

103RD CONGRESS
2^D SESSION

S. 2024

AMENDMENT

In the House of Representatives, U. S.,

May 3, 1994.

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

AMENDMENT:

Strike out all after the enacting clause, and insert:

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

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

4 ***TITLE I—AIRPORT IMPROVEMENT***

5 ***PROGRAM***

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

7 ***TION.***

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

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

12 *(2) by inserting “, and \$15,763,890,000 for fiscal*
13 *years ending before October 1, 1994” before the period*
14 *at the end.*

1 (b) *OBLIGATIONAL AUTHORITY.*—Section 505(b)(1) of
2 such Act (49 U.S.C. App. 2204(b)(1)) is amended by strik-
3 ing “September 30, 1993” and inserting “June 30, 1994”.

4 **SEC. 102. APPORTIONMENT OF FUNDS.**

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

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

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

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

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

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

17 **SEC. 104. INTEGRATED AIRPORT SYSTEM PLANNING SET-**
18 **ASIDE.**

19 Section 508(d)(4) of the Airport and Airway Improve-
20 ment Act of 1982 (49 U.S.C. App. 2207(d)(4)) is amended
21 by striking “1/2” and inserting “3/4”.

22 **SEC. 105. REIMBURSEMENT FOR PAST EXPENDITURES.**

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

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

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

5 (3) by inserting after subparagraph (B) the fol-
6 lowing:

7 “(C)(i) it was incurred—

8 “(I) during fiscal year 1994;

9 “(II) before execution of a grant agreement
10 with respect to the project but in accordance
11 with an airport layout plan approved by the
12 Secretary and in accordance with all applicable
13 statutory and administrative requirements that
14 would have been applicable to the project if the
15 grant agreement had been executed; and

16 “(III) for work related to a project for
17 which a grant agreement was executed during
18 fiscal year 1994; and

19 “(ii) its Federal share is only paid with sums
20 apportioned under subsections 507(a)(1) and
21 507(a)(2) of this title;”.

22 **SEC. 106. EXPENDITURES FROM AIRPORT AND AIRWAY**
23 **TRUST FUND.**

24 Section 9502(d)(1)(A) of the Internal Revenue Code of
25 1986 (relating to expenditures from Airport and Airway

1 *Trust Fund) is amended by striking “(as such Acts were*
2 *in effect on the date of the enactment of the Airport and*
3 *Airway Safety, Capacity, Noise Improvement, and Inter-*
4 *modal Transportation Act of 1992)” and inserting “or the*
5 *Airport Improvement Program Temporary Extension Act*
6 *of 1994 (as such Acts were in effect on the date of the enact-*
7 *ment of the Airport Improvement Program Temporary Ex-*
8 *tension Act of 1994)”.*

9 **SEC. 107. UPWARD ADJUSTMENTS.**

10 (a) *IN GENERAL.*—*The second sentence of section*
11 *505(b)(1) of the Airport and Airway Improvement Act of*
12 *1982 (49 U.S.C. App. 2204(b)(1)) is further amended by—*

13 (1) *inserting “(A)” before apportioned”; and*

14 (2) *inserting before the period at the end “; and*

15 *(B) funds which have been recovered by the United*
16 *States from grants made under this title if such funds*
17 *are obligated only for increases under sections*
18 *512(b)(2) and 512(b)(3) of this title in the maximum*
19 *obligation of the United States for any other grant*
20 *made under this title”.*

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

1 **TITLE II—AIRPORT-AIR CARRIER**

2 **DISPUTES REGARDING AIRPORT FEES**

3 **SEC. 201. EMERGENCY AUTHORITY TO FREEZE CERTAIN**

4 **AIRPORT FEES.**

5 (a) *COMPLAINT BY AIR CARRIER.*—

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

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

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

21 (b) *ORDER BY THE SECRETARY.*—

22 (1) *IN GENERAL.*—Except as provided by para-
23 graph (2), the Secretary shall issue, within 7 days
24 after the filing of a complaint in accordance with
25 subsection (a), an order prohibiting the owner or op-

1 *erator of the airport from collecting the increased por-*
2 *tion of the fee that is the subject of the complaint, un-*
3 *less the Secretary makes a preliminary determination*
4 *that the increased fee is reasonable. Subject to sub-*
5 *section (d), the order shall cease to be effective on*
6 *June 30, 1994.*

7 (2) *LIMITATION.—The Secretary shall not issue*
8 *an order under this subsection prohibiting the collec-*
9 *tion of any portion of a fee for which the Secretary’s*
10 *informal mediation assistance was requested on*
11 *March 21, 1994.*

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

18 (d) *ACTION ON COMPLAINT.—Based on comments and*
19 *material provided under subsection (c), the Secretary may*
20 *take appropriate action on the complaint, including termi-*
21 *nation or other modification of any order issued under sub-*
22 *section (b).*

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

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

5 **SEC. 202. DEFINITIONS.**

6 For purposes of this title—

7 (1) the term “fee” means any rate, rental charge,
 8 landing fee, or other service charge for the use of air-
 9 port facilities; and

10 (2) the term “Secretary” means the Secretary of
 11 Transportation.

12 **TITLE III—REFORM OF AIR TRAFFIC**

13 **CONTROL SYSTEM**

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

15 (a) *STUDY.*—The Secretary of Transportation shall
 16 undertake a study of management, regulatory, and legisla-
 17 tive reforms which would enable the air traffic control sys-
 18 tem of the federal Aviation Administration to provide better
 19 services to users and reduce the costs of providing services,
 20 without reducing the safety of the system or the availability
 21 of the system to all categories of users and without changing
 22 the basic organizational structure under which the system
 23 is part of the Federal Aviation Administration.

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

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

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

11 (3) *Evaluation of a range of possible reforms*
12 *and the advantages and disadvantages of each pos-*
13 *sible reform.*

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

20 (c) *DEADLINE.*—*The results of the study to be con-*
21 *ducted under subsection (a) shall be contained in a report*
22 *which shall be completed by the Secretary of Transportation*
23 *on or before the date which is 180 days after the date of*
24 *the enactment of this Act, or the date on which the Secretary*
25 *submits to Congress proposed legislation to create a separate*

1 *corporate entity to operate the air traffic control system,*
2 *whichever date occurs first.*

3 (d) *TRANSMITTAL.*—*On the date of completion of the*
4 *report under subsection (c), the Secretary of Transportation*
5 *shall transmit copies of the report to the Committee on*
6 *Commerce, Science, and Transportation of the Senate and*
7 *the Committee on Public Works and Transportation of the*
8 *House of Representatives.*

9 ***TITLE IV—MISCELLANEOUS PROVISIONS***

10 ***SEC. 401. GRANDFATHER PROVISION FOR FAA DEMONSTRATION PROJECT.***
11

12 (a) *IN GENERAL.*—*Notwithstanding the termination of*
13 *the personnel demonstration project for certain Federal*
14 *Aviation Administration employees on June 17, 1994, pur-*
15 *suant to section 4703 of title 5, United States Code, the*
16 *Federal Aviation Administration shall continue to pay*
17 *quarterly retention allowance payments in accordance with*
18 *subsection (b) to those employees who are entitled to quar-*
19 *terly retention allowance payments under the demonstra-*
20 *tion project as of June 16, 1994.*

21 (b) *COMPUTATION RULES.*—

22 (1) *IN GENERAL.*—*The amount of each quarterly*
23 *retention allowance payment to which an employee is*
24 *entitled under subsection (a) shall be the amount of*
25 *the last quarterly retention allowance payment paid*

1 to such employee under the personnel demonstration
2 project prior to June 17, 1994, reduced by that por-
3 tion of the amount of any increase in the employee's
4 annual rate of basic pay subsequent to June 17, 1994,
5 from any source, which is allocable to the quarter for
6 which the allowance is to be paid (or, if applicable,
7 to that portion of the quarter for which the allowance
8 is to be paid). For purposes of the preceding sentence,
9 the increase in an employee's annual rate of basic
10 pay includes—

11 (A) any increase under section 5303 of title
12 5, United States Code;

13 (B) any increase in locality-based com-
14 parability payments under section 5304 of such
15 title 5 (except if, or to the extent that, such in-
16 crease is offset by a reduction of an interim geo-
17 graphic adjustment under section 302 of the Fed-
18 eral Employees Pay Comparability Act of 1990);

19 (C) any establishment or increase in a spe-
20 cial rate of pay under section 5305 of such title
21 5;

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

24 (E) any periodic step-increase under section
25 5335 of such title 5;

1 (F) any additional step-increase under sec-
2 tion 5336 of such title 5; and

3 (G) any other increase in annual rate of
4 basic pay under any other provision of law.

5 (2) *SPECIAL RULE.*—In the case of an employee
6 on leave without pay or other similar status for any
7 part of the quarter prior to June 17, 1994, based on
8 which the amount of the allowance payments for such
9 employee under subsection (a) are computed, the
10 “amount of the last quarterly retention allowance
11 payment paid to such employee under the personnel
12 demonstration project prior to June 17, 1994” shall,
13 for purposes of paragraph (1), be deemed to be the
14 amount of the allowance which would have been pay-
15 able to such employee for such quarter under such
16 project had such employee been in pay status through-
17 out such quarter.

18 (c) *TERMINATION.*—An employee’s entitlement to
19 quarterly retention allowance payments under this section
20 shall cease when—

21 (1) the amount of such allowance is reduced to
22 zero under subsection (b), or

23 (2) the employee separates or moves to a position
24 in which the employee would not, prior to June 17,

- 1 *1994, have been entitled to receive an allowance under*
- 2 *the demonstration project,*
- 3 *whichever is earlier.*

Attest:

Clerk.