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2^D SESSION

H. R. 2739

IN THE SENATE OF THE UNITED STATES

OCTOBER 18 (legislative day, OCTOBER 13), 1993

Received; read twice and referred to the Committee on Commerce, Science,
and Transportation

JUNE 16 (legislative day, JUNE 7), 1994

Committee discharged

AN ACT

To amend the Airport and Airway Improvement Act of 1982
to authorize appropriations for fiscal years 1994, 1995,
and 1996, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Aviation Infrastructure
5 Investment Act of 1993”.

1 **TITLE I—AIRPORT AND AIRWAY**
2 **IMPROVEMENT ACT AMEND-**
3 **MENTS**

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

5 (a) AUTHORIZATION OF APPROPRIATIONS.—Section
6 505(a) of the Airport and Airway Improvement Act of
7 1982 (49 U.S.C. App. 2204(a)) is amended—

8 (1) by striking “and” following “1992,”; and

9 (2) by inserting after “1993” the following: “,
10 \$18,071,700,000 for fiscal years ending before Octo-
11 ber 1, 1994, \$20,232,700,000 for fiscal years ending
12 before October 1, 1995, and \$22,446,700,000 for
13 fiscal years ending before October 1, 1996”.

14 (b) OBLIGATIONAL AUTHORITY.—Section 505(b)(1)
15 of such Act is amended by striking “1993” and inserting
16 “1996”.

17 **SEC. 102. AIRWAY IMPROVEMENT PROGRAM.**

18 (a) AIRWAY FACILITIES AND EQUIPMENT.—Section
19 506(a)(1) of the Airport and Airway Improvement Act of
20 1982 (49 U.S.C. App. 2205(a)(1)) is amended by striking
21 “\$11,100,000,000” and all that follows through “1995”
22 and inserting the following: “\$10,724,000,000 for fiscal
23 years ending before October 1, 1994, \$13,394,000,000 for
24 fiscal years ending before October 1, 1995, and

1 \$16,129,000,000 for fiscal years ending before October 1,
2 1996”.

3 (b) OTHER EXPENSES.—Section 506(c) of such Act
4 is amended—

5 (1) by striking “–1995” in the heading for para-
6 graph (4) and inserting “–1993”;

7 (2) by striking “1993, 1994, and 1995” in
8 paragraph (4) and inserting “and 1993”; and

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

10 “(5) FISCAL YEARS 1994–1996.—The amount
11 appropriated from the Trust Fund for the purposes
12 of clauses (A) and (B) of paragraph (1) of this sub-
13 section for each of fiscal years 1994, 1995, and
14 1996 may not exceed the lesser of—

15 “(A) 50 percent of the amount of funds
16 made available under section 505 and sub-
17 sections (a) and (b) of this section for such fis-
18 cal year; or

19 “(B)(i) 70 percent of the amount of funds
20 made available under section 505, subsections
21 (a) and (b) of this section, and section 106(k)
22 of title 49, United States Code, for such fiscal
23 year; less

1 “(ii) the amount of funds made available
2 under section 505 and subsections (a) and (b)
3 of this section for such fiscal year.”.

4 (c) PRESERVATION OF FUNDS.—Section 506(e)(5) of
5 such Act is amended by striking “1995” and inserting
6 “1996”.

7 **SEC. 103. OPERATIONS OF FAA.**

8 Section 106(k) of title 49, United States Code, is
9 amended by striking “, \$5,100,000,000” and all that fol-
10 lows through “1995” and inserting “, \$4,576,000,000 for
11 fiscal year 1994, \$4,674,000,000 for fiscal year 1995, and
12 \$4,810,000,000 for fiscal year 1996”.

13 **SEC. 104. APPORTIONMENT OF FUNDS.**

14 (a) MINIMUM AMOUNT FOR PRIMARY AIRPORTS.—
15 Section 507(b)(1) of the Airport and Airway Improvement
16 Act of 1982 (49 U.S.C. App. 2206(b)(1)) is amended by
17 striking “\$400,000” and inserting “\$500,000”.

18 (b) CONSIDERATION OF DIVERSION OF REVENUES IN
19 AWARDING DISCRETIONARY GRANTS.—Section 507 of
20 such Act is further amended by redesignating subsection
21 (f) as subsection (g) and by inserting after subsection (e)
22 the following new subsection:

23 “(f) CONSIDERATION OF DIVERSION OF REVENUES
24 IN AWARDING DISCRETIONARY GRANTS.—In deciding
25 whether or not to distribute funds to an airport from the

1 discretionary funds established by subsections (c) and (d),
2 the Secretary shall consider as a factor militating against
3 the distribution of such funds to the airport the fact that
4 the airport is using revenues generated by the airport or
5 by local taxes on aviation fuel for purposes other than cap-
6 ital or operating costs of the airport or the local airports
7 system.”.

8 **SEC. 105. USE OF APPORTIONED AND DISCRETIONARY**
9 **FUNDS.**

10 (a) INTEGRATED AIRPORT SYSTEM PLANNING SET-
11 ASIDE.—Section 508(d)(4) of the Airport and Airway Im-
12 provement Act of 1982 (49 U.S.C. App. 2207(d)(4)) is
13 amended by striking “ $\frac{1}{2}$ ” and inserting “ $\frac{3}{4}$ ”.

14 (b) MILITARY AIRPORT SET-ASIDE.—Section
15 508(d)(5) of such Act is amended by striking “and 1995”
16 and inserting “, 1995, and 1996”.

17 (c) DESIGNATION OF MILITARY AIRPORTS.—Section
18 508(f)(1) of such Act is amended by striking “12” and
19 inserting “16”.

20 (d) CONSTRUCTION OF PARKING LOTS, FUEL
21 FARMS, AND UTILITIES.—Section 508(f)(6) of such Act
22 is amended by striking “and 1995” and inserting “1995,
23 and 1996”.

1 **SEC. 106. PROJECT SPONSORSHIP.**

2 Section 511(a) of the Airport and Airway Improve-
3 ment Act of 1982 (49 U.S.C. App. 2210(a)) is amended—

4 (1) by striking “and” at the end of paragraph
5 (16);

6 (2) by striking the period at the end of para-
7 graph (17) and inserting “; and”; and

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

9 “(18) the airport owner or operator will submit
10 to the Administrator and make available to the pub-
11 lic an annual report listing in detail (A) all amounts
12 paid by the airport to any other unit of government
13 and the purposes for which each such payment was
14 made, and (B) all services and property provided to
15 other units of government and the amount of com-
16 pensation received for provision of each such service
17 and property.”.

18 **SEC. 107. INCLUSION OF TERMINAL DEVELOPMENT AS A**
19 **PROJECT COST.**

20 Section 513(b)(2) of the Airport and Airway Im-
21 provement Act of 1982 (49 U.S.C. App. 2212(b)(2)) is
22 amended—

23 (1) in the second sentence by inserting after
24 “may be used” the following: “, subject to the ap-
25 proval of the Secretary,”; and

1 (2) by adding at the end the following: “All or
2 any portion of the sums to be distributed at the dis-
3 cretion of the Secretary under sections 507(c) and
4 507(d) for any fiscal year may be distributed for use
5 by primary airports each of which annually has .05
6 or less of the total enplanements in the United
7 States for project costs allowable under paragraph
8 (1) of this subsection.”.

9 **SEC. 108. INCLUSION OF EXPLOSIVE DETECTION DEVICES**
10 **AND UNIVERSAL ACCESS SYSTEMS.**

11 Section 503(a)(2)(B)(ii) of the Airport and Airway
12 Improvement Act of 1982 (49 U.S.C. App.
13 2202(a)(2)(B)(ii)) is amended by inserting after “or secu-
14 rity equipment” the following: “, including explosive detec-
15 tion devices and universal access systems,”.

16 **SEC. 109. DECLARATION OF POLICY.**

17 Section 502(a) of the Airport and Airway Improve-
18 ment Act of 1982 (49 U.S.C. App. 2201(a)) is amended—

19 (1) by striking “and” at the end of paragraph
20 (13);

21 (2) by striking the period at the end of para-
22 graph (14) and inserting “; and”; and

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

24 “(15) the airport improvement program should
25 be administered to encourage the development and

1 use of innovative concrete and other materials in the
2 construction of airport facilities to minimize initial
3 laydown costs, minimize time out of service, and
4 maximize lifecycle durability.”.

5 **SEC. 110. TECHNICAL AMENDMENTS.**

6 (a) DEFINITIONS.—Section 503(a)(2)(B) of the Air-
7 port and Airway Improvement Act of 1982 (49 U.S.C.
8 App. 2202(a)(2)(B)) is amended by moving clauses (vii)
9 and (viii) 2 ems to the right.

10 (b) AIRPORT PLANS.—Section 504(a)(1) of such Act
11 (49 U.S.C. App. 2203(a)(1)) is amended by redesignating
12 clauses (1), (2), and (3) as clauses (A), (B), and (C), re-
13 spectively.

14 (c) AIP OTHER EXPENSES.—Section 506(c)(3)(B)(i)
15 of such Act (49 U.S.C. App. 2205(c)(3)(B)(i)) is amended
16 by striking “and,” and inserting “, and”.

17 **SEC. 111. LETTERS OF INTENT.**

18 Section 513(d)(1) of the Airport and Airway Im-
19 provement Act of 1982 (49 U.S.C. App. 2212(d)(1)) is
20 amended by adding at the end the following new subpara-
21 graph:

22 “(H) LIMITATION ON STATUTORY CON-
23 STRUCTION.—Nothing in this section shall be
24 construed to prohibit the obligation of amounts
25 pursuant to a letter of intent under this para-

1 graph in the same fiscal year as the letter of in-
2 tent is issued.”.

3 **SEC. 112. PALM SPRINGS, CALIFORNIA.**

4 (a) AUTHORITY TO GRANT RELEASE.—Notwith-
5 standing section 4 of the Act of October 1, 1949 (50
6 U.S.C. App. 1622c), and subject to the provisions of sub-
7 section (b), the Administrator of the Federal Aviation Ad-
8 ministration shall grant releases from all of the terms,
9 conditions, reservations, and restrictions contained in the
10 deed of conveyance dated September 15, 1949, under
11 which the United States conveyed certain property to
12 Palm Springs, California, for airport purposes. The re-
13 leases shall apply only to approximately 11 acres of lot
14 16 of section 13, and approximately 39.07 acres of lots
15 19 and 20 of section 19, used by the city of Palm Springs,
16 California, for general governmental purposes.

17 (b) CONDITIONS.—Any release granted by the Ad-
18 ministrator of the Federal Aviation Administration under
19 subsection (a) shall be subject to the following conditions:

20 (1) The Administrator shall waive any require-
21 ment that there be credited to the account of the
22 airport any amount attributable to the city’s use for
23 governmental purposes of any land conveyed under
24 the deed of conveyance referred to in subsection (a)
25 before the date of the enactment of this section.

1 (2) The city shall abandon all claims, against
2 income of the Palm Springs Regional Airport or
3 other assets of that airport, for reimbursement of
4 general revenue funds that the city may have ex-
5 pended before the date of the enactment of this sec-
6 tion for acquisition of 523.39 acres of land conveyed
7 August 28, 1961, for airport purposes and for ex-
8 penses incurred at any time in connection with such
9 acquisition, and such claims shall not be eligible for
10 reimbursement under the Airport and Airway Im-
11 provement Act or any successor Act.

12 **TITLE II—MISCELLANEOUS** 13 **PROVISIONS**

14 **SEC. 201. PROTECTION OF SMALL COMMUNITY AIRLINE** 15 **PASSENGERS.**

16 (a) ACCESS TO HIGH DENSITY AIRPORTS.—Section
17 419(b) of the Federal Aviation Act of 1958 (49 U.S.C.
18 App. 1389(b)) is amended by adding at the end the follow-
19 ing new paragraph:

20 “(10) ACCESS TO HIGH DENSITY AIRPORTS.—

21 “(A) NONCONSIDERATION OF SLOT AVAIL-
22 ABILITY.—In determining what is basic essen-
23 tial air service and in selecting an air carrier to
24 provide such service, the Secretary shall not
25 give consideration to whether slots at a high

1 density airport are available for providing such
2 service.

3 “(B) MAKING SLOTS AVAILABLE.—If basic
4 essential air service is to be provided to and
5 from a high density airport, the Secretary shall
6 ensure that a sufficient number of slots at such
7 airport are available to the air carrier providing
8 or selected to provide such service. If necessary
9 to carry out the objectives of this subsection,
10 the Secretary shall take such action as may be
11 necessary to have such slots transferred or oth-
12 erwise made available to the air carrier; except
13 that the Secretary shall not be required to
14 make slots available at O’Hare International
15 Airport in Chicago, Illinois, if the number of
16 slots available for basic essential air service to
17 and from such airport is at least 132 slots.”.

18 (b) TRANSFERS OF SLOTS AT HIGH DENSITY AIR-
19 PORTS.—Section 419(b)(7) of such Act (49 U.S.C. App.
20 1389(b)(7)) is amended—

21 (1) by striking “TRANSFER OF OPERATIONAL
22 AUTHORITY AT CERTAIN” and inserting “TRANS-
23 FERS OF SLOTS AT”;

24 (2) by striking “an airport at which the Admin-
25 istrator limits the number of instrument flight rule

1 takeoffs and landings of aircraft” and inserting “a
2 high density airport”;

3 (3) by striking “operational authority” and in-
4 serting “slots”;

5 (4) by striking “has to conduct a landing or
6 takeoff” and inserting “have”;

7 (5) by striking “such authority” the first place
8 it appears and inserting “such slots”;

9 (6) by striking “such authority is” and insert-
10 ing “such slots are”; and

11 (7) by inserting “basic essential” after “used to
12 provide”.

13 (c) DEFINITIONS.—Section 419(k) of such Act (49
14 U.S.C. App. 1389(k)) is amended by adding at the end
15 the following new paragraphs:

16 “(6) HIGH DENSITY AIRPORT.—The term ‘high
17 density airport’ means an airport at which the Ad-
18 ministrator limits the number of instrument flight
19 rule takeoffs and landings of aircraft.

20 “(7) SECRETARY.—The term ‘Secretary’ means
21 the Secretary of Transportation.

22 “(8) SLOT.—The term ‘slot’ means a reserva-
23 tion for an instrument flight rule takeoff or landing
24 by an air carrier of an aircraft in air transpor-
25 tation.”.

1 **SEC. 202. ACCESS OF FOREIGN AIR CARRIERS TO HIGH**
2 **DENSITY AIRPORTS.**

3 (a) IN GENERAL.—Title IV of the Federal Aviation
4 Act of 1958 (49 U.S.C. 1371–1389) is amended by adding
5 at the end the following:

6 **“SEC. 420. ACCESS OF FOREIGN AIR CARRIERS TO HIGH**
7 **DENSITY AIRPORTS.**

8 “(a) IN GENERAL.—The Secretary shall not take a
9 slot at a high density airport from an air carrier and
10 award such slot to a foreign air carrier if the Secretary
11 determines that air carriers are not provided equivalent
12 rights of access to airports in the country of which such
13 foreign air carrier is a citizen.

14 “(b) DEFINITIONS.—In this section, the terms ‘high
15 density airport’, ‘Secretary’, and ‘slot’ have the meaning
16 such terms have under section 419.”.

17 (b) CONFORMING AMENDMENT.—The portion of the
18 table of contents contained in the first section of such Act
19 relating to title IV is amended by adding at the end the
20 following:

“Sec. 420. Access of foreign air carriers to high density airports.

“(a) In general.

“(b) Definitions.”.

21 **SEC. 203. PROCESSING FEES.**

22 Section 313(f) of the Federal Aviation Act of 1958
23 (49 U.S.C. App. 1354 (f)) is amended—

1 (1) by redesignating paragraphs (3) and (4) as
2 paragraphs (4) and (5), respectively; and

3 (2) by inserting after paragraph (2) the follow-
4 ing:

5 “(3) FOREIGN REPAIR STATION CERTIFICATION
6 AND INSPECTION FEES.—The Administrator shall
7 establish and collect fees for certification and inspec-
8 tion of repair stations outside of the United States
9 equivalent to the costs of providing the certification
10 and inspection services.”.

11 **SEC. 204. RULEMAKING ON RANDOM TESTING FOR PROHIB-**
12 **ITED DRUGS.**

13 Not later than 1 year after the date of the enactment
14 of this Act, the Secretary of Transportation shall complete
15 a rulemaking proceeding and issue a final decision on
16 whether there should be a reduction in the annualized rate
17 of random testing for prohibited drugs now required by
18 the Secretary for personnel engaged in aviation activities.
19 If the Secretary does not issue the final decision on or
20 before the last day of such 1-year period, then, effective
21 on the succeeding day, the annualized rate of random test-
22 ing shall be 25 percent of such personnel.

23 **SEC. 205. PASSENGER FACILITY CHARGES.**

24 (a) CLARIFICATION OF APPLICABILITY.—

1 (1) GENERAL RULE.—Section 1113(e)(1) of the
2 Federal Aviation Act of 1958 (49 U.S.C. App.
3 1513(e)(1)) is amended by adding at the end the fol-
4 lowing new sentence: “After the date of the enact-
5 ment of this sentence, no public agency authority
6 shall collect a fee authorized to be imposed under
7 this subsection from a passenger enplaning at an
8 airport if the passenger did not pay for the air
9 transportation which resulted in such enplanement,
10 including any case in which the passenger obtained
11 the ticket for the air transportation with a frequent
12 flier award coupon without monetary payment.”.

13 (2) LIMITATION ON STATUTORY CONSTRUC-
14 TION.—The amendment made by paragraph (1)
15 shall not be construed as requiring any person to re-
16 fund any fee paid before the date of the enactment
17 of this Act.

18 (b) USE OF REVENUES AND RELATIONSHIP BE-
19 TWEEN FEES AND REVENUES.—Section 1113(e)(2) of
20 such Act is amended—

21 (1) by striking “and” at the end of subpara-
22 graph (A);

23 (2) by striking the period at the end of sub-
24 paragraph (B)(iii) and inserting “; and”; and

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

1 “(C) that the application includes adequate
2 justification for each of the specific projects.”.

3 **SEC. 206. TERM OF OFFICE OF FAA ADMINISTRATOR.**

4 Section 106(b) of title 49, United States Code, is
5 amended by adding at the end the following: “The term
6 of office for any individual appointed as Administrator
7 after the date of the enactment of this sentence shall be
8 5 years.”.

9 **SEC. 207. NOISE ABATEMENT PROGRAM.**

10 (a) SOUNDPROOFING OF CERTAIN RESIDENTIAL
11 BUILDINGS.—Section 104(c)(2) of the Aviation Safety
12 and Noise Abatement Act of 1979 (49 U.S.C. App.
13 2104(c)(2)) is amended—

14 (1) by inserting “(A)” before “to operators of
15 airports”; and

16 (2) by striking the period at the end and insert-
17 ing “; and (B) for projects to soundproof residential
18 buildings—

19 “(i) if the operator of the airport involved re-
20 ceived approval for a grant for a project to sound-
21 proof residential buildings pursuant to section
22 301(d)(4)(B) of the Airport and Airway Safety and
23 Capacity Expansion Act of 1987;

1 “(ii) if the operator of the airport involved sub-
2 mits updated noise exposure contours, as required
3 by the Secretary; and

4 “(iii) if the Secretary determines that the pro-
5 posed projects are compatible with the purposes of
6 this Act.”.

7 (b) SOUNDPROOFING AND ACQUISITION OF CERTAIN
8 RESIDENTIAL PROPERTIES.—Section 104(c) of such Act
9 is further amended by adding at the end the following:

10 “(4) SOUNDPROOFING AND ACQUISITION OF
11 CERTAIN RESIDENTIAL PROPERTIES.—The Secretary
12 is authorized under this section to make grants to
13 operators of airports and to units of local govern-
14 ment referred to in paragraph (1) for projects to
15 soundproof residential buildings located on residen-
16 tial properties, and for projects to acquire residential
17 properties, at which noise levels are not compatible
18 with normal operations of an airport—

19 “(A) if the operator of the airport involved
20 amended an existing local aircraft noise regula-
21 tion during calendar year 1993 to increase the
22 maximum permitted noise levels for scheduled
23 air carrier aircraft as a direct result of imple-
24 mentation of revised aircraft noise departure
25 procedures mandated for aircraft safety pur-

1 poses by the Administrator of the Federal Avia-
2 tion Administration for standardized application
3 at airports served by scheduled air carriers;

4 “(B) if the operator of the airport involved
5 submits updated noise exposure contours, as re-
6 quired by the Secretary; and

7 “(C) if the Secretary determines that the
8 proposed projects are compatible with the pur-
9 poses of this Act.”.

10 **SEC. 208. LABOR MANAGEMENT RELATIONS.**

11 The Metropolitan Washington Airports Act of 1986
12 (49 U.S.C. App. 2451–2461) is amended—

13 (1) in section 6007(c)(5) by striking “to the ex-
14 tent that the Federal Aviation Administration is so
15 authorized on the date of enactment of this title”;

16 (2) by redesignating sections 6010, 6011, and
17 6012 as sections 6011, 6012, and 6013, respectively;
18 and

19 (3) by inserting after section 6009 the following
20 new section:

21 **“SEC. 6010. LABOR MANAGEMENT RELATIONS.**

22 “(a) APPLICATION OF FEDERAL LABOR LAWS.—Ex-
23 cept as otherwise provided by this section, the provisions
24 of the National Labor Relations Act and the Labor Man-
25 agement Relations Act, 1947 shall apply to labor-manage-

1 ment relations between the Airports Authority and labor
2 organizations representing bargaining units at the Metro-
3 politan Washington Airports.

4 “(b) SUITS.—

5 “(1) JURISDICTION OF U.S. COURTS.—The
6 courts of the United States shall have jurisdiction
7 with respect to actions brought by the National
8 Labor Relations Board under this section to the
9 same extent that such courts have jurisdiction with
10 respect to actions brought under the National Labor
11 Relations Act.

12 “(2) LABOR CONTRACT VIOLATIONS.—Suits for
13 violation of contracts between the Airports Authority
14 and a labor organization representing bargaining
15 units at the Metropolitan Washington Airports, or
16 between any such labor organizations, may be
17 brought in any district court of the United States
18 having jurisdiction of the parties, without respect to
19 the amount of controversy.

20 “(3) AGENTS OF LABOR ORGANIZATIONS.—A
21 labor organization described in paragraph (2) and
22 the Airports Authority shall be bound by the author-
23 ized acts of their agents. Any such labor organiza-
24 tion may sue or be sued as an entity and in behalf
25 of those whom it represents in the courts of the

1 United States. Any money judgment against such a
2 labor organization in a district court of the United
3 States shall be enforceable only against the organi-
4 zation as an entity and against its assets and shall
5 not be enforceable against any individual member or
6 the member's assets.

7 “(c) COLLECTIVE-BARGAINING AGREEMENTS.—

8 “(1) PERIOD OF EFFECTIVENESS.—Collective-
9 bargaining agreements between the Airports Author-
10 ity and labor organizations shall be effective for not
11 less than 2 years.

12 “(2) RESOLUTION OF GRIEVANCES.—Collective-
13 bargaining agreements negotiated by the Airports
14 Authority shall provide for procedures for resolution
15 by the parties of grievances and other disputes aris-
16 ing during the term of the agreement, culminating
17 in binding third-party arbitration, unless the parties
18 agree otherwise.

19 “(3) RESOLUTION OF DISPUTES IN NEGOTIA-
20 TIONS.—The Airports Authority and a labor organi-
21 zation may by mutual agreement adopt procedures
22 for the resolution of disputes or impasses arising in
23 the negotiation of a collective-bargaining agreement.

24 “(d) LABOR DISPUTES.—

1 “(1) WRITTEN NOTICE REQUIREMENT.—If
2 there is a collective-bargaining agreement between
3 the Airports Authority and labor organizations in ef-
4 fect, no party to such agreement shall terminate or
5 modify such agreement unless the party desiring
6 such termination or modification serves written no-
7 tice upon the other party to the agreement of the
8 proposed termination or modification not less than
9 90 days prior to the time it is proposed to make
10 such termination or modification. The party serving
11 such notice shall notify the Federal Mediation and
12 Conciliation Service of the existence of a dispute
13 within 45 days of such notice if no agreement has
14 been reached by that time.

15 “(2) MEDIATION OF DISPUTES.—If the parties
16 fail to reach agreement or to adopt a procedure pro-
17 viding for a binding resolution of a dispute by the
18 expiration date of the agreement in effect, or the
19 date of the proposed termination or modification, the
20 Director of the Federal Mediation and Conciliation
21 Service shall direct mediation of the dispute. For
22 this purpose, the Director shall submit to the parties
23 a list of not fewer than 10 names. If the parties fail
24 to select a mediator, the selection shall be made by
25 the Director.

1 “(3) ARBITRATION BOARD.—

2 “(A) ESTABLISHMENT.—If no agreement
3 is reached within 90 days after the expiration
4 or termination of the agreement or the date on
5 which the agreement became subject to modi-
6 fication under paragraph (1) of this subsection,
7 or if the parties decide upon arbitration but do
8 not agree upon the procedures therefor, an ar-
9 bitration board shall be established consisting of
10 3 members, 1 of whom shall be selected by the
11 Airports Authority, 1 by the bargaining rep-
12 resentative, and the third by the 2 thus selected
13 who shall be designated chairman. If either of
14 the parties fails to select a member, or if the
15 members chosen by the parties fail to agree on
16 the third person within 5 days after their first
17 meeting, the selection shall be made utilizing
18 the rules of the American Arbitration Associa-
19 tion.

20 “(B) HEARINGS AND DECISIONS.—The ar-
21 bitration board shall give the parties a full and
22 fair hearing, including an opportunity to
23 present evidence in support of their claims, and
24 an opportunity to present their case in person,
25 by counsel or by other representative as they

1 may elect. All procedural disputes shall be de-
2 cided by the board. The board shall have the
3 authority to administer oaths and compel the
4 attendance of witnesses and the production of
5 documents. Decisions of the board shall be con-
6 clusive and binding upon the parties. The board
7 shall render its decision within 45 days after its
8 appointment, unless a later date is mutually
9 agreed upon by both parties.

10 “(C) COSTS.—Costs of the arbitration
11 board shall be shared equally by the Airports
12 Authority and the bargaining representative.

13 “(D) PROCEDURES.—In the case of a bar-
14 gaining unit whose collective-bargaining rep-
15 resentative does not have an agreement with
16 the Airport Authority, if the parties fail to
17 reach agreement within 90 days of the com-
18 mencement of collective bargaining, mediation
19 will take place in accordance with the terms of
20 paragraph (2) of this subsection, unless the
21 parties have previously agreed to another proce-
22 dure for a binding resolution of their dif-
23 ferences. If the parties fail to reach agreement
24 within 180 days of the commencement of collec-
25 tive bargaining and if they have not agreed to

1 another procedure for binding resolution, an ar-
2 bitration board shall be established to provide
3 conclusive and binding arbitration in accord-
4 ance with the terms of paragraph (3) of this
5 subsection.

6 “(E) CONSIDERATIONS IN MAKING
7 AWARDS.—Except insofar as compensation and
8 benefits may be specified elsewhere in this title,
9 the arbitration board, in arriving at its award,
10 shall take into account compensation, benefits,
11 and conditions of employment of comparable
12 employees in Alexandria, Arlington, and Fairfax
13 Counties, Virginia; the District of Columbia;
14 and Montgomery and Prince Georges Counties,
15 Maryland, and other criteria traditionally con-
16 sidered in collective bargaining.

17 “(e) NO STRIKES OR LOCKOUTS; MAINTENANCE OF
18 STATUS QUO.—Notwithstanding any other provision of
19 law, the parties to a collective bargaining agreement be-
20 tween the Airports Authority and a labor organization
21 shall not resort to strike or lockout. The parties shall re-
22 frain from making changes in working conditions pending
23 the resolution of labor disputes as provided in subsection
24 (d) of this section.”.

1 **SEC. 209. TECHNICAL AMENDMENT.**

2 Section 9130 of the Aviation Safety and Capacity Ex-
3 pansion Act of 1990 (49 U.S.C. App. 2226b) is amended
4 by striking “subsection” and inserting “section”.

5 **SEC. 210. REPORT ON CERTAIN BILATERAL NEGOTIATIONS.**

6 The Secretary of Transportation shall report every
7 other month to the Committee on Public Works and
8 Transportation of the House of Representatives and the
9 Committee on Commerce, Science, and Transportation of
10 the Senate on the status of all active aviation bilateral ne-
11 gotiations and informal government-to-government con-
12 sultations with United States aviation trade partners.

13 **SEC. 211. HIGH DENSITY RULE AND REALLOCATION OF**
14 **SLOTS.**

15 (a) HIGH DENSITY RULE.—

16 (1) STUDY.—The Secretary of Transportation
17 shall conduct a study and provide recommendations
18 to Congress on whether improvements in the tech-
19 nology and procedures of the air traffic control sys-
20 tem and the use of quieter aircraft make it possible
21 to eliminate the limitations on hourly operations im-
22 posed by the high density rule contained in part 93
23 of title 14 of the Code of Federal Regulations or to
24 increase the number of operations permitted under
25 such rule. The study shall include consideration of
26 the effects of the elimination of limitations or an in-

1 crease in the number of operations allowed on each
2 of the following:

3 (A) Safety.

4 (B) Congestion and delay in any part of
5 the national aviation system.

6 (C) The impact of noise on persons living
7 near the airport.

8 (D) Competition in the air transportation
9 system.

10 (E) The profitability of operations of air-
11 lines serving the airport.

12 (2) COORDINATION.—In conducting the study
13 under this subsection, the Secretary of Transpor-
14 tation shall consult with officials of airports subject
15 to the high density rule, the cities in which such air-
16 ports are located, representatives of citizens living in
17 the vicinity of such airports, air carriers now serving
18 such airports or interested in inaugurating such
19 service, and other interested persons.

20 (3) REPORT.—Not later than 1 year after the
21 date of the enactment of this Act, the Secretary of
22 Transportation shall transmit the findings of the
23 study conducted under this subsection, together with
24 recommendations, to the Committee on Public
25 Works and Transportation of the House of Rep-

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

3 (b) SLOTS FOR FOREIGN AIR TRANSPORTATION.—

4 (1) STUDY.—The Secretary of Transportation
5 shall conduct a study to determine the impact of a
6 change in law or regulations that would prohibit the
7 withdrawal of a slot from an air carrier providing
8 interstate air transportation at a high density air-
9 port in any case in which such slot is withdrawn in
10 order to allocate it to an air carrier or foreign air
11 carrier to provide foreign air transportation.

12 (2) CONTENTS.—In conducting the study under
13 this subsection, the Secretary shall examine the fol-
14 lowing:

15 (A) The impact of a prohibition described
16 in paragraph (1) on the aviation relationship
17 between the United States Government and for-
18 eign governments.

19 (B) Whether such a prohibition would re-
20 sult in the withdrawal of slots from general
21 aviation and military aviation in order to allo-
22 cate them to air carriers and foreign air car-
23 riers providing foreign air transportation and
24 the impact of such a withdrawal of slots on gen-
25 eral aviation and military aviation.

1 (C) The impact on air carriers providing
2 interstate air transportation of the current
3 practice of withdrawing slots in order to allo-
4 cate them to air carriers or foreign air carriers
5 providing foreign air transportation.

6 (D) The impact of the planned relocation
7 of Air Force Reserve units and the Air National
8 Guard at O’Hare International Airport on the
9 future availability of slots at that airport.

10 (3) REPORT.—Not later than January 15,
11 1994, the Secretary of Transportation shall transmit
12 to Congress a report on the results of the study con-
13 ducted under this subsection, together with such rec-
14 ommendations for legislative or administrative action
15 as the Secretary determines appropriate.

16 **SEC. 212. REPEAL.**

17 Section 31 of the Airport and Airway Development
18 Act of 1970 (49 U.S.C. App. 1731) is hereby repealed.

19 **SEC. 213. CHILD RESTRAINT SYSTEMS ON COMMERCIAL**
20 **AIRCRAFT.**

21 (a) IN GENERAL.—Section 601 of the Federal Avia-
22 tion Act of 1958 (49 U.S.C. App. 1421) is amended by
23 adding at the end the following new subsection:

24 “(g) CHILD RESTRAINT SYSTEMS.—Not later than
25 90 days after the date of the enactment of this subsection,

1 the Secretary shall issue regulations requiring an air car-
 2 rier, upon the request of a revenue passenger on behalf
 3 of a revenue child passenger, to provide a child safety re-
 4 straint system approved by the Secretary on any aircraft
 5 operated by such air carrier in providing interstate air
 6 transportation, intrastate transportation, or overseas air
 7 transportation. Such regulations shall establish age or
 8 weight limits for children who may use such systems.”.

9 (b) CONFORMING AMENDMENT.—The table of con-
 10 tents contained in the first section of such Act is amended
 11 by inserting at the end of the matter relating to section
 12 601 the following new item:

“(g) Child restraint systems.”.

13 **TITLE III**

14 **SEC. 301. SHORT TITLE.**

15 This title may be cited as the “Federal Aviation Ad-
 16 ministration Research, Engineering, and Development Au-
 17 thorization Act of 1993”.

18 **SEC. 302. AVIATION RESEARCH AUTHORIZATION OF APPRO-** 19 **PRIATIONS.**

20 Section 506(b)(2) of the Airport and Airway Im-
 21 provement Act of 1982 (49 U.S.C. App. 2205(b)(2)) is
 22 amended by striking subparagraph (A) and all that follows
 23 through the end of the paragraph and inserting the follow-
 24 ing:

25 “(A) for fiscal year 1994—

1 “(i) \$11,297,000 solely for manage-
2 ment and analysis projects and activities;

3 “(ii) \$76,939,000 solely for capacity
4 and air traffic management technology
5 projects and activities;

6 “(iii) \$35,675,000 solely for commu-
7 nications, navigation, and surveillance
8 projects and activities;

9 “(iv) \$1,908,000 solely for weather
10 projects and activities;

11 “(v) \$7,509,000 solely for airport
12 technology projects and activities;

13 “(vi) \$40,175,000 solely for aircraft
14 safety technology projects and activities;

15 “(vii) \$35,430,000 solely for system
16 security technology projects and activities;

17 “(viii) \$27,756,000 solely for human
18 factors and aviation medicine projects and
19 activities;

20 “(ix) \$7,586,000 for environment and
21 energy projects and activities; and

22 “(x) \$5,725,000 for innovative/cooper-
23 ative research projects and activities, of
24 which \$1,000,000 shall be available for the

1 establishment of a new Aviation Center of
2 Excellence;

3 “(B) for fiscal year 1995—

4 “(i) \$12,646,000 solely for manage-
5 ment and analysis projects and activities;

6 “(ii) \$84,000,000 solely for capacity
7 and air traffic management technology
8 projects and activities;

9 “(iii) \$39,242,000 solely for commu-
10 nications, navigation, and surveillance
11 projects and activities;

12 “(iv) \$2,098,000 solely for weather
13 projects and activities;

14 “(v) \$8,260,000 solely for airport
15 technology projects and activities;

16 “(vi) \$44,192,000 solely for aircraft
17 safety technology projects and activities;

18 “(vii) \$39,523,000 solely for system
19 security technology projects and activities;

20 “(viii) \$31,716,000 solely for human
21 factors and aviation medicine projects and
22 activities;

23 “(ix) \$8,124,000 for environment and
24 energy projects and activities; and

1 “(x) \$5,199,000 for innovative/cooper-
2 ative research projects and activities; and

3 “(C) for fiscal year 1996—

4 “(i) \$14,131,000 solely for manage-
5 ment and analysis projects and activities;

6 “(ii) \$92,402,000 solely for capacity
7 and air traffic management technology
8 projects and activities;

9 “(iii) \$43,167,000 solely for commu-
10 nications, navigation, and surveillance
11 projects and activities;

12 “(iv) \$2,307,000 solely for weather
13 projects and activities;

14 “(v) \$9,086,000 solely for airport
15 technology projects and activities;

16 “(vi) \$48,611,000 solely for aircraft
17 safety technology projects and activities;

18 “(vii) \$43,475,000 solely for system
19 security technology projects and activities;

20 “(viii) \$34,887,000 solely for human
21 factors and aviation medicine projects and
22 activities;

23 “(ix) \$8,716,000 environment and en-
24 ergy projects and activities; and

1 “(x) \$5,718,000 for innovative/cooper-
2 ative research projects and activities.

3 Not less than 15 percent of the amount appropriated pur-
4 suant to this paragraph shall be for long-term research
5 projects, and not less than 3 percent of the amount appro-
6 priated under this paragraph shall be available to the Ad-
7 ministrator for making grants under section 312(g) of the
8 Federal Aviation Act of 1958.”.

9 **SEC. 303. JOINT AVIATION RESEARCH AND DEVELOPMENT**
10 **PROGRAM.**

11 (a) ESTABLISHMENT.—The Administrator and the
12 heads of other appropriate Federal agencies shall jointly
13 establish a program to conduct research on aviation tech-
14 nologies that enhance United States competitiveness. The
15 program shall include—

16 (1) next-generation satellite communications,
17 including global positioning satellites;

18 (2) advances airport and airplane security;

19 (3) environmentally compatible technologies, in-
20 cluding technologies that limit or reduce noise and
21 air pollution;

22 (4) advanced aviation safety programs; and

23 (5) technologies and procedures to enhance and
24 improve airport and airway capacity.

1 (b) PROCEDURES FOR CONTRACTS AND GRANTS.—

2 The Administrator and the heads of the other appropriate
3 Federal agencies shall administer contracts and grants en-
4 tered into under the program established under subsection
5 (a) in accordance with procedures developed jointly by the
6 Administrator and the heads of the other appropriate Fed-
7 eral agencies. The procedures should include an integrated
8 acquisition policy for contract and grant requirements and
9 for technical data rights that are not an impediment to
10 joint programs among the Federal Aviation Administra-
11 tion, the other Federal agencies involved, and industry.

12 (c) PROGRAM ELEMENTS.—The program established
13 under subsection (a) shall include—

14 (1) selected programs that jointly enhance pub-
15 lic and private aviation technology development;

16 (2) an opportunity for private contractors to be
17 involved in such technology research and develop-
18 ment; and

19 (3) the transfer of Government-developed tech-
20 nologies to the private sector to promote economic
21 strength and competitiveness.

22 (d) AUTHORIZATION OF APPROPRIATIONS.—Of
23 amounts authorized to be appropriated for fiscal years
24 1994, 1995, and 1996 under section 506(b)(2) of the Air-
25 port and Airway Improvement Act of 1982 (49 U.S.C.

1 App. 2205(b)(2)), as amended by section 2 of this Act,
2 there are authorized to be appropriated for fiscal years
3 1994, 1995, and 1996, respectively, such sums as may be
4 necessary to carry out this section.

5 **SEC. 304. AIRCRAFT CABIN AIR QUALITY RESEARCH PRO-**
6 **GRAM.**

7 (a) ESTABLISHMENT.—The Administrator of the
8 Federal Aviation Administration (in this Act referred to
9 as the “Administrator”) and the heads of other appro-
10 priate Federal agencies shall establish a research program
11 to determine—

12 (1) what, if any, aircraft cabin air conditions,
13 including pressure altitude systems, on flights within
14 the United States are harmful to the health of air-
15 line passengers and crew, as indicated by physical
16 symptoms such as headaches, nausea, fatigue, and
17 lightheadedness; and

18 (2) the risk of airline passengers and crew con-
19 tracting infectious diseases during flight.

20 (b) CONTRACT WITH INDEPENDENT RESEARCH OR-
21 GANIZATION.—In carrying out the research program es-
22 tablished under subsection (a), the Administrator and the
23 heads of the other appropriate Federal agencies shall con-
24 tract with an independent research organization to carry

1 out any studies necessary to meet the goals of the program
2 set forth in subsection (c).

3 (c) GOALS.—The goals of the research program es-
4 tablished under subsection (a) shall be—

5 (1) to determine what, if any, cabin air condi-
6 tions currently exist on domestic aircraft used for
7 flights within the United States that could be harm-
8 ful to the health of airline passengers and crew, as
9 indicated by physical symptoms such as headaches,
10 nausea, fatigue, and lightheadedness, and including
11 the risk of infection by bacteria and viruses;

12 (2) to determine to what extent, changes in,
13 cabin air pressure, temperature, rate of cabin air
14 circulation, the quantity of fresh air per occupant,
15 and humidity on current domestic aircraft would re-
16 duce or eliminate the risk of illness or discomfort to
17 airline passengers and crew; and

18 (3) to establish a long-term research program
19 to examine potential health problems to airline pas-
20 sengers and crew that may arise in an airplane cabin
21 on a flight within the United States because of cabin
22 air quality as a result of the conditions and changes
23 described in paragraphs (1) and (2).

24 (d) PARTICIPATION.—In carrying out the research
25 program established under subsection (a), the Adminis-

1 trator shall encourage participation in the program by rep-
2 resentatives of aircraft manufacturers, air carriers, avia-
3 tion employee organizations, airline passengers, and aca-
4 demia.

5 (e) REPORT.—(1) Within six months after the date
6 of enactment of this Act, the Administrator shall submit
7 to the Congress a plan for implementation of the research
8 program established under subsection (a).

9 (2) The Administrator shall annually submit to the
10 Congress a report on the progress made during the year
11 for which the report is submitted toward meeting the goals
12 set forth in subsection (c).

13 (f) AUTHORIZATION OF APPROPRIATIONS.—Of
14 amounts authorized to be appropriated for fiscal years
15 1994, 1995, and 1996 under section 506(b)(2) of the Air-
16 port and Airway Improvement Act of 1982 (49 U.S.C.
17 App. 2205(b)(2)), as amended by section 2 of this Act,
18 there are authorized to be appropriated for fiscal years
19 1994, 1995, and 1996, respectively, such sums as may be
20 necessary to carry out this section.

21 **SEC. 305. LIMITATION ON APPROPRIATIONS.**

22 Notwithstanding any other provision of this Act, no
23 funds are authorized to be appropriated for any fiscal year
24 after fiscal year 1996 for carrying out the programs for

1 which funds are authorized by this Act, or by the amend-
2 ments made by this Act.

3 **SEC. 306. USE OF DOMESTIC PRODUCTS.**

4 (a) PROHIBITION AGAINST FRAUDULENT USE OF
5 “MADE IN AMERICA” LABELS.—(1) A person shall not
6 intentionally affix a label bearing the inscription of “Made
7 in America”, or any inscription with that meaning, to any
8 product sold in or shipped to the United States, if that
9 product is not a domestic product.

10 (2) A person who violates paragraph (1) shall not be
11 eligible for any contract for a procurement carried out
12 with amounts authorized under this Act, including any
13 subcontract under such a contract pursuant to the debar-
14 ment, suspension, and ineligibility procedures in subpart
15 9.4 of chapter 1 of title 48, Code of Federal Regulations,
16 or any successor procedures thereto.

17 (b) COMPLIANCE WITH BUY AMERICAN ACT.—(1)
18 Except as provided in paragraph (2), the head of each of-
19 fice within the Federal Aviation Administration that con-
20 ducts procurements shall ensure that such procurements
21 are conducted in compliance with sections 2 through 4 of
22 the Act of March 3, 1933 (41 U.S.C. 10a through 10c,
23 popularly known as the “Buy American Act”).

24 (2) This subsection shall apply only to procurements
25 made for which—

1 (A) amounts are authorized by this Act to be
2 made available; and

3 (B) solicitations for bids are issued after the
4 date of the enactment of this Act.

5 (3) The Secretary, before January 1, 1995, shall re-
6 port to the Congress on procurements covered under this
7 subsection of products that are not domestic products.

8 (c) DEFINITIONS.—For the purposes of this section,
9 the term “domestic product” means a product—

10 (1) that is manufactured or produced in the
11 United States; and

12 (2) at least 50 percent of the cost of the arti-
13 cles, materials, or supplies of which are mined, pro-
14 duced, or manufactured in the United States.

15 **SEC. 307. PURCHASE OF AMERICAN MADE EQUIPMENT AND**
16 **PRODUCTS.**

17 (a) SENSE OF CONGRESS.—It is the sense of Con-
18 gress that any recipient of a grant under this Act, or
19 under any amendment made by this Act, should purchase,
20 when available and cost-effective, American made equip-
21 ment and products when expending grant monies.

22 (b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In al-
23 locating grants under this Act, or under any amendment
24 made by this Act, the Secretary shall provide to each re-

1 cipient a notice describing the statement made in sub-
2 section (a) by the Congress.

3 **TITLE IV—EXTENSION OF AIR-**
4 **PORT AND AIRWAY TRUST**
5 **FUND EXPENDITURE AU-**
6 **THORITY**

7 **SEC. 401. EXTENSION OF AIRPORT AND AIRWAY TRUST**
8 **FUND EXPENDITURE AUTHORITY.**

9 Paragraph (1) of section 9502(d) of the Internal Rev-
10 enue Code of 1986 (relating to expenditures from Airport
11 and Airway Trust Fund) is amended—

12 (1) by striking “October 1, 1995” and inserting
13 “October 1, 1996”, and

14 (2) by striking “(as such Acts were in effect on
15 the date of the enactment of the Airport and Airway
16 Safety, Capacity, Noise Improvement, and Inter-
17 modal Transportation Act of 1992)” and inserting
18 “or the Airport and Airway Safety, Capacity, Noise
19 Improvement, and Intermodal Transportation Act of
20 1992, or the Aviation Infrastructure Investment Act
21 of 1993 (as such Acts are in effect on the date of

1 the enactment of the Aviation Infrastructure Invest-
2 ment Act of 1993)''.

Passed the House of Representatives October 13,
1993.

Attest: DONNALD K. ANDERSON,
Clerk.

HR 2739 CDS—2

HR 2739 CDS—3

HR 2739 CDS—4