCENTIVE PROGRAM*

 “*Sec.*

 “*41761. Purpose.*

 “*41762. Definitions.*

 “*41763. Federal credit instruments.*

 “*41764. Use of Federal facilities and assistance.*

 “*41765. Administrative expenses.*

 “*41766. Funding.*

 “*41767. Termination.”.*

12 ***TITLE III—FAA MANAGEMENT***
 13 ***REFORM***

14 ***SEC. 301. AIR TRAFFIC CONTROL SYSTEM DEFINED.***

15 *Section 40102(a) is amended—*

16 (1) *by redesignating paragraphs (5) through (41)*
 17 *as paragraphs (6) through (42), respectively; and*

18 (2) *by inserting after paragraph (4) the fol-*
 19 *lowing:*

20 “(5) ‘*air traffic control system*’ *means the com-*
 21 *ination of elements used to safely and efficiently*

1 *monitor, direct, control, and guide aircraft in the*
2 *United States and United States-assigned airspace,*
3 *including—*

4 *“(A) allocated electromagnetic spectrum and*
5 *physical, real, personal, and intellectual prop-*
6 *erty assets making up facilities, equipment, and*
7 *systems employed to detect, track, and guide air-*
8 *craft movement;*

9 *“(B) laws, regulations, orders, directives,*
10 *agreements, and licenses;*

11 *“(C) published procedures that explain re-*
12 *quired actions, activities, and techniques used to*
13 *ensure adequate aircraft separation; and*

14 *“(D) trained personnel with specific tech-*
15 *nical capabilities to satisfy the operational, engi-*
16 *neering, management, and planning require-*
17 *ments for air traffic control.”.*

18 **SEC. 302. AIR TRAFFIC CONTROL OVERSIGHT BOARD.**

19 *(a) ESTABLISHMENT.—*

20 *(1) IN GENERAL.—Chapter 1 is amended by add-*
21 *ing at the end the following:*

22 **“§ 113. Air Traffic Control Oversight Board**

23 *“(a) ESTABLISHMENT.—There is established within*
24 *the Department of Transportation an ‘Air Traffic Control*

1 *Oversight Board*’ (in this section referred to as the ‘*Over-*
2 *sight Board*’).

3 “(b) *MEMBERSHIP.*—

4 “(1) *COMPOSITION.*—*The Oversight Board shall*
5 *be composed of 9 members, as follows:*

6 “(A) *Six members shall be individuals who*
7 *are not otherwise Federal officers or employees*
8 *and who are appointed by the President, by and*
9 *with the advice and consent of the Senate.*

10 “(B) *One member shall be the Secretary of*
11 *Transportation or, if the Secretary so designates,*
12 *the Deputy Secretary of the Transportation.*

13 “(C) *One member shall be the Adminis-*
14 *trator of the Federal Aviation Administration.*

15 “(D) *One member shall be an individual*
16 *who is appointed by the President, by and with*
17 *the advice and consent of the Senate, from*
18 *among individuals who are the leaders of their*
19 *respective unions of air traffic control system*
20 *employees.*

21 “(2) *QUALIFICATIONS AND TERMS.*—

22 “(A) *QUALIFICATIONS.*—*Members of the*
23 *Oversight Board described in paragraph (1)(A)*
24 *shall—*

1 “(i) have a fiduciary responsibility to
2 represent the public interest;

3 “(ii) be citizens of the United States;
4 and

5 “(iii) be appointed without regard to
6 political affiliation and solely on the basis
7 of their professional experience and exper-
8 tise in 1 or more of the following areas:

9 “(I) Management of large service
10 organizations.

11 “(II) Customer service.

12 “(III) Management of large pro-
13 curements.

14 “(IV) Information and commu-
15 nications technology.

16 “(V) Organizational development.

17 “(VI) Labor relations.

18 *At least 3 members of the Oversight Board ap-*
19 *pointed under paragraph (1)(A) should have*
20 *knowledge of, or a background in, aviation. At*
21 *least one of such members should have a back-*
22 *ground in managing large organizations success-*
23 *fully. In the aggregate, such members should col-*
24 *lectively bring to bear expertise in all of the*

1 *areas described in subclauses (I) through (VI) of*
2 *clause (iii).*

3 “(B) *PROHIBITIONS.—No member of the*
4 *Oversight Board described in paragraph (1)(A)*
5 *may—*

6 “(i) *have a pecuniary interest in, or*
7 *own stock in or bonds of, an aviation or*
8 *aeronautical enterprise;*

9 “(ii) *engage in another business related*
10 *to aviation or aeronautics; or*

11 “(iii) *be a member of any organization*
12 *that engages, as a substantial part of its ac-*
13 *tivities, in activities to influence aviation-*
14 *related legislation.*

15 “(C) *TERMS FOR AIR TRAFFIC CONTROL*
16 *REPRESENTATIVES.—A member appointed under*
17 *paragraph (1)(D) shall be appointed for a term*
18 *of 3 years, except that the term of such indi-*
19 *vidual shall end whenever the individual no*
20 *longer meets the requirements of paragraph*
21 *(1)(D).*

22 “(D) *TERMS FOR NONFEDERAL OFFICERS*
23 *OR EMPLOYEES.—A member appointed under*
24 *paragraph (1)(A) shall be appointed for a term*

1 of 5 years, except that of the members first ap-
2 pointed under paragraph (1)(A)—

3 “(i) 2 members shall be appointed for
4 a term of 3 years;

5 “(ii) 2 members shall be appointed for
6 a term of 4 years; and

7 “(iii) 2 members shall be appointed for
8 a term of 5 years.

9 “(E) REAPPOINTMENT.—An individual
10 may not be appointed under paragraph (1)(A) to
11 more than two 5-year terms on the Oversight
12 Board.

13 “(F) VACANCY.—Any vacancy on the Over-
14 sight Board shall be filled in the same manner
15 as the original appointment. Any member ap-
16 pointed to fill a vacancy occurring before the ex-
17 piration of the term for which the member’s
18 predecessor was appointed shall be appointed for
19 the remainder of that term.

20 “(3) ETHICAL CONSIDERATIONS.—

21 “(A) FINANCIAL DISCLOSURE.—During the
22 entire period that an individual appointed
23 under subparagraph (A) or (D) of paragraph (1)
24 is a member of the Oversight Board, such indi-
25 vidual shall be treated as serving as an officer or

1 *employee referred to in section 101(f) of the Eth-*
2 *ics in Government Act of 1978 for purposes of*
3 *title I of such Act, except that section 101(d) of*
4 *such Act shall apply without regard to the num-*
5 *ber of days of service in the position.*

6 “(B) *RESTRICTIONS ON POST-EMPLOY-*
7 *MENT.—For purposes of section 207(c) of title*
8 *18, an individual appointed under subpara-*
9 *graph (A) or (D) of paragraph (1) shall be treat-*
10 *ed as an employee referred to in section*
11 *207(c)(2)(A)(i) of such title during the entire pe-*
12 *riod the individual is a member of the Board,*
13 *except that subsections (c)(2)(B) and (f) of sec-*
14 *tion 207 of such title shall not apply.*

15 “(C) *WAIVER.—At the time the President*
16 *nominates an individual for appointment as a*
17 *member of the Oversight Board under paragraph*
18 *(1)(D), the President may waive for the term of*
19 *the member any appropriate provision of chapter*
20 *11 of title 18, to the extent such waiver is nec-*
21 *essary to allow the member to participate in the*
22 *decisions of the Board while continuing to serve*
23 *as a full-time Federal employee or a representa-*
24 *tive of employees. Any such waiver shall not be*
25 *effective unless a written intent of waiver to ex-*

1 *empt such member (and actual waiver language)*
2 *is submitted to the Senate with the nomination*
3 *of such member.*

4 “(4) *QUORUM.*—*Five members of the Oversight*
5 *Board shall constitute a quorum. A majority of mem-*
6 *bers present and voting shall be required for the Over-*
7 *sight Board to take action.*

8 “(5) *REMOVAL.*—*Any member of the Oversight*
9 *Board appointed under subparagraph (A) or (D) of*
10 *paragraph (1) may be removed for cause by the Presi-*
11 *dent.*

12 “(6) *CLAIMS.*—

13 “(A) *IN GENERAL.*—*A member of the Over-*
14 *sight Board appointed under subparagraph (A)*
15 *or (D) of paragraph (1) shall have no personal*
16 *liability under Federal law with respect to any*
17 *claim arising out of or resulting from an act or*
18 *omission by such member within the scope of*
19 *service as a member of the Oversight Board.*

20 “(B) *EFFECT ON OTHER LAW.*—*This para-*
21 *graph shall not be construed—*

22 “(i) *to affect any other immunity or*
23 *protection that may be available to a mem-*
24 *ber of the Oversight Board under applicable*
25 *law with respect to such transactions;*

1 “(ii) to affect any other right or rem-
2 edy against the United States under appli-
3 cable law; or

4 “(iii) to limit or alter in any way the
5 immunities that are available under appli-
6 cable law for Federal officers and employees.

7 “(c) *GENERAL RESPONSIBILITIES.*—

8 “(1) *OVERSIGHT.*—*The Oversight Board shall*
9 *oversee the Federal Aviation Administration in its*
10 *administration, management, conduct, direction, and*
11 *supervision of the air traffic control system.*

12 “(2) *CONFIDENTIALITY.*—*The Oversight Board*
13 *shall ensure that appropriate confidentiality is main-*
14 *tained in the exercise of its duties.*

15 “(d) *SPECIFIC RESPONSIBILITIES.*—*The Oversight*
16 *Board shall have the following specific responsibilities:*

17 “(1) *STRATEGIC PLANS.*—*To review, approve,*
18 *and monitor achievements under a strategic plan of*
19 *the Federal Aviation Administration for the air traf-*
20 *fic control system, including the establishment of—*

21 “(A) *a mission and objectives;*

22 “(B) *standards of performance relative to*
23 *such mission and objectives, including safety, ef-*
24 *iciency, and productivity; and*

25 “(C) *annual and long-range strategic plans.*

1 “(2) *MODERNIZATION AND IMPROVEMENT.*—*To*
2 *review and approve—*

3 “(A) *methods of the Federal Aviation Ad-*
4 *ministration to accelerate air traffic control*
5 *modernization and improvements in aviation*
6 *safety related to air traffic control; and*

7 “(B) *procurements of air traffic control*
8 *equipment by the Federal Aviation Administra-*
9 *tion in excess of \$100,000,000.*

10 “(3) *OPERATIONAL PLANS.*—*To review the oper-*
11 *ational functions of the Federal Aviation Administra-*
12 *tion, including—*

13 “(A) *plans for modernization of the air*
14 *traffic control system;*

15 “(B) *plans for increasing productivity or*
16 *implementing cost-saving measures; and*

17 “(C) *plans for training and education.*

18 “(4) *MANAGEMENT.*—*To—*

19 “(A) *review and approve the Administra-*
20 *tor’s appointment of a Chief Operating Officer*
21 *under section 106(r);*

22 “(B) *review the Administrator’s selection,*
23 *evaluation, and compensation of senior execu-*
24 *tives of the Federal Aviation Administration who*
25 *have program management responsibility over*

1 *significant functions of the air traffic control*
2 *system;*

3 “(C) *review and approve the Administra-*
4 *tor’s plans for any major reorganization of the*
5 *Federal Aviation Administration that would im-*
6 *pect on the management of the air traffic control*
7 *system;*

8 “(D) *review and approve the Administra-*
9 *tor’s cost accounting and financial management*
10 *structure and technologies to help ensure efficient*
11 *and cost-effective air traffic control operation;*
12 *and*

13 “(E) *review the performance and coopera-*
14 *tion of managers responsible for major acquisi-*
15 *tion projects, including the ability of the man-*
16 *agers to meet schedule and budget targets.*

17 “(5) *BUDGET.—To—*

18 “(A) *review and approve the budget request*
19 *of the Federal Aviation Administration related*
20 *to the air traffic control system prepared by the*
21 *Administrator;*

22 “(B) *submit such budget request to the Sec-*
23 *retary of Transportation; and*

24 “(C) *ensure that the budget request supports*
25 *the annual and long-range strategic plans.*

1 *The Secretary shall submit the budget request referred to*
2 *in paragraph (5)(B) for any fiscal year to the President*
3 *who shall submit such request, without revision, to the Com-*
4 *mittees on Transportation and Infrastructure and Appro-*
5 *priations of the House of Representatives and the Commit-*
6 *tees on Commerce, Science, and Transportation and Appro-*
7 *priations of the Senate, together with the President’s annual*
8 *budget request for the Federal Aviation Administration for*
9 *such fiscal year.*

10 “(e) *REPORTING OF OVERTURNING OF BOARD DECI-*
11 *SIONS.—If the Secretary or Administrator overturns a deci-*
12 *sion of the Oversight Board, the Secretary or Adminis-*
13 *trator, as appropriate shall report such action to the Presi-*
14 *dent, the Committee on Transportation and Infrastructure*
15 *of the House of Representatives, and the Committee on Com-*
16 *merce, Science, and Transportation of the Senate.*

17 “(f) *BOARD PERSONNEL MATTERS.—*

18 “(1) *COMPENSATION OF MEMBERS.—*

19 “(A) *IN GENERAL.—Each member of the*
20 *Oversight Board who—*

21 “(i) *appointed under subsection*
22 *(b)(1)(A); or*

23 “(ii) *appointed under subsection*
24 *(b)(1)(D) and is not otherwise a Federal of-*
25 *ficer or employee,*

1 *shall be compensated at a rate of \$30,000 per*
2 *year. All other members shall serve without com-*
3 *ensation for such service.*

4 “(B) *CHAIRPERSON.*—*Notwithstanding sub-*
5 *paragraph (A), the chairperson of the Oversight*
6 *Board shall be compensated at a rate of \$50,000*
7 *per year.*

8 “(2) *TRAVEL EXPENSES.*—

9 “(A) *IN GENERAL.*—*The members of the*
10 *Oversight Board shall be allowed travel expenses,*
11 *including per diem in lieu of subsistence, at*
12 *rates authorized for employees of agencies under*
13 *subchapter I of chapter 57 of title 5, to attend*
14 *meetings of the Oversight Board and, with the*
15 *advance approval of the chairperson of the Over-*
16 *sight Board, while otherwise away from their*
17 *homes or regular places of business for purposes*
18 *of duties as a member of the Oversight Board.*

19 “(B) *REPORT.*—*The Oversight Board shall*
20 *include in its annual report under subsection*
21 *(g)(3)(A) information with respect to the travel*
22 *expenses allowed for members of the Oversight*
23 *Board under this paragraph.*

24 “(3) *STAFF.*—

1 “(A) *IN GENERAL.*—*The chairperson of the*
2 *Oversight Board may appoint and terminate*
3 *any personnel that may be necessary to enable*
4 *the Board to perform its duties.*

5 “(B) *DETAIL OF GOVERNMENT EMPLOY-*
6 *EES.*—*Upon request of the chairperson of the*
7 *Oversight Board, a Federal agency shall detail a*
8 *United States Government employee to the Over-*
9 *sight Board without reimbursement. Such detail*
10 *shall be without interruption or loss of civil serv-*
11 *ice status or privilege.*

12 “(4) *PROCUREMENT OF TEMPORARY AND INTER-*
13 *MITTENT SERVICES.*—*The chairperson of the Over-*
14 *sight Board may procure temporary and intermittent*
15 *services under section 3109(b) of title 5.*

16 “(g) *ADMINISTRATIVE MATTERS.*—

17 “(1) *CHAIR.*—

18 “(A) *TERM.*—*The members of the Oversight*
19 *Board shall elect for a 2-year term a chairperson*
20 *from among the members appointed under sub-*
21 *section (b)(1)(A).*

22 “(B) *POWERS.*—*Except as otherwise pro-*
23 *vided by a majority vote of the Oversight Board,*
24 *the powers of the chairperson shall include—*

25 “(i) *establishing committees;*

1 “(ii) setting meeting places and times;

2 “(iii) establishing meeting agendas;

3 and

4 “(iv) developing rules for the conduct
5 of business.

6 “(2) MEETINGS.—The Oversight Board shall
7 meet at least quarterly and at such other times as the
8 chairperson determines appropriate.

9 “(3) REPORTS.—

10 “(A) ANNUAL.—The Oversight Board shall
11 each year report with respect to the conduct of
12 its responsibilities under this title to the Presi-
13 dent, the Committee on Transportation and In-
14 frastructure of the House of Representatives, and
15 the Committee on Commerce, Science, and
16 Transportation of the Senate.

17 “(B) ADDITIONAL REPORT.—Upon a deter-
18 mination by the Oversight Board under sub-
19 section (c)(1) that the organization and oper-
20 ation of the Federal Aviation Administration’s
21 air traffic control system are not allowing the
22 Federal Aviation Administration to carry out its
23 mission, the Oversight Board shall report such
24 determination to the Committee on Transpor-
25 tation and Infrastructure of the House of Rep-

1 *representatives and the Committee on Commerce,*
2 *Science, and Transportation of the Senate.*

3 “(C) *COMPTROLLER GENERAL’S REPORT.*—
4 *Not later than April 30, 2004, the Comptroller*
5 *General of the United States shall transmit to*
6 *the Committee on Transportation and Infra-*
7 *structure of the House of Representatives and the*
8 *Committee on Commerce, Science, and Transpor-*
9 *tation of the Senate a report on the success of the*
10 *Oversight Board in improving the performance*
11 *of the air traffic control system.”.*

12 (2) *CONFORMING AMENDMENT.*—*The analysis for*
13 *chapter 1 is amended by adding at the end the fol-*
14 *lowing:*

 “113. *Air Traffic Control Oversight Board.*”.

15 (b) *EFFECTIVE DATES.*—

16 (1) *IN GENERAL.*—*The amendments made by*
17 *this section shall take effect on the date of enactment*
18 *of this Act.*

19 (2) *INITIAL NOMINATIONS TO AIR TRAFFIC CON-*
20 *TROL OVERSIGHT BOARD.*—*The President shall sub-*
21 *mit the initial nominations of the air traffic control*
22 *oversight board to the Senate not later than 3 months*
23 *after the date of enactment of this Act.*

24 (3) *EFFECT ON ACTIONS PRIOR TO APPOINTMENT*
25 *OF OVERSIGHT BOARD.*—*Nothing in this section shall*

1 *be construed to invalidate the actions and authority*
2 *of the Federal Aviation Administration prior to the*
3 *appointment of the members of the Air Traffic Con-*
4 *trol Oversight Board.*

5 **SEC. 303. CHIEF OPERATING OFFICER.**

6 *Section 106 is amended by adding at the end the fol-*
7 *lowing:*

8 “(r) *CHIEF OPERATING OFFICER.*—

9 “(1) *IN GENERAL.*—

10 “(A) *APPOINTMENT.*—*There shall be a Chief*
11 *Operating Officer for the air traffic control sys-*
12 *tem to be appointed by the Administrator, with*
13 *approval of the Air Traffic Control Oversight*
14 *Board established by section 113. The Chief Op-*
15 *erating Officer shall report directly to the Ad-*
16 *ministrator and shall be subject to the authority*
17 *of the Administrator.*

18 “(B) *QUALIFICATIONS.*—*The Chief Oper-*
19 *ating Officer shall have a demonstrated ability*
20 *in management and knowledge of or experience*
21 *in aviation.*

22 “(C) *TERM.*—*The Chief Operating Officer*
23 *shall be appointed for a term of 5 years.*

24 “(D) *REMOVAL.*—*The Chief Operating Offi-*
25 *cer shall serve at the pleasure of the Adminis-*

1 *trator, except that the Administrator shall make*
2 *every effort to ensure stability and continuity in*
3 *the leadership of the air traffic control system.*

4 “(E) VACANCY.—*Any individual appointed*
5 *to fill a vacancy in the position of Chief Oper-*
6 *ating Officer occurring before the expiration of*
7 *the term for which the individual’s predecessor*
8 *was appointed shall be appointed for the remain-*
9 *der of that term.*

10 “(2) ANNUAL PERFORMANCE AGREEMENT.—*The*
11 *Administrator and the Chief Operating Officer, in*
12 *consultation with the Air Traffic Control Oversight*
13 *Board, shall enter into an annual performance agree-*
14 *ment that sets forth measurable organization and in-*
15 *dividual goals for the Chief Operating Officer in key*
16 *operational areas. The agreement shall be subject to*
17 *review and renegotiation on an annual basis.*

18 “(3) ANNUAL PERFORMANCE REPORT.—*The*
19 *Chief Operating Officer shall prepare and submit to*
20 *the Secretary of Transportation and Congress an an-*
21 *annual management report containing such information*
22 *as may be prescribed by the Secretary.”.*

1 **SEC. 304. FEDERAL AVIATION MANAGEMENT ADVISORY**
2 **COUNCIL.**

3 (a) *MEMBERSHIP.*—Section 106(p)(2)(C) is amended
4 to read as follows:

5 “(C) 13 members representing aviation in-
6 terests, appointed by—

7 “(i) in the case of initial appointments
8 to the Council, the President by and with
9 the advice and consent of the Senate; and

10 “(ii) in the case of subsequent appoint-
11 ments to the Council, the Secretary of
12 Transportation.”.

13 (b) *TERMS OF MEMBERS.*—Section 106(p)(6)(A)(i) is
14 amended by striking “by the President”.

15 **SEC. 305. ENVIRONMENTAL STREAMLINING.**

16 (a) *COORDINATED ENVIRONMENTAL REVIEW PROC-*
17 *ESS.*—

18 (1) *DEVELOPMENT AND IMPLEMENTATION.*—The
19 Secretary shall develop and implement a coordinated
20 environmental review process for aviation infrastruc-
21 ture projects that require—

22 (A) the preparation of an environmental
23 impact statement or environmental assessment
24 under the National Environmental Policy Act of
25 1969 (42 U.S.C. 4321 et seq.), except that the
26 Secretary may decide not to apply this section to

1 *the preparation of an environmental assessment*
2 *under such Act; or*

3 *(B) the conduct of any other environmental*
4 *review, analysis, opinion, or issuance of an envi-*
5 *ronmental permit, license, or approval by oper-*
6 *ation of Federal law.*

7 (2) *MEMORANDUM OF UNDERSTANDING.—*

8 *(A) IN GENERAL.—The coordinated environ-*
9 *mental review process for each project shall en-*
10 *sure that, whenever practicable (as specified in*
11 *this section), all environmental reviews, anal-*
12 *yses, opinions, and any permits, licenses, or ap-*
13 *provals that must be issued or made by any Fed-*
14 *eral agency for the project concerned shall be*
15 *conducted concurrently and completed within a*
16 *cooperatively determined time period. Such proc-*
17 *ess for a project or class of project may be incor-*
18 *porated into a memorandum of understanding*
19 *between the Department of Transportation and*
20 *Federal agencies (and, where appropriate, State*
21 *agencies).*

22 *(B) ESTABLISHMENT OF TIME PERIODS.—*
23 *In establishing the time period referred to in*
24 *subparagraph (A), and any time periods for re-*
25 *view within such period, the Department and all*

1 *such agencies shall take into account their re-*
2 *spective resources and statutory commitments.*

3 **(b) ELEMENTS OF COORDINATED ENVIRONMENTAL**
4 *REVIEW PROCESS.—For each project, the coordinated envi-*
5 *ronmental review process established under this section*
6 *shall provide, at a minimum, for the following elements:*

7 **(1) FEDERAL AGENCY IDENTIFICATION.—The**
8 *Secretary shall, at the earliest possible time, identify*
9 *all potential Federal agencies that—*

10 *(A) have jurisdiction by law over environ-*
11 *mental-related issues that may be affected by the*
12 *project and the analysis of which would be part*
13 *of any environmental document required by the*
14 *National Environmental Policy Act of 1969 (42*
15 *U.S.C. 4321 et seq.); or*

16 *(B) may be required by Federal law to*
17 *independently—*

18 *(i) conduct an environmental-related*
19 *review or analysis; or*

20 *(ii) determine whether to issue a per-*
21 *mit, license, or approval or render an opin-*
22 *ion on the environmental impact of the*
23 *project.*

1 (2) *TIME LIMITATIONS AND CONCURRENT RE-*
2 *VIEW.—The Secretary and the head of each Federal*
3 *agency identified under paragraph (1)—*

4 (A)(i) *shall jointly develop and establish*
5 *time periods for review for—*

6 (I) *all Federal agency comments with*
7 *respect to any environmental review docu-*
8 *ments required by the National Environ-*
9 *mental Policy Act of 1969 (42 U.S.C. 4321*
10 *et seq.) for the project; and*

11 (II) *all other independent Federal*
12 *agency environmental analyses, reviews,*
13 *opinions, and decisions on any permits, li-*
14 *censes, and approvals that must be issued or*
15 *made for the project;*

16 *whereby each such Federal agency's review shall*
17 *be undertaken and completed within such estab-*
18 *lished time periods for review; or*

19 (ii) *may enter into an agreement to estab-*
20 *lish such time periods for review with respect to*
21 *a class of project; and*

22 (B) *shall ensure, in establishing such time*
23 *periods for review, that the conduct of any such*
24 *analysis, review, opinion, and decision is under-*
25 *taken concurrently with all other environmental*

1 *reviews for the project, including the reviews re-*
2 *quired by the National Environmental Policy*
3 *Act of 1969 (42 U.S.C. 4321 et seq.); except that*
4 *such review may not be concurrent if the affected*
5 *Federal agency can demonstrate that such con-*
6 *current review would result in a significant ad-*
7 *verse impact to the environment or substantively*
8 *alter the operation of Federal law or would not*
9 *be possible without information developed as*
10 *part of the environmental review process.*

11 (3) *FACTORS TO BE CONSIDERED.*—*Time periods*
12 *for review established under this section shall be con-*
13 *sistent with the time periods established by the Coun-*
14 *cil on Environmental Quality under sections 1501.8*
15 *and 1506.10 of title 40, Code of Federal Regulations.*

16 (4) *EXTENSIONS.*—*The Secretary shall extend*
17 *any time periods for review under this section if,*
18 *upon good cause shown, the Secretary and any Fed-*
19 *eral agency concerned determine that additional time*
20 *for analysis and review is needed as a result of new*
21 *information that has been discovered that could not*
22 *reasonably have been anticipated when the Federal*
23 *agency's time periods for review were established. Any*
24 *memorandum of understanding shall be modified to*
25 *incorporate any mutually agreed-upon extensions.*

1 (c) *DISPUTE RESOLUTION.*—When the Secretary deter-
2 mines that a Federal agency which is subject to a time pe-
3 riod for its environmental review or analysis under this sec-
4 tion has failed to complete such review, analysis, opinion,
5 or decision on issuing any permit, license, or approval
6 within the established time period or within any agreed-
7 upon extension to such time period, the Secretary may,
8 after notice and consultation with such agency, close the
9 record on the matter before the Secretary. If the Secretary
10 finds, after timely compliance with this section, that an en-
11 vironmental issue related to the project that an affected Fed-
12 eral agency has jurisdiction over by operation of Federal
13 law has not been resolved, the Secretary and the head of
14 the Federal agency shall resolve the matter not later than
15 30 days after the date of the finding by the Secretary.

16 (d) *PARTICIPATION OF STATE AGENCIES.*—For any
17 project eligible for assistance under chapter 471 of title 49,
18 United States Code, a State, by operation of State law, may
19 require that all State agencies that have jurisdiction by
20 State or Federal law over environmental-related issues that
21 may be affected by the project, or that are required to issue
22 any environmental-related reviews, analyses, opinions, or
23 determinations on issuing any permits, licenses, or approv-
24 als for the project, be subject to the coordinated environ-
25 mental review process established under this section unless

1 *the Secretary determines that a State's participation would*
2 *not be in the public interest. For a State to require State*
3 *agencies to participate in the review process, all affected*
4 *agencies of the State shall be subject to the review process.*

5 *(e) ASSISTANCE TO AFFECTED FEDERAL AGENCIES.—*

6 *(1) IN GENERAL.—The Secretary may approve a*
7 *request by a State or other recipient of assistance*
8 *under chapter 471 of title 49, United States Code, to*
9 *provide funds made available from the Airport and*
10 *Airway Trust Fund to the State or recipient for an*
11 *aviation project subject to the coordinated environ-*
12 *mental review process established under this section to*
13 *affected Federal agencies to provide the resources nec-*
14 *essary to meet any time limits established under this*
15 *section.*

16 *(2) AMOUNTS.—Such requests under paragraph*
17 *(1) shall be approved only—*

18 *(A) for the additional amounts that the Sec-*
19 *retary determines are necessary for the affected*
20 *Federal agencies to meet the time limits for envi-*
21 *ronmental review; and*

22 *(B) if such time limits are less than the cus-*
23 *tomary time necessary for such review.*

24 *(f) JUDICIAL REVIEW AND SAVINGS CLAUSE.—*

1 (A) by inserting “substantial and” before
2 “material”; and

3 (B) by inserting “or” after the semicolon at
4 the end; and

5 (4) by striking subclauses (II), (III), and (IV)
6 and inserting the following:

7 “(II) raise novel or significant legal or
8 policy issues arising out of legal mandates
9 that may substantially and materially af-
10 fect other transportation modes.”.

11 **SEC. 307. INDEPENDENT STUDY OF FAA COSTS AND ALLO-**
12 **CATIONS.**

13 (a) *INDEPENDENT ASSESSMENT.*—

14 (1) *IN GENERAL.*—*The Inspector General of the*
15 *Department of Transportation shall conduct the as-*
16 *sessments described in this section. To conduct the as-*
17 *sessments, the Inspector General may use the staff*
18 *and resources of the Inspector General or contract*
19 *with 1 or more independent entities.*

20 (2) *ASSESSMENT OF ADEQUACY AND ACCURACY*
21 *OF FAA COST DATA AND ATTRIBUTIONS.*—

22 (A) *IN GENERAL.*—*The Inspector General*
23 *shall conduct an assessment to ensure that the*
24 *method for calculating the overall costs of the*
25 *Federal Aviation Administration and attrib-*

1 *uting such costs to specific users is appropriate,*
2 *reasonable, and understandable to the users.*

3 (B) COMPONENTS.—*In conducting the as-*
4 *essment under this paragraph, the Inspector*
5 *General shall assess the following:*

6 (i) *The Federal Aviation Administra-*
7 *tion’s cost input data, including the reli-*
8 *ability of the Federal Aviation Administra-*
9 *tion’s source documents and the integrity*
10 *and reliability of the Federal Aviation Ad-*
11 *ministration’s data collection process.*

12 (ii) *The Federal Aviation Administra-*
13 *tion’s system for tracking assets.*

14 (iii) *The Federal Aviation Administra-*
15 *tion’s bases for establishing asset values and*
16 *depreciation rates.*

17 (iv) *The Federal Aviation Administra-*
18 *tion’s system of internal controls for ensur-*
19 *ing the consistency and reliability of re-*
20 *ported data.*

21 (v) *The Federal Aviation Administra-*
22 *tion’s definition of the services to which the*
23 *Federal Aviation Administration ultimately*
24 *attributes its costs.*

1 (vi) *The cost pools used by the Federal*
2 *Aviation Administration and the rationale*
3 *for and reliability of the bases which the*
4 *Federal Aviation Administration proposes*
5 *to use in allocating costs of services to users.*

6 (C) *REQUIREMENTS FOR ASSESSMENT OF*
7 *COST POOLS.—In carrying out subparagraph*
8 *(B)(vi), the Inspector General shall—*

9 (i) *review costs that cannot reliably be*
10 *attributed to specific Federal Aviation Ad-*
11 *ministration services or activities (called*
12 *“common and fixed costs” in the Federal*
13 *Aviation Administration Cost Allocation*
14 *Study) and consider alternative methods for*
15 *allocating such costs; and*

16 (ii) *perform appropriate tests to assess*
17 *relationships between costs in the various*
18 *cost pools and activities and services to*
19 *which the costs are attributed by the Fed-*
20 *eral Aviation Administration.*

21 (3) *COST EFFECTIVENESS.—*

22 (A) *IN GENERAL.—The Inspector General*
23 *shall assess the progress of the Federal Aviation*
24 *Administration in cost and performance man-*
25 *agement, including use of internal and external*

1 *benchmarking in improving the performance and*
2 *productivity of the Federal Aviation Administra-*
3 *tion.*

4 *(B) ANNUAL REPORTS.—Not later than De-*
5 *cember 31, 2000, and annually thereafter until*
6 *December 31, 2004, the Inspector General shall*
7 *transmit to Congress an updated report con-*
8 *taining the results of the assessment conducted*
9 *under this paragraph.*

10 *(C) INFORMATION TO BE INCLUDED IN FAA*
11 *FINANCIAL REPORT.—The Administrator shall*
12 *include in the annual financial report of the*
13 *Federal Aviation Administration information on*
14 *the performance of the Administration sufficient*
15 *to permit users and others to make an informed*
16 *evaluation of the progress of the Administration*
17 *in increasing productivity.*

18 *(b) FUNDING.—Of the amounts appropriated pursuant*
19 *to section 106(k) of title 49, United States Code, for fiscal*
20 *year 2000, not to exceed \$1,500,000 may be used to carry*
21 *out this section.*

1 **TITLE IV—FAMILY ASSISTANCE**

2 **SEC. 401. RESPONSIBILITIES OF NATIONAL TRANSPORTATION SAFETY BOARD.**

3 **TATION SAFETY BOARD.**
4 (a) *PROHIBITION ON UNSOLICITED COMMUNICATIONS.—*

5 *ATIONS.—*
6 (1) *IN GENERAL.—Section 1136(g)(2) is*
7 *amended—*

8 (A) *by striking “transportation,” and in-*
9 *serting “transportation and in the event of an*
10 *accident involving a foreign air carrier that oc-*
11 *currs within the United States,”;*

12 (B) *by inserting after “attorney” the fol-*
13 *lowing: “(including any associate, agent, em-*
14 *ployee, or other representative of an attorney)”;*
15 *and*

16 (C) *by striking “30th day” and inserting*
17 *“45th day”.*

18 (2) *ENFORCEMENT.—Section 1151 is amended*
19 *by inserting “1136(g)(2),” before “or 1155(a)” each*
20 *place it appears.*

21 (b) *PROHIBITION ON ACTIONS TO PREVENT MENTAL*
22 *HEALTH AND COUNSELING SERVICES.—Section 1136(g) is*
23 *amended by adding at the end the following:*

24 (3) *PROHIBITION ON ACTIONS TO PREVENT*
25 *MENTAL HEALTH AND COUNSELING SERVICES.—No*

1 *State or political subdivision may prevent the em-*
2 *ployees, agents, or volunteers of an organization des-*
3 *ignated for an accident under subsection (a)(2) from*
4 *providing mental health and counseling services*
5 *under subsection (c)(1) in the 30-day period begin-*
6 *ning on the date of the accident. The director of fam-*
7 *ily support services designated for the accident under*
8 *subsection (a)(1) may extend such period for not to*
9 *exceed an additional 30 days if the director deter-*
10 *mines that the extension is necessary to meet the*
11 *needs of the families and if State and local authori-*
12 *ties are notified of the determination.”.*

13 *(c) INCLUSION OF NONREVENUE PASSENGERS IN FAM-*
14 *ILY ASSISTANCE COVERAGE.—Section 1136(h)(2) is amend-*
15 *ed to read as follows:*

16 “(2) *PASSENGER.—The term ‘passenger’*
17 *includes—*

18 “(A) *an employee of an air carrier or for-*
19 *ign air carrier aboard an aircraft; and*

20 “(B) *any other person aboard the aircraft*
21 *without regard to whether the person paid for the*
22 *transportation, occupied a seat, or held a res-*
23 *ervation for the flight.”.*

24 *(d) LIMITATION ON STATUTORY CONSTRUCTION.—Sec-*
25 *tion 1136 is amended by adding at the end the following:*

1 “(i) *LIMITATION ON STATUTORY CONSTRUCTION.*—
2 *Nothing in this section may be construed as limiting the*
3 *actions that an air carrier may take, or the obligations that*
4 *an air carrier may have, in providing assistance to the*
5 *families of passengers involved in an aircraft accident.”.*

6 **SEC. 402. AIR CARRIER PLANS.**

7 (a) *CONTENTS OF PLANS.*—

8 (1) *FLIGHT RESERVATION INFORMATION.*—*Sec-*
9 *tion 41113(b) is amended by adding at the end the*
10 *following:*

11 “(14) *An assurance that, upon request of the*
12 *family of a passenger, the air carrier will inform the*
13 *family of whether the passenger’s name appeared on*
14 *a preliminary passenger manifest for the flight in-*
15 *volved in the accident.”.*

16 (2) *TRAINING OF EMPLOYEES AND AGENTS.*—
17 *Section 41113(b) is further amended by adding at the*
18 *end the following:*

19 “(15) *An assurance that the air carrier will pro-*
20 *vide adequate training to the employees and agents of*
21 *the carrier to meet the needs of survivors and family*
22 *members following an accident.”.*

23 (3) *CONSULTATION ON CARRIER RESPONSE NOT*
24 *COVERED BY PLAN.*—*Section 41113(b) is further*
25 *amended by adding at the end the following:*

1 “(16) *An assurance that the air carrier, in the*
2 *event that the air carrier volunteers assistance to*
3 *United States citizens within the United States in the*
4 *case of an aircraft accident outside the United States*
5 *involving major loss of life, the air carrier will con-*
6 *sult with the Board and the Department of State on*
7 *the provision of the assistance.”.*

8 (4) *SUBMISSION OF UPDATED PLANS.—The*
9 *amendments made by paragraphs (1), (2), and (3)*
10 *shall take effect on the 180th day following the date*
11 *of enactment of this Act. On or before such 180th day,*
12 *each air carrier holding a certificate of public conven-*
13 *ience and necessity under section 41102 of title 49,*
14 *United States Code, shall submit to the Secretary of*
15 *Transportation and the Chairman of the National*
16 *Transportation Safety Board an updated plan under*
17 *section 41113 of such title that meets the requirement*
18 *of the amendments made by paragraphs (1), (2), and*
19 *(3).*

20 (5) *CONFORMING AMENDMENTS.—Section 41113*
21 *is amended—*

22 (A) *in subsection (a) by striking “Not later*
23 *than 6 months after the date of the enactment of*
24 *this section, each air carrier” and inserting*
25 *“Each air carrier”; and*

1 (B) in subsection (c) by striking “After the
2 date that is 6 months after the date of the enact-
3 ment of this section, the Secretary” and insert-
4 ing “The Secretary”.

5 (b) *LIMITATION ON LIABILITY*.—Section 41113(d) is
6 amended by inserting “, or in providing information con-
7 cerning a flight reservation,” before “pursuant to a plan”.

8 (c) *LIMITATION ON STATUTORY CONSTRUCTION*.—Sec-
9 tion 41113 is amended by adding at the end the following:

10 “(f) *LIMITATION ON STATUTORY CONSTRUCTION*.—
11 Nothing in this section may be construed as limiting the
12 actions that an air carrier may take, or the obligations that
13 an air carrier may have, in providing assistance to the
14 families of passengers involved in an aircraft accident.”.

15 **SEC. 403. FOREIGN AIR CARRIER PLANS.**

16 (a) *INCLUSION OF NONREVENUE PASSENGERS IN FAM-
17 ILY ASSISTANCE COVERAGE*.—Section 41313(a)(2) is
18 amended to read as follows:

19 “(2) *PASSENGER*.—The term ‘passenger’ has the
20 meaning given such term by section 1136 of this
21 title.”.

22 (b) *ACCIDENTS FOR WHICH PLAN IS REQUIRED*.—
23 Section 41313(b) is amended by striking “significant” and
24 inserting “major”.

25 (c) *CONTENTS OF PLANS*.—

1 (1) *IN GENERAL.*—Section 41313(c) is amended
2 by adding at the end the following:

3 “(15) *TRAINING OF EMPLOYEES AND AGENTS.*—
4 An assurance that the foreign air carrier will provide
5 adequate training to the employees and agents of the
6 carrier to meet the needs of survivors and family
7 members following an accident.

8 “(16) *CONSULTATION ON CARRIER RESPONSE*
9 *NOT COVERED BY PLAN.*—An assurance that the for-
10 eign air carrier, in the event that the foreign air car-
11 rier volunteers assistance to United States citizens
12 within the United States in the case of an aircraft ac-
13 cident outside the United States involving major loss
14 of life, the foreign air carrier will consult with the
15 Board and the Department of State on the provision
16 of the assistance.”.

17 (2) *SUBMISSION OF UPDATED PLANS.*—The
18 amendment made by paragraph (1) shall take effect
19 on the 180th day following the date of enactment of
20 this Act. On or before such 180th day, each foreign
21 air carrier providing foreign air transportation
22 under chapter 413 of title 49, United States Code,
23 shall submit to the Secretary of Transportation and
24 the Chairman of the National Transportation Safety
25 Board an updated plan under section 41313 of such

1 (1) *cockpit based collision detection and conflict*
2 *resolution guidance, including display of traffic; and*

3 (2) *a margin of safety of at least the same level*
4 *as provided by the collision avoidance system known*
5 *as TCAS-II.*

6 (b) *EXTENSION OF DEADLINE.—The Administrator*
7 *may extend the deadline established by subsection (a) by*
8 *not more than 2 years if the Administrator finds that the*
9 *extension is needed to promote—*

10 (1) *a safe and orderly transition to the operation*
11 *of a fleet of cargo aircraft equipped with collision*
12 *avoidance equipment; or*

13 (2) *other safety or public interest objectives.*

14 **SEC. 502. RECORDS OF EMPLOYMENT OF PILOT APPLI-**
15 **CANTS.**

16 *Section 44936(f) is amended—*

17 (1) *in paragraph (1)(B) by inserting “(except a*
18 *branch of the United States Armed Forces, the Na-*
19 *tional Guard, or a reserve component of the United*
20 *States Armed Forces)” after “person” the first place*
21 *it appears;*

22 (2) *in paragraph (1)(B)(ii) by striking “indi-*
23 *vidual” the first place it appears and inserting “indi-*
24 *vidual’s performance as a pilot”;*

1 *courage the development of air safety risk mitigation pro-*
2 *grams throughout the aviation industry, including self-au-*
3 *dits and self-disclosure programs.”.*

4 **SEC. 505. FLIGHT OPERATIONS QUALITY ASSURANCE**
5 **RULES.**

6 *Not later than 30 days after the date of enactment of*
7 *this Act, the Administrator shall issue a notice of proposed*
8 *rulemaking to develop procedures to protect air carriers and*
9 *their employees from civil enforcement actions under the*
10 *program known as Flight Operations Quality Assurance.*
11 *Not later than 1 year after the last day of the period for*
12 *public comment provided for in the notice of proposed rule-*
13 *making, the Administrator shall issue a final rule estab-*
14 *lishing such procedures.*

15 **SEC. 506. SMALL AIRPORT CERTIFICATION.**

16 *Not later than 60 days after the date of enactment of*
17 *this Act, the Administrator shall issue a notice of proposed*
18 *rulemaking on implementing section 44706(a)(2) of title 49,*
19 *United States Code, relating to issuance of airport oper-*
20 *ating certificates for small scheduled passenger air carrier*
21 *operations. Not later than 1 year after the last day of the*
22 *period for public comment provided for in the notice of pro-*
23 *posed rulemaking, the Administrator shall issue a final rule*
24 *on implementing such program.*

1 **SEC. 507. LIFE-LIMITED AIRCRAFT PARTS.**

2 (a) *IN GENERAL.*—Chapter 447 is amended by adding
3 at the end the following:

4 **“§ 44725. Life-limited aircraft parts**

5 “(a) *IN GENERAL.*—The Administrator of the Federal
6 Aviation Administration shall conduct a rulemaking pro-
7 ceeding to require the safe disposition of life-limited parts
8 removed from an aircraft. The rulemaking proceeding shall
9 ensure that the disposition deter installation on an aircraft
10 of a life-limited part that has reached or exceeded its life
11 limits.

12 “(b) *SAFE DISPOSITION.*—For the purposes of this sec-
13 tion, safe disposition includes any of the following methods:

14 “(1) The part may be segregated under cir-
15 cumstances that preclude its installation on an air-
16 craft.

17 “(2) The part may be permanently marked to
18 indicate its used life status.

19 “(3) The part may be destroyed in any manner
20 calculated to prevent reinstallation in an aircraft.

21 “(4) The part may be marked, if practicable, to
22 include the recordation of hours, cycles, or other air-
23 worthiness information. If the parts are marked with
24 cycles or hours of usage, that information must be up-
25 dated when the part is retired from service.

1 “(5) Any other method approved by the Adminis-
2 trator.

3 “(c) *DEADLINES.*—In conducting the rulemaking pro-
4 ceeding under subsection (a), the Administrator shall—

5 “(1) not later than 180 days after the date of en-
6 actment of this section, issue a notice of proposed
7 rulemaking; and

8 “(2) not later than 180 days after the close of the
9 comment period on the proposed rule, issue a final
10 rule.

11 “(d) *PRIOR-REMOVED LIFE-LIMITED PARTS.*—No rule
12 issued under subsection (a) shall require the marking of
13 parts removed before the effective date of the rules issued
14 under subsection (a), nor shall any such rule forbid the in-
15 stallation of an otherwise airworthy life-limited part.”.

16 (b) *CIVIL PENALTY.*—Section 46301(a)(3) is
17 amended—

18 (1) in subparagraph (A) by striking “or” at the
19 end;

20 (2) in subparagraph (B) by striking the period
21 at the end and inserting a semicolon; and

22 (3) by adding at the end the following:

23 “(C) a violation of section 44725, relating to the
24 safe disposal of life-limited aircraft parts; or”.

1 (c) *CONFORMING AMENDMENT.*—*The analysis for*
 2 *chapter 447 is further amended by adding at the end the*
 3 *following:*

“44725. *Life-limited aircraft parts.*”.

4 **SEC. 508. FAA MAY FINE UNRULY PASSENGERS.**

5 (a) *IN GENERAL.*—*Chapter 463 is amended—*

6 (1) *by redesignating section 46316 as section*
 7 *46317; and*

8 (2) *by inserting after section 46315 the fol-*
 9 *lowing:*

10 **“§46316. *Interference with cabin or flight crew***

11 *“An individual who interferes with the duties or re-*
 12 *sponsibilities of the flight crew or cabin crew of a civil air-*
 13 *craft, or who poses an imminent threat to the safety of the*
 14 *aircraft or other individuals on the aircraft, is liable to the*
 15 *United States Government for a civil penalty of not more*
 16 *than \$25,000.”.*

17 (b) *COMPROMISE AND SETOFF.*—*Section*
 18 *46301(f)(1)(A)(i) is amended by inserting “46316,” before*
 19 *“or 47107(b)”.*

20 (c) *CONFORMING AMENDMENT.*—*The analysis for*
 21 *chapter 463 is amended by striking the item relating to sec-*
 22 *tion 46316 and inserting after the item relating to section*
 23 *46315 the following:*

“46316. *Interference with cabin or flight crew.*

“46317. *General criminal penalty when specific penalty not provided.*”.

1 **SEC. 509. REPORT ON AIR TRANSPORTATION OVERSIGHT**
2 **SYSTEM.**

3 *Not later than March 1, 2000, and annually thereafter*
4 *for the next 5 years, the Administrator shall transmit to*
5 *the Committee on Transportation and Infrastructure of the*
6 *House of Representatives and the Committee on Commerce,*
7 *Science, and Transportation of the Senate a report on the*
8 *progress of the Federal Aviation Administration in imple-*
9 *menting the air transportation oversight system. At a min-*
10 *imum, the report shall indicate—*

11 *(1) any funding or staffing constraints that*
12 *would adversely impact the Administration's ability*
13 *to fully develop and implement such system;*

14 *(2) progress in integrating the aviation safety*
15 *data derived from such system's inspections with ex-*
16 *isting aviation data of the Administration in the*
17 *safety performance analysis system of the Adminis-*
18 *tration; and*

19 *(3) the Administration's efforts in collaboration*
20 *with the aviation industry to develop and validate*
21 *safety performance measures and appropriate risk*
22 *weightings for the air transportation oversight sys-*
23 *tem.*

24 **SEC. 510. AIRPLANE EMERGENCY LOCATORS.**

25 *(a) REQUIREMENT.—Section 44712(b) is amended to*
26 *read as follows:*

1 “(b) *NONAPPLICATION.*—*Subsection (a) does not apply*
2 *to—*

3 “(1) *aircraft when used in scheduled flights by*
4 *scheduled air carriers holding certificates issued by*
5 *the Secretary of Transportation under subpart II of*
6 *this part;*

7 “(2) *aircraft when used in training operations*
8 *conducted entirely within a 50-mile radius of the air-*
9 *port from which the training operations begin;*

10 “(3) *aircraft when used in flight operations re-*
11 *lated to the design and testing, manufacture, prepara-*
12 *tion, and delivery of aircraft;*

13 “(4) *aircraft when used in research and develop-*
14 *ment if the aircraft holds a certificate from the Ad-*
15 *ministrator of the Federal Aviation Administration to*
16 *carry out such research and development;*

17 “(5) *aircraft when used in showing compliance*
18 *with regulations crew training, exhibition, air racing,*
19 *or market surveys;*

20 “(6) *aircraft when used in the aerial application*
21 *of a substance for an agricultural purpose;*

22 “(7) *aircraft with a maximum payload capacity*
23 *of more than 7,500 pounds when used in air trans-*
24 *portation; or*

1 “(8) aircraft capable of carrying only one indi-
2 vidual.”.

3 (b) *COMPLIANCE*.—Section 44712 is amended by redес-
4 ignating subsection (c) as subsection (d) and by inserting
5 after subsection (b) the following:

6 “(c) *COMPLIANCE*.—An aircraft meets the requirement
7 of subsection (a) if it is equipped with an emergency locator
8 transmitter that transmits on the 121.5/243 megahertz fre-
9 quency or the 406 megahertz frequency, or with other equip-
10 ment approved by the Secretary for meeting the requirement
11 of subsection (a).”.

12 (c) *EFFECTIVE DATE; REGULATIONS*.—

13 (1) *REGULATIONS*.—The Secretary of Transpor-
14 tation shall issue regulations under section 44712(b)
15 of title 49, United States Code, as amended by this
16 section not later than January 1, 2002.

17 (2) *EFFECTIVE DATE*.—The amendments made
18 by this section shall take effect on January 1, 2002.

19 **TITLE VI—WHISTLEBLOWER**
20 **PROTECTION**

21 **SEC. 601. PROTECTION OF EMPLOYEES PROVIDING AIR**
22 **SAFETY INFORMATION.**

23 (a) *GENERAL RULE*.—Chapter 421 is amended by
24 adding at the end the following:

1 “SUBCHAPTER III—WHISTLEBLOWER
2 PROTECTION PROGRAM

3 **“§ 42121. Protection of employees providing air safety**
4 **information**

5 “(a) *DISCRIMINATION AGAINST AIRLINE EMPLOY-*
6 *EES.—No air carrier or contractor or subcontractor of an*
7 *air carrier may discharge an employee or otherwise dis-*
8 *criminate against an employee with respect to compensa-*
9 *tion, terms, conditions, or privileges of employment because*
10 *the employee (or any person acting pursuant to a request*
11 *of the employee)—*

12 “(1) *provided, caused to be provided, or is about*
13 *to provide (with any knowledge of the employer) or*
14 *cause to be provided to the employer or Federal Gov-*
15 *ernment information relating to any violation or al-*
16 *leged violation of any order, regulation, or standard*
17 *of the Federal Aviation Administration or any other*
18 *provision of Federal law relating to air carrier safety*
19 *under this subtitle or any other law of the United*
20 *States;*

21 “(2) *has filed, caused to be filed, or is about to*
22 *file (with any knowledge of the employer) or cause to*
23 *be filed a proceeding relating to any violation or al-*
24 *leged violation of any order, regulation, or standard*
25 *of the Federal Aviation Administration or any other*

1 *provision of Federal law relating to air carrier safety*
2 *under this subtitle or any other law of the United*
3 *States;*

4 “(3) *testified or is about to testify in such a pro-*
5 *ceeding; or*

6 “(4) *assisted or participated or is about to assist*
7 *or participate in such a proceeding.*

8 “(b) *DEPARTMENT OF LABOR COMPLAINT PROCE-*
9 *DURE.—*

10 “(1) *FILING AND NOTIFICATION.—A person who*
11 *believes that he or she has been discharged or other-*
12 *wise discriminated against by any person in viola-*
13 *tion of subsection (a) may, not later than 90 days*
14 *after the date on which such violation occurs, file (or*
15 *have any person file on his or her behalf) a complaint*
16 *with the Secretary of Labor alleging such discharge or*
17 *discrimination. Upon receipt of such a complaint, the*
18 *Secretary of Labor shall notify, in writing, the person*
19 *named in the complaint and the Administrator of the*
20 *Federal Aviation Administration of the filing of the*
21 *complaint, of the allegations contained in the com-*
22 *plaint, of the substance of evidence supporting the*
23 *complaint, and of the opportunities that will be af-*
24 *forded to such person under paragraph (2).*

25 “(2) *INVESTIGATION; PRELIMINARY ORDER.—*

1 “(A) *IN GENERAL.*—Not later than 60 days
2 *after the date of receipt of a complaint filed*
3 *under paragraph (1) and after affording the per-*
4 *son named in the complaint an opportunity to*
5 *submit to the Secretary of Labor a written re-*
6 *sponse to the complaint and an opportunity to*
7 *meet with a representative of the Secretary to*
8 *present statements from witnesses, the Secretary*
9 *of Labor shall conduct an investigation and de-*
10 *termine whether there is reasonable cause to be-*
11 *lieve that the complaint has merit and notify, in*
12 *writing, the complainant and the person alleged*
13 *to have committed a violation of subsection (a)*
14 *of the Secretary’s findings. If the Secretary of*
15 *Labor concludes that there is a reasonable cause*
16 *to believe that a violation of subsection (a) has*
17 *occurred, the Secretary shall accompany the Sec-*
18 *retary’s findings with a preliminary order pro-*
19 *viding the relief prescribed by paragraph (3)(B).*
20 *Not later than 30 days after the date of notifica-*
21 *tion of findings under this paragraph, either the*
22 *person alleged to have committed the violation or*
23 *the complainant may file objections to the find-*
24 *ings or preliminary order, or both, and request*
25 *a hearing on the record. The filing of such objec-*

1 *tions shall not operate to stay any reinstatement*
2 *remedy contained in the preliminary order. Such*
3 *hearings shall be conducted expeditiously. If a*
4 *hearing is not requested in such 30-day period,*
5 *the preliminary order shall be deemed a final*
6 *order that is not subject to judicial review.*

7 *“(B) REQUIREMENTS.—*

8 *“(i) REQUIRED SHOWING BY COM-*
9 *PLAINANT.—The Secretary of Labor shall*
10 *dismiss a complaint filed under this sub-*
11 *section and shall not conduct an investiga-*
12 *tion otherwise required under subparagraph*
13 *(A) unless the complainant makes a prima*
14 *facie showing that any behavior described*
15 *in paragraphs (1) through (4) of subsection*
16 *(a) was a contributing factor in the unfa-*
17 *vorable personnel action alleged in the com-*
18 *plaint.*

19 *“(ii) SHOWING BY EMPLOYER.—Not-*
20 *withstanding a finding by the Secretary*
21 *that the complainant has made the showing*
22 *required under clause (i), no investigation*
23 *otherwise required under subparagraph (A)*
24 *shall be conducted if the employer dem-*
25 *onstrates, by clear and convincing evidence,*

1 that the employer would have taken the
2 same unfavorable personnel action in the
3 absence of that behavior.

4 “(iii) *CRITERIA FOR DETERMINATION*
5 *BY SECRETARY.*—The Secretary may deter-
6 mine that a violation of subsection (a) has
7 occurred only if the complainant dem-
8 onstrates that any behavior described in
9 paragraphs (1) through (4) of subsection (a)
10 was a contributing factor in the unfavorable
11 personnel action alleged in the complaint.

12 “(iv) *PROHIBITION.*—Relief may not
13 be ordered under subparagraph (A) if the
14 employer demonstrates by clear and con-
15 vincing evidence that the employer would
16 have taken the same unfavorable personnel
17 action in the absence of that behavior.

18 “(3) *FINAL ORDER.*—

19 “(A) *DEADLINE FOR ISSUANCE; SETTLE-*
20 *MENT AGREEMENTS.*—Not later than 120 days
21 after the date of conclusion of a hearing under
22 paragraph (2), the Secretary of Labor shall issue
23 a final order providing the relief prescribed by
24 this paragraph or denying the complaint. At any
25 time before issuance of a final order, a pro-

1 *ceeding under this subsection may be terminated*
2 *on the basis of a settlement agreement entered*
3 *into by the Secretary of Labor, the complainant,*
4 *and the person alleged to have committed the*
5 *violation.*

6 “(B) *REMEDY.—If, in response to a com-*
7 *plaint filed under paragraph (1), the Secretary*
8 *of Labor determines that a violation of sub-*
9 *section (a) has occurred, the Secretary of Labor*
10 *shall order the person who committed such viola-*
11 *tion to—*

12 “(i) *take affirmative action to abate*
13 *the violation;*

14 “(ii) *reinstate the complainant to his*
15 *or her former position together with the*
16 *compensation (including back pay) and re-*
17 *store the terms, conditions, and privileges*
18 *associated with his or her employment; and*

19 “(iii) *provide compensatory damages*
20 *to the complainant.*

21 *If such an order is issued under this paragraph,*
22 *the Secretary of Labor, at the request of the com-*
23 *plainant, shall assess against the person against*
24 *whom the order is issued a sum equal to the ag-*
25 *gregate amount of all costs and expenses (includ-*

1 *ing attorneys' and expert witness fees) reason-*
2 *ably incurred, as determined by the Secretary of*
3 *Labor, by the complainant for, or in connection*
4 *with, the bringing the complaint upon which the*
5 *order was issued.*

6 “(C) *FRIVOLOUS COMPLAINTS.*—*If the Sec-*
7 *retary of Labor finds that a complaint under*
8 *paragraph (1) is frivolous or has been brought in*
9 *bad faith, the Secretary of Labor may award to*
10 *the prevailing employer a reasonable attorney's*
11 *fee not exceeding \$5,000.*

12 “(4) *REVIEW.*—

13 “(A) *APPEAL TO COURT OF APPEALS.*—*Any*
14 *person adversely affected or aggrieved by an*
15 *order issued under paragraph (3) may obtain re-*
16 *view of the order in the United States Court of*
17 *Appeals for the circuit in which the violation,*
18 *with respect to which the order was issued, alleg-*
19 *edly occurred or the circuit in which the com-*
20 *plainant resided on the date of such violation.*
21 *The petition for review must be filed not later*
22 *than 60 days after the date of the issuance of the*
23 *final order of the Secretary of Labor. Review*
24 *shall conform to chapter 7 of title 5. The com-*
25 *mencement of proceedings under this subpara-*

1 *graph shall not, unless ordered by the court, op-*
2 *erate as a stay of the order.*

3 “(B) *LIMITATION ON COLLATERAL AT-*
4 *TACK.—An order of the Secretary of Labor with*
5 *respect to which review could have been obtained*
6 *under subparagraph (A) shall not be subject to*
7 *judicial review in any criminal or other civil*
8 *proceeding.*

9 “(5) *ENFORCEMENT OF ORDER BY SECRETARY*
10 *OF LABOR.—Whenever any person has failed to com-*
11 *ply with an order issued under paragraph (3), the*
12 *Secretary of Labor may file a civil action in the*
13 *United States district court for the district in which*
14 *the violation was found to occur to enforce such order.*
15 *In actions brought under this paragraph, the district*
16 *courts shall have jurisdiction to grant all appropriate*
17 *relief including, but not limited to, injunctive relief*
18 *and compensatory damages.*

19 “(6) *ENFORCEMENT OF ORDER BY PARTIES.—*

20 “(A) *COMMENCEMENT OF ACTION.—A per-*
21 *son on whose behalf an order was issued under*
22 *paragraph (3) may commence a civil action*
23 *against the person to whom such order was*
24 *issued to require compliance with such order.*
25 *The appropriate United States district court*

1 *shall have jurisdiction, without regard to the*
2 *amount in controversy or the citizenship of the*
3 *parties, to enforce such order.*

4 “(B) *ATTORNEY FEES.*—*The court, in*
5 *issuing any final order under this paragraph,*
6 *may award costs of litigation (including reason-*
7 *able attorney and expert witness fees) to any*
8 *party whenever the court determines such award*
9 *is appropriate.*

10 “(c) *MANDAMUS.*—*Any nondiscretionary duty im-*
11 *posed by this section shall be enforceable in a mandamus*
12 *proceeding brought under section 1361 of title 28.*

13 “(d) *NONAPPLICABILITY TO DELIBERATE VIOLA-*
14 *TIONS.*—*Subsection (a) shall not apply with respect to an*
15 *employee of an air carrier, contractor, or subcontractor*
16 *who, acting without direction from such air carrier, con-*
17 *tractor, or subcontractor (or such person’s agent), delib-*
18 *erately causes a violation of any requirement relating to*
19 *air carrier safety under this subtitle or any other law of*
20 *the United States.*

21 “(e) *CONTRACTOR DEFINED.*—*In this section, the term*
22 *‘contractor’ means a company that performs safety-sensitive*
23 *functions by contract for an air carrier.’.*

24 “(b) *CONFORMING AMENDMENT.*—*The analysis for*
25 *chapter 421 is amended by adding at the end the following:*

“SUBCHAPTER III—WHISTLEBLOWER PROTECTION PROGRAM

“42121. Protection of employees providing air safety information.”.

1 **SEC. 602. CIVIL PENALTY.**

2 Section 46301(a)(1)(A) is amended by striking “sub-
3 chapter II of chapter 421” and inserting “subchapter II or
4 III of chapter 421”.

5 **TITLE VII—MISCELLANEOUS**
6 **PROVISIONS**

7 **SEC. 701. DUTIES AND POWERS OF ADMINISTRATOR.**

8 Section 106(g)(1)(A) is amended by striking
9 “40113(a), (c), and (d),” and all that follows through
10 “45302–45304,” and inserting “40113(a), 40113(c),
11 40113(d), 40113(e), 40114(a), and 40119, chapter 445 (ex-
12 cept sections 44501(b), 44502(a)(2), 44502(a)(3),
13 44502(a)(4), 44503, 44506, 44509, 44510, 44514, and
14 44515), chapter 447 (except sections 44717, 44718(a),
15 44718(b), 44719, 44720, 44721(b), 44722, and 44723),
16 chapter 449 (except sections 44903(d), 44904, 44905,
17 44907–44911, 44913, 44915, and 44931–44934), chapter
18 451, chapter 453, sections”.

19 **SEC. 702. PUBLIC AIRCRAFT.**

20 (a) **RESTATEMENT OF DEFINITION OF PUBLIC AIR-**
21 **CRAFT WITHOUT SUBSTANTIVE CHANGE.**—Section
22 40102(a)(38) (as redesignated by section 301 of this Act)
23 is amended to read as follows:

24 “(38) ‘public aircraft’ means an aircraft—

1 “(A) used only for the United States Gov-
2 ernment, and operated under the conditions spec-
3 ified by section 40125(b) if owned by the Govern-
4 ment;

5 “(B) owned by the United States Govern-
6 ment, operated by any person for purposes re-
7 lated to crew training, equipment development,
8 or demonstration, and operated under the condi-
9 tions specified by section 40125(b);

10 “(C) owned and operated by the government
11 of a State, the District of Columbia, a territory
12 or possession of the United States, or a political
13 subdivision of one of these governments, under
14 the conditions specified by section 40125(c); or

15 “(D) exclusively leased for at least 90 con-
16 tinuous days by the government of a State, the
17 District of Columbia, a territory or possession of
18 the United States, or a political subdivision of
19 one of these governments, under the conditions
20 specified by section 40125(c).”.

21 (b) *QUALIFICATIONS FOR PUBLIC AIRCRAFT STA-*
22 *TUS.—*

23 (1) *IN GENERAL.—*Chapter 401 is amended by
24 adding at the end the following:

1 **“§ 40125. Qualifications for public aircraft status**

2 “(a) *DEFINITIONS.*—*In this section, the following defi-*
3 *nitions apply:*

4 “(1) *COMMERCIAL PURPOSES.*—*The term ‘com-*
5 *mmercial purposes’ means the transportation of persons*
6 *or property for compensation or hire, but does not in-*
7 *clude the operation of an aircraft by one government*
8 *on behalf of another government under a cost reim-*
9 *bursement agreement if the government on whose be-*
10 *half the operation is conducted certifies to the Admin-*
11 *istrator of the Federal Aviation Administration that*
12 *the operation is necessary to respond to a significant*
13 *and imminent threat to life or property (including*
14 *natural resources) and that no service by a private*
15 *operator is reasonably available to meet the threat.*

16 “(2) *GOVERNMENTAL FUNCTION.*—*The term ‘gov-*
17 *ernmental function’ means an activity undertaken by*
18 *a government, such as firefighting, search and rescue,*
19 *law enforcement, aeronautical research, or biological*
20 *or geological resource management.*

21 “(3) *QUALIFIED NON-CREWMEMBER.*—*The term*
22 *‘qualified non-crewmember’ means an individual,*
23 *other than a member of the crew, aboard an*
24 *aircraft—*

1 “(A) operated by the armed forces or an in-
2 telligence agency of the United States Govern-
3 ment; or

4 “(B) whose presence is required to perform,
5 or is associated with the performance of, a gov-
6 ernmental function.

7 “(b) AIRCRAFT OWNED BY THE UNITED STATES.—An
8 aircraft described in subparagraph (A) or (B) of section
9 40102(a)(38), if owned by the Government, qualifies as a
10 public aircraft except when it is used for commercial pur-
11 poses or to carry an individual other than a crewmember
12 or a qualified non-crewmember.

13 “(c) AIRCRAFT OWNED BY STATE AND LOCAL GOVERN-
14 MENTS.—An aircraft described in subparagraph (C) or (D)
15 of section 40102(a)(38) qualifies as a public aircraft except
16 when it is used for commercial purposes or to carry an in-
17 dividual other than a crewmember or a qualified non-crew-
18 member.”.

19 (2) CONFORMING AMENDMENT.—The analysis for
20 chapter 401 is amended by adding at the end the fol-
21 lowing:

“40125. Qualifications for public aircraft status.”.

22 **SEC. 703. PROHIBITION ON RELEASE OF OFFEROR PRO-**
23 **POSALS.**

24 Section 40110 is amended by adding at the end the
25 following:

1 “(d) *PROHIBITION ON RELEASE OF OFFEROR PRO-*
2 *POSALS.*—

3 “(1) *GENERAL RULE.*—*Except as provided in*
4 *paragraph (2), a proposal in the possession or control*
5 *of the Administrator may not be made available to*
6 *any person under section 552 of title 5.*

7 “(2) *EXCEPTION.*—*Paragraph (1) shall not*
8 *apply to any portion of a proposal of an offeror the*
9 *disclosure of which is authorized by the Administrator*
10 *pursuant to procedures published in the Federal Reg-*
11 *ister. The Administrator shall provide an opportunity*
12 *for public comment on the procedures for a period of*
13 *not less than 30 days beginning on the date of such*
14 *publication in order to receive and consider the views*
15 *of all interested parties on the procedures. The proce-*
16 *dures shall not take effect before the 60th day fol-*
17 *lowing the date of such publication.*

18 “(3) *PROPOSAL DEFINED.*—*In this subsection,*
19 *the term ‘proposal’ means information contained in*
20 *or originating from any proposal, including a tech-*
21 *nical, management, or cost proposal, submitted by an*
22 *offeror in response to the requirements of a sollicita-*
23 *tion for a competitive proposal.”.*

24 **SEC. 704. MULTIYEAR PROCUREMENT CONTRACTS.**

25 *Section 40111 is amended—*

1 *istration's internal process relating to review of major ad-*
2 *verse personnel actions of the Administration, known as*
3 *Guaranteed Fair Treatment or under section 347(c) of the*
4 *Department of Transportation and Related Agencies Ap-*
5 *propriations Act, 1996.*

6 “(h) *ELECTION OF FORUM.*—Where a major adverse
7 *personnel action may be contested through more than one*
8 *of the indicated forums (such as the contractual grievance*
9 *procedure, the Federal Aviation Administration's internal*
10 *process, or that of the Merit Systems Protection Board), an*
11 *employee must elect the forum through which the matter*
12 *will be contested. Nothing in this section is intended to*
13 *allow an employee to contest an action through more than*
14 *one forum unless otherwise allowed by law.*

15 “(i) *DEFINITION.*—For purposes of this section, the
16 *term ‘major adverse personnel action’ means a suspension*
17 *of more than 14 days, a reduction in pay or grade, a re-*
18 *moval for conduct or performance, a nondisciplinary re-*
19 *moval, a furlough of 30 days or less (but not including*
20 *placement in a nonpay status as the result of a lapse of*
21 *appropriations or an enactment by Congress), or a reduc-*
22 *tion in force action.”.*

23 “(c) *APPLICABILITY OF MERIT SYSTEMS PROTECTION*
24 *BOARD PROVISIONS.*—Section 347(b) of the Department of

1 *Transportation and Related Agencies Appropriations Act,*
2 *1996 (109 Stat. 460) is amended—*

3 (1) *by striking “and” at the end of paragraph*
4 *(6);*

5 (2) *by striking the period at the end of para-*
6 *graph (7) and inserting “; and”; and*

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

8 “(8) *sections 1204, 1211–1218, 1221, and 7701–*
9 *7703, relating to the Merit Systems Protection*
10 *Board.”.*

11 (d) *APPEALS TO MERIT SYSTEMS PROTECTION*
12 *BOARD.—Section 347(c) of the Department of Transpor-*
13 *tation and Related Agencies Appropriations Act, 1996 is*
14 *amended to read as follows:*

15 “(c) *APPEALS TO MERIT SYSTEMS PROTECTION*
16 *BOARD.—Under the new personnel management system de-*
17 *veloped and implemented under subsection (a), an employee*
18 *of the Federal Aviation Administration may submit an ap-*
19 *peal to the Merit Systems Protection Board and may seek*
20 *judicial review of any resulting final orders or decisions*
21 *of the Board from any action that was appealable to the*
22 *Board under any law, rule, or regulation as of March 31,*
23 *1996.”.*

1 **SEC. 706. NONDISCRIMINATION IN AIRLINE TRAVEL.**

2 (a) *DISCRIMINATORY PRACTICES.*—Section 41310(a)
3 is amended to read as follows:

4 “(a) *PROHIBITIONS.*—

5 “(1) *IN GENERAL.*—An air carrier or foreign air
6 carrier may not subject a person, place, port, or type
7 of traffic in foreign air transportation to unreason-
8 able discrimination.

9 “(2) *DISCRIMINATION AGAINST PERSONS.*—An
10 air carrier or foreign air carrier may not subject a
11 person in foreign air transportation to discrimina-
12 tion on the basis of race, color, national origin, reli-
13 gion, or sex.”.

14 (b) *INTERSTATE AIR TRANSPORTATION.*—Section
15 41702 is amended—

16 (1) by striking “An air carrier” and inserting
17 “(a) *SAFE AND ADEQUATE AIR TRANSPORTATION.*—
18 An air carrier”; and

19 (2) by adding at the end the following:

20 “(b) *DISCRIMINATION AGAINST PERSONS.*—An air
21 carrier may not subject a person in interstate air transpor-
22 tation to discrimination on the basis of race, color, national
23 origin, religion, or sex.”.

24 (c) *DISCRIMINATION AGAINST HANDICAPPED INDIVID-*
25 *UALS.*—Section 41705 is amended by inserting “or foreign
26 air carrier” after “air carrier”.

1 (d) *CIVIL PENALTY FOR VIOLATIONS OF PROHIBITION*
2 *ON DISCRIMINATION AGAINST THE HANDICAPPED.*—Sec-
3 *tion 46301(a)(3) is further amended by adding at the end*
4 *the following:*

5 “(D) *a violation of section 41705, relating to*
6 *discrimination against handicapped individuals.*”.

7 (e) *INTERNATIONAL AVIATION STANDARDS FOR AC-*
8 *COMMODATING THE HANDICAPPED.*—*The Secretary of*
9 *Transportation shall work with appropriate international*
10 *organizations and the aviation authorities of other nations*
11 *to bring about the establishment of higher standards, if ap-*
12 *propriate, for accommodating handicapped passengers in*
13 *air transportation, particularly with respect to foreign air*
14 *carriers that code share with domestic air carriers.*

15 **SEC. 707. JOINT VENTURE AGREEMENT.**

16 Section 41716(a)(1) is amended by striking “an agree-
17 *ment entered into by a major air carrier*” and inserting
18 “*an agreement entered into between 2 or more major air*
19 *carriers*”.

20 **SEC. 708. EXTENSION OF WAR RISK INSURANCE PROGRAM.**

21 Section 44310 is amended by striking “after” and all
22 *that follows and inserting “after December 31, 2004.”.*

1 **SEC. 709. GENERAL FACILITIES AND PERSONNEL AUTHOR-**
2 **ITY.**

3 *Section 44502(a) is further amended by adding at the*
4 *end the following:*

5 “(6) *IMPROVEMENTS ON LEASED PROPERTIES.—*
6 *The Administrator may make improvements to real*
7 *property leased for no or nominal consideration for*
8 *an air navigation facility, regardless of whether the*
9 *cost of making the improvements exceeds the cost of*
10 *leasing the real property, if—*

11 “(A) *the improvements primarily benefit*
12 *the Government;*

13 “(B) *the improvements are essential for ac-*
14 *complishment of the mission of the Federal Avia-*
15 *tion Administration; and*

16 “(C) *the interest of the Government in the*
17 *improvements is protected.”.*

18 **SEC. 710. IMPLEMENTATION OF ARTICLE 83 BIS OF THE**
19 **CHICAGO CONVENTION.**

20 *Section 44701 is amended by—*

21 (1) *redesignating subsection (e) as subsection (f);*

22 *and*

23 (2) *by inserting after subsection (d) the fol-*
24 *lowing:*

25 “(e) *BILATERAL EXCHANGES OF SAFETY OVERSIGHT*
26 *RESPONSIBILITIES.—*

1 “(1) *IN GENERAL.*—Notwithstanding the provi-
2 sions of this chapter, the Administrator, pursuant to
3 Article 83 bis of the Convention on International
4 Civil Aviation and by a bilateral agreement with the
5 aeronautical authorities of another country, may ex-
6 change with that country all or part of their respec-
7 tive functions and duties with respect to registered
8 aircraft under the following articles of the Conven-
9 tion: Article 12 (Rules of the Air); Article 31 (Certifi-
10 cates of Airworthiness); or Article 32a (Licenses of
11 Personnel).

12 “(2) *RELINQUISHMENT AND ACCEPTANCE OF RE-*
13 *SPONSIBILITY.*—The Administrator relinquishes re-
14 sponsibility with respect to the functions and duties
15 transferred by the Administrator as specified in the
16 bilateral agreement, under the Articles listed in para-
17 graph (1) for United States-registered aircraft de-
18 scribed in paragraph (4)(A) transferred abroad and
19 accepts responsibility with respect to the functions
20 and duties under those Articles for aircraft registered
21 abroad and described in paragraph (4)(B) that are
22 transferred to the United States.

23 “(3) *CONDITIONS.*—The Administrator may
24 predicate, in the agreement, the transfer of functions
25 and duties under this subsection on any conditions

1 *the Administrator deems necessary and prudent, ex-*
2 *cept that the Administrator may not transfer respon-*
3 *sibilities for United States registered aircraft de-*
4 *scribed in paragraph (4)(A) to a country that the Ad-*
5 *ministrator determines is not in compliance with its*
6 *obligations under international law for the safety*
7 *oversight of civil aviation.*

8 “(4) REGISTERED AIRCRAFT DEFINED.—In this
9 subsection, the term ‘registered aircraft’ means—

10 “(A) aircraft registered in the United States
11 and operated pursuant to an agreement for the
12 lease, charter, or interchange of the aircraft or
13 any similar arrangement by an operator that
14 has its principal place of business or, if it has
15 no such place of business, its permanent resi-
16 dence in another country; or

17 “(B) aircraft registered in a foreign country
18 and operated under an agreement for the lease,
19 charter, or interchange of the aircraft or any
20 similar arrangement by an operator that has its
21 principal place of business or, if it has no such
22 place of business, its permanent residence in the
23 United States.”.

24 **SEC. 711. PUBLIC AVAILABILITY OF AIRMEN RECORDS.**

25 *Section 44703 is amended—*

1 (1) *by redesignating subsections (c) through (f)*
2 *as subsections (d) through (g), respectively; and*

3 (2) *by inserting after subsection (b) the fol-*
4 *lowing:*

5 “(c) *PUBLIC INFORMATION.—*

6 “(1) *IN GENERAL.—Subject to paragraph (2)*
7 *and notwithstanding any other provision of law, the*
8 *information contained in the records of contents of*
9 *any airman certificate issued under this section that*
10 *is limited to an airman’s name, address, date of*
11 *birth, and ratings held shall be made available to the*
12 *public after the 120th day following the date of enact-*
13 *ment of the Aviation Investment and Reform Act for*
14 *the 21st Century.*

15 “(2) *OPPORTUNITY TO WITHHOLD INFORMA-*
16 *TION.—Before making any information concerning an*
17 *airman available to the public under paragraph (1),*
18 *the airman shall be given an opportunity to elect that*
19 *the information not be made available to the public.*

20 “(3) *DEVELOPMENT AND IMPLEMENTATION OF*
21 *PROGRAM.—Not later than 60 days after the date of*
22 *enactment of the Aviation Investment and Reform Act*
23 *for the 21st Century, the Administrator shall develop*
24 *and implement, in cooperation with representatives of*
25 *the aviation industry, a one-time written notification*

1 *the stay to make a final disposition of the issues re-*
2 *lated to the existence of the emergency.*

3 “(3) *FINAL DISPOSITION OF APPEAL.—In all*
4 *cases, the Board shall make a final disposition of the*
5 *merits of the appeal not later than 60 days after the*
6 *Administrator advises the Board of the order.”.*

7 **SEC. 713. GOVERNMENT AND INDUSTRY CONSORTIA.**

8 *Section 44903 is amended by adding at the end the*
9 *following:*

10 “(f) *GOVERNMENT AND INDUSTRY CONSORTIA.—The*
11 *Administrator may establish at individual airports such*
12 *consortia of government and aviation industry representa-*
13 *tives as the Administrator may designate to provide advice*
14 *on matters related to aviation security and safety. Such*
15 *consortia shall not be considered Federal advisory commit-*
16 *tees.”.*

17 **SEC. 714. PASSENGER MANIFEST.**

18 *Section 44909(a)(2) is amended by striking “shall”*
19 *and inserting “should”.*

20 **SEC. 715. COST RECOVERY FOR FOREIGN AVIATION SERV-**
21 **ICES.**

22 *Section 45301 is amended—*

23 (1) *by striking subsection (a)(2) and inserting*
24 *the following:*

1 **SEC. 717. WAIVER UNDER AIRPORT NOISE AND CAPACITY**
2 **ACT.**

3 (a) *WAIVERS FOR AIRCRAFT NOT COMPLYING WITH*
4 *STAGE 3 NOISE LEVELS.*—Section 47528(b)(1) is amended
5 in the first sentence by inserting “or foreign air carrier”
6 after “air carrier”.

7 (b) *EXEMPTION FOR AIRCRAFT MODIFICATION OR DIS-*
8 *POSAL.*—Section 47528 is amended—

9 (1) in subsection (a) by inserting “or (f)” after
10 “(b)”; and

11 (2) by adding at the end the following:

12 “(f) *AIRCRAFT MODIFICATION OR DISPOSAL.*—After
13 December 31, 1999, the Secretary may provide a procedure
14 under which a person may operate a stage 1 or stage 2
15 aircraft in nonrevenue service to or from an airport in the
16 United States in order to—

17 “(1) sell the aircraft outside the United States;

18 “(2) sell the aircraft for scrapping; or

19 “(3) obtain modifications to the aircraft to meet
20 stage 3 noise levels.”.

21 (c) *LIMITED OPERATION OF CERTAIN AIRCRAFT.*—
22 Section 47528(e) is amended by adding at the end the fol-
23 lowing:

24 “(4) An air carrier operating stage 2 aircraft under
25 this subsection may operate stage 2 aircraft to or from the
26 48 contiguous States on a nonrevenue basis in order to—

1 “(A) perform maintenance (including major al-
2 terations) or preventative maintenance on aircraft
3 operated, or to be operated, within the limitations of
4 paragraph (2)(B); or

5 “(B) conduct operations within the limitations
6 of paragraph (2)(B).”.

7 **SEC. 718. METROPOLITAN WASHINGTON AIRPORT AUTHOR-**
8 **ITY.**

9 (a) *EXTENSION OF APPLICATION APPROVALS.*—Sec-
10 tion 49108 is amended by striking “2001” and inserting
11 “2004”.

12 (b) *ELIMINATION OF DEADLINE FOR APPOINTMENT OF*
13 *MEMBERS TO BOARD OF DIRECTORS.*—Section 49106(c)(6)
14 is amended by striking subparagraph (C) and by redesign-
15 ating subparagraph (D) as subparagraph (C).

16 **SEC. 719. ACQUISITION MANAGEMENT SYSTEM.**

17 Section 348 of the Department of Transportation and
18 Related Agencies Appropriations Act, 1996 (49 U.S.C. 106
19 note; 109 Stat. 460) is amended by striking subsection (c)
20 and inserting the following:

21 “(c) *CONTRACTS EXTENDING INTO A SUBSEQUENT*
22 *FISCAL YEAR.*—Notwithstanding subsection (b)(3), the Ad-
23 ministrators may enter into contracts for procurement of
24 severable services that begin in one fiscal year and end in
25 another if (without regard to any option to extend the pe-

1 *riod of the contract) the contract period does not exceed 1*
2 *year.”.*

3 **SEC. 720. CENTENNIAL OF FLIGHT COMMISSION.**

4 *(a) MEMBERSHIP.—*

5 *(1) APPOINTMENT.—Section 4(a)(5) of the Cen-*
6 *tennial of Flight Commemoration Act (36 U.S.C. 143*
7 *note; 112 Stat. 3487) is amended by inserting “, or*
8 *his designee,” after “prominence”.*

9 *(2) STATUS.—Section 4 of such Act (112 Stat.*
10 *3487) is amended by adding at the end the following:*

11 *“(g) STATUS.—The members of the Commission de-*
12 *scribed in paragraphs (1), (3), (4), and (5) of subsection*
13 *(a) shall not be considered to be officers or employees of*
14 *the United States.”.*

15 *(b) DUTIES.—Section 5(a)(7) of such Act (112 Stat.*
16 *3488) is amended to read as follows:*

17 *“(7) as a nonprimary purpose, publish popular*
18 *and scholarly works related to the history of aviation*
19 *or the anniversary of the centennial of powered*
20 *flight.”.*

21 *(c) CONFLICTS OF INTEREST.—Section 6 of such Act*
22 *(112 Stat. 3488–3489) is amended by adding at the end*
23 *the following:*

24 *“(e) CONFLICTS OF INTEREST.—At its second business*
25 *meeting, the Commission shall adopt a policy to protect*

1 *against possible conflicts of interest involving its members*
2 *and employees. The Commission shall consult with the Of-*
3 *fice of Government Ethics in the development of such a pol-*
4 *icy and shall recognize the status accorded its members*
5 *under section 4(g).”.*

6 (d) *EXECUTIVE DIRECTOR.*—*The first sentence of sec-*
7 *tion 7(a) of such Act (112 Stat. 3489) is amended by strik-*
8 *ing the period at the end and inserting the following: “or*
9 *represented on the First Flight Centennial Advisory Board*
10 *under subparagraphs (A) through (E) of section 12(b)(1).”.*

11 (e) *EXCLUSIVE RIGHT TO NAME, LOGOS, EMBLEMS,*
12 *SEALS, AND MARKS.*—

13 (1) *USE OF FUNDS.*—*Section 9(d) of such Act*
14 *(112 Stat. 3490) is amended by striking the period at*
15 *the end and inserting the following: “, except that the*
16 *Commission may transfer any portion of such funds*
17 *that is in excess of the funds necessary to carry out*
18 *such duties to any Federal agency or the National*
19 *Air and Space Museum of the Smithsonian Institu-*
20 *tion to be used for the sole purpose of commemorating*
21 *the history of aviation or the centennial of powered*
22 *flight.”.*

23 (2) *DUTIES TO BE CARRIED OUT BY ADMINIS-*
24 *TRATOR OF NASA.*—*Section 9 of such Act (112 Stat.*
25 *3490) is amended by adding at the end the following:*

1 “(f) *DUTIES TO BE CARRIED OUT BY ADMINISTRATOR*
2 *OF NASA.—The duties of the Commission under this sec-*
3 *tion shall be carried out by the Administrator of the Na-*
4 *tional Aeronautics and Space Administration, in consulta-*
5 *tion with the Commission.”.*

6 **SEC. 721. AIRCRAFT SITUATIONAL DISPLAY DATA.**

7 (a) *IN GENERAL.—A memorandum of agreement be-*
8 *tween the Administrator and any person that directly ob-*
9 *tains aircraft situational display data from the Federal*
10 *Aviation Administration shall require that—*

11 (1) *the person demonstrate to the satisfaction of*
12 *the Administrator that such person is capable of selec-*
13 *tively blocking the display of any aircraft-situation-*
14 *display-to-industry derived data related to any iden-*
15 *tified aircraft registration number; and*

16 (2) *the person agree to block selectively the air-*
17 *craft registration numbers of any aircraft owner or*
18 *operator upon the Administration’s request.*

19 (b) *EXISTING MEMORANDA TO BE CONFORMED.—The*
20 *Administrator shall conform any memoranda of agreement,*
21 *in effect on the date of enactment of this Act, between the*
22 *Administration and a person under which that person ob-*
23 *tains aircraft situational display data to incorporate the*
24 *requirements of subsection (a) within 30 days after that*
25 *date.*

1 **SEC. 722. ELIMINATION OF BACKLOG OF EQUAL EMPLOY-**
2 **MENT OPPORTUNITY COMPLAINTS.**

3 (a) *HIRING OF ADDITIONAL PERSONNEL.*—For fiscal
4 year 2000, the Secretary of Transportation may hire or
5 contract for such additional personnel as may be necessary
6 to eliminate the backlog of pending equal employment op-
7 portunity complaints to the Department of Transportation
8 and to ensure that investigations of complaints are com-
9 pleted not later than 180 days after the date of initiation
10 of the investigation.

11 (b) *FUNDING.*—Of the amounts appropriated pursuant
12 to section 106(k) of title 49, United States Code, for fiscal
13 year 2000, \$2,000,000 may be used to carry out this section.

14 **SEC. 723. NEWPORT NEWS, VIRGINIA.**

15 (a) *AUTHORITY TO GRANT WAIVERS.*—Notwith-
16 standing section 16 of the Federal Airport Act (as in effect
17 on May 14, 1947) or section 47125 of title 49, United States
18 Code, the Secretary shall, subject to section 47153 of such
19 title (as in effect on June 1, 1998), and subsection (b) of
20 this section, waive with respect to airport property parcels
21 that, according to the Federal Aviation Administration ap-
22 proved airport layout plan for Newport News/Williamsburg
23 International Airport, are no longer required for airport
24 purposes from any term contained in the deed of conveyance
25 dated May 14, 1947, under which the United States con-

1 *veyed such property to the Peninsula Airport Commission*
2 *for airport purposes of the Commission.*

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

6 (1) *The Peninsula Airport Commission shall*
7 *agree that, in leasing or conveying any interest in the*
8 *property with respect to which waivers are granted*
9 *under subsection (a), the Commission will receive an*
10 *amount that is equal to the fair lease value or the fair*
11 *market value, as the case may be (as determined pur-*
12 *suant to regulations issued by the Secretary).*

13 (2) *Peninsula Airport Commission shall use any*
14 *amount so received only for the development, improve-*
15 *ment, operation, or maintenance of Newport News/*
16 *Williamsburg International Airport.*

17 **SEC. 724. GRANT OF EASEMENT, LOS ANGELES, CALI-**
18 **FORNIA.**

19 *The City of Los Angeles Department of Airports may*
20 *grant an easement to the California Department of Trans-*
21 *portation to lands required to provide sufficient right-of-*
22 *way to facilitate the construction of the California State*
23 *Route 138 bypass, as proposed by the California Depart-*
24 *ment of Transportation.*

1 **SEC. 725. REGULATION OF ALASKA GUIDE PILOTS.**

2 (a) *IN GENERAL.*—Beginning on the date of enactment
3 of this Act, flight operations conducted by Alaska guide pi-
4 lots shall be regulated under the general operating and
5 flight rules contained in part 91 of title 14, Code of Regula-
6 tions.

7 (b) *RULEMAKING PROCEEDING.*—

8 (1) *IN GENERAL.*—The Administrator shall con-
9 duct a rulemaking proceeding and issue a final rule
10 to modify the general operating and flight rules re-
11 ferred to in subsection (a) by establishing special
12 rules applicable to the flight operations conducted by
13 Alaska guide pilots.

14 (2) *CONTENTS OF RULES.*—A final rule issued
15 by the Administrator under paragraph (1) shall re-
16 quire Alaska guide pilots—

17 (A) to operate aircraft inspected no less
18 often than after 125 hours of flight time;

19 (B) to participate in an annual flight re-
20 view, as described in section 61.56 of title 14,
21 Code of Federal Regulations;

22 (C) to have at least 500 hours of flight time
23 as a pilot;

24 (D) to have a commercial rating, as de-
25 scribed subpart F of part 61 of such title;

1 (E) to hold at least a second-class medical
2 certificate, as described in subpart C of part 67
3 of such title;

4 (F) to hold a current letter of authorization
5 issued by the Administrator; and

6 (G) to take such other actions as the Ad-
7 ministrator determines necessary for safety.

8 (c) *DEFINITIONS.*—In this section, the following defi-
9 nitions apply:

10 (1) *LETTER OF AUTHORIZATION.*—The term “let-
11 ter of authorization” means a letter issued by the Ad-
12 ministrator once every 5 years to an Alaska guide
13 pilot certifying that the pilot is in compliance with
14 general operating and flight rules applicable to the
15 pilot. In the case of a multi-pilot operation, at the
16 election of the operating entity, a letter of authoriza-
17 tion may be issued by the Administrator to the entity
18 or to each Alaska guide pilot employed by the entity.

19 (2) *ALASKA GUIDE PILOT.*—The term “Alaska
20 guide pilot” means a pilot who—

21 (A) conducts aircraft operations over or
22 within the State of Alaska;

23 (B) operates single engine, fixed wing air-
24 craft on floats, wheels, or skis, providing com-
25 mercial hunting, fishing, or other guide services

1 *and related accommodations in the form of*
2 *camps or lodges; and*

3 *(C) transports clients by such aircraft inci-*
4 *dental to hunting, fishing, or other guide serv-*
5 *ices, or uses air transport to enable guided cli-*
6 *ents to reach hunting or fishing locations.*

7 **SEC. 726. AIRCRAFT REPAIR AND MAINTENANCE ADVISORY**

8 **PANEL.**

9 *(a) ESTABLISHMENT OF PANEL.—The Secretary of*
10 *Transportation—*

11 *(1) shall establish an Aircraft Repair and Main-*
12 *tenance Advisory Panel to review issues related to the*
13 *use and oversight of aircraft and aviation component*
14 *repair and maintenance facilities (in this section re-*
15 *ferred to as “aircraft repair facilities”) located with-*
16 *in, or outside of, the United States; and*

17 *(2) may seek the advice of the panel on any issue*
18 *related to methods to increase safety by improving the*
19 *oversight of aircraft repair facilities.*

20 *(b) MEMBERSHIP.—The panel shall consist of—*

21 *(1) 9 members appointed by the Secretary as fol-*
22 *lows:*

23 *(A) 3 representatives of labor organizations*
24 *representing aviation mechanics;*

25 *(B) 1 representative of cargo air carriers;*

1 (C) 1 representative of passenger air car-
2 riers;

3 (D) 1 representative of aircraft repair fa-
4 cilities;

5 (E) 1 representative of aircraft manufactur-
6 ers;

7 (F) 1 representative of on-demand passenger
8 air carriers and corporate aircraft operations;
9 and

10 (G) 1 representative of regional passenger
11 air carriers;

12 (2) 1 representative from the Department of
13 Commerce, designated by the Secretary of Commerce;

14 (3) 1 representative from the Department of
15 State, designated by the Secretary of State; and

16 (4) 1 representative from the Federal Aviation
17 Administration, designated by the Administrator.

18 (c) *RESPONSIBILITIES.*—The panel shall—

19 (1) determine the amount and type of work that
20 is being performed by aircraft repair facilities located
21 within, and outside of, the United States; and

22 (2) provide advice and counsel to the Secretary
23 with respect to the aircraft and aviation component
24 repair work performed by aircraft repair facilities

1 *and air carriers, staffing needs, and any balance of*
2 *trade or safety issues associated with that work.*

3 *(d) DOT TO REQUEST INFORMATION FROM AIR CAR-*
4 *RIERS AND REPAIR FACILITIES.—*

5 *(1) COLLECTION OF INFORMATION.—The Sec-*
6 *retary, by regulation, shall require air carriers, for-*
7 *foreign air carriers, domestic repair facilities, and for-*
8 *foreign repair facilities to submit such information as*
9 *the Secretary may require in order to assess balance*
10 *of trade and safety issues with respect to work per-*
11 *formed on aircraft used by air carriers, foreign air*
12 *carriers, United States corporate operators, and for-*
13 *foreign corporate operators.*

14 *(2) DRUG AND ALCOHOL TESTING INFORMA-*
15 *TION.—Included in the information the Secretary re-*
16 *quires under paragraph (1) shall be information on*
17 *the existence and administration of employee drug*
18 *and alcohol testing programs in place at the foreign*
19 *repair facilities, if applicable. The Secretary, if nec-*
20 *essary, shall work with the International Civil Avia-*
21 *tion Organization to increase the number and im-*
22 *prove the administration of employee drug and alco-*
23 *hol testing programs at the foreign repair facilities.*

24 *(3) DESCRIPTION OF WORK DONE.—Included in*
25 *the information the Secretary requires under para-*

1 *graph (1) shall be information on the amount and*
2 *type of work performed on aircraft registered in and*
3 *outside of the United States.*

4 *(e) DOT TO FACILITATE COLLECTION OF INFORMA-*
5 *TION ABOUT AIRCRAFT MAINTENANCE.—The Secretary*
6 *shall facilitate the collection of information from the Na-*
7 *tional Transportation Safety Board, the Federal Aviation*
8 *Administration, and other appropriate agencies regarding*
9 *maintenance performed by aircraft repair facilities.*

10 *(f) DOT TO MAKE INFORMATION AVAILABLE TO PUB-*
11 *LIC.—The Secretary shall make any relevant information*
12 *received under subsection (c) available to the public, con-*
13 *sistent with the authority to withhold trade secrets or com-*
14 *mercial, financial, and other proprietary information*
15 *under section 552 of title 5, United States Code.*

16 *(g) TERMINATION.—The panel established under sub-*
17 *section (a) shall terminate on the earlier of—*

18 *(1) the date that is 2 years after the date of en-*
19 *actment of this Act; or*

20 *(2) December 31, 2001.*

21 *(h) DEFINITIONS.—The definitions contained in sec-*
22 *tion 40102 of title 49, United States Code, shall apply to*
23 *this section.*

1 **SEC. 727. OPERATIONS OF AIR TAXI INDUSTRY.**

2 (a) *STUDY.*—*The Administrator, in consultation with*
3 *the National Transportation Safety Board and other inter-*
4 *ested persons, shall conduct a study of air taxi operators*
5 *regulated under part 135 of title 14, Code of Federal Regu-*
6 *lations.*

7 (b) *CONTENTS.*—*The study shall include an analysis*
8 *of the size and type of the aircraft fleet, relevant aircraft*
9 *equipment, hours flown, utilization rates, safety record by*
10 *various categories of use and aircraft type, sales revenues,*
11 *and airports served by the air taxi fleet.*

12 (c) *REPORT.*—*Not later than 1 year after the date of*
13 *enactment of this Act, the Administrator shall transmit to*
14 *Congress a report on the results of the study.*

15 **SEC. 728. SENSE OF CONGRESS CONCERNING COMPLETION**
16 **OF COMPREHENSIVE NATIONAL AIRSPACE**
17 **REDESIGN.**

18 *It is the sense of Congress that, as soon as is prac-*
19 *ticable, the Administrator should complete and begin imple-*
20 *mentation of the comprehensive national airspace redesign*
21 *that is being conducted by the Administrator.*

22 **SEC. 729. COMPLIANCE WITH REQUIREMENTS.**

23 *Notwithstanding any other provision of law, in order*
24 *to avoid unnecessary duplication of expense and effort, the*
25 *Secretary of Transportation may authorize the use, in*
26 *whole or in part, of a completed environmental assessment*

1 *or environmental impact study for new construction*
2 *projects on the air operations area of an airport, if the com-*
3 *pleted assessment or study was for a project at the airport*
4 *that is substantially similar in nature to the new project.*
5 *Any such authorized use shall meet all requirements of Fed-*
6 *eral law for the completion of such an assessment or study.*

7 **SEC. 730. AIRCRAFT NOISE LEVELS AT AIRPORTS.**

8 *(a) DEVELOPMENT OF NEW STANDARDS.—The Sec-*
9 *retary of Transportation shall continue to work to develop*
10 *a new standard for aircraft and aircraft engines that will*
11 *lead to a further reduction in aircraft noise levels.*

12 *(b) REPORT.—Not later than March 1, 2000, and an-*
13 *nually thereafter, the Secretary shall transmit to Congress*
14 *a report regarding the application of new standards or tech-*
15 *nologies to reduce aircraft noise levels.*

16 **SEC. 731. FAA CONSIDERATION OF CERTAIN STATE PRO-**
17 **POSALS.**

18 *The Administrator is encouraged to consider any pro-*
19 *posal with a regional consensus submitted by a State avia-*
20 *tion authority regarding the expansion of existing airport*
21 *facilities or the introduction of new airport facilities.*

1 **TITLE VIII—NATIONAL PARKS**
2 **AIR TOUR MANAGEMENT**

3 **SEC. 801. SHORT TITLE.**

4 *This title may be cited as the “National Parks Air*
5 *Tour Management Act of 1999”.*

6 **SEC. 802. FINDINGS.**

7 *Congress finds that—*

8 *(1) the Federal Aviation Administration has sole*
9 *authority to control airspace over the United States;*

10 *(2) the Federal Aviation Administration has the*
11 *authority to preserve, protect, and enhance the envi-*
12 *ronment by minimizing, mitigating, or preventing*
13 *the adverse effects of aircraft overflights of public and*
14 *tribal lands;*

15 *(3) the National Park Service has the responsi-*
16 *bility of conserving the scenery and natural and his-*
17 *toric objects and wildlife in national parks and of*
18 *providing for the enjoyment of the national parks in*
19 *ways that leave the national parks unimpaired for fu-*
20 *ture generations;*

21 *(4) the protection of tribal lands from aircraft*
22 *overflights is consistent with protecting the public*
23 *health and welfare and is essential to the mainte-*
24 *nance of the natural and cultural resources of Indian*
25 *tribes;*

1 (5) *the National Parks Overflights Working*
2 *Group, composed of general aviation, commercial air*
3 *tour, environmental, and Native American represent-*
4 *atives, recommended that the Congress enact legisla-*
5 *tion based on the Group’s consensus work product;*
6 *and*

7 (6) *this title reflects the recommendations made*
8 *by that Group.*

9 **SEC. 803. AIR TOUR MANAGEMENT PLANS FOR NATIONAL**
10 **PARKS.**

11 (a) *IN GENERAL.*—*Chapter 401 is further amended by*
12 *adding at the end the following:*

13 **“§40126. Overflights of national parks**

14 “(a) *IN GENERAL.*—

15 “(1) *GENERAL REQUIREMENTS.*—*A commercial*
16 *air tour operator may not conduct commercial air*
17 *tour operations over a national park (including tribal*
18 *lands) except—*

19 “(A) *in accordance with this section;*

20 “(B) *in accordance with conditions and*
21 *limitations prescribed for that operator by the*
22 *Administrator; and*

23 “(C) *in accordance with any applicable air*
24 *tour management plan for the park.*

1 “(2) *APPLICATION FOR OPERATING AUTHOR-*
2 *ITY.*—

3 “(A) *APPLICATION REQUIRED.*—*Before com-*
4 *mencing commercial air tour operations over a*
5 *national park (including tribal lands), a com-*
6 *mmercial air tour operator shall apply to the Ad-*
7 *ministrator for authority to conduct the oper-*
8 *ations over the park.*

9 “(B) *COMPETITIVE BIDDING FOR LIMITED*
10 *CAPACITY PARKS.*—*Whenever an air tour man-*
11 *agement plan limits the number of commercial*
12 *air tour operations over a national park during*
13 *a specified time frame, the Administrator, in co-*
14 *operation with the Director, shall issue operation*
15 *specifications to commercial air tour operators*
16 *that conduct such operations. The operation*
17 *specifications shall include such terms and con-*
18 *ditions as the Administrator and the Director*
19 *find necessary for management of commercial*
20 *air tour operations over the park. The Adminis-*
21 *trator, in cooperation with the Director, shall de-*
22 *velop an open competitive process for evaluating*
23 *proposals from persons interested in providing*
24 *commercial air tour operations over the park. In*
25 *making a selection from among various pro-*

1 *posals submitted, the Administrator, in coopera-*
2 *tion with the Director, shall consider relevant*
3 *factors, including—*

4 *“(i) the safety record of the person sub-*
5 *mitting the proposal or pilots employed by*
6 *the person;*

7 *“(ii) any quiet aircraft technology pro-*
8 *posed to be used by the person submitting*
9 *the proposal;*

10 *“(iii) the experience of the person sub-*
11 *mitting the proposal with commercial air*
12 *tour operations over other national parks or*
13 *scenic areas;*

14 *“(iv) the financial capability of the*
15 *company;*

16 *“(v) any training programs for pilots*
17 *provided by the person submitting the pro-*
18 *posal; and*

19 *“(vi) responsiveness of the person sub-*
20 *mitting the proposal to any relevant cri-*
21 *teria developed by the National Park Serv-*
22 *ice for the affected park.*

23 *“(C) NUMBER OF OPERATIONS AUTHOR-*
24 *IZED.—In determining the number of authoriza-*
25 *tions to issue to provide commercial air tour op-*

1 *erations over a national park, the Adminis-*
2 *trator, in cooperation with the Director, shall*
3 *take into consideration the provisions of the air*
4 *tour management plan, the number of existing*
5 *commercial air tour operators and current level*
6 *of service and equipment provided by any such*
7 *operators, and the financial viability of each*
8 *commercial air tour operation.*

9 “(D) *COOPERATION WITH NPS.—Before*
10 *granting an application under this paragraph,*
11 *the Administrator, in cooperation with the Di-*
12 *rector, shall develop an air tour management*
13 *plan in accordance with subsection (b) and im-*
14 *plement such plan.*

15 “(3) *EXCEPTION.—*

16 “(A) *IN GENERAL.—If a commercial air*
17 *tour operator secures a letter of agreement from*
18 *the Administrator and the superintendent for the*
19 *national park that describes the conditions under*
20 *which the commercial air tour operation will be*
21 *conducted, then notwithstanding paragraph (1),*
22 *the commercial air tour operator may conduct*
23 *such operations over the national park under*
24 *part 91 of title 14, Code of Federal Regulations,*

1 *if such activity is permitted under part 119 of*
2 *such title.*

3 “(B) *LIMIT ON EXCEPTIONS.*—*Not more*
4 *than 5 flights in any 30-day period over a single*
5 *national park may be conducted under this*
6 *paragraph.*

7 “(4) *SPECIAL RULE FOR SAFETY REQUIRE-*
8 *MENTS.*—*Notwithstanding subsection (d), an existing*
9 *commercial air tour operator shall apply, not later*
10 *than 90 days after the date of enactment of this sec-*
11 *tion, for operating authority under part 119, 121, or*
12 *135 of title 14, Code of Federal Regulations. A new*
13 *entrant commercial air tour operator shall apply for*
14 *such authority before conducting commercial air tour*
15 *operations over a national park (including tribal*
16 *lands). The Administrator shall act on any such ap-*
17 *plication for a new entrant and issue a decision on*
18 *the application not later than 24 months after it is*
19 *received or amended.*

20 “(b) *AIR TOUR MANAGEMENT PLANS.*—

21 “(1) *ESTABLISHMENT.*—

22 “(A) *IN GENERAL.*—*The Administrator, in*
23 *cooperation with the Director, shall establish an*
24 *air tour management plan for any national*
25 *park (including tribal lands) for which such a*

1 *plan is not in effect whenever a person applies*
2 *for authority to conduct a commercial air tour*
3 *operation over the park. The air tour manage-*
4 *ment plan shall be developed by means of a pub-*
5 *lic process in accordance with paragraph (4).*

6 “(B) *OBJECTIVE.*—*The objective of any air*
7 *tour management plan shall be to develop accept-*
8 *able and effective measures to mitigate or pre-*
9 *vent the significant adverse impacts, if any, of*
10 *commercial air tours upon the natural and cul-*
11 *tural resources, visitor experiences, and tribal*
12 *lands.*

13 “(2) *ENVIRONMENTAL DETERMINATION.*—*In es-*
14 *tablishing an air tour management plan under this*
15 *subsection, the Administrator and the Director shall*
16 *each sign the environmental decision document re-*
17 *quired by section 102 of the National Environmental*
18 *Policy Act of 1969 (42 U.S.C. 4332) (including a*
19 *finding of no significant impact, an environmental*
20 *assessment, and an environmental impact statement)*
21 *and the record of decision for the air tour manage-*
22 *ment plan.*

23 “(3) *CONTENTS.*—*An air tour management plan*
24 *for a national park—*

1 “(A) may limit or prohibit commercial air
2 tour operations;

3 “(B) may establish conditions for the con-
4 duct of commercial air tour operations, includ-
5 ing commercial air tour operation routes, max-
6 imum or minimum altitudes, time-of-day re-
7 strictions, restrictions for particular events, max-
8 imum number of flights per unit of time, intru-
9 sions on privacy on tribal lands, and mitigation
10 of adverse noise, visual, or other impacts;

11 “(C) may apply to all commercial air tour
12 operations;

13 “(D) shall include incentives (such as pre-
14 ferred commercial air tour operation routes and
15 altitudes and relief from flight caps and curfews)
16 for the adoption of quiet aircraft technology by
17 commercial air tour operators conducting com-
18 mercial air tour operations over the park;

19 “(E) shall provide a system for allocating
20 opportunities to conduct commercial air tours if
21 the air tour management plan includes a limita-
22 tion on the number of commercial air tour oper-
23 ations for any time period; and

24 “(F) shall justify and document the need for
25 measures taken pursuant to subparagraphs (A)

1 *through (E) and include such justifications in*
2 *the record of decision.*

3 “(4) *PROCEDURE.—In establishing an air tour*
4 *management plan for a national park (including*
5 *tribal lands), the Administrator and the Director*
6 *shall—*

7 “(A) *hold at least one public meeting with*
8 *interested parties to develop the air tour man-*
9 *agement plan;*

10 “(B) *publish the proposed plan in the Fed-*
11 *eral Register for notice and comment and make*
12 *copies of the proposed plan available to the pub-*
13 *lic;*

14 “(C) *comply with the regulations set forth*
15 *in sections 1501.3 and 1501.5 through 1501.8 of*
16 *title 40, Code of Federal Regulations (for pur-*
17 *poses of complying with the regulations, the Fed-*
18 *eral Aviation Administration shall be the lead*
19 *agency and the National Park Service is a co-*
20 *operating agency); and*

21 “(D) *solicit the participation of any Indian*
22 *tribe whose tribal lands are, or may be,*
23 *overflown by aircraft involved in a commercial*
24 *air tour operation over the park, as a cooper-*

1 *ating agency under the regulations referred to in*
2 *subparagraph (C).*

3 “(5) *JUDICIAL REVIEW.*—*An air tour manage-*
4 *ment plan developed under this subsection shall be*
5 *subject to judicial review.*

6 “(6) *AMENDMENTS.*—*The Administrator, in co-*
7 *operation with the Director, may make amendments*
8 *to an air tour management plan. Any such amend-*
9 *ments shall be published in the Federal Register for*
10 *notice and comment. A request for amendment of an*
11 *air tour management plan shall be made in such*
12 *form and manner as the Administrator may pre-*
13 *scribe.*

14 “(c) *DETERMINATION OF COMMERCIAL AIR TOUR OP-*
15 *ERATION STATUS.*—*In making a determination of whether*
16 *a flight is a commercial air tour operation, the Adminis-*
17 *trator may consider—*

18 “(1) *whether there was a holding out to the pub-*
19 *lic of willingness to conduct a sightseeing flight for*
20 *compensation or hire;*

21 “(2) *whether a narrative that referred to areas or*
22 *points of interest on the surface below the route of the*
23 *flight was provided by the person offering the flight;*

24 “(3) *the area of operation;*

1 “(4) *the frequency of flights conducted by the*
2 *person offering the flight;*

3 “(5) *the route of flight;*

4 “(6) *the inclusion of sightseeing flights as part of*
5 *any travel arrangement package offered by the person*
6 *offering the flight;*

7 “(7) *whether the flight would have been canceled*
8 *based on poor visibility of the surface below the route*
9 *of the flight; and*

10 “(8) *any other factors that the Administrator*
11 *considers appropriate.*

12 “(d) *INTERIM OPERATING AUTHORITY.—*

13 “(1) *IN GENERAL.—Upon application for oper-*
14 *ating authority, the Administrator shall grant in-*
15 *terim operating authority under this subsection to a*
16 *commercial air tour operator for commercial air tour*
17 *operations over a national park (including tribal*
18 *lands) for which the operator is an existing commer-*
19 *cial air tour operator.*

20 “(2) *REQUIREMENTS AND LIMITATIONS.—In-*
21 *terim operating authority granted under this*
22 *subsection—*

23 “(A) *shall provide annual authorization*
24 *only for the greater of—*

1 “(i) the number of flights used by the
2 operator to provide such tours within the
3 12-month period prior to the date of enact-
4 ment of this section; or

5 “(ii) the average number of flights per
6 12-month period used by the operator to
7 provide such tours within the 36-month pe-
8 riod prior to such date of enactment, and,
9 for seasonal operations, the number of
10 flights so used during the season or seasons
11 covered by that 12-month period;

12 “(B) may not provide for an increase in the
13 number of commercial air tour operations con-
14 ducted during any time period by the commer-
15 cial air tour operator above the number that the
16 air tour operator was originally granted unless
17 such an increase is agreed to by the Adminis-
18 trator and the Director;

19 “(C) shall be published in the Federal Reg-
20 ister to provide notice and opportunity for com-
21 ment;

22 “(D) may be revoked by the Administrator
23 for cause;

1 “(E) shall terminate 180 days after the date
2 on which an air tour management plan is estab-
3 lished for the park or the tribal lands;

4 “(F) shall promote protection of national
5 park resources, visitor experiences, and tribal
6 lands;

7 “(G) shall promote safe operations of the
8 commercial air tour;

9 “(H) shall promote the adoption of quiet
10 technology, as appropriate; and

11 “(I) shall allow for modifications of the op-
12 eration based on experience if the modification
13 improves protection of national park resources
14 and values and of tribal lands.

15 “(e) EXEMPTIONS.—

16 “(1) IN GENERAL.—Except as provided by para-
17 graph (2), this section shall not apply to—

18 “(A) the Grand Canyon National Park;

19 “(B) tribal lands within or abutting the
20 Grand Canyon National Park; or

21 “(C) any unit of the National Park System
22 located in Alaska or any other land or water lo-
23 cated in Alaska.

24 “(2) EXCEPTION.—This section shall apply to
25 the Grand Canyon National Park if section 3 of Pub-

1 *lic Law 100–91 (16 U.S.C. 1a–1 note; 101 Stat. 674–*
2 *678) is no longer in effect.*

3 “(f) *DEFINITIONS.—In this section, the following defi-*
4 *initions apply:*

5 “(1) *COMMERCIAL AIR TOUR OPERATOR.—The*
6 *term ‘commercial air tour operator’ means any per-*
7 *son who conducts a commercial air tour operation.*

8 “(2) *EXISTING COMMERCIAL AIR TOUR OPER-*
9 *ATOR.—The term ‘existing commercial air tour oper-*
10 *ator’ means a commercial air tour operator that was*
11 *actively engaged in the business of providing commer-*
12 *cial air tour operations over a national park at any*
13 *time during the 12-month period ending on the date*
14 *of enactment of this section.*

15 “(3) *NEW ENTRANT COMMERCIAL AIR TOUR OP-*
16 *ERATOR.—The term ‘new entrant commercial air tour*
17 *operator’ means a commercial air tour operator*
18 *that—*

19 “(A) *applies for operating authority as a*
20 *commercial air tour operator for a national*
21 *park; and*

22 “(B) *has not engaged in the business of pro-*
23 *viding commercial air tour operations over the*
24 *national park (including tribal lands) in the 12-*
25 *month period preceding the application.*

1 “(4) *COMMERCIAL AIR TOUR OPERATION.*—The
2 term ‘commercial air tour operation’ means any
3 flight, conducted for compensation or hire in a pow-
4 ered aircraft where a purpose of the flight is sight-
5 seeing over a national park, within ½ mile outside
6 the boundary of any national park, or over tribal
7 lands, during which the aircraft flies—

8 “(A) below a minimum altitude, determined
9 by the Administrator in cooperation with the Di-
10 rector, above ground level (except solely for pur-
11 poses of takeoff or landing, or necessary for safe
12 operation of an aircraft as determined under the
13 rules and regulations of the Federal Aviation
14 Administration requiring the pilot-in-command
15 to take action to ensure the safe operation of the
16 aircraft); or

17 “(B) less than 1 mile laterally from any ge-
18 ographic feature within the park (unless more
19 than ½ mile outside the boundary).

20 “(5) *NATIONAL PARK.*—The term ‘national park’
21 means any unit of the National Park System.

22 “(6) *TRIBAL LANDS.*—The term ‘tribal lands’
23 means Indian country (as that term is defined in sec-
24 tion 1151 of title 18) that is within or abutting a na-
25 tional park.

1 “(7) *ADMINISTRATOR.*—*The term ‘Adminis-*
2 *trator’ means the Administrator of the Federal Avia-*
3 *tion Administration.*”

4 “(8) *DIRECTOR.*—*The term ‘Director’ means the*
5 *Director of the National Park Service.”.*”

6 (b) *CONFORMING AMENDMENT.*—*The analysis for*
7 *chapter 401 is further amended by adding at the end the*
8 *following:*

 “40126. *Overflights of national parks.*”.

9 **SEC. 804. ADVISORY GROUP.**

10 (a) *ESTABLISHMENT.*—*Not later than 1 year after the*
11 *date of enactment of this Act, the Administrator and the*
12 *Director of the National Park Service shall jointly establish*
13 *an advisory group to provide continuing advice and counsel*
14 *with respect to commercial air tour operations over and*
15 *near national parks.*

16 (b) *MEMBERSHIP.*—

17 (1) *IN GENERAL.*—*The advisory group shall be*
18 *composed of—*

19 (A) *a balanced group of—*

20 (i) *representatives of general aviation;*

21 (ii) *representatives of commercial air*
22 *tour operators;*

23 (iii) *representatives of environmental*
24 *concerns; and*

25 (iv) *representatives of Indian tribes;*

1 (B) a representative of the Federal Aviation
2 Administration; and

3 (C) a representative of the National Park
4 Service.

5 (2) *EX OFFICIO MEMBERS.*—The Administrator
6 (or the designee of the Administrator) and the Direc-
7 tor (or the designee of the Director) shall serve as *ex*
8 *officio* members.

9 (3) *CHAIRPERSON.*—The representative of the
10 Federal Aviation Administration and the representa-
11 tive of the National Park Service shall serve alter-
12 nating 1-year terms as chairman of the advisory
13 group, with the representative of the Federal Aviation
14 Administration serving initially until the end of the
15 calendar year following the year in which the advi-
16 sory group is first appointed.

17 (c) *DUTIES.*—The advisory group shall provide advice,
18 information, and recommendations to the Administrator
19 and the Director—

20 (1) on the implementation of this title and the
21 amendments made by this title;

22 (2) on commonly accepted quiet aircraft tech-
23 nology for use in commercial air tour operations over
24 national parks (including tribal lands), which will

1 *receive preferential treatment in a given air tour*
2 *management plan;*

3 *(3) on other measures that might be taken to ac-*
4 *commodate the interests of visitors to national parks;*
5 *and*

6 *(4) at request of the Administrator and the Di-*
7 *rector, safety, environmental, and other issues related*
8 *to commercial air tour operations over a national*
9 *park (including tribal lands).*

10 *(d) COMPENSATION; SUPPORT; FACA.—*

11 *(1) COMPENSATION AND TRAVEL.—Members of*
12 *the advisory group who are not officers or employees*
13 *of the United States, while attending conferences or*
14 *meetings of the group or otherwise engaged in its*
15 *business, or while serving away from their homes or*
16 *regular places of business, may be allowed travel ex-*
17 *penses, including per diem in lieu of subsistence, as*
18 *authorized by section 5703 of title 5, United States*
19 *Code, for persons in the Government service employed*
20 *intermittently.*

21 *(2) ADMINISTRATIVE SUPPORT.—The Federal*
22 *Aviation Administration and the National Park*
23 *Service shall jointly furnish to the advisory group*
24 *clerical and other assistance.*

1 (3) *NONAPPLICATION OF FACA.*—Section 14 of
2 the *Federal Advisory Committee Act* (5 U.S.C. App.)
3 does not apply to the advisory group.

4 **SEC. 805. REPORTS.**

5 (a) *OVERFLIGHT FEE REPORT.*—Not later than 180
6 days after the date of enactment of this Act, the Adminis-
7 trator shall transmit to Congress a report on the effects
8 overflight fees are likely to have on the commercial air tour
9 operation industry. The report shall include, but shall not
10 be limited to—

11 (1) *the viability of a tax credit for the commer-*
12 *cial air tour operators equal to the amount of any*
13 *overflight fees charged by the National Park Service;*
14 *and*

15 (2) *the financial effects proposed offsets are likely*
16 *to have on Federal Aviation Administration budgets*
17 *and appropriations.*

18 (b) *QUIET AIRCRAFT TECHNOLOGY REPORT.*—Not
19 later than 2 years after the date of enactment of this Act,
20 the Administrator and the Director shall jointly transmit
21 a report to Congress on the effectiveness of this title in pro-
22 viding incentives for the development and use of quiet air-
23 craft technology.

24 **SEC. 806. EXEMPTIONS.**

25 This title shall not apply to—

1 (1) *any unit of the National Park System lo-*
2 *cated in Alaska; or*

3 (2) *any other land or water located in Alaska.*

4 **SEC. 807. DEFINITIONS.**

5 *In this title, the following definitions apply:*

6 (1) *ADMINISTRATOR.*—*The term “Adminis-*
7 *trator” means the Administrator of the Federal Avia-*
8 *tion Administration.*

9 (2) *DIRECTOR.*—*The term “Director” means the*
10 *Director of the National Park Service.*

11 **TITLE IX—TRUTH IN BUDGETING**

12 **SEC. 901. SHORT TITLE.**

13 *This title may be cited as the “Truth in Budgeting*
14 *Act”.*

15 **SEC. 902. BUDGETARY TREATMENT OF AIRPORT AND AIR-**
16 **WAY TRUST FUND.**

17 *Notwithstanding any other provision of law, the re-*
18 *ceipts and disbursements of the Airport and Airway Trust*
19 *Fund established by section 9502 of the Internal Revenue*
20 *Code of 1986—*

21 (1) *shall not be counted as new budget authority,*
22 *outlays, receipts, or deficit or surplus for purposes*
23 *of—*

24 (A) *the budget of the United States Govern-*
25 *ment as submitted by the President,*

1 (B) the congressional budget (including al-
2 locations of budget authority and outlays pro-
3 vided therein), or

4 (C) the *Balanced Budget and Emergency*
5 *Deficit Control Act of 1985*; and

6 (2) shall be exempt from any general budget lim-
7 itation imposed by statute on expenditures and net
8 lending (budget outlays) of the United States Govern-
9 ment.

10 **SEC. 903. SAFEGUARDS AGAINST DEFICIT SPENDING OUT**
11 **OF AIRPORT AND AIRWAY TRUST FUND.**

12 (a) *IN GENERAL.*—Subchapter I of chapter 471 is fur-
13 ther amended by adding at the end the following:

14 **“§47138. Safeguards against deficit spending**

15 “(a) *ESTIMATES OF UNFUNDED AVIATION AUTHOR-*
16 *IZATIONS AND NET AVIATION RECEIPTS.*—Not later than
17 *March 31 of each year, the Secretary of Transportation, in*
18 *consultation with the Secretary of the Treasury, shall*
19 *estimate—*

20 “(1) *the amount which would (but for this sec-*
21 *tion) be the unfunded aviation authorizations at the*
22 *close of the first fiscal year that begins after that*
23 *March 31, and*

1 “(2) *the net aviation receipts to be credited to*
2 *the Airport and Airway Trust Fund during the fiscal*
3 *year.*

4 “(b) *PROCEDURE IF EXCESS UNFUNDED AVIATION*
5 *AUTHORIZATIONS.—If the Secretary of Transportation de-*
6 *termines for any fiscal year that the amount described in*
7 *subsection (a)(1) exceeds the amount described in subsection*
8 *(a)(2), the Secretary shall determine the amount of such*
9 *excess.*

10 “(c) *ADJUSTMENT OF AUTHORIZATIONS IF UNFUNDED*
11 *AUTHORIZATIONS EXCEED RECEIPTS.—*

12 “(1) *DETERMINATION OF PERCENTAGE.—If the*
13 *Secretary determines that there is an excess referred*
14 *to in subsection (b) for a fiscal year, the Secretary*
15 *shall determine the percentage which—*

16 “(A) *such excess, is of*

17 “(B) *the total of the amounts authorized to*
18 *be appropriated from the Airport and Airway*
19 *Trust Fund for the next fiscal year.*

20 “(2) *ADJUSTMENT OF AUTHORIZATIONS.—If the*
21 *Secretary determines a percentage under paragraph*
22 *(1), each amount authorized to be appropriated from*
23 *the Airport and Airway Trust Fund for the next fis-*
24 *cal year shall be reduced by such percentage.*

1 “(d) *AVAILABILITY OF AMOUNTS PREVIOUSLY WITH-*
2 *HELD.—*

3 “(1) *ADJUSTMENT OF AUTHORIZATIONS.—If,*
4 *after a reduction has been made under subsection*
5 *(c)(2), the Secretary determines that the amount de-*
6 *scribed in subsection (a)(1) does not exceed the*
7 *amount described in subsection (a)(2) or that the ex-*
8 *cess referred to in subsection (b) is less than the*
9 *amount previously determined, each amount author-*
10 *ized to be appropriated that was reduced under sub-*
11 *section (c)(2) shall be increased, by an equal percent-*
12 *age, to the extent the Secretary determines that it*
13 *may be so increased without causing the amount de-*
14 *scribed in subsection (a)(1) to exceed the amount de-*
15 *scribed in subsection (a)(2) (but not by more than the*
16 *amount of the reduction).*

17 “(2) *APPORTIONMENT.—The Secretary shall ap-*
18 *portion amounts made available for apportionment*
19 *by paragraph (1).*

20 “(3) *PERIOD OF AVAILABILITY.—Any funds ap-*
21 *portioned under paragraph (2) shall remain available*
22 *for the period for which they would be available if*
23 *such apportionment took effect with the fiscal year in*
24 *which they are apportioned under paragraph (2).*

1 “(e) *REPORTS.*—Any estimate under subsection (a)
2 and any determination under subsection (b), (c), or (d)
3 shall be reported by the Secretary to Congress.

4 “(f) *DEFINITIONS.*—For purposes of this section, the
5 following definitions apply:

6 “(1) *NET AVIATION RECEIPTS.*—The term ‘net
7 aviation receipts’ means, with respect to any period,
8 the excess of—

9 “(A) the receipts (including interest) of the
10 Airport and Airway Trust Fund during such pe-
11 riod, over

12 “(B) the amounts to be transferred during
13 such period from the Airport and Airway Trust
14 Fund under section 9502(d) of the Internal Rev-
15 enue Code of 1986 (other than paragraph (1)
16 thereof).

17 “(2) *UNFUNDED AVIATION AUTHORIZATIONS.*—
18 The term ‘unfunded aviation authorization’ means, at
19 any time, the excess (if any) of—

20 “(A) the total amount authorized to be ap-
21 propriated from the Airport and Airway Trust
22 Fund which has not been appropriated, over

23 “(B) the amount available in the Airport
24 and Airway Trust Fund at such time to make
25 such appropriation (after all other unliquidated

1 *obligations at such time which are payable from*
 2 *the Airport and Airway Trust Fund have been*
 3 *liquidated).”.*

4 **(b) CONFORMING AMENDMENT.**—*The analysis for sub-*
 5 *chapter I of chapter 471 is further amended by adding at*
 6 *the end the following:*

“47138. Safeguards against deficit spending.”.

7 **SEC. 904. APPLICABILITY.**

8 *This title (including the amendments made by this*
 9 *Act) shall apply to fiscal years beginning after September*
 10 *30, 2000.*

11 **TITLE X—ADJUSTMENT OF**
 12 **TRUST FUND AUTHORIZATIONS**

13 **SEC. 1001. ADJUSTMENT OF TRUST FUND AUTHORIZA-**
 14 **TIONS.**

15 **(a) IN GENERAL.**—*Part C of subtitle VII is amended*
 16 *by adding at the end the following:*

17 **“CHAPTER 483—ADJUSTMENT OF TRUST**
 18 **FUND AUTHORIZATIONS**

“Sec.

“48301. Definitions.

“48302. Adjustments to align aviation authorizations with revenues.

“48303. Adjustment to AIP program funding.

“48304. Estimated aviation income.

19 **“§48301. Definitions**

20 *“In this chapter, the following definitions apply:*

1 “(1) *BASE YEAR.*—*The term ‘base year’ means*
2 *the second fiscal year before the fiscal year for which*
3 *the calculation is being made.*

4 “(2) *AIP PROGRAM.*—*The term ‘AIP program’*
5 *means the programs for which amounts are made*
6 *available under section 48103.*

7 “(3) *AVIATION INCOME.*—*The term ‘aviation in-*
8 *come’ means the tax receipts credited to the Airport*
9 *and Airway Trust Fund and any interest attributable*
10 *to the Fund.*

11 **“§48302. Adjustment to align aviation authorizations**
12 **with revenues**

13 “(a) *AUTHORIZATION OF APPROPRIATIONS.*—*Begin-*
14 *ning with fiscal year 2003, if the actual level of aviation*
15 *income for the base year is greater or less than the estimated*
16 *aviation income level specified in section 48304 for the base*
17 *year, the amounts authorized to be appropriated (or made*
18 *available) for the fiscal year under each of sections 106(k),*
19 *48101, 48102, and 48103 are adjusted as follows:*

20 “(1) *If the actual level of aviation income for the*
21 *base year is greater than the estimated aviation in-*
22 *come level specified in section 48304 for the base year,*
23 *the amount authorized to be appropriated (or made*
24 *available) for such section is increased by an amount*
25 *determined by multiplying the amount of the excess*

1 *by the ratio for such section set forth in subsection*
2 *(b).*

3 “(2) *If the actual level of aviation income for the*
4 *base year is less than the estimated aviation income*
5 *level specified in section 48304 for the base year, the*
6 *amount authorized to be appropriated (or made*
7 *available) for such section is decreased by an amount*
8 *determined by multiplying the amount of the shortfall*
9 *by the ratio for such section set forth in subsection*
10 *(b).*

11 “(b) *RATIO.—The ratio referred to in subsection (a)*
12 *with respect to section 106(k), 48101, 48102, or 48103, as*
13 *the case may be, is the ratio that—*

14 “(1) *the amount authorized to be appropriated*
15 *(or made available) under such section for the fiscal*
16 *year; bears to*

17 “(2) *the total sum of amounts authorized to be*
18 *appropriated (or made available) under all of such*
19 *sections for the fiscal year.*

20 “(c) *PRESIDENT’S BUDGET.—When the President sub-*
21 *mits a budget for a fiscal year under section 1105 of title*
22 *31, United States Code, the Director of the Office of Man-*
23 *agement and Budget shall calculate and the budget shall*
24 *report any increase or decrease in authorization levels re-*
25 *sulting from this section.*

1 **“§ 48303. Adjustment to AIP program funding**

2 *“On the effective date of a general appropriations Act*
 3 *providing appropriations for a fiscal year beginning after*
 4 *September 30, 2000, for the Federal Aviation Administra-*
 5 *tion, the amount made available for a fiscal year under*
 6 *section 48103 shall be increased by the amount, if any, by*
 7 *which—*

8 *“(1) the total sum of amounts authorized to be*
 9 *appropriated under all of sections 106(k), 48101, and*
 10 *48102 for such fiscal year, including adjustments*
 11 *made under section 48302; exceeds*

12 *“(2) the amounts appropriated for programs*
 13 *funded under such sections for such fiscal year.*

14 *Any contract authority made available by this section shall*
 15 *be subject to an obligation limitation.*

16 **“§ 48304. Estimated aviation income**

17 *“For purposes of section 48302, the estimated aviation*
 18 *income levels are as follows:*

19 *“(1) \$10,734,000,000 for fiscal year 2001.*

20 *“(2) \$11,603,000,000 for fiscal year 2002.*

21 *“(3) \$12,316,000,000 for fiscal year 2003.*

22 *“(4) \$13,062,000,000 for fiscal year 2004.”.*

23 **(b) CONFORMING AMENDMENT.**—*The table of chapters*
 24 *for subtitle VII of such title is amended by inserting after*
 25 *the item relating to chapter 482 the following:*

“483. ADJUSTMENT OF TRUST FUND AUTHORIZATIONS 48301”.

1 **SEC. 1002. BUDGET ESTIMATES.**

2 *Upon the enactment of this Act, the Director of the*
3 *Office of Management and Budget shall not make any esti-*
4 *mates under section 252(d) of the Balanced Budget and*
5 *Emergency Deficit Control Act of 1985 of changes in direct*
6 *spending outlays and receipts for any fiscal year resulting*
7 *from this title and title IX, including the amendments made*
8 *by such titles.*

9 **SEC. 1003. SENSE OF CONGRESS ON FULLY OFFSETTING IN-**
10 **CREASED AVIATION SPENDING.**

11 *It is the sense of Congress that—*

12 *(1) air passengers and other users of the air*
13 *transportation system pay aviation taxes into a trust*
14 *fund dedicated solely to improve the safety, security,*
15 *and efficiency of the aviation system;*

16 *(2) from fiscal year 2001 to fiscal year 2004, air*
17 *passengers and other users will pay more than \$14.3*
18 *billion more in aviation taxes into the Airport and*
19 *Airway Trust Fund than the concurrent resolution on*
20 *the budget for fiscal year 2000 provides from such*
21 *Fund for aviation investment under historical fund-*
22 *ing patterns;*

23 *(3) the Aviation Investment and Reform Act for*
24 *the 21st Century provides \$14.3 billion of aviation*
25 *investment above the levels assumed in that budget*
26 *resolution for such fiscal years; and*

1 (4) *this increased funding will be fully offset by*
2 *recapturing unspent aviation taxes and reducing the*
3 *\$778 billion general tax cut assumed in that budget*
4 *resolution by the appropriate amount.*