

In the House of Representatives, U. S.,

October 4, 1994.

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 2440) entitled “An Act to amend the Independent Safety Board Act of 1974 to authorize appropriations for fiscal years 1994, 1995, and 1996, and for other purposes” with the following

AMENDMENT:

In lieu of the matter proposed by said amendment, insert:

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

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

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

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

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

1 **SEC. 3. APPLICABILITY OF CERTAIN REGULATIONS AND RE-**
2 **QUIREMENTS TO THE OPERATION OF PUBLIC**
3 **AIRCRAFT.**

4 (a) *DEFINITION OF PUBLIC AIRCRAFT.*—Section
5 40102(a)(37) of title 49, United States Code, is amended
6 by striking subparagraph (B) and inserting the following:

7 “(B) does not include a government-owned
8 aircraft—

9 “(i) transporting property for commer-
10 cial purposes; or

11 “(ii) transporting passengers other
12 than—

13 “(I) transporting (for other than
14 commercial purposes) crewmembers or
15 other persons aboard the aircraft whose
16 presence is required to perform, or is
17 associated with the performance of, a
18 governmental function such as fire-
19 fighting, search and rescue, law en-
20 forcement, aeronautical research, or bi-
21 ological or geological resource manage-
22 ment; or

23 “(II) transporting (for other than
24 commercial purposes) persons aboard
25 the aircraft if the aircraft is operated

1 *by the Armed Forces or an intelligence*
2 *agency of the United States.*

3 *An aircraft described in the preceding sentence*
4 *shall, notwithstanding any limitation relating to*
5 *use of the aircraft for commercial purposes, be*
6 *considered to be a public aircraft for the pur-*
7 *poses of this part without regard to whether the*
8 *aircraft is operated by a unit of government on*
9 *behalf of another unit of government, pursuant*
10 *to a cost reimbursement agreement between such*
11 *units of government, if the unit of government on*
12 *whose behalf the operation is conducted certifies*
13 *to the Administrator of the Federal Aviation Ad-*
14 *ministration that the operation was necessary to*
15 *respond to a significant and imminent threat to*
16 *life or property (including natural resources)*
17 *and that no service by a private operator was*
18 *reasonably available to meet the threat.”.*

19 *(b) AUTHORITY TO GRANT EXEMPTIONS.—*

20 *(1) IN GENERAL.—The Administrator of the Fed-*
21 *eral Aviation Administration may grant an exemp-*
22 *tion to any unit of Federal, State, or local govern-*
23 *ment from any requirement of part A of subtitle VII*
24 *of title 49, United States Code, that would otherwise*
25 *be applicable to current or future aircraft of such unit*

1 *of government as a result of the amendment made by*
2 *subsection (a) of this section.*

3 (2) *REQUIREMENTS.—The Administrator may*
4 *grant an exemption under paragraph (1) only if—*

5 (A) *the Administrator finds that granting*
6 *the exemption is necessary to prevent an undue*
7 *economic burden on the unit of government; and*

8 (B) *the Administrator certifies that the*
9 *aviation safety program of the unit of govern-*
10 *ment is effective and appropriate to ensure safe*
11 *operations of the type of aircraft operated by the*
12 *unit of government.*

13 (c) *INVESTIGATIVE AUTHORITY OF BOARD.—*

14 (1) *ACCIDENTS INVOLVING PUBLIC AIRCRAFT.—*
15 *Section 1131(a)(1)(A) of title 49, United States Code,*
16 *is amended by inserting before the semicolon at the*
17 *end the following: “or an aircraft accident involving*
18 *a public aircraft as defined by section 40102(a)(37)*
19 *of this title other than an aircraft operated by the*
20 *Armed Forces or by an intelligence agency of the*
21 *United States”.*

22 (2) *DUTIES AND POWERS.—Section 1131 of title*
23 *49, United States Code, is amended—*

24 (A) *by redesignating subsection (d) as sub-*
25 *section (e); and*

1 (B) by inserting after subsection (c) the fol-
2 lowing:

3 “(d) *ACCIDENTS INVOLVING PUBLIC AIRCRAFT.*—The
4 *Board, in furtherance of its investigative duties with respect*
5 *to public aircraft accidents under subsection (a)(1)(A) of*
6 *this section, shall have the same duties and powers as are*
7 *specified for civil aircraft accidents under sections 1132(a),*
8 *1132(b), and 1134(b)(2) of this title.”.*

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

12 **SEC. 4. RELEASE OF RESERVATIONS AND RESTRICTIONS**
13 **ON CERTAIN PROPERTY LOCATED IN**
14 **RAPIDES PARISH, LOUISIANA.**

15 (a) *RELEASE.*—Notwithstanding any other provision
16 *of law, and except as provided in subsections (b) and (d),*
17 *the United States releases without consideration all reserva-*
18 *tions, restrictions, conditions, and limitations on the use,*
19 *encumbrance, or conveyance of certain real property (to-*
20 *gether with any improvements thereon and easements ap-*
21 *purtenant thereto) consisting of approximately 1,991.53*
22 *acres of land and located in Rapides Parish, Louisiana,*
23 *the location of Esler Field, as identified in the deed of con-*
24 *veyance from the United States to the Parish of Rapides,*
25 *Louisiana, dated January 23, 1958, to the extent such res-*

1 *ervations, restrictions, conditions, and limitations are en-*
2 *forceable by the United States.*

3 **(b) EXCEPTIONS.**—*The United States reserves the right*
4 *of reentry upon or use of the property described in sub-*
5 *section (a) for national defense purposes in time of war or*
6 *other national emergency without charge. The release pro-*
7 *vided by subsection (a) does not apply to any conditions*
8 *or assurances associated with (1) the continued*
9 *nonexclusive use without charge of the airport and use of*
10 *space at the airport, without charge, by the Louisiana Na-*
11 *tional Guard, (2) the nonexclusive use of the airport by*
12 *transient military aircraft without charge, or (3) the*
13 *nonexclusive use of the airport by transient military air-*
14 *craft without charge during periods of maneuvers.*

15 **(c) LIMITATION ON STATUTORY CONSTRUCTION.**—
16 *Nothing in this section shall be construed to affect the dis-*
17 *position or ownership of oil, gas, or other mineral resources*
18 *either in or under the surface of the real property described*
19 *in subsection (a).*

20 **(d) FEDERAL AVIATION ADMINISTRATION.**—

21 **(1) NONAPPLICABILITY OF RELEASE TO GRANT**
22 *AGREEMENTS.*—*The release described in subsection*
23 *(a) does not apply to any conditions and assurances*
24 *associated with existing airport grant agreements be-*

1 *tween the Rapides Parish Airport Authority/Esler*
2 *Field and the Federal Aviation Administration.*

3 (2) *AGREEMENT.—Notwithstanding any other*
4 *provisions of law, the Administrator of the Federal*
5 *Aviation Administration shall enter into an agree-*
6 *ment with the Airport Authority of Rapides Parish,*
7 *Louisiana, to provide for the terms and conditions*
8 *under which the real property described in subsection*
9 *(a) may be used, leased, sold, or otherwise disposed.*
10 *The agreement shall be concluded not later than 180*
11 *days after the date of the enactment of this Act.*

12 (e) *EFFECTIVE DATE.—This section shall take effect on*
13 *the 180th day following the date of the enactment of this*
14 *Act.*

Attest:

Clerk.

103^D CONGRESS
2^D SESSION

H. R. 2440

AMENDMENT
TO
SENATE AMENDMENT