

103^D CONGRESS
2^D SESSION

S. 2024

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.

IN THE SENATE OF THE UNITED STATES

APRIL 19 (legislative day, APRIL 11), 1994

Mr. FORD introduced the following bill; which was read twice, considered, read the third time, and passed

A BILL

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.

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 “Airport Improvement
5 Program Temporary Extension Act of 1994”.

1 **TITLE I—AIRPORT IMPROVEMENT**
2 **PROGRAM**

3 **SEC. 101. AIRPORT IMPROVEMENT PROGRAM AUTHORIZA-**
4 **TION.**

5 (a) AUTHORIZATION.—The second sentence of sec-
6 tion 505(a) of the Airport and Airway Improvement Act
7 of 1982 (49 App. U.S.C. 2204(a)) is amended—

8 (1) by striking “and” immediately after
9 “1992,”; and

10 (2) by inserting “, and \$17,528,700,000 for
11 fiscal years ending before October 1, 1994” imme-
12 diately before the period at the end.st

13 (b) DISCRETIONARY FUND.—Section 507(c) of the
14 Airport and Airway Improvement Act of 1982 (49 App.
15 U.S.C. 2206(c)) is amended by adding at the end the fol-
16 lowing new paragraph:

17 “(5) SPECIAL RULE.—(A) In any fiscal year in
18 which the amount made available under section
19 505(a) is less than \$1,800,000,000 and not less
20 than \$1,700,000,000, the total amount calculated
21 under subparagraph (C) of this paragraph shall be
22 reduced by \$50,000,000 and such \$50,000,000 shall
23 be credited to the discretionary fund established by
24 paragraph (1) for distribution without regard to sec-
25 tion 508(d).

1 “(B) In any fiscal year in which the amount
2 made available under section 505(a) is less than
3 \$1,700,000,000, the total amount calculated under
4 subparagraph (C) of this paragraph shall be reduced
5 by \$100,000,000 and such \$100,000,000 shall be
6 credited to the discretionary fund established by
7 paragraph (1) for distribution without regard to sec-
8 tion 508(d).

9 “(C) The total amount, for any fiscal year, that
10 is subject to reduction pursuant to subparagraph
11 (A) or (B) shall be the sum of—

12 “(i) the amount determined under section
13 508(d)(2);

14 “(ii) the amount determined under section
15 508(d)(4);

16 “(iii) the amount determined under section
17 508(d)(5); and

18 “(iv) the amount to be credited to the fund
19 established under subsection (d) of this section.

20 “(D) To accomplish a reduction pursuant to
21 subparagraph (A) or (B), each of the amounts that
22 otherwise would have been available for distribution
23 under subsection (d) of this section and sections
24 508(d)(2), 508(d)(4), and 508(d)(5), respectively,
25 shall be reduced by an equal percentage.”.

1 (c) OBLIGATIONAL AUTHORITY.—Section 505(b)(1)
2 of the Airport and Airway Improvement Act of 1982 (49
3 App. U.S.C. 2204(b)(1)) is amended—

4 (1) by striking “September 30, 1993” and in-
5 serting in lieu thereof “June 30, 1994”; and

6 (2) by adding at the end the following new sen-
7 tence: “Notwithstanding any other provision of this
8 title, the Secretary shall not, during fiscal year
9 1994, incur obligations in excess of \$800,000,000 to
10 make grants from funds made available under sub-
11 section (a).”.

12 **SEC. 102. APPORTIONMENT OF FUNDS.**

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

16 (1) by striking “or reducing the amount author-
17 ized or” and inserting in lieu thereof “the amount”;

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

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

21 **SEC. 103. USE OF APPORTIONED AND DISCRETIONARY**
22 **FUNDS.**

23 Section 508(d) of the Airport and Airway Improve-
24 ment Act of 1982 (49 App. U.S.C. 2207(d)) is amended—

1 (1) in paragraph (1), by striking “10” and in-
2 sserting in lieu thereof “5”; and

3 (2) in paragraph (3), by striking “2.5” wher-
4 ever it appears and inserting in lieu thereof “1.5”.

5 **SEC. 104. EXPENDITURES FROM AIRPORT AND AIRWAY**
6 **TRUST FUND.**

7 Section 9502(d)(1)(A) of the Internal Revenue Code
8 of 1986 (relating to expenditure from Airport and Airway
9 Trust Fund) is amended by striking “(as such Acts were
10 in effect on the date of the enactment of the Airport and
11 Airway Safety, Capacity, Noise Improvement, and Inter-
12 modal Transportation Act of 1992)” and inserting in lieu
13 thereof “or the Airport Improvement Program Temporary
14 Extension Act of 1994 (as such Acts were in effect on
15 the date of the enactment of the Airport Improvement
16 Program Temporary Extension Act of 1994)”.

17 **TITLE II—AIRPORT-AIR CARRIER**
18 **DISPUTES REGARDING AIRPORT FEES**

19 **SEC. 201. EMERGENCY AUTHORITY TO FREEZE CERTAIN**
20 **AIRPORT FEES.**

21 (a) COMPLAINT BY AIR CARRIER.—(1) An air carrier
22 may, prior to June 30, 1994, file with the Secretary a
23 written complaint alleging that any increased fee imposed
24 upon such air carrier by the owner or operator of an air-
25 port is not reasonable. The air carrier shall simultaneously

1 file with the Secretary proof that a copy of the complaint
2 has been served on the owner or operator of the airport.

3 (2) Before issuing an order under subsection (b), the
4 Secretary shall provide the owner or operator of the air-
5 port an opportunity to respond to the filed complaint.

6 (3) If the Secretary determines that a complaint is
7 frivolous, the Secretary may refuse to accept the complaint
8 for filing.

9 (b) ORDER BY THE SECRETARY.—(1) Except as pro-
10 vided by paragraph (2), the Secretary shall, within 7 days
11 after the filing of a complaint in accordance with sub-
12 section (a), issue an order prohibiting the owner or opera-
13 tor of the airport from collecting the increased portion of
14 the fee that is the subject of the complaint, unless the
15 Secretary makes a preliminary determination that the in-
16 creased fee is reasonable. The order shall cease to be effec-
17 tive on June 30, 1994.

18 (2) The Secretary shall not issue an order under this
19 subsection prohibiting the collection of any portion of a
20 fee for which the Secretary's informal mediation assist-
21 ance was requested on March 21, 1994.

22 (c) OPPORTUNITY TO COMMENT AND FURNISH RE-
23 LATED MATERIAL.—Within a period prescribed by the
24 Secretary, the owner or operator of the airport and any
25 affected air carrier may submit comments to the Secretary

1 on a complaint filed under subsection (a) and furnish any
2 related documents or other material.

3 (d) ACTION ON COMPLAINT.—Based on comments
4 and material provided under subsection (c), the Secretary
5 may take appropriate action on the complaint, including
6 but not limited to termination or other modification of any
7 order issued under subsection (b).

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

11 (f) EFFECT ON EXISTING AGREEMENTS.—Nothing
12 in this section shall adversely affect any existing written
13 agreement between an air carrier and the owner or opera-
14 tor of an airport.

15 **SEC. 202. DEFINITIONS.**

16 For purposes of this title—

17 (1) the term “fee” means any rate, rental
18 charge, landing fee, or other service charge for the
19 use of airport facilities; and

20 (2) the term “Secretary” means the Secretary
21 of Transportation.

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