

Union Calendar No. 385

104TH CONGRESS
2^D SESSION

H. R. 3539

[Report No. 104-714, Part I]

A BILL

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

JULY 30, 1996

The Committee on Ways and Means 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

MAY 29, 1996

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 Ways and Means, 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

JULY 26, 1996

Committee on Rules discharged

JULY 26, 1996

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 and roman]

JULY 26, 1996

Referral to Ways and Means extended for a period no later than July 29, 1996

JULY 29, 1996

Referral to Ways and Means extended for a period no later than July 30, 1996

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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 *“Federal Aviation Authorization Act of 1996”.*

6 (b) *TABLE OF CONTENTS.*—

Sec. 1. Short title; table of contents.

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

Sec. 3. Applicability.

TITLE I—REAUTHORIZATION OF FAA PROGRAMS

Sec. 101. Airport improvement program.

Sec. 102. Airway facilities improvement program.

Sec. 103. Operations of FAA.

TITLE II—AIRPORT DEVELOPMENT FINANCING

Sec. 201. Apportionments.

Sec. 202. Discretionary fund.

Sec. 203. Use of apportioned amounts.

Sec. 204. Designating current and former military airports.

Sec. 205. Select panel on airport and agency financing.

TITLE III—AIRPORT IMPROVEMENT PROGRAM MODIFICATIONS

Sec. 301. Intermodal planning.

Sec. 302. Compliance with Federal mandates.

Sec. 303. Runway maintenance program.

Sec. 304. Access to airports by intercity buses.

Sec. 305. Cost reimbursement for projects commenced prior to grant award.

Sec. 306. Issuance of letters of intent.

Sec. 307. Selection of projects for grants from discretionary fund.

Sec. 308. Small airport fund.

Sec. 309. State block grant program.

- Sec. 310. *Private ownership of airports.*
 Sec. 311. *Use of noise set-aside funds by non-airport sponsors.*

TITLE IV—MISCELLANEOUS PROVISIONS

- Sec. 401. *Purchase of housing units.*
 Sec. 402. *Technical correction relating to State taxation.*
 Sec. 403. *Use of passenger facility fees for debt financing project.*
 Sec. 404. *Protection of voluntarily submitted information.*
 Sec. 405. *Supplemental type certificates.*
 Sec. 406. *Restriction on use of revenues.*
 Sec. 407. *Certification of small airports.*
 Sec. 408. *Discretionary authority for criminal history records checks.*
 Sec. 409. *Imposition of fees.*
 Sec. 410. *Authority to close airport located near closed or realigned military base.*
 Sec. 411. *Construction of runways.*
 Sec. 412. *Gadsden Air Depot, Alabama.*
 Sec. 413. *Regulations affecting intrastate aviation in Alaska.*
 Sec. 414. *Westchester County Airport, New York.*
 Sec. 415. *Bedford Airport, Pennsylvania.*
 Sec. 416. *Location of Doppler radar stations, New York.*
 Sec. 417. *Worcester Municipal Airport, Massachusetts.*
 Sec. 418. *Aircraft Noise Ombudsman.*

TITLE V—METROPOLITAN WASHINGTON AIRPORTS

- Sec. 501. *Short title.*
 Sec. 502. *Amendment of Metropolitan Washington Airports Act of 1986.*
 Sec. 503. *Use of leased property.*
 Sec. 504. *Board of directors.*
 Sec. 505. *Federal Advisory Commission.*
 Sec. 506. *Review procedure.*
 Sec. 507. *Congressional disapproval procedures.*
 Sec. 508. *Other matters relating to Federal Advisory Commission.*
 Sec. 509. *Effect of judicial orders.*
 Sec. 510. *Federal Advisory Committee Act.*
 Sec. 511. *Use of Dulles Access Highway.*
 Sec. 512. *Amendment of lease.*
 Sec. 513. *Availability of slots.*

**TITLE VI—RECOMMENDATION TO COMMITTEE ON WAYS AND
 MEANS ON EXTENSION OF AIRPORT AND AIRWAY TRUST FUND
 TAXES AND EXPENDITURE AUTHORITY**

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

2 *Except as otherwise specifically provided, whenever in*
 3 *titles I, II, III, and IV of this Act an amendment or repeal*
 4 *is expressed in terms of an amendment to, or repeal of, a*
 5 *section or other provision of law, the reference shall be con-*

1 *sidered to be made to a section or other provision of title*
2 *49, United States Code.*

3 **SEC. 3. APPLICABILITY.**

4 *(a) IN GENERAL.—Except as otherwise specifically*
5 *provided, titles I, II, III, and IV of this Act and the amend-*
6 *ments made by such titles shall apply only to fiscal years*
7 *beginning after September 30, 1996.*

8 *(b) LIMITATION ON STATUTORY CONSTRUCTION.—*
9 *Nothing in this Act or any amendment made by this Act*
10 *shall be construed as affecting funds made available for a*
11 *fiscal year ending before October 1, 1996.*

12 **TITLE I—REAUTHORIZATION OF**
13 **FAA PROGRAMS**

14 **SEC. 101. AIRPORT IMPROVEMENT PROGRAM.**

15 *(a) AUTHORIZATION OF APPROPRIATIONS.—Section*
16 *48103 is amended—*

17 *(1) by striking “September 30, 1981” and insert-*
18 *ing “September 30, 1996”; and*

19 *(2) by striking “\$17,583,500,000” and all that*
20 *follows through the period at the end and inserting*
21 *the following: “\$2,280,000,000 for fiscal years ending*
22 *before October 1, 1997, \$4,627,000,000 for fiscal years*
23 *ending before October 1, 1998, and \$7,039,000,000 for*
24 *fiscal years ending before October 1, 1999.”.*

1 (b) *OBLIGATIONAL AUTHORITY.*—Section 47104(c) is
2 amended by striking “1996” and inserting “1999”.

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

4 (a) *AUTHORIZATION OF APPROPRIATIONS.*—Section
5 48101(a) is amended by striking paragraphs (1) through
6 (4) and inserting the following:

7 “(1) \$2,068,000,000 for fiscal year 1997.

8 “(2) \$2,129,000,000 for fiscal year 1998.

9 “(3) \$2,191,000,000 for fiscal year 1999.”.

10 (b) *CLERICAL AMENDMENTS.*—Chapter 481 is amend-
11 ed—

12 (1) by striking the heading for section 48101 and
13 inserting the following:

14 **“§48101. Air navigation facilities and equipment”;**

15 and

16 (2) in the table of sections by striking the item
17 relating to section 48101 and inserting the following:

“48101. Air navigation facilities and equipment.”.

18 **SEC. 103. OPERATIONS OF FAA.**

19 (a) *AUTHORIZATION OF APPROPRIATIONS FROM GEN-*
20 *ERAL FUND.*—Section 106(k) is amended by striking
21 “\$4,088,000,000” and all that follows through the period
22 at the end and inserting the following: “\$5,158,000,000 for
23 fiscal year 1997, \$5,344,000,000 for fiscal year 1998, and
24 \$5,538,000,000 for fiscal year 1999.”.

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

3 (1) *in the subsection heading by striking “1996”*
 4 *and inserting “1999”; and*

5 (2) *by striking “1994, 1995, and 1996” and in-*
 6 *serting “1994 through 1999”.*

7 (c) *LIMITATION ON OBLIGATING OR EXPENDING*
 8 *AMOUNTS.*—Section 48108(c) is amended by striking
 9 “1996” and inserting “1999”.

10 (d) *CLERICAL AMENDMENTS.*—Chapter 481 is amend-
 11 *ed—*

12 (1) *by striking the heading for section 48104 and*
 13 *inserting the following:*

14 **“§48104. Operations and maintenance”;**

15 *and*

16 (2) *in the table of sections for such chapter by*
 17 *striking the item relating to section 48104 and insert-*
 18 *ing the following:*

“48104. Operations and maintenance.”.

19 **TITLE II—AIRPORT**
 20 **DEVELOPMENT FINANCING**

21 **SEC. 201. APPORTIONMENTS.**

22 (a) *AMOUNTS APPORTIONED TO SPONSORS.*—

23 (1) *PRIMARY AIRPORTS.*—Section 47114(c)(1)(A)
 24 *is amended—*

1 (A) by striking “and” at the end of clause
2 (iii);

3 (B) in clause (iv) by striking “additional”
4 and inserting “of the next 500,000”;

5 (C) by striking the period at the end of
6 clause (iv) and inserting “; and”; and

7 (D) by adding at the end the following:

8 “(v) \$.50 for each additional passenger boarding
9 at the airport during the prior calendar year.”.

10 (2) CARGO ONLY AIRPORTS.—Section
11 47114(c)(2) of such title is amended to read as fol-
12 lows:

13 “(2) CARGO ONLY AIRPORTS.—

14 “(A) APPORTIONMENT.—Subject to subpara-
15 graph (D), the Secretary shall apportion an
16 amount equal to 2.5 percent of the amount sub-
17 ject to apportionment each fiscal year to the
18 sponsors of airports served by aircraft providing
19 air transportation of only cargo with a total an-
20 nual landed weight of more than 100,000,000
21 pounds.

22 “(B) SUBALLOCATION FORMULA.—Any
23 funds apportioned under subparagraph (A) to
24 sponsors of airports described in subparagraph
25 (A) shall be allocated among those airports in

1 *the proportion that the total annual landed*
2 *weight of aircraft described in subparagraph (A)*
3 *landing at each of those airports bears to the*
4 *total annual landed weight of those aircraft*
5 *landing at all those airports.*

6 “(C) *LIMITATION.*—*Not more than 8 per-*
7 *cent of the amount apportioned under subpara-*
8 *graph (A) may be apportioned for any one air-*
9 *port.*

10 “(D) *DISTRIBUTION TO OTHER AIRPORTS.*—
11 *Before apportioning amounts to the sponsors of*
12 *airports under subparagraph (A) for a fiscal*
13 *year, the Secretary may set-aside a portion of*
14 *such amounts for distribution to the sponsors of*
15 *other airports, selected by the Secretary, that the*
16 *Secretary finds will be served primarily by air-*
17 *craft providing air transportation of only cargo.*

18 “(E) *DETERMINATION OF LANDED*
19 *WEIGHT.*—*Landed weight under this paragraph*
20 *is the landed weight of aircraft landing at each*
21 *airport described in subparagraph (A) during*
22 *the prior calendar year.”.*

23 (3) *REPEAL OF LIMITATION.*—*Section*
24 *47114(c)(3) is repealed.*

1 (b) *AMOUNTS APPORTIONED TO STATES.*—Section
2 47114(d)(2) of such title is amended—

3 (1) *by striking “12” and inserting “18.5”;*

4 (2) *in subparagraph (A) by striking “one” and*
5 *inserting “0.66”;*

6 (3) *in each of subparagraphs (B) and (C) by*
7 *striking “49.5” and inserting “49.67”; and*

8 (4) *in each of subparagraphs (B) and (C) by*
9 *striking “except” the second place it appears and all*
10 *that follows through “title,” and inserting “excluding*
11 *primary airports but including reliever and nonpri-*
12 *mary commercial service airports,”.*

13 **SEC. 202. DISCRETIONARY FUND.**

14 Section 47115 is amended by striking the second sub-
15 section (f), relating to minimum amounts to be credited,
16 and inserting the following:

17 “(g) *MINIMUM AMOUNT TO BE CREDITED.*—

18 “(1) *GENERAL RULE.*—In a fiscal year, there
19 shall be credited to the fund, out of amounts made
20 available under section 48103 of this title, an amount
21 that is at least equal to the sum of—

22 “(A) \$50,000,000; plus

23 “(B) the total amount required from the
24 fund to carry out in the fiscal year letters of in-
25 tent issued before January 1, 1996, under section

1 47110(e) of this title or the Airport and Airway
2 Improvement Act of 1982.

3 *The amount credited is exclusive of amounts that have*
4 *been apportioned in a prior fiscal year under section*
5 *47114 of this title and that remain available for obli-*
6 *gation.*

7 “(2) *REDUCTION OF APPORTIONMENTS.*—*In a*
8 *fiscal year in which the amount credited under sub-*
9 *section (a) is less than the minimum amount to be*
10 *credited under paragraph (1), the total amount cal-*
11 *culated under paragraph (3) shall be reduced by an*
12 *amount that, when credited to the fund, together with*
13 *the amount credited under subsection (a), equals such*
14 *minimum amount.*

15 “(3) *AMOUNT OF REDUCTION.*—*For a fiscal year,*
16 *the total amount available to make a reduction to*
17 *carry out paragraph (2) is the total of the amounts*
18 *determined under sections 47114(c)(1)(A),*
19 *47114(c)(2), 47114(d), and 47117(e) of this title.*
20 *Each amount shall be reduced by an equal percentage*
21 *to achieve the reduction.*

22 “(h) *ALLOCATION OF AMOUNTS EXCEEDING LETTER*
23 *OF INTENT REQUIREMENTS.*—*Of the amount credited to the*
24 *fund for a fiscal year which exceeds the total amount re-*
25 *quired from the fund to carry out in the fiscal year letters*

1 of intent issued before January 1, 1996, under section
2 47110(e) of this title or the Airport and Airway Improve-
3 ment Act of 1982—

4 “(1) not less than 15 percent shall be used for
5 system planning and for making grants to airports
6 that are not commercial service airports; and

7 “(2) not less than 30 percent shall be used for
8 making grants to commercial service airports that
9 each year have less than .25 percent of the total pas-
10 senger boardings in the United States.”.

11 **SEC. 203. USE OF APPORTIONED AMOUNTS.**

12 (a) *PERIOD OF AVAILABILITY.*—Section 47117(b) is
13 amended by inserting before the period at the end of the
14 first sentence the following: “or the 3 fiscal years imme-
15 diately following that year in the case of a primary airport
16 that had less than .05 percent of the total boardings in the
17 United States in the preceding calendar year”.

18 (b) *SPECIAL APPORTIONMENT CATEGORIES.*—Section
19 47117(e)(1) is amended—

20 (1) by striking “made available under section
21 48103” and inserting “available to the discretionary
22 fund under section 47115”;

23 (2) by striking subparagraphs (A), (C), and (D);

24 (3) by redesignating subparagraphs (B) and (E)
25 as subparagraphs (A) and (B), respectively;

1 (4) *in subparagraph (A), as so redesignated, by*
2 *striking “at least 12.5” and inserting “At least 31”;*

3 (5) *by adding at the end of subparagraph (A),*
4 *as so redesignated, the following: “The Secretary may*
5 *count the amount of grants made for such planning*
6 *and programs with funds apportioned under section*
7 *47114 in that fiscal year in determining whether or*
8 *not such 31 percent requirement is being met in that*
9 *fiscal year.”;*

10 (6) *in subparagraph (B), as so redesignated, by*
11 *striking “at least 2.25” and all that follows through*
12 *“1996,” and inserting “At least 4 percent for each*
13 *fiscal year thereafter”;* and

14 (7) *by inserting before the period at the end of*
15 *subparagraph (B), as so redesignated, the following:*
16 *“and to sponsors of noncommercial service airports*
17 *for grants for operational and maintenance expenses*
18 *at any such airport if the amount of such grants to*
19 *the sponsor of the airport does not exceed \$30,000 in*
20 *that fiscal year, if the Secretary determines that the*
21 *airport is adversely affected by the closure or realign-*
22 *ment of a military base, and if the sponsor of the air-*
23 *port certifies that the airport would otherwise close if*
24 *the airport does not receive the grant”.*

1 **SEC. 204. DESIGNATING CURRENT AND FORMER MILITARY**
2 **AIRPORTS.**

3 (a) *GENERAL REQUIREMENTS.*—Section 47118(a) is
4 amended—

5 (1) by striking “not more than 15”;

6 (2) by inserting after the first sentence the fol-
7 lowing: “The maximum number of airports which
8 may be designated by the Secretary under this section
9 at any time is 10.”; and

10 (3) by striking “reduce delays” and all that fol-
11 lows through “landings” and inserting the following:
12 “enhance airport and air traffic control system ca-
13 pacity in major metropolitan areas and reduce cur-
14 rent or projected flight delays”.

15 (b) *SURVEY AND CONSIDERATIONS.*—Section 47118 is
16 amended—

17 (1) in subsections (a) and (d) by striking “sec-
18 tion 47117(e)(1)(E)” and inserting “section
19 47117(e)(1)(B)”;

20 (2) by striking subsections (b) and (c) and redesi-
21 gnating subsections (d), (e), and (f) as subsections
22 (b), (c), and (d), respectively.

23 (c) *PARKING LOTS, FUEL FARMS, AND UTILITIES.*—
24 Subsection (d) of section 47118, as redesignated by sub-
25 section (b) of this section, is amended by striking “for the

1 *fiscal years ending September 30, 1993–1996,” and insert-*
2 *ing “for fiscal years beginning after September 30, 1992,”.*

3 **SEC. 205. SELECT PANEL ON AIRPORT AND AGENCY FI-**
4 **NANCING.**

5 (a) *ESTABLISHMENT.*—*There is established an advi-*
6 *sory committee which shall be known as the Select Panel*
7 *on Airport and Agency Financing (hereinafter in this sec-*
8 *tion referred to as the “panel”).*

9 (b) *FUNCTIONS.*—*The panel shall evaluate and rec-*
10 *ommend innovative financing mechanisms for ensuring*
11 *adequate funding for airport capital needs and Federal*
12 *Aviation Administration capital and operating needs.*

13 (c) *MEMBERSHIP.*—*The panel shall consist of 15 mem-*
14 *bers as follows:*

15 (1) *7 members appointed by the Secretary of*
16 *Transportation, in consultation with the Secretary of*
17 *the Treasury, of whom—*

18 (A) *3 shall have expertise in aviation; and*

19 (B) *3 shall have expertise in financing, in-*
20 *cluding at least 1 with expertise in airport fi-*
21 *nancing.*

22 (2) *8 members appointed by Congress as follows:*

23 (A) *1 member appointed by each of the*
24 *chairman and ranking minority member of the*

1 *Committee on Transportation and Infrastructure*
2 *of the House of Representatives.*

3 *(B) 1 member appointed by each of the*
4 *chairman and ranking minority member of the*
5 *Committee on Appropriations of the House of*
6 *Representatives.*

7 *(C) 1 member appointed by each of the*
8 *chairman and ranking minority member of the*
9 *Committee on Commerce, Science, and Transpor-*
10 *tation of the Senate.*

11 *(D) 1 member appointed by each of the*
12 *chairman and ranking minority member of the*
13 *Committee on Appropriations of the Senate.*

14 *(d) RESTRICTION ON APPOINTMENT OF CURRENT*
15 *AVIATION EMPLOYEES.—A member appointed under sub-*
16 *section (c)(1) may not be an employee of an airline, airport,*
17 *or aviation trade association at the time of appointment*
18 *or while serving on the panel.*

19 *(e) CHAIRMAN.—The Secretary of Transportation, in*
20 *consultation with the Secretary of the Treasury, shall des-*
21 *ignate a chairman of the panel from among the members*
22 *appointed under subsection (c)(1).*

23 *(f) CHARTER.—The Secretary of Transportation, in*
24 *consultation with the Secretary of the Treasury, shall pro-*
25 *vide the panel with a charter of the matters to be evaluated*

1 *and addressed by the panel. The charter, at a minimum,*
2 *shall direct the panel to undertake the following:*

3 (1) *Evaluate and identify current and expected*
4 *airport capital needs and Federal Aviation Adminis-*
5 *tration capital and operating needs.*

6 (2) *Assess the ability of various financing mech-*
7 *anisms to meet airport capital requirements by type*
8 *and size of airport. The financing mechanisms to be*
9 *assessed under this paragraph include the airport im-*
10 *provement program, passenger facility charges, tax-*
11 *exempt bonds, State and local assistance, airport pri-*
12 *vatization, infrastructure banks, government-spon-*
13 *sored enterprises, and leveraging of Federal airport*
14 *funding. In conducting the assessment under this*
15 *paragraph, the panel shall consider the special prob-*
16 *lems of non-hub airports and general aviation air-*
17 *ports.*

18 (3) *Based on alternative funding scenarios for*
19 *the airport improvement program ranging from*
20 *elimination of funding to full funding to current*
21 *amounts made available, assess and recommend alter-*
22 *native financing approaches that will address airport*
23 *capital requirements.*

24 (4) *Assess the ability of various financing mech-*
25 *anisms to fund the operations and capital require-*

1 *ments of the Federal Aviation Administration in a*
2 *manner that will provide for future growth in the Na-*
3 *tion's air traffic system, improve the management*
4 *and performance of the air traffic control system, pro-*
5 *vide for continued safety improvements, and make the*
6 *Administration more efficient and effective. The fi-*
7 *nancing mechanisms to be assessed under this para-*
8 *graph include loan guarantees, financial partnerships*
9 *with for-profit private sector entities, multi-year ap-*
10 *propriations, revolving loan funds, mandatory spend-*
11 *ing authority, authority to borrow, restructured grant*
12 *programs, and user fees.*

13 *(g) INDEPENDENT AUDIT.—*

14 *(1) CONTRACTS.—Immediately following the ap-*
15 *pointment of the panel, the panel shall contract with*
16 *an entity independent of the Federal Aviation Ad-*
17 *ministration and the Department of Transportation*
18 *to conduct a complete audit of the financial require-*
19 *ments of the Administration, including anticipated*
20 *air traffic forecasts, other workload measures, and es-*
21 *timated productivity gains which lead to budgetary*
22 *requirements.*

23 *(2) DEADLINE.—The independent audit shall be*
24 *completed no later than 180 days after the date of the*
25 *contract award and shall be submitted to the panel.*

1 (3) *FUNDING.*—*The Administrator of the Federal*
2 *Aviation Administration shall make available to the*
3 *panel from funds appropriated to the Administration*
4 *such sums as may be necessary to enter into a con-*
5 *tract under this subsection.*

6 (h) *TRAVEL AND PER DIEM.*—*Each member of the*
7 *panel shall be paid actual travel expenses, and per diem*
8 *in lieu of subsistence expenses, when away from his or her*
9 *usual place of residence, in accordance with section 5703*
10 *of title 5, United States Code.*

11 (i) *UTILIZATION OF PERSONNEL FROM FAA.*—*The*
12 *Administrator shall make available to the panel such staff,*
13 *information, and administrative services and assistance as*
14 *may reasonably be required to enable the panel to carry*
15 *out its responsibilities under this section.*

16 (j) *REPORT.*—*Not later than 1 year after the date of*
17 *the appointment of the last member to the panel under sub-*
18 *section (c), the panel shall submit to Congress and the Ad-*
19 *ministrator a report on the results of the review conducted*
20 *under this section.*

21 (k) *GAO ASSESSMENT.*—*Not later than 180 days after*
22 *the date of the enactment of this Act, the Comptroller Gen-*
23 *eral shall transmit to the panel and Congress an independ-*
24 *ent assessment of airport needs.*

1 **TITLE III—AIRPORT IMPROVE-**
2 **MENT PROGRAM MODIFICA-**
3 **TIONS**

4 **SEC. 301. INTERMODAL PLANNING.**

5 (a) *POLICIES.*—Section 47101(g) is amended to read
6 as follows:

7 “(g) *INTERMODAL PLANNING.*—To carry out the policy
8 of subsection (a)(5) of this section, the Secretary of Trans-
9 portation shall take each of the following actions:

10 “(1) *COORDINATION IN DEVELOPMENT OF AIR-*
11 *PORT PLANS AND PROGRAMS.*—Cooperate with State
12 and local officials in developing airport plans and
13 programs that are based on overall transportation
14 needs. The airport plans and programs shall be devel-
15 oped in coordination with other transportation plan-
16 ning and considering comprehensive long-range land-
17 use plans and overall social, economic, environmental,
18 system performance, and energy conservation objec-
19 tives. The process of developing airport plans and
20 programs shall be continuing, cooperative, and com-
21 prehensive to the degree appropriate to the complexity
22 of the transportation problems.

23 “(2) *GOALS FOR AIRPORT MASTER AND SYSTEM*
24 *PLANS.*—Encourage airport sponsors and State and

1 *local officials to develop airport master plans and*
2 *airport system plans that—*

3 *“(A) foster effective coordination between*
4 *aviation planning and metropolitan planning;*

5 *“(B) include an evaluation of aviation*
6 *needs within the context of multimodal planning;*
7 *and*

8 *“(C) are integrated with metropolitan plans*
9 *to ensure that airport development proposals in-*
10 *clude adequate consideration of land use and*
11 *ground transportation access.*

12 *“(3) REPRESENTATION OF AIRPORT OPERATORS*
13 *ON MPO’S.—Encourage metropolitan planning orga-*
14 *nizations, particularly in areas with populations*
15 *greater than 200,000, to establish membership posi-*
16 *tions for airport operators.”.*

17 *(b) REQUIREMENTS FOR PROJECT GRANT APPLICA-*
18 *TIONS.—Section 47106(a) is amended—*

19 *(1) by inserting “, including transportation and*
20 *land use plans” before the semicolon at the end of*
21 *paragraph (1);*

22 *(2) by striking “and” at the end of paragraph*
23 *(4);*

24 *(3) by striking the period at the end of para-*
25 *graph (5) and inserting “; and”; and*

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

2 “(6) *with respect to a project for the location of*
3 *an airport, the sponsor has—*

4 “(A) *provided the metropolitan planning*
5 *organization authorized to conduct metropolitan*
6 *planning for the area in which the airport is to*
7 *be located with not less than 30 days (i) to re-*
8 *view the airport master plan or the airport lay-*
9 *out plan in which the project is described and*
10 *depicted, and (ii) to submit comments on such*
11 *plans to the sponsor; and*

12 “(B) *included in the sponsor’s application*
13 *to the Secretary the sponsor’s written responses*
14 *to any comments made by the metropolitan*
15 *planning organization.”.*

16 **SEC. 302. COMPLIANCE WITH FEDERAL MANDATES.**

17 (a) *USE OF AIP GRANTS.*—Section 47102(3) *is*
18 *amended—*

19 (1) *in subparagraph (E) by inserting “or under*
20 *section 40117” before the period at the end; and*

21 (2) *in subparagraph (F) by striking “paid for by*
22 *a grant under this subchapter and”.*

23 (b) *USE OF PASSENGER FACILITY CHARGES.*—Section
24 *40117(a)(3) is amended by striking subparagraph (F).*

1 **SEC. 303. RUNWAY MAINTENANCE PROGRAM.**

2 (a) *AUTHORITY.*—Section 47105 is amended by add-
3 ing at the end the following:

4 “(g) *RUNWAY MAINTENANCE PROGRAM.*—The Sec-
5 retary may carry out a pilot program in each of fiscal years
6 1997, 1998, and 1999 under which the Secretary may ap-
7 prove applications under this subchapter for not more than
8 10 projects in each of such fiscal years to preserve and ex-
9 tend the useful life of runways and taxiways at any airport
10 for which an amount is apportioned under section
11 47114(d).”.

12 (b) *INCLUSION IN AIRPORT DEVELOPMENT ACTIVI-*
13 *TIES.*—Section 47102(3) is amended by adding at the end
14 the following:

15 “(H) *preserving and extending the useful*
16 *life of runways and taxiways at a public-use*
17 *airport under the pilot program authorized by*
18 *section 47105(g) of this title.*”.

19 **SEC. 304. ACCESS TO AIRPORTS BY INTERCITY BUSES.**

20 Section 47107(a) is amended—

21 (1) by striking “and” at the end of paragraph
22 (18);

23 (2) by striking the period at the end of para-
24 graph (19) and inserting “; and”; and

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

1 “(20) the airport owner or operator will permit,
2 to the maximum extent practicable, intercity buses to
3 have access to the airport.”.

4 **SEC. 305. COST REIMBURSEMENT FOR PROJECTS COM-**
5 **MENCED PRIOR TO GRANT AWARD.**

6 (a) *COST REIMBURSEMENT.*—Section 47110(b)(2)(C)
7 is amended to read as follows:

8 “(C) if the Government’s share is paid only with
9 amounts apportioned under paragraphs (1) and (2)
10 of section 47114(c) of this title and if the cost is in-
11 curred—

12 “(i) after September 30, 1996;

13 “(ii) before a grant agreement is executed
14 for the project; and

15 “(iii) in accordance with an airport layout
16 plan approved by the Secretary and with all
17 statutory and administrative requirements that
18 would have been applicable to the project if the
19 project had been carried out after the grant
20 agreement had been executed;”.

21 (b) *USE OF DISCRETIONARY FUNDS.*—Section 47110
22 is amended by adding at the end the following:

23 “(g) *USE OF DISCRETIONARY FUNDS.*—A project for
24 which cost reimbursement is provided under subsection
25 (b)(2)(C) shall not receive priority consideration with re-

1 *spect to the use of discretionary funds made available under*
2 *section 47115 of this title even if the amounts made avail-*
3 *able under paragraphs (1) and (2) of section 47114(c) are*
4 *not sufficient to cover the Government's share of the cost*
5 *of project.”.*

6 **SEC. 306. ISSUANCE OF LETTERS OF INTENT.**

7 *Section 47110(e) is amended—*

8 *(1) by redesignating paragraph (6) as para-*
9 *graph (9); and*

10 *(2) by inserting after paragraph (5) the follow-*
11 *ing:*

12 *“(6) COST-BENEFIT REGULATIONS.—The Sec-*
13 *retary shall issue regulations to require a cost-benefit*
14 *analysis for any letter of intent to be issued under*
15 *paragraph (1) for a project at an airport that each*
16 *year has more than .25 percent of the total passenger*
17 *boardings in the United States. Until the date on*
18 *which such regulations take effect, the Secretary may*
19 *not issue a letter of intent under paragraph (1) for*
20 *any project that is not yet under construction and*
21 *that is to be carried out at an airport described in*
22 *the preceding sentence.*

23 *“(7) FINANCING PLANS.—The Secretary shall re-*
24 *quire airport sponsors to provide, as part of any re-*
25 *quest for a letter of intent for a project under para-*

1 *graph (1), specific details on the proposed financing*
2 *plan for the project.*

3 *“(8) CONSIDERATION.—The Secretary shall con-*
4 *sider the effect of a project on overall national air*
5 *transportation policy when reviewing requests for let-*
6 *ters of intent under paragraph (1).”.*

7 **SEC. 307. SELECTION OF PROJECTS FOR GRANTS FROM DIS-**
8 **CRETIONARY FUND.**

9 *Section 47115(d) is amended—*

10 *(1) by striking “and” at the end of paragraph*
11 *(2);*

12 *(2) by striking the period at the end of para-*
13 *graph (3) and inserting a semicolon; and*

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

15 *“(4) the priority that the State gives to the*
16 *project;*

17 *“(5) the projected growth in the number of pas-*
18 *sengers that will be using the airport at which the*
19 *project will be carried out; and*

20 *“(6) any increase in the number of passenger*
21 *boardings in the preceding 12-month period at the*
22 *airport at which the project will be carried out, with*
23 *priority consideration to be given to projects at air-*
24 *ports at which the number of passenger boardings in-*
25 *creased by at least 20 percent as compared to the*

1 *number of passenger boardings in the 12-month pe-*
2 *riod preceding such period.”.*

3 **SEC. 308. SMALL AIRPORT FUND.**

4 *Section 47116 is amended by adding at the end the*
5 *following:*

6 *“(d) PRIORITY CONSIDERATION FOR CERTAIN*
7 *PROJECTS.—In making grants to sponsors described in sub-*
8 *section (b)(2), the Secretary shall give priority consider-*
9 *ation to multi-year projects for construction of new run-*
10 *ways that the Secretary finds are cost beneficial and would*
11 *increase capacity in a region of the United States.”.*

12 **SEC. 309. STATE BLOCK GRANT PROGRAM.**

13 *(a) PARTICIPATING STATES.—Section 47128 is*
14 *amended—*

15 *(1) in subsection (a) by striking “7” and insert-*
16 *ing “10”;*

17 *(2) in subsection (b)(1)—*

18 *(A) by striking “(1)”;* and

19 *(B) by redesignating subparagraphs (A)*
20 *through (E) as paragraphs (1) through (5), re-*
21 *spectively; and*

22 *(3) by striking subsection (b)(2).*

23 *(b) USE OF STATE PRIORITY SYSTEM.—Section*
24 *47128(c) is amended—*

1 (1) by striking “(b)(1)(B) or (C)” and inserting
2 “(b)(2) or (b)(3)”; and

3 (2) by adding at the end the following: “In car-
4 rying out this subsection, the Secretary shall permit
5 a State to use the priority system of the State if such
6 system is not inconsistent with the national priority
7 system.”.

8 (c) *REPEAL OF EXPIRATION DATE.*—

9 (1) *IN GENERAL.*—Section 47128 is amended—

10 (A) by striking “**pilot**” in the section head-
11 ing;

12 (B) by striking “pilot” in subsection (a);

13 and

14 (C) by striking subsection (d).

15 (2) *CONFORMING AMENDMENT.*—The table of sec-
16 tions for chapter 471 is amended by striking the item
17 relating to section 47128 and inserting the following:

“47128. State block grant program.”.

18 **SEC. 310. PRIVATE OWNERSHIP OF AIRPORTS.**

19 (a) *ESTABLISHMENT OF PROGRAM.*—

20 (1) *IN GENERAL.*—Subchapter I of chapter 471
21 is amended by adding at the end the following:

22 **“§47132. Private ownership of airports**

23 “(a) *SUBMISSION OF APPLICATIONS.*—If a sponsor in-
24 tends to sell an airport or lease an airport for a long term
25 to a person (other than a public agency), the sponsor and

1 purchaser or lessee may apply to the Secretary of Transpor-
2 tation for exemptions under this section.

3 “(b) *APPROVAL OF APPLICATIONS.*—The Secretary
4 may approve, with respect to not more than 6 airports, ap-
5 plications submitted under subsection (a) granting exemp-
6 tions from the following provisions:

7 “(1) *USE OF REVENUES.*—

8 “(A) *IN GENERAL.*—The Secretary may
9 grant an exemption to a sponsor from the provi-
10 sions of sections 44706(d) and 47107(b) of this
11 title (and any other law, regulation, or grant as-
12 surance) to the extent necessary to permit the
13 sponsor to recover from the sale or lease of the
14 airport such amount as may be approved—

15 “(i) by at least 60 percent of the air
16 carriers serving the airport; and

17 “(ii) by the air carrier or air carriers
18 whose aircraft landing at the airport dur-
19 ing the preceding calendar year had a total
20 landed weight during the preceding cal-
21 endar year of at least 60 percent of the total
22 landed weight of all aircraft landing at the
23 airport during such year.

24 “(B) *LANDED WEIGHT DEFINED.*—In this
25 paragraph, the term ‘landed weight’ means the

1 *weight of aircraft transporting passengers or*
2 *cargo, or both, in intrastate, interstate, and for-*
3 *foreign air transportation, as the Secretary deter-*
4 *mines under regulations the Secretary prescribes.*

5 “(2) *REPAYMENT REQUIREMENTS.*—*The Sec-*
6 *retary may grant an exemption to a sponsor from the*
7 *provisions of sections 47107 and 47152 of this title*
8 *(and any other law, regulation, or grant assurance)*
9 *to the extent necessary to waive any obligation of the*
10 *sponsor to repay to the Federal Government any*
11 *grants, or to return to the Federal Government any*
12 *property, received by the airport under this title, the*
13 *Airport and Airway Improvement Act of 1982, or*
14 *any other law.*

15 “(3) *COMPENSATION FROM AIRPORT OPER-*
16 *ATIONS.*—*The Secretary may grant an exemption to*
17 *a purchaser or lessee from the provisions of sections*
18 *44706(d) and 47107(b) of this title (and any other*
19 *law, regulation, or grant assurance) to the extent nec-*
20 *essary to permit the purchaser or lessee to earn com-*
21 *penetration from the operations of the airport.*

22 “(c) *TERMS AND CONDITIONS.*—*The Secretary may*
23 *approve an application under subsection (b) only if the Sec-*
24 *retary finds that the sale or lease agreement includes provi-*
25 *sions satisfactory to the Secretary to ensure the following:*

1 “(1) *The airport will continue to be available for*
2 *public use on reasonable terms and conditions and*
3 *without unjust discrimination.*

4 “(2) *The operation of the airport will not be in-*
5 *terrupted in the event that the purchaser or lessee be-*
6 *comes insolvent or seeks or becomes subject to any*
7 *State or Federal bankruptcy, reorganization, insol-*
8 *vency, liquidation, or dissolution proceeding or any*
9 *petition or similar law seeking the dissolution or re-*
10 *organization of the purchaser or lessee or the appoint-*
11 *ment of a receiver, trustee, custodian, or liquidator*
12 *for the purchaser or lessee or a substantial part of the*
13 *purchaser or lessee’s property, assets, or business.*

14 “(3) *The purchaser or lessee will maintain and*
15 *improve the facilities of the airport and will submit*
16 *to the Secretary a plan for carrying out such mainte-*
17 *nance and improvements.*

18 “(4) *Every fee of the airport imposed on an air*
19 *carrier on the day before the date of the sale or lease*
20 *of the airport will not increase faster than the rate*
21 *of inflation unless a higher amount is approved—*

22 “(A) *by at least 60 percent of the air car-*
23 *riers serving the airport; and*

24 “(B) *by the air carrier or air carriers whose*
25 *aircraft landing at the airport during the pre-*

1 *ceding calendar year had a total landed weight*
2 *during the preceding calendar year of at least 60*
3 *percent of the total landed weight of all aircraft*
4 *landing at the airport during such year.*

5 “(5) *Safety and security at the airport will be*
6 *maintained at the highest possible levels.*

7 “(6) *The adverse effects of noise from operations*
8 *at the airport will be mitigated to the same extent as*
9 *at a public airport.*

10 “(7) *Any adverse effects on the environment from*
11 *airport operations will be mitigated to the same ex-*
12 *tent as at a public airport.*

13 “(8) *Any collective bargaining agreement that*
14 *covers employees of the airport and is in effect on the*
15 *date of the sale or lease of the airport will not be ab-*
16 *rogated by the sale or lease.*

17 “(d) *PARTICIPATION OF CERTAIN AIRPORTS.—If the*
18 *Secretary approves under subsection (b) applications with*
19 *respect to 6 airports, at least one of the airports must be*
20 *an airport that is not a commercial service airport.*

21 “(e) *PASSENGER FACILITY FEES; APPORTIONMENTS;*
22 *SERVICE CHARGES.—Notwithstanding that the sponsor of*
23 *an airport receiving an exemption under subsection (b) is*
24 *not a public agency, the sponsor shall not be prohibited*
25 *from—*

1 “(1) imposing a passenger facility fee under sec-
2 tion 40117 of this title;

3 “(2) receiving apportionments under section
4 47114 of this title; or

5 “(3) collecting reasonable rental charges, landing
6 fees, and other service charges from aircraft operators
7 under section 40116(e)(2) of this title.

8 “(f) *EFFECTIVENESS OF EXEMPTIONS.*—An exemption
9 granted under subsection (b) shall continue in effect only
10 so long as the facilities sold or leased continue to be used
11 for airport purposes.

12 “(g) *REVOCATION OF EXEMPTIONS.*—The Secretary
13 may revoke an exemption issued to a purchaser or lessee
14 of an airport under subsection (b)(3) if, after providing the
15 purchaser or lessee with notice and an opportunity to be
16 heard, the Secretary determines that the purchaser or lessee
17 has knowingly violated any of the terms specified in sub-
18 section (c) for the sale or lease of the airport.

19 “(h) *NONAPPLICATION OF PROVISIONS TO AIRPORTS*
20 *OWNED BY PUBLIC AGENCIES.*—The provisions of this sec-
21 tion requiring the approval of air carriers in determina-
22 tions concerning the use of revenues, and imposition of fees,
23 at an airport shall not be extended so as to apply to any
24 airport owned by a public agency.”.

1 (2) *CONFORMING AMENDMENT.*—*The table of sec-*
 2 *tions for such chapter is further amended by adding*
 3 *at the end the following:*

 “47132. *Private ownership of airports.*”.

4 (b) *TAXATION.*—*Section 40116(b) is amended—*

5 (1) *by striking “a State or” and inserting “a*
 6 *State, a”;* and

7 (2) *by inserting after “of a State” the following:*

8 “*, and any person that has purchased or leased an*
 9 *airport under section 47132 of this title*”.

10 (c) *RESOLUTION OF AIRPORT-AIR CARRIER DISPUTES*

11 *CONCERNING AIRPORT FEES.*—*Section 47129(a) is amend-*
 12 *ed by adding at the end the following:*

13 “(4) *FEES IMPOSED BY PRIVATELY-OWNED AIR-*
 14 *PORTS.*—*In evaluating the reasonableness of a fee im-*
 15 *posed by an airport receiving an exemption under*
 16 *section 47132 of this title, the Secretary shall consider*
 17 *whether the airport has complied with section*
 18 *47132(c)(4).*”.

19 **SEC. 311. USE OF NOISE SET-ASIDE FUNDS BY NON-AIR-**
 20 **PORT SPONSORS.**

21 *Section 47505 is amended—*

22 (1) *by redesignating subsection (b) as subsection*
 23 (i);

1 (2) *in subsection (c), as so redesignated, by strik-*
2 *ing “subsection (a) of” and inserting “subsection (a)*
3 *or (b) of”;* and

4 (3) *by inserting after subsection (a) the follow-*
5 *ing:*

6 “(b) *GRANTS TO NON-AIRPORT SPONSORS.—*

7 “(1) *AUTHORITY.—The Secretary may make a*
8 *grant under this subsection to a State or unit of local*
9 *government that is not the owner or operator of the*
10 *airport for preparation of an airport land use com-*
11 *patibility plan or implementation of an airport land*
12 *use compatibility project.*

13 “(2) *PLANNING AUTHORITY.—In order to be eli-*
14 *gible to receive a grant under this subsection for prep-*
15 *aration of an airport land use compatibility plan, the*
16 *State or unit of local government must have authority*
17 *to plan and adopt land use control measures, includ-*
18 *ing zoning, in the planning area.*

19 “(3) *COORDINATION OF PLANNING ACTIVITIES.—*

20 “(A) *CONSISTENCY WITH OTHER PLAN-*
21 *NING.—An airport land use compatibility plan*
22 *prepared by a State or unit of local government*
23 *under this subsection may not duplicate or be in-*
24 *consistent with an airport noise compatibility*
25 *program prepared by an airport operator under*

1 *this chapter or with other planning carried out*
2 *by the airport operator.*

3 “(B) *CONSULTATION WITH AIRPORT OWN-*
4 *ERS AND OPERATORS.—A State or unit of local*
5 *government receiving a grant under this sub-*
6 *section for preparation of an airport land use*
7 *compatibility plan shall consult with the owner*
8 *or operator of the airport for which the plan is*
9 *being prepared regarding any recommended air-*
10 *port land use compatibility measure identified*
11 *in the plan and any aviation data on which*
12 *such recommendation is made.*

13 “(4) *APPROVAL OF AIRPORT OWNER OR OPERA-*
14 *TOR REQUIRED.—The Secretary may make a grant to*
15 *a State or unit of local government under this sub-*
16 *section for preparation of an airport land use com-*
17 *patibility plan or implementation of an airport land*
18 *use compatibility project only after receiving the ap-*
19 *proval of the owner or operator of the airport for*
20 *which the plan or project is being prepared or imple-*
21 *mented. Such approval shall be based on whether the*
22 *plan or program, including the use of any noise expo-*
23 *sure contours on which the plan or project is based,*
24 *has been coordinated with the airport and is consist-*
25 *ent with the airport’s operations and planning.*

1 “(5) *WRITTEN ASSURANCES.*—*The Secretary*
2 *may make a grant to a State or unit of local govern-*
3 *ment under this subsection only after receiving from*
4 *the State or unit of local government such written as-*
5 *surances as the Secretary determines necessary to*
6 *achieve the purposes of this subsection.*

7 “(6) *GUIDELINES.*—*The Secretary may establish*
8 *guidelines in carrying out this subsection.*

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

11 “(A) *AIRPORT COMPATIBLE LAND USE.*—
12 *The term ‘airport compatible land use’ means*
13 *any land use that is usually compatible with—*

14 “(i) *the noise levels associated with an*
15 *airport, as established under this chapter;*

16 “(ii) *airport design standards issued*
17 *by the Administrator; and*

18 “(iii) *regulations issued to carry out*
19 *section 44718 of this title.*

20 “(B) *AIRPORT LAND USE COMPATIBILITY*
21 *PLAN.*—*The term ‘airport land use compatibility*
22 *plan’ means the product of a process to deter-*
23 *mine the extent, type, nature, location, and tim-*
24 *ing of measures to improve the compatibility of*

1 *land use with the existing forecast level of avia-*
2 *tion activity at an airport.*

3 “(C) *AIRPORT LAND USE COMPATIBILITY*
4 *PROJECT.—The term ‘airport land use compat-*
5 *ibility project’ means a project that is contained*
6 *in an airport land use compatibility plan and*
7 *determined by the Administrator to enhance air-*
8 *port compatible land use.”.*

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

11 ***SEC. 401. PURCHASE OF HOUSING UNITS.***

12 *Section 40110 is amended—*

13 (1) *by redesignating subsection (b) as subsection*
14 *(c); and*

15 (2) *by inserting after subsection (a) the follow-*
16 *ing:*

17 “(b) *PURCHASE OF HOUSING UNITS.—*

18 “(1) *AUTHORITY.—In carrying out this part, the*
19 *Administrator may purchase a housing unit (includ-*
20 *ing a condominium or a housing unit in a building*
21 *owned by a cooperative) that is located outside the*
22 *contiguous United States if the cost of the unit is*
23 *\$200,000 or less.*

24 “(2) *CONTINUING OBLIGATIONS.—Notwithstand-*
25 *ing section 1341 of title 31, the Administrator may*

1 *purchase a housing unit under paragraph (1) even if*
2 *there is an obligation thereafter to pay necessary and*
3 *reasonable fees duly assessed upon such unit, includ-*
4 *ing fees related to operation, maintenance, taxes, and*
5 *insurance.*

6 *“(3) CERTIFICATION TO CONGRESS.—The Ad-*
7 *ministrator may purchase a housing unit under*
8 *paragraph (1) only if, at least 30 days before com-*
9 *pleting the purchase, the Administrator transmits to*
10 *the Committee on Transportation and Infrastructure*
11 *of the House of Representatives and the Committee on*
12 *Commerce, Science, and Transportation of the Senate*
13 *a report containing—*

14 *“(A) a description of the housing unit and*
15 *its price;*

16 *“(B) a certification that the price does not*
17 *exceed the median price of housing units in the*
18 *area; and*

19 *“(C) a certification that purchasing the*
20 *housing unit is the most cost-beneficial means of*
21 *providing necessary accommodations in carrying*
22 *out this part.*

23 *“(4) PAYMENT OF FEES.—The Administrator*
24 *may pay, when due, fees resulting from the purchase*

1 of a housing unit under this subsection from any
2 amounts made available to the Administrator.”.

3 **SEC. 402. TECHNICAL CORRECTION RELATING TO STATE**
4 **TAXATION.**

5 Section 40116(b) is amended by striking “subsection
6 (c) of this section and”.

7 **SEC. 403. USE OF PASSENGER FACILITY FEES FOR DEBT FI-**
8 **NANCING PROJECT.**

9 Section 40117(a)(3) is amended by adding at the end
10 the following:

11 “(G) for debt financing of a terminal devel-
12 opment project at a commercial service airport
13 that each year has .05 percent or less of the total
14 passenger boardings in the United States if con-
15 struction began on the project after November 5,
16 1988, and before November 5, 1990, and the eli-
17 gible agency certifies that no other eligible air-
18 port-related projects affecting safety, security, or
19 capacity will be deferred by the debt financing
20 project.”.

21 **SEC. 404. PROTECTION OF VOLUNTARILY SUBMITTED IN-**
22 **FORMATION.**

23 (a) *IN GENERAL.*—Chapter 401 is amended by redesignig-
24 nating section 40120 as section 40121 and by inserting
25 after section 40119 the following:

1 **“§ 40120. Protection of voluntarily submitted informa-**
2 **tion**

3 “(a) *GENERAL RULE.*—Notwithstanding any other
4 provision of law, neither the Administrator of the Federal
5 Aviation Administration, nor any agency receiving infor-
6 mation from the Administrator, may disclose voluntarily
7 provided safety or security related information if the Ad-
8 ministrator finds that—

9 “(1) the disclosure of the information would in-
10 hibit the voluntary provision of that type of informa-
11 tion;

12 “(2) the receipt of that type of information
13 would aid in fulfilling the Administrator’s safety and
14 security responsibilities; and

15 “(3) the withholding of the information would
16 not be inconsistent with the Administrator’s safety
17 and security responsibilities.

18 “(b) *REGULATIONS.*—The Administrator shall issue
19 regulations to carry out this section.”.

20 (b) *CONFORMING AMENDMENT.*—The table of sections
21 for chapter 401 is amended by striking the item relating
22 to section 40120 and inserting the following:

“40120. Protection of voluntarily submitted information.

“40121. Relationship to other laws.”.

23 **SEC. 405. SUPPLEMENTAL TYPE CERTIFICATES.**

24 Section 44704 is amended—

1 (1) *by redesignating subsections (b) and (c) as*
2 *subsections (c) and (d), respectively; and*

3 (2) *by inserting after subsection (a) the follow-*
4 *ing:*

5 “(b) *SUPPLEMENTAL TYPE CERTIFICATES.*—

6 “(1) *ISSUANCE.*—*The Administrator may issue a*
7 *type certificate designated as a supplemental type cer-*
8 *tificate for a change to an aircraft, aircraft engine,*
9 *propeller, or appliance.*

10 “(2) *CONTENTS.*—*A supplemental type certifi-*
11 *cate issued under paragraph (1) shall consist of the*
12 *change to the aircraft, aircraft engine, propeller, or*
13 *appliance with respect to the previously issued type*
14 *certificate for the aircraft, aircraft engine, propeller,*
15 *or appliance.*

16 “(3) *REQUIREMENT.*—*If the holder of a supple-*
17 *mental type certificate agrees to permit another per-*
18 *son to use the certificate to modify an aircraft, air-*
19 *craft engine, propeller, or appliance, the holder shall*
20 *provide the other person with written evidence, in a*
21 *form acceptable to the Administrator, of that agree-*
22 *ment. A person may change an aircraft, aircraft en-*
23 *gine, propeller, or appliance based on a supplemental*
24 *type certificate only if the person requesting the*
25 *change is the holder of the supplemental type certifi-*

1 *cate or has permission from the holder to make the*
 2 *change.”.*

3 **SEC. 406. RESTRICTION ON USE OF REVENUES.**

4 *(a) IN GENERAL.—Section 44706 is amended by add-*
 5 *ing at the end the following:*

6 *“(d) USE OF REVENUES.—*

7 *“(1) PROHIBITION.—A person holding an air-*
 8 *port operating certificate under this section may not*
 9 *expend local taxes on aviation fuel (except taxes in ef-*
 10 *fect on December 30, 1987) or the revenues generated*
 11 *by the airport for any purpose other than the capital*
 12 *or operating costs of—*

13 *“(A) the airport;*

14 *“(B) the local airport system; or*

15 *“(C) other local facilities owned or operated*
 16 *by the person and directly and substantially re-*
 17 *lated to the air transportation of passengers or*
 18 *property.*

19 *“(2) EXCEPTIONS.—Paragraph (1) does not*
 20 *apply if a provision enacted not later than September*
 21 *2, 1982, in a law controlling financing by the owner*
 22 *or operator, or a covenant or assurance in a debt obli-*
 23 *gation issued not later than September 2, 1982, by*
 24 *the owner or operator, provides that the revenues, in-*
 25 *cluding local taxes on aviation fuel at public airports,*

1 *from any of the facilities of the owner or operator, in-*
2 *cluding the airport, be used to support not only the*
3 *airport but also the general debt obligations or other*
4 *facilities of the owner or operator.*

5 *“(3) AUTHORITY TO ISSUE WAIVERS TO AIR-*
6 *PORTS NOT RECEIVING GRANT ASSISTANCE.—The Ad-*
7 *ministrator may waive the application of paragraph*
8 *(1) with respect to any airport that has not received*
9 *grant assistance under chapter 471 of this title or the*
10 *Airport and Airway Improvement Act of 1982 in the*
11 *10-year period ending on the date of the enactment of*
12 *this subsection.*

13 *“(4) LIMITATION ON STATUTORY CONSTRUC-*
14 *TION.—This subsection does not prevent the use of a*
15 *State tax on aviation fuel to support a State aviation*
16 *program or the use of airport revenue on or off the*
17 *airport for a noise mitigation purpose.”.*

18 *(b) PENALTIES.—Section 46301(a)(5) is amended to*
19 *read as follows:*

20 *“(5) PENALTY FOR DIVERSION OF AVIATION REV-*
21 *ENUES.—The amount of a civil penalty assessed*
22 *under this section for a violation of section 47107(b)*
23 *of this title (or any assurance made under such sec-*
24 *tion) or section 44706(d) of this title may be in-*
25 *creased above the otherwise applicable maximum*

1 *amount under this section to an amount not to exceed*
2 *3 times the amount of revenues that are used in viola-*
3 *tion of such section.”.*

4 **SEC. 407. CERTIFICATION OF SMALL AIRPORTS.**

5 *(a) IN GENERAL.—Section 44706(a) is amended—*

6 *(1) by redesignating paragraph (2) as para-*
7 *graph (3);*

8 *(2) by inserting after paragraph (1) the follow-*
9 *ing:*

10 *“(2) that is not located in the State of Alaska*
11 *and serves any scheduled passenger operation of an*
12 *air carrier operating aircraft designed for more than*
13 *9 passenger seats but less than 31 passenger seats;*
14 *and”;*

15 *(3) by striking “and” at the end of paragraph*
16 *(3), as redesignated by paragraph (1) of this sub-*
17 *section;*

18 *(4) by striking “(3) when” and inserting “if”;*
19 *and*

20 *(5) by moving the matter following paragraph*
21 *(3), as redesignated by paragraph (1) of this sub-*
22 *section, to the left flush full measure.*

23 *(b) COMMUTER AIRPORTS.—Section 44706 is amended*
24 *by adding at the end the following:*

1 “(e) *COMMUTER AIRPORTS.*—*In developing the terms*
2 *required by subsection (b) for airports covered by subsection*
3 *(a)(2), the Administrator shall identify and consider a rea-*
4 *sonable number of regulatory alternatives and select from*
5 *such alternatives the least costly, most cost-effective or the*
6 *least burdensome alternative that will provide comparable*
7 *safety at airports described in subsections (a)(1) and*
8 *(a)(2).”.*

9 (c) *EFFECTIVE DATE.*—*Section 44706 is further*
10 *amended by adding at the end the following:*

11 “(f) *EFFECTIVE DATE.*—*Any regulation establishing*
12 *the terms required by subsection (b) for airports covered by*
13 *subsection (a)(2) shall not take effect until such regulation,*
14 *and a report on the economic impact of the regulation on*
15 *air service to the airports covered by the rule, has been sub-*
16 *mitted to Congress and 120 days have elapsed following the*
17 *date of such submission.”.*

18 **SEC. 408. DISCRETIONARY AUTHORITY FOR CRIMINAL HIS-**
19 **TORY RECORDS CHECKS.**

20 (a) *IN GENERAL.*—*Section 44936(a)(1) is amended—*

21 (1) *by redesignating subparagraphs (A) and (B)*
22 *as clauses (i) and (ii), respectively;*

23 (2) *by striking “(1) The Administrator” and in-*
24 *serting the following:*

25 “(1) *EMPLOYEES.*—

1 “(A) *PERSONS WITH ACCESS TO AIRCRAFT*
2 *AND OTHER SECURED AREAS.—The Adminis-*
3 *trator*”;

4 (3) *by moving the remainder of the text of sub-*
5 *paragraph (A) (as designated by paragraph (2) of*
6 *this subsection), including clauses (i) and (ii) (as des-*
7 *ignated by paragraph (1) of this subsection), 2 ems*
8 *to the right; and*

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

10 “(B) *PERSONS RESPONSIBLE FOR SCREEN-*
11 *ING PASSENGERS AND PROPERTY.—*

12 “(i) *IN GENERAL.—The Administrator*
13 *may require by regulation that an employ-*
14 *ment investigation (including a criminal*
15 *history record check in cases in which the*
16 *employment investigation reveals a gap in*
17 *employment of 12 months or more that the*
18 *individual does not satisfactorily account*
19 *for) be conducted for individuals who will*
20 *be responsible for screening passengers and*
21 *property under section 44901 of this title*
22 *and their supervisors.*

23 “(ii) *SPECIAL RULE.—If an individual*
24 *requires a criminal history record check*
25 *under clause (i), the individual may be em-*

1 *ployed as a screener until the check is com-*
2 *pleted if the individual is subject to super-*
3 *vision.”.*

4 **(b) CONFORMING AMENDMENTS.**—*Section 44936(a)(2)*
5 *is amended—*

6 (1) *by striking “(2) An air carrier” and insert-*
7 *ing the following:*

8 “(2) **RESPONSIBILITY OF AIR CARRIERS, FOR-**
9 **EIGN AIR CARRIERS, AND AIRPORT OPERATORS.**—*An*
10 *air carrier”;* and

11 (2) *by moving the remainder of the text of the*
12 *paragraph 2 ems to the right.*

13 **(c) APPLICABILITY.**—*The amendment made by sub-*
14 *section (a)(4) shall not apply to an individual employed*
15 *as a screener, or a supervisor of screeners, on the day before*
16 *the date of the enactment of this Act.*

17 **SEC. 409. IMPOSITION OF FEES.**

18 **(a) IN GENERAL.**—*Chapter 453 is amended by adding*
19 *at the end the following:*

20 **“§45304. Prohibition on imposition of unauthorized**
21 **fees; fees for services provided to certain**
22 **aircraft**

23 **“(a) PROHIBITION.**—*Notwithstanding any other pro-*
24 *vision of law, the Administrator of the Federal Aviation*
25 *Administration shall not impose any fee that is not in effect*

1 *on the date of the enactment of this section and that is not*
2 *authorized by law.*

3 “(b) *AUTHORITY TO IMPOSE FEES.*—*The Adminis-*
4 *trator is authorized to establish a schedule of fees (and a*
5 *collection process for such fees), to be effective not later than*
6 *October 1, 1996, for services provided by the Administration*
7 *to aircraft that neither take off from nor land in the United*
8 *States. The schedule shall establish the fees at levels that*
9 *will recover \$30,000,000 in the first year in which the fees*
10 *are implemented.”.*

11 “(b) *CONFORMING AMENDMENT.*—*The table of sections*
12 *for such chapter is amended by adding at the end the follow-*
13 *ing new item:*

*“45304. Prohibition on imposition of unauthorized fees; fees for services provided
to certain aircraft.”.*

14 ***SEC. 410. AUTHORITY TO CLOSE AIRPORT LOCATED NEAR***
15 ***CLOSED OR REALIGNED MILITARY BASE.***

16 *Notwithstanding any other provision of a law, rule,*
17 *or grant assurance, an airport that is not a commercial*
18 *service airport may be closed by its sponsor without any*
19 *obligation to repay grants made under chapter 471 of title*
20 *49, United States Code, the Airport and Airway Improve-*
21 *ment Act of 1982, or any other law if the airport is located*
22 *within 3 miles of a military base which has been closed*
23 *or realigned.*

1 **SEC. 411. CONSTRUCTION OF RUNWAYS.**

2 *Notwithstanding section 332 of the Department of*
3 *Transportation and Related Agencies Appropriations Act,*
4 *1996 (109 Stat. 457) or any other provision of law that*
5 *specifically restricts the number of runways at a single*
6 *international airport, the Secretary of Transportation may*
7 *obligate funds under chapters 471 and 481 of title 49, Unit-*
8 *ed States Code, for any project to construct a new runway*
9 *at such airport, unless this section is expressly repealed.*

10 **SEC. 412. GADSDEN AIR DEPOT, ALABAMA.**

11 *(a) AUTHORITY TO GRANT WAIVERS.—Notwithstand-*
12 *ing section 16 of the Federal Airport Act (as in effect on*
13 *May 4, 1949), the Secretary is authorized, subject to the*
14 *provisions of section 47153 of title 49, United States Code,*
15 *and the provisions of subsection (b) of this section, to waive*
16 *any of the terms contained in the deed of conveyance dated*
17 *May 4, 1949, under which the United States conveyed cer-*
18 *tain property to the city of Gadsden, Alabama, for airport*
19 *purposes.*

20 *(b) CONDITIONS.—Any waiver granted under sub-*
21 *section (a) shall be subject to the following conditions:*

22 *(1) The city of Gadsden, Alabama, shall agree*
23 *that, in conveying any interest in the property which*
24 *the United States conveyed to the city by a deed de-*
25 *scribed in subsection (a), the city will receive an*
26 *amount for such interest which is equal to the fair*

1 *market value of such interest (as determined pursuant*
2 *to regulations issued by the Secretary).*

3 *(2) Any such amount so received by the city*
4 *shall be used by the city for the development, improve-*
5 *ment, operation, or maintenance of a public airport,*
6 *lands (including any improvements thereto) which*
7 *produce revenues that are used for airport develop-*
8 *ment purposes, or both.*

9 **SEC. 413. REGULATIONS AFFECTING INTRASTATE AVIATION**

10 **IN ALASKA.**

11 *In modifying regulations contained in title 14, Code*
12 *of Federal Regulations, in a manner affecting intrastate*
13 *aviation in Alaska, the Administrator of the Federal Avia-*
14 *tion Administration shall consider the extent to which Alas-*
15 *ka is not served by transportation modes other than avia-*
16 *tion, and shall establish such regulatory distinctions as the*
17 *Administrator considers appropriate.*

18 **SEC. 414. WESTCHESTER COUNTY AIRPORT, NEW YORK.**

19 *Notwithstanding sections 47107(b) and 44706(d) of*
20 *title 49, United States Code, and any other law, regulation,*
21 *or grant assurance, all fees received by Westchester County*
22 *Airport in the State of New York may be paid into the*
23 *treasury of Westchester County pursuant to section 119.31*
24 *of the Westchester County Charter if the Secretary finds*
25 *that the expenditures from such treasury for the capital and*

1 *operating costs of the Airport after December 31, 1990, have*
2 *been and will be equal to or greater than the fees that such*
3 *treasury receives from the Airport.*

4 **SEC. 415. BEDFORD AIRPORT, PENNSYLVANIA.**

5 *If the Administrator of the Federal Aviation Adminis-*
6 *tration decommissions an instrument landing system in*
7 *Pennsylvania, the Administrator shall, if feasible, transfer*
8 *and install the system at Bedford Airport, Pennsylvania.*

9 **SEC. 416. LOCATION OF DOPPLER RADAR STATIONS, NEW**
10 **YORK.**

11 *(a) PROHIBITION.—No Federal funds may be used for*
12 *the construction of a Doppler radar station at the Coast*
13 *Guard station in Brooklyn, New York.*

14 *(b) CONSTRUCTION OF OFFSHORE PLATFORMS.—*

15 *(1) STUDY.—The Administrator of the Federal*
16 *Aviation Administration shall conduct a study of the*
17 *feasibility of constructing 2 offshore platforms to serve*
18 *as sites for the location of Doppler radar stations for*
19 *John F. Kennedy International Airport and*
20 *LaGuardia Airport in New York City, New York.*

21 *(2) REPORT.—Not later than 1 year after the*
22 *date of the enactment of this Act, the Administrator*
23 *shall transmit to Congress a report on the results of*
24 *the study conducted under paragraph (1), including*
25 *proposed locations for the offshore platforms. Such lo-*

1 *cations shall be as far as possible from populated*
2 *areas while providing appropriate safety measures for*
3 *John F. Kennedy International Airport and*
4 *LaGuardia Airport.*

5 *(c) LIMITATION.—The Administrator shall not begin*
6 *construction of a Doppler radar station for John F. Ken-*
7 *edy International Airport or LaGuardia Airport at any*
8 *location before submitting a report under subsection (b).*

9 **SEC. 417. WORCESTER MUNICIPAL AIRPORT, MASSACHU-**
10 **SETTS.**

11 *The Secretary of Transportation shall take such ac-*
12 *tions as may be necessary to improve the safety of aircraft*
13 *landing at Worcester Municipal Airport, Massachusetts, in-*
14 *cluding, if appropriate, providing air traffic radar service*
15 *to such airport from the Providence Approach Radar Con-*
16 *trol in Coventry, Rhode Island.*

17 **SEC. 418. AIRCRAFT NOISE OMBUDSMAN.**

18 *Section 106 is amended by redesignating subsection*
19 *(k), as amended by section 103 of this Act, as subsection*
20 *(l) and by inserting after subsection (j) the following:*

21 *“(k) AIRCRAFT NOISE OMBUDSMAN.—*

22 *“(1) ESTABLISHMENT.—There shall be in the*
23 *Administration an Aircraft Noise Ombudsman.*

24 *“(2) GENERAL DUTIES AND RESPONSIBIL-*
25 *ITIES.—The Ombudsman shall—*

1 “(A) be appointed by the Administrator;
2 “(B) serve as a liaison with the public on
3 issues regarding aircraft noise; and
4 “(C) be consulted when the Administration
5 proposes changes in aircraft routes so as to min-
6 imize any increases in aircraft noise over popu-
7 lated areas.”.

8 **TITLE V—METROPOLITAN**
9 **WASHINGTON AIRPORTS**

10 **SEC. 501. SHORT TITLE.**

11 *This title may be cited as the “Metropolitan Washing-*
12 *ton Airports Amendments Act of 1996”.*

13 **SEC. 502. AMENDMENT OF METROPOLITAN WASHINGTON**
14 **AIRPORTS ACT OF 1986.**

15 *Except as otherwise expressly provided, whenever in*
16 *this title an amendment or repeal is expressed in terms of*
17 *an amendment to, or repeal of, a section or other provision,*
18 *the reference shall be considered to be made to a section or*
19 *other provision of the Metropolitan Washington Airports*
20 *Act of 1986 (100 Stat. 3341–376 et seq.).*

21 **SEC. 503. USE OF LEASED PROPERTY.**

22 *Section 6005(c)(2) is amended by inserting before the*
23 *period at the end of the second sentence the following:*
24 *“which are not inconsistent with the needs of aviation”.*

1 **SEC. 504. BOARD OF DIRECTORS.**

2 (a) *APPOINTMENT OF ADDITIONAL MEMBERS.*—Sec-
3 *tion 6007(e)(1) is amended—*

4 (1) *in the matter preceding subparagraph (A) by*
5 *striking “11” and inserting “15”;*

6 (2) *in subparagraph (D) by striking “one mem-*
7 *ber” and inserting “five members”.*

8 (b) *RESTRICTIONS.*—*Section 6007(e)(2) is amended by*
9 *striking “except that” and all that follows through the pe-*
10 *riod and inserting “except that the members appointed by*
11 *the President shall be registered voters of States other than*
12 *Maryland, Virginia, or the District of Columbia.”.*

13 (c) *TERMS.*—*Section 6007(e)(3) is amended—*

14 (1) *in subparagraph (B) by striking “and” at*
15 *the end;*

16 (2) *in subparagraph (C) by striking the period*
17 *at the end and inserting “; and”;* and

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

19 “(D) *by the President after the date of the*
20 *enactment of this subparagraph, 2 shall be ap-*
21 *pointed for 4 years.*

22 *A member may serve after the expiration of that*
23 *member’s term until a successor has taken office.”.*

24 (d) *VACANCIES.*—*Section 6007(e) is further amended*
25 *by redesignating paragraphs (4) and (5) as paragraphs (7)*

1 *and (8), respectively, and by inserting after paragraph (3)*
2 *the following:*

3 “(4) *VACANCIES.*—*A vacancy in the board of di-*
4 *rectors shall be filled in the manner in which the*
5 *original appointment was made. Any member ap-*
6 *pointed to fill a vacancy occurring before the expira-*
7 *tion of the term for which the member’s predecessor*
8 *was appointed shall be appointed only for the re-*
9 *mainder of such term.”.*

10 *(e) POLITICAL PARTIES OF PRESIDENTIAL AP-*
11 *POINTEES.*—*Section 6007(e) is further amended by insert-*
12 *ing after paragraph (4), as inserted by subsection (d) of*
13 *this section, the following:*

14 “(5) *POLITICAL PARTIES OF PRESIDENTIAL AP-*
15 *POINTEES.*—*Not more than 3 of the members of the*
16 *board appointed by the President may be of the same*
17 *political party.”.*

18 *(f) DUTIES OF PRESIDENTIAL APPOINTEES.*—*Section*
19 *6007(e) is further amended by inserting after paragraph*
20 *(5), as inserted by subsection (e) of this section, the follow-*
21 *ing:*

22 “(6) *DUTIES OF PRESIDENTIAL APPOINTEES.*—
23 *In carrying out their duties on the board, members of*
24 *the board appointed by the President shall ensure that*

1 adequate consideration is given to the national inter-
2 est.”.

3 (g) *REQUIRED NUMBER OF VOTES.*—Section
4 6007(e)(8), as redesignated by subsection (d) of this section,
5 is amended by striking “Seven” and inserting “Nine”.

6 **SEC. 505. FEDERAL ADVISORY COMMISSION.**

7 (a) *IN GENERAL.*—Section 6007(f) is amended by
8 striking the subsection designation, heading, and paragraph
9 (1) and inserting the following:

10 “(f) *FEDERAL ADVISORY COMMISSION.*—

11 “(1) *COMPOSITION.*—There is established a Fed-
12 eral Advisory Commission of the Airports Authority
13 which shall represent the interests of users of the Met-
14 ropolitan Washington Airports and shall be composed
15 of 9 members appointed by the Secretary of Transpor-
16 tation.”.

17 (b) *REFERENCES TO BOARD OF REVIEW.*—The Act is
18 amended—

19 (1) in section 6007(f) by striking “Board of Re-
20 view” each place it appears and inserting “Federal
21 Advisory Commission”;

22 (2) in section 6007(f)(3)—

23 (A) in the third sentence by striking
24 “Board” each place it appears and inserting
25 “Commission”; and

1 (B) in the fourth sentence by striking
2 “Board” the second place it appears and insert-
3 ing “Commission”;

4 (3) in the second sentence of section 6007(f)(6),
5 as redesignated by section 508(a) of this Act, by strik-
6 ing “Board” and inserting “Commission”;

7 (4) in section 6007(f)(7), as redesignated by sec-
8 tion 508(a) of this Act, by striking “Board” the sec-
9 ond place it appears and inserting “Commission”;
10 and

11 (5) in section 6009(b) by striking “Board of Re-
12 view” and inserting “Federal Advisory Commission”.

13 (c) *OTHER CONFORMING AMENDMENTS.*—Section
14 6007(f)(2) is amended—

15 (1) in subparagraph (A)—

16 (A) by striking “paragraphs (1)(A) and
17 (1)(B)” and inserting “paragraph (1)”; and

18 (B) by striking the second sentence; and

19 (2) in subparagraph (D) by striking “and lists
20 have been provided for appointments to fill such va-
21 cancies”.

22 **SEC. 506. REVIEW PROCEDURE.**

23 (a) *SUBMISSION OF ACTIONS.*—Section 6007(f)(4)(A)
24 is amended to read as follows:

25 “(A) *SUBMISSION REQUIRED.*—

1 “(i) *IN GENERAL.*—An action of the
2 *Airports Authority* described in subpara-
3 *graph (B)* shall be submitted to the *Federal*
4 *Advisory Commission, the Speaker of the*
5 *House of Representatives, and the President*
6 *Pro Tempore of the Senate* at least 60 days
7 before the action is to become effective.

8 “(ii) *URGENT AND COMPELLING CIR-*
9 *CUMSTANCES.*—An action submitted to the
10 *Federal Advisory Commission and Congress*
11 *in accordance with clause (i)* may become
12 effective before the expiration of the 60-day
13 period referred to in clause (i) if the board
14 of directors certifies, in writing, to the *Sec-*
15 *retary and Congress* that urgent and com-
16 pelling circumstances exist that signifi-
17 cantly affect the interests of the traveling
18 public and will not permit waiting for the
19 expiration of such 60-day period.”.

20 (b) *RECOMMENDATIONS.*—Section 6007(f)(4)(C) is
21 amended to read as follows:

22 “(C) *RECOMMENDATIONS.*—The *Federal Ad-*
23 *visory Commission* may make to the board of di-
24 rectors and Congress recommendations regarding
25 an action within 30 calendar days of its submis-

1 *sion under this paragraph. Such recommenda-*
2 *tions may include a recommendation that the ac-*
3 *tion not take effect.”.*

4 *(c) EFFECT OF RECOMMENDATIONS.—*

5 *(1) REPEAL.—Section 6007(f)(4) is amended by*
6 *striking subparagraph (D) and by redesignating sub-*
7 *paragraph (E) as subparagraph (D).*

8 *(2) CONFORMING AMENDMENT.—Section*
9 *6007(f)(5)(B) is amended by striking “paragraph*
10 *(4)(D)(ii)” and inserting “paragraph (4)”.*

11 *(d) EXPIRATION OF AUTHORITY.—Section 6007(f)(4)*
12 *is amended by adding at the end the following:*

13 *“(E) EXPIRATION OF AUTHORITY.—*

14 *“(i) IN GENERAL.—Except as provided*
15 *in clause (ii), the authority of the Airports*
16 *Authority to take any of the actions de-*
17 *scribed in subparagraph (B) shall expire on*
18 *April 30, 1997.*

19 *“(ii) SPECIAL RULE.—If on any day*
20 *after April 29, 1997, all of the members to*
21 *be appointed to the board of directors by the*
22 *President under subsection (e)(1)(D) are*
23 *-serving on the board, the authority of the*
24 *board referred to in clause (i) shall be effec-*

1 *tive beginning on such day and shall expire*
2 *on September 30, 1998.”.*

3 *(e) PROTECTION OF CERTAIN ACTIONS.—Actions taken*
4 *by the Metropolitan Washington Airports Authority and*
5 *submitted to the Board of Review pursuant to section*
6 *6007(f)(4) of the Metropolitan Washington Airports Act of*
7 *1986 before the date of the enactment of this Act shall re-*
8 *main in effect and shall not be set aside solely by reason*
9 *of a judicial order invalidating certain functions of the*
10 *Board of Review.*

11 **SEC. 507. CONGRESSIONAL DISAPPROVAL PROCEDURES.**

12 *(a) COMMITTEE REFERRAL.—Section 6007(f)(5)(C) is*
13 *amended—*

14 *(1) by striking “Public Works and Transpor-*
15 *tation” and inserting “Transportation and Infra-*
16 *structure”; and*

17 *(2) by striking “Commerce, Science and Tech-*
18 *nology” and inserting “Commerce, Science, and*
19 *Transportation”.*

20 *(b) HOUSE PROCEDURE.—Section 6007(f)(5) is*
21 *amended—*

22 *(1) by striking subparagraphs (D), (E), and (F);*

23 *(2) by redesignating subparagraphs (G) and (H)*
24 *as subparagraphs (E) and (F), respectively; and*

1 (3) by inserting after subparagraph (C) the fol-
2 lowing:

3 “(D) *HOUSE PROCEDURE*.—When the Com-
4 mittee of the House has reported a resolution, it
5 is in order at any time on or after the third day
6 on which the report on the resolution has been
7 available to Members pursuant to clause 2(l)(6)
8 of House Rule XI, for the chairman of the com-
9 mittee or a designee to move to proceed to the
10 consideration in the House of the resolution. The
11 motion is highly privileged, and is not subject to
12 debate or to intervening motion or otherwise sub-
13 ject to points of order, nor shall it be in order
14 to move to reconsider the vote by which the mo-
15 tion is agreed to or not agreed to. If the motion
16 is agreed to, the resolution shall be considered in
17 the House and debatable for not to exceed 2
18 hours to be equally divided and controlled by the
19 chairman and the ranking minority member of
20 the committee. The previous question shall be
21 considered as ordered on the resolution to final
22 passage without intervening motion. A motion to
23 reconsider the vote on passage of the resolution
24 shall not be in order.”.

1 **SEC. 508. OTHER MATTERS RELATING TO FEDERAL ADVI-**
2 **SORY COMMISSION.**

3 (a) *REQUEST FOR CONSIDERATION OF OTHER MAT-*
4 *TERS; PARTICIPATION IN MEETINGS.*—Section 6007(f) is
5 amended by striking paragraphs (6) and (7) and by redesi-
6 gnating paragraphs (8), (9), (10), and (11) as paragraphs
7 (6), (7), (8), and (9), respectively.

8 (b) *REMOVAL OF FEDERAL ADVISORY COMMISSION*
9 *MEMBERS.*—Section 6007(f)(9), as redesignated by sub-
10 section (a) of this section, is amended by striking “by a
11 two-thirds vote of the board of directors” and inserting “by
12 the Secretary of Transportation”.

13 **SEC. 509. EFFECT OF JUDICIAL ORDERS.**

14 (a) *IN GENERAL.*—Section 6007 is amended by strik-
15 ing subsection (h) and by redesignating subsection (i) as
16 subsection (h).

17 (b) *CONFORMING AMENDMENT.*—Section 6011 is
18 amended by striking “Except as provided in section
19 6007(h), if” and inserting “If”.

20 **SEC. 510. FEDERAL ADVISORY COMMITTEE ACT.**

21 Section 6007 is further amended by inserting after
22 subsection (h), as redesignated by section 509(a) of this Act,
23 the following:

24 “(i) *FEDERAL ADVISORY COMMITTEE ACT.*—The Fed-
25 eral Advisory Committee Act (5 U.S.C. App.) shall not
26 apply to the Federal Advisory Commission.”.

1 **SEC. 511. USE OF DULLES ACCESS HIGHWAY.**

2 *The Act is further amended by adding at the end the*
3 *following:*

4 **“SEC. 6013. USE OF DULLES ACCESS HIGHWAY.**

5 *“(a) RESTRICTIONS.—The Airports Authority shall*
6 *continue in effect and enforce paragraphs (1) and (2) of*
7 *section 4.2 of the Metropolitan Washington Airports Regu-*
8 *lations, as in effect on February 1, 1995.*

9 *“(b) ENFORCEMENT.—The district courts of the United*
10 *States shall have jurisdiction to compel the Airports Au-*
11 *thority and its officers and employees to comply with the*
12 *requirements of this section. An action may be brought on*
13 *behalf of the United States by the Attorney General, or by*
14 *any aggrieved party.”.*

15 **SEC. 512. AMENDMENT OF LEASE.**

16 *The Secretary of Transportation shall amend the lease*
17 *entered into with the Metropolitan Washington Airports*
18 *Authority under section 6005(a) of the Metropolitan Wash-*
19 *ington Airports Act of 1986 to secure the Airports*
20 *Authority’s consent to the amendments made to such Act*
21 *by this Act.*

22 **SEC. 513. AVAILABILITY OF SLOTS.**

23 *(a) IN GENERAL.—Section 41714 of title 49, United*
24 *States Code, is amended—*

1 (1) in subsections (a)(1), (b)(1), and (c)(1) by
2 striking “(other than Washington National Airport)”;
3 and

4 (2) by redesignating subsection (h) as subsection
5 (i) and by inserting after subsection (g) the following:
6 “(h) *LIMITATION ON AUTHORITY TO GRANT EXEMP-*
7 *TIONS.—The Secretary shall not issue an exemption under*
8 *this section to the requirements of subparts K and S of part*
9 *93 of title 14 of the Code of Federal Regulations (pertaining*
10 *to slots at high density airports) if the grant of such exemp-*
11 *tion would adversely affect safety.”.*

12 (b) *CONFORMING AMENDMENT.—Section 6009(e)(1) is*
13 *amended by striking “The Administrator” and inserting*
14 *“Except as provided by section 41714 of title 49, United*
15 *States Code, the Administrator”.*

16 **TITLE VI—RECOMMENDATION**
17 **TO COMMITTEE ON WAYS AND**
18 **MEANS ON EXTENSION OF**
19 **AIRPORT AND AIRWAY TRUST**
20 **FUND TAXES AND EXPENDI-**
21 **TURE AUTHORITY**

22 *The Committee on Transportation and Infrastructure*
23 *of the House of Representatives recommends the following*
24 *provisions, which are printed in roman and shall have no*

1 *legal effect, to the Committee on Ways and Means of the*
2 *House of Representatives for its consideration:*

3 **SEC. ____ . EXTENSION OF AIRPORT AND AIRWAY TRUST**
4 **FUND EXCISE TAXES.**

5 (a) FUEL TAX.—

6 (1) Subparagraph (A) of section 4091(b)(3) of
7 the Internal Revenue Code of 1986 is amended to
8 read as follows:

9 “(A) The rate of tax specified in para-
10 graph (1) shall be 4.3 cents per gallon—

11 “(i) after December 31, 1995, and be-
12 fore the date which is 30 days after the
13 date of the enactment of the Federal Avia-
14 tion Authorization Act of 1996, and

15 “(ii) after December 31, 1999.”

16 (2) Section 4081(d) of such Code is amended—

17 (A) by adding at the end the following new
18 paragraph:

19 “(3) AVIATION GASOLINE.—After December 31,
20 1999, the rate of tax specified in subsection
21 (a)(2)(A)(i) on aviation gasoline shall be 4.3 cents
22 per gallon.”, and

23 (B) by inserting in paragraph (1) “(other
24 than the tax on aviation gasoline)” after “sub-
25 section (a)(2)(A)”.

1 (3) Section 4041(c)(5) of such Code is amended
2 by inserting “, and during the period beginning on
3 the date which is 30 days after the date of the en-
4 actment of the Federal Aviation Authorization Act
5 of 1996 and ending on December 31, 1999” after
6 “December 31, 1995”.

7 (b) TICKET TAXES.—Sections 4261(g) and 4271(d)
8 of such Code are each amended by striking “January 1,
9 1996” and inserting “January 1, 1996, and to transpor-
10 tation beginning on or after the date which is 30 days
11 after the date of the enactment of the Federal Aviation
12 Authorization Act of 1996 and before January 1, 2000”.

13 (c) TRANSFERS TO AIRPORT AND AIRWAY TRUST
14 FUND.—

15 (1) Subsection (b) of section 9502 of such Code
16 is amended by striking “January 1, 1996” each
17 place it appears and inserting “January 1, 2000”.

18 (2) Paragraph (3) of section 9502(f) of such
19 Code is amended to read as follows:

20 “(3) TERMINATION.—Notwithstanding the pre-
21 ceding provisions of this subsection, the Airport and
22 Airway Trust Fund financing rate shall be zero with
23 respect to—

24 “(A) taxes imposed after December 31,
25 1995, and before the date which is 30 days

1 after the date of the enactment of the Federal
2 Aviation Authorization Act of 1996, and

3 “(B) taxes received after December 31,
4 1999.”

5 (3) Subsection (d) of section 9502 of such Code
6 is amended by adding at the end the following new
7 paragraph:

8 “(5) TRANSFERS FROM AIRPORT AND AIRWAY
9 TRUST FUND ON ACCOUNT OF REFUNDS OF TAXES
10 ON TRANSPORTATION BY AIR.—The Secretary of the
11 Treasury shall pay from time to time from the Air-
12 port and Airway Trust Fund into the general fund
13 of the Treasury amounts equivalent to the amounts
14 paid after December 31, 1995, under section 6402
15 (relating to authority to make credits or refunds) or
16 section 6415 (relating to credits or refunds to per-
17 sons who collected certain taxes) in respect of taxes
18 under sections 4261 and 4271.”

19 (d) EFFECTIVE DATES.—

20 (1) IN GENERAL.—The amendments made by
21 this section shall take effect on the date of the en-
22 actment of this Act, except that the amendment
23 made by subsection (b) shall not apply to any
24 amount paid on or before such date.

1 (2) TRANSFERS.—The amendments made by
2 subsection (c) shall take effect on January 1, 1996.

3 **SEC. ____ . EXTENSION OF AIRPORT AND AIRWAY TRUST**
4 **FUND EXPENDITURES.**

5 (a) EXTENSION OF EXPENDITURE AUTHORITY.—
6 Paragraph (1) of section 9502(d) of the Internal Revenue
7 Code of 1986 is amended by striking “October 1, 1996”
8 and inserting “October 1, 1999”.

9 (b) EXTENSION OF TRUST FUND PURPOSES.—Sub-
10 paragraph (A) of section 9502(d)(1) of such Code is
11 amended by adding before the semicolon at the end “or
12 the Federal Aviation Authorization Act of 1996”.

13 **SEC. ____ . RESTORATION AND EXTENSION OF EXEMPTION**
14 **FOR COMMERCIAL AVIATION.**

15 (a) IN GENERAL.—Paragraph (2) of section 4092(b)
16 of the Internal Revenue Code of 1986 (relating to exemp-
17 tion from certain taxes on fuel used in commercial avia-
18 tion) is amended to read as follows:

19 “(2) 4.3 cents per gallon of the rate specified
20 in section 4091(b)(1) in the case of fuel sold—

21 “(A) after September 30, 1995, and before
22 the date which is 30 days after the date of the
23 enactment of the Federal Aviation Authoriza-
24 tion Act of 1996, and

25 “(B) after December 31, 1999.”

1 (b) CONFORMING AMENDMENTS.—

2 (1) Subparagraph (B) of section 6421(f)(2) of
3 such Code is amended to read as follows:

4 “(B) in aviation which is not noncommer-
5 cial aviation (as so defined) with respect to the
6 tax imposed by section 4081 at—

7 “(i) the Leaking Underground Stor-
8 age Tank Trust Fund financing rate, and

9 “(ii) so much of the rate specified in
10 section 4081(a)(2)(A) as does not exceed
11 4.3 cents per gallon in the case of fuel pur-
12 chased—

13 “(I) after September 30, 1995,
14 and before the date which is 30 days
15 after the date of the enactment of the
16 Federal Aviation Authorization Act of
17 1996, and

18 “(II) after December 31, 1999.”

19 (2) Subparagraph (B) of section 6427(l)(4) of
20 such Code is amended to read as follows:

21 “(B) so much of the rate specified in sec-
22 tion 4091(b)(1) as does not exceed 4.3 cents
23 per gallon in the case of fuel purchased—

24 “(i) after September 30, 1995, and
25 before the date which is 30 days after the

1 date of the enactment of the Federal Avia-
2 tion Authorization Act of 1996, and

3 “(ii) after December 31, 1999.”

4 (c) EFFECTIVE DATE.—The amendments made by
5 this section shall take effect on the date of the enactment
6 of this Act.

7 **SEC. ____ . FLOOR STOCKS TAXES ON AVIATION FUEL.**

8 (a) IMPOSITION OF TAX.—

9 (1) IN GENERAL.—In the case of aviation fuel
10 on which tax was imposed under section 4091 of the
11 Internal Revenue Code of 1986 before the tax-in-
12 crease date described in subsection (c)(1)(A) and
13 which is held on such date by any person, there is
14 hereby imposed a floor stocks tax of 17.5 cents per
15 gallon.

16 (2) COMMERCIAL AVIATION FUEL ON JANUARY
17 1, 2000.—In the case of commercial aviation fuel on
18 which tax was imposed under section 4091 of such
19 Code before January 1, 2000, and which is held on
20 such date by any person, there is hereby imposed a
21 floor stocks tax of 4.3 cents per gallon.

22 (b) LIABILITY FOR TAX AND METHOD OF PAY-
23 MENT.—

24 (1) LIABILITY FOR TAX.—A person holding
25 aviation fuel on a tax-increase date to which the tax

1 imposed by subsection (a) applies shall be liable for
2 such tax.

3 (2) METHOD OF PAYMENT.—The tax imposed
4 by subsection (a) shall be paid in such manner as
5 the Secretary shall prescribe.

6 (3) TIME FOR PAYMENT.—The tax imposed by
7 subsection (a) with respect to any tax-increase date
8 shall be paid on or before the first day of the 7th
9 month beginning after such tax-increase date.

10 (c) DEFINITIONS.—For purposes of this section—

11 (1) TAX INCREASE DATE.—The term “tax-in-
12 crease date” means—

13 (A) the date which is 30 days after the
14 date of the enactment of this Act, and

15 (B) January 1, 2000.

16 (2) AVIATION FUEL.—The term “aviation fuel”
17 has the meaning given such term by section 4093 of
18 such Code.

19 (3) COMMERCIAL AVIATION FUEL.—The term
20 “commercial aviation fuel” means aviation fuel
21 which is held on January 1, 2000, for sale or use
22 in commercial aviation (as defined in section
23 4092(b) of such Code).

24 (4) HELD BY A PERSON.—Aviation fuel shall be
25 considered as “held by a person” if title thereto has

1 passed to such person (whether or not delivery to
2 the person has been made).

3 (5) SECRETARY.—The term “Secretary” means
4 the Secretary of the Treasury or his delegate.

5 (d) EXCEPTION FOR EXEMPT USES.—The tax im-
6 posed by subsection (a) shall not apply to aviation fuel
7 held by any person on any tax-increase date exclusively
8 for any use for which a credit or refund of the entire tax
9 imposed by section 4091 of such Code is allowable for
10 aviation fuel purchased on or after such tax-increase date
11 for such use.

12 (e) EXCEPTION FOR CERTAIN AMOUNTS OF FUEL.—

13 (1) IN GENERAL.—No tax shall be imposed by
14 subsection (a) on aviation fuel held on any tax-in-
15 crease date by any person if the aggregate amount
16 of aviation fuel held by such person on such date
17 does not exceed 2,000 gallons. The preceding sen-
18 tence shall apply only if such person submits to the
19 Secretary (at the time and in the manner required
20 by the Secretary) such information as the Secretary
21 shall require for purposes of this paragraph.

22 (2) EXEMPT FUEL.—For purposes of para-
23 graph (1), there shall not be taken into account fuel
24 held by any person which is exempt from the tax im-
25 posed by subsection (a) by reason of subsection (d).

1 (3) CONTROLLED GROUPS.—For purposes of
2 this subsection—

3 (A) CORPORATIONS.—

4 (i) IN GENERAL.—All persons treated
5 as a controlled group shall be treated as 1
6 person.

7 (ii) CONTROLLED GROUP.—The term
8 “controlled group” has the meaning given
9 to such term by subsection (a) of section
10 1563 of such Code; except that for such
11 purposes the phrase “more than 50 per-
12 cent” shall be substituted for the phrase
13 “at least 80 percent” each place it appears
14 in such subsection.

15 (B) NONINCORPORATED PERSONS UNDER
16 COMMON CONTROL.—Under regulations pre-
17 scribed by the Secretary, principles similar to
18 the principles of subparagraph (A) shall apply
19 to a group of persons under common control
20 where 1 or more of such persons is not a cor-
21 poration.

22 (f) OTHER LAW APPLICABLE.—All provisions of law,
23 including penalties, applicable with respect to the taxes
24 imposed by section 4091 of such Code shall, insofar as
25 applicable and not inconsistent with the provisions of this

1 section, apply with respect to the floor stock taxes imposed
2 by subsection (a) to the same extent as if such taxes were
3 imposed by such section 4091.

4 **SEC. ____ . REDUCTION IN AVIATION TICKET TAX IN CER-**
5 **TAIN CASES.**

6 (a) IN GENERAL.—Part III of subchapter C of chap-
7 ter 33 of the Internal Revenue Code of 1986 (relating to
8 special provisions applicable to taxes on transportation by
9 air) is amended by adding at the end the following new
10 section:

11 **“SEC. 4283. REDUCTION IN AVIATION TICKET TAX IN CER-**
12 **TAIN CASES.**

13 “(a) GENERAL RULE.—For each fiscal year, the Sec-
14 retary shall—

15 “(1) determine whether such fiscal year was a
16 funding shortfall year, and

17 “(2) in such a case, prescribe a tax rate which
18 shall apply under section 4261(a) to amounts paid
19 during the first calendar year beginning after the
20 close of such fiscal year.

21 “(b) FUNDING SHORTFALL YEAR.—For purposes of
22 this section—

23 “(1) IN GENERAL.—The term ‘funding shortfall
24 year’ means any fiscal year for which there is a
25 funding shortfall.

1 “(2) FUNDING SHORTFALL.—The term ‘fund-
2 ing shortfall’ means, with respect to any fiscal year,
3 the amount by which—

4 “(A) the aggregate amounts authorized to
5 be obligated under such section 48103 for the
6 fiscal year, exceeds

7 “(B) the aggregate amounts available for
8 obligation under section 48103 of title 49, Unit-
9 ed States Code for the fiscal year.

10 “(3) SPECIAL RULES.—

11 “(A) TREATMENT OF PRIOR YEAR
12 AMOUNTS.—For purposes of paragraph (2)(A),
13 an amount shall be treated as authorized only
14 for the first fiscal year for which it is author-
15 ized.

16 “(B) TREATMENT OF SEQUESTERED
17 AMOUNTS.—The determination under para-
18 graph (2) shall not take into account the se-
19 questration of any amount described therein
20 pursuant to an order under part C of title II
21 of the Balanced Budget and Emergency Deficit
22 Control Act of 1985 (or any successor law).

23 “(C) TREATMENT OF RESCISSIONS.—The
24 determination under paragraph (2)(A) shall not
25 take into account the rescission of any amount

1 authorized to obligated under section 48103 of
2 title 49, United States Code for a fiscal year.

3 “(c) DETERMINATION OF TAX RATE.—The rate pre-
4 scribed by the Secretary under subsection (a) which shall
5 apply in lieu of the rate otherwise applicable under section
6 4261(a) for any calendar year shall be the rate which the
7 Secretary estimates will result in a reduction in tax reve-
8 nues equal to the funding shortfall for the most recent
9 fiscal year ending before such calendar year.”

10 (b) CLERICAL AMENDMENT.—The table of sections
11 for part III of subchapter C of chapter 33 of such Code
12 is amended by adding at the end the following new item:

“Sec. 4283. Reduction in aviation ticket tax in certain cases.”

13 (c) EFFECTIVE DATE.—The amendments made by
14 this section shall apply to fiscal years beginning after the
15 date of the enactment of this Act.