

Calendar No. 539

104TH CONGRESS  
2D Session

**S. 1994**

[Report No. 104-333]

**A BILL**

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

JULY 26, 1996

Read twice and placed on the calendar

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## IN THE SENATE OF THE UNITED STATES

JULY 26, 1996

Mr. PRESSLER, from the Committee on Commerce, Science, and Transportation, reported the following original bill; which was read twice and placed on the calendar

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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 Reauthorization Act of 1996”.

6       (b) TABLE OF CONTENTS.—

Section 1. Short Title; Table of Contents.

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

#### TITLE I—REAUTHORIZATION OF FAA PROGRAMS

Sec. 101. Federal Aviation Administration Operations.

Sec. 102. Air Navigation Facilities.

Sec. 103. Research and development.

Sec. 104. Airport Improvement Program.

Sec. 105. Interaccount flexibility.

#### TITLE II—AIRPORT IMPROVEMENT PROGRAM MODIFICATIONS

Sec. 201. Pavement maintenance program.

Sec. 202. Maximum percentages of amount made available for grants to certain primary airports.

Sec. 203. Discretionary fund.

Sec. 204. Designating current and former military airports.

Sec. 205. State block grant program.

Sec. 206. Access to airports by intercity buses.

#### TITLE III—EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY

Sec. 301. Expenditures from Airport and Airway Trust Fund.

#### TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Acquisition of housing units.

Sec. 402. Technical correction of title 49 codification.

Sec. 403. Protection of voluntary submission of information.

Sec. 404. Discretionary authority for criminal history records checks.

Sec. 405. Application of FAA regulations.

Sec. 406. Sense of the Senate regarding the funding of the Federal Aviation Administration.

Sec. 407. Authorization for State-specific safety measures.

Sec. 408. Sense of the Senate regarding the air ambulance exemption from certain Federal excise taxes.

Sec. 409. FAA safety mission.

#### TITLE V—COMMERCIAL SPACE TRANSPORTATION

Sec. 501. Commercial space launch amendments.

#### TITLE VI—AIR TRAFFIC MANAGEMENT SYSTEM PERFORMANCE IMPROVEMENT ACT

Sec. 601. Short title.

Sec. 602. Definitions.

Sec. 603. Effective date.

#### SUBTITLE A—GENERAL PROVISIONS

Sec. 621. Findings.

Sec. 622. Purposes.

Sec. 623. Regulation of civilian air transportation and related services by the Federal Aviation Administration and Department of Transportation.

Sec. 624. Regulations.

Sec. 625. Personnel and services.

Sec. 626. Contracts.

Sec. 627. Facilities.

Sec. 628. Property.

Sec. 629. Transfers of funds from other federal agencies.

Sec. 630. Management Advisory Council.

Sec. 631. Aircraft engine standards.

Sec. 632. Rural air fare study.

#### SUBTITLE B—FEDERAL AVIATION ADMINISTRATION STREAMLINING PROGRAMS

Sec. 651. Review of acquisition management system.  
 Sec. 652. Air traffic control modernization reviews.  
 Sec. 653. Federal Aviation Administration personnel management system.  
 Sec. 654. Conforming amendment.

SUBTITLE C—SYSTEM TO FUND CERTAIN FEDERAL  
 AVIATION ADMINISTRATION FUNCTIONS

Sec. 671. Findings.  
 Sec. 672. Purposes.  
 Sec. 673. User fees for various Federal Aviation Administration services.  
 Sec. 674. Independent assessment and task force to review existing and innovative funding mechanisms.  
 Sec. 675. Procedure for consideration of certain funding proposals.  
 Sec. 676. Administrative provisions.  
 Sec. 677. Advance appropriations for Airport and Airway Trust Fund activities.  
 Sec. 678. Rural Air Service Survival Act.

TITLE VII—PILOT RECORDS

Sec. 701. Short title.  
 Sec. 702. Employment investigations of pilot applicants.  
 Sec. 703. Study of minimum standards for pilot qualifications.

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

2 Except as otherwise specifically provided, whenever in  
 3 this Act an amendment or repeal is expressed in terms  
 4 of an amendment to, or repeal of, a section or other provi-  
 5 sion of law, the reference shall be considered to be made  
 6 to a section or other provision of title 49, United States  
 7 Code.

**8 TITLE I—REAUTHORIZATION OF**  
**9 FAA PROGRAMS**

**10 SEC. 101. FEDERAL AVIATION ADMINISTRATION OPER-**  
**11 ATIONS.**

12 (a) AUTHORIZATION OF APPROPRIATIONS FROM  
 13 GENERAL FUND.—Section 106(k) is amended—

14 (1) by striking “and” after “1995,”; and

1           (2) by inserting before the period at the end the  
 2       following: “, and \$5,000,000,000 for fiscal year  
 3       1997.”.

4       (b) AUTHORIZATION OF APPROPRIATIONS FROM  
 5 TRUST FUND.—Section 48104(b) is amended—

6           (1) in the subsection heading by striking “FOR  
 7       FISCAL YEARS 1993”; and

8           (2) by striking the phrase “for fiscal year  
 9       1993”.

10       (c) CLERICAL AMENDMENT.—Section 48108 is  
 11 amended by striking subsection (c).

12 **SEC. 102. AIR NAVIGATION FACILITIES.**

13       Section 48101(a) is amended by adding at the end  
 14 the following:

15           “(5) For the fiscal years ending September 30,  
 16       1991–1997, \$17,929,000,000.”.

17 **SEC. 103. RESEARCH AND DEVELOPMENT.**

18       Section 48102(a) is amended by striking “title:” and  
 19 all that follows through the end of the subsection, and in-  
 20 serting the following: “title, \$200,000,000 for fiscal year  
 21 1997.”.

22 **SEC. 104. AIRPORT IMPROVEMENT PROGRAM.**

23       (a) AUTHORIZATION OF APPROPRIATIONS.—Section  
 24 48103 is amended—

1 (1) by striking “and \$21,958,500,000” and in-  
 2 serting “\$19,200,500,000”; and

3 (2) by inserting before the period at the end the  
 4 following: “, \$21,480,500,000 for fiscal years ending  
 5 before October 1, 1997.

6 (b) OBLIGATIONAL AUTHORITY.—Section 47104(c)  
 7 is amended by striking “1996” and inserting “1997”.

8 **SEC. 105. INTERACCOUNT FLEXIBILITY.**

9 Section 106 is amended by adding at the end the fol-  
 10 lowing new subsection:

11 “(1) INTERACCOUNT FLEXIBILITY.—

12 “(1) Except as provided in paragraph (2), the  
 13 Administrator may transfer budget authority derived  
 14 from trust funds among appropriations authorized  
 15 by subsection (k) and sections 48101 and 48102, if  
 16 the aggregate estimated outlays in such accounts in  
 17 the fiscal year in which the transfers are made will  
 18 not be increased as a result of such transfer.

19 “(2) The transfer of budget authority under  
 20 paragraph (1) may be made only to the extent that  
 21 outlays do not exceed the aggregate estimated out-  
 22 lays.

23 “(3) A transfer of budget authority under para-  
 24 graph (1) may not result in a net decrease of more  
 25 than 5 percent, or a net increase of more than 10

1       percent, in the budget authority available under any  
2       appropriation involved in that transfer.

3           “(4) Any action taken pursuant to this section  
4       shall be treated as a reprogramming of funds that  
5       is subject to review by the appropriate committees of  
6       the Congress.

7           “(5) The Administrator may transfer budget  
8       authority pursuant to this section only after—

9           “(A) submitting a written explanation of  
10       the proposed transfer to the Committees on  
11       Transportation and Infrastructure and Appro-  
12       priations of the House of Representatives and  
13       the Committees on Commerce, Science, and  
14       Transportation and Appropriations of the Sen-  
15       ate; and

16           “(B) 30 days have passed after the expla-  
17       nation is submitted and none of the Committees  
18       notifies the Administrator in writing that it ob-  
19       jects to the proposed transfer within the 30 day  
20       period.”.

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

4 **SEC. 201. PAVEMENT MAINTENANCE PROGRAM.**

5 (a) PAVEMENT MAINTENANCE.—Chapter 471 is  
6 amended by adding the following section at the end of sub-  
7 chapter I:

8 **“§ 47132. Pavement maintenance**

9 “(a) IN GENERAL.—The Administrator of the Fed-  
10 eral Aviation Administration shall prescribe regulations to  
11 carry out a pavement maintenance pilot project to pre-  
12 serve and extend the useful life of runways, taxiways, and  
13 aprons at airports for which apportionments are made  
14 under section 47114(d). The regulations shall provide that  
15 the Administrator may designate not more than 10  
16 projects. The regulations shall provide criteria for the Ad-  
17 ministrator to use in choosing the projects. At least 2 such  
18 projects must be in States without a primary airport that  
19 had 0.25 percent or more of the total boardings in the  
20 United States in the preceding calendar year. In designat-  
21 ing a project, the Administrator shall take into consider-  
22 ation geographical, climatological, and soil diversity.

23 “(b) EFFECTIVE DATE.—This section shall be effec-  
24 tive beginning on the date of enactment of the Federal

1 Aviation Reauthorization Act of 1996 and ending on Sep-  
 2 tember 30, 1999.”.

3 (b) COMPLIANCE WITH FEDERAL MANDATES.—

4 (1) USE OF AIP GRANTS.—Section 47102(3) is  
 5 amended—

6 (A) in subparagraph (E) by inserting “or  
 7 under section 40117” before the period at the  
 8 end; and

9 (B) in subparagraph (F) by striking “paid  
 10 for by a grant under this subchapter and”.

11 (2) USE OF PASSENGER FACILITY CHARGES.—  
 12 Section 40117(a)(3) is amended—

13 (A) by inserting “and” at the end of sub-  
 14 paragraph (D);

15 (B) by striking “; and” at the end of sub-  
 16 paragraph (E) and inserting a period; and

17 (C) by striking subparagraph (F).

18 (c) CONFORMING AMENDMENT.—The chapter analy-  
 19 sis for subchapter I of chapter 471 is amended by insert-  
 20 ing after the item relating to section 47131 the following  
 21 new item:

“47132. Pavement maintenance.”.

1 **SEC. 202. MAXIMUM PERCENTAGES OF AMOUNT MADE**  
2 **AVAILABLE FOR GRANTS TO CERTAIN PRI-**  
3 **MARY AIRPORTS.**

4 Section 47114 is amended by adding at the end  
5 thereof the following:

6 “(g) SLIDING SCALE.—

7 “(1) Notwithstanding any other provision of  
8 this title, of the amount newly made available under  
9 section 48103 of this title for fiscal year 1997 to  
10 make grants, not more than the percentage of such  
11 amount newly made available that is specified in  
12 paragraph (2) shall be distributed in total in such  
13 fiscal year for grants described in paragraph (3).

14 “(2) If the amount newly made available is—

15 “(A) not more than \$1,150,000,000, then  
16 the percentage is 47.0;

17 “(B) more than \$1,150,000,000 but not  
18 more than \$1,250,000,000, then the percentage  
19 is 46.0;

20 “(C) more than \$1,250,000,000 but not  
21 more than \$1,350,000,000, then the percentage  
22 is 45.4;

23 “(D) more than \$1,350,000,000 but not  
24 more than \$1,450,000,000, then the percentage  
25 is 44.8; or

1           “(E) more than \$1,450,000,000 but not  
 2           more than \$1,550,000,000, then the percentage  
 3           is 44.3.

4           “(3) This section applies to the aggregate  
 5           amount of grants in a fiscal year for projects at  
 6           those primary airports that each have not less than  
 7           0.25 per centum of the total passenger boardings in  
 8           the United States in the preceding calendar year.”.

9   **SEC. 203. DISCRETIONARY FUND.**

10       Section 47115 is amended—

11           (1) by redesignating the second subsection (f)  
 12       as subsection (g); and

13           (2) by adding at the end the following:

14       “(h) PRIORITY FOR LETTERS OF INTENT.—In mak-  
 15       ing grants in a fiscal year with funds made available under  
 16       this section, the Secretary shall fulfill intentions to obli-  
 17       gate under section 47110(e).”

18   **SEC. 204. DESIGNATING CURRENT AND FORMER MILITARY**

19                   **AIRPORTS.**

20       (a) GENERAL REQUIREMENTS.—Section 47118(a) is  
 21       amended—

22           (1) by striking “not more than 15”; and

23           (2) by inserting after the first sentence the fol-  
 24       lowing: “The maximum number of airports which

1        may be designated by the Secretary under this sec-  
 2        tion at any time is 10.”.

3        (b) PARKING LOTS, FUEL FARMS, AND UTILITIES.—  
 4        Subsection (f) of section 47118 is amended by striking  
 5        “the fiscal years ending September 30, 1993–1996,” and  
 6        inserting “for fiscal years beginning after September 30,  
 7        1992,”.

8        (c) ONE YEAR EXTENSION.—Section 47117(e)(1)(E)  
 9        is amended by striking “and 1996,” and inserting “1996,  
 10       and 1997,”.

11       **SEC. 205. STATE BLOCK GRANT PROGRAM.**

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

14                (1) by redesignating subparagraphs (A) through  
 15                (E) of subsection (b)(1) as paragraphs (1) through  
 16                (5), respectively;

17                (2) by striking “(1) A State” in subsection (b)  
 18                and inserting “A State”; and

19                (3) by striking paragraph (2).

20       (b) USE OF STATE PRIORITY SYSTEM.—Section  
 21       47128(c) is amended by adding at the end the following:  
 22       “In carrying out this subsection, the Secretary shall per-  
 23       mit a State to use the priority system of the State if such  
 24       system is not inconsistent with the national priority sys-  
 25       tem.”.

1       (c) CHANGE OF EXPIRATION DATE.—Section  
2 47128(d) is amended by striking “1996” and inserting  
3 “1997”.

4 **SEC. 206. ACCESS TO AIRPORTS BY INTERCITY BUSES.**

5       Section 47107 (a) is amended—

6           (1) by striking “and” at the end of paragraph  
7       (18);

8           (2) by striking the period at the end of para-  
9       graph (19) and inserting “; and”, and

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

11           “(20) the airport owner or operator will permit,  
12       to the maximum extent practicable, intercity buses  
13       or other modes of transportation to have access to  
14       the airport, but the sponsor does not have any obli-  
15       gation under this paragraph, or because of it, to  
16       fund special facilities for intercity bus service or for  
17       other modes of transportation.”.

1 **TITLE III—EXTENSION OF AIR-**  
 2 **PORT AND AIRWAY TRUST**  
 3 **FUND EXPENDITURE AU-**  
 4 **THORITY**

5 **SEC. 301. EXPENDITURES FROM AIRPORT AND AIRWAY**  
 6 **TRUST FUND.**

7 Section 9502(d)(1) of the Internal Revenue Code of  
 8 1986 (relating to expenditures from Airport and Airway  
 9 Trust Fund) is amended by:

- 10 (1) striking “1996” and inserting “1997”;  
 11 (2) inserting “or the Federal Aviation Reau-  
 12 thorization Act of 1996” after “Administration Au-  
 13 thorization Act of 1994”;

14 **TITLE IV—MISCELLANEOUS**  
 15 **PROVISIONS**

16 **SEC. 401. ACQUISITION OF HOUSING UNITS.**

17 Section 40110 is amended—

- 18 (1) by redesignating subsection (b) as sub-  
 19 section (c); and

- 20 (2) by inserting after subsection (a) the follow-  
 21 ing:

22 “(b) ACQUISITION OF HOUSING UNITS.—

23 “(1) AUTHORITY.—In carrying out this part,  
 24 the Administrator may acquire interests in housing  
 25 units outside the contiguous United States.

1           “(2) CONTINUING OBLIGATIONS.—Notwith-  
2           standing section 1341 of title 31, United States  
3           Code, the Administrator may acquire an interest in  
4           a housing unit under paragraph (1) even if there is  
5           an obligation thereafter to pay necessary and rea-  
6           sonable fees duly assessed upon such unit, including  
7           fees related to operation, maintenance, taxes, and in-  
8           surance.

9           “(3) CERTIFICATION TO CONGRESS.—The Ad-  
10          ministrator may acquire an interest in a housing  
11          unit under paragraph (1) only if the Administrator  
12          transmits to the Committee on Transportation and  
13          Infrastructure of the House of Representatives and  
14          the Committee on Commerce, Science, and Trans-  
15          portation of the Senate at least 30 days before com-  
16          pleting the acquisition a report containing—

17               “(A) a description of the housing unit and  
18               its price; and

19               “(B) a certification that acquiring the  
20          housing unit is the most cost-beneficial means  
21          of providing necessary accommodations in car-  
22          rying out this part.

23          “(4) PAYMENT OF FEES.—The Administrator  
24          may pay, when due, fees resulting from the acquisi-  
25          tion of an interest in a housing unit under this sub-

1 section from any amounts made available to the Ad-  
 2 ministrator.”.

3 **SEC. 402. TECHNICAL CORRECTION OF TITLE 49 CODIFICA-**  
 4 **TION.**

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

7 **SEC. 403. PROTECTION OF VOLUNTARY SUBMISSION OF IN-**  
 8 **FORMATION.**

9 (a) IN GENERAL.—Chapter 401 is amended by redes-  
 10 ignating section 40120 as section 40121 and by inserting  
 11 after section 40119 the following:

12 **“§ 40120. Protection of voluntarily submitted infor-**  
 13 **mation**

14 “(a) IN GENERAL.—Notwithstanding any other pro-  
 15 vision of law, neither the Administrator of the Federal  
 16 Aviation Administration, nor any agency receiving infor-  
 17 mation from the Administrator, shall disclose voluntarily-  
 18 provided safety or security related information if the Ad-  
 19 ministrator finds that—

20 “(1) the disclosure of the information would in-  
 21 hibit the voluntary provision of that type of informa-  
 22 tion and that the receipt of that type of information  
 23 aids in fulfilling the Administrator’s safety and secu-  
 24 rity responsibilities; and

1           “(2) withholding such information from discolo-  
 2           sure would be consistent with the Administrator’s  
 3           safety and security responsibilities.

4           “(b) REGULATIONS.—The Administrator shall issue  
 5 regulations to carry out this section.”.

6           (c) CONFORMING AMENDMENT.—The table of sec-  
 7 tions at the beginning of chapter 401 is amended by strik-  
 8 ing the item relating to section 40120 and inserting the  
 9 following:

“40120. Protection of voluntarily submitted information.  
 “40121. Relationship to other laws.”.

10 **SEC. 404. DISCRETIONARY AUTHORITY FOR CRIMINAL HIS-**  
 11 **TORY RECORDS CHECKS.**

12           (a) IN GENERAL.—Section 44936(a)(1) is amend-  
 13 ed—

14                   (1) by striking “(1)” and inserting “(1)(A)”;

15                   (2) by redesignating subparagraphs (A) and  
 16 (B) as clauses (i) and (ii), respectively; and

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

18                   “(B) The Administrator may require by regula-  
 19 tion that an employment investigation, (including a  
 20 criminal history record check in cases in which the  
 21 employment investigation reveals a gap in employ-  
 22 ment of 12 months or more that the individual does  
 23 not satisfactorily account for or the individual is un-  
 24 able to support statements made or there are signifi-

1 cant inconsistencies between information provided on  
 2 an application) be conducted for individuals who will  
 3 be responsible for screening passengers or property  
 4 under chapter 449 of this title and their super-  
 5 visors.”.

6 (b) APPLICABILITY.—The amendment made by sub-  
 7 section (a)(3) shall apply to individuals hired as screeners  
 8 or supervisors of screeners after the date of the enactment  
 9 of this Act.

10 **SEC. 405. APPLICATION OF FAA REGULATIONS.**

11 In amending title 14, Code of Federal Regulations,  
 12 in a manner affecting intrastate aviation in Alaska, the  
 13 Administrator of the Federal Aviation Administration  
 14 shall consider the extent to which Alaska is not served by  
 15 transportation modes other than aviation, and shall estab-  
 16 lish such regulatory distinctions as the Administrator  
 17 deems appropriate.

18 **SEC. 406. SENSE OF THE SENATE REGARDING THE FUND-**  
 19 **ING OF THE FEDERAL AVIATION ADMINIS-**  
 20 **TRATION.**

21 (a) FINDINGS.—The Senate finds that—

22 (1) the Congress is responsible for ensuring  
 23 that the financial needs of the Federal Aviation Ad-  
 24 ministration, the agency that performs the critical  
 25 function of overseeing the Nation’s air traffic control

1 system and ensuring the safety of air travelers in  
2 the United States, are met;

3 (2) the number of air traffic control equipment  
4 and power failures is increasing, which could place  
5 at risk the reliability of our Nation's air traffic con-  
6 trol system;

7 (3) aviation excise taxes that constitute the Air-  
8 port and Airway Trust Fund, which provides most  
9 of the funding for the Federal Aviation Administra-  
10 tion, have expired;

11 (4) the surplus in the Airport and Airway Trust  
12 Fund will be spent by the Federal Aviation Adminis-  
13 tration by December 1996;

14 (5) the existing system of funding the Federal  
15 Aviation Administration will not provide the agency  
16 with sufficient short-term or long-term funding;

17 (6) this Act creates a sound process to review  
18 Federal Aviation Administration funding and de-  
19 velop a funding system to meet the Federal Aviation  
20 Administration's long-term funding needs; and

21 (7) without immediate action by the Congress  
22 to ensure that the Federal Aviation Administration's  
23 financial needs are met, air travelers' confidence in  
24 the system could be undermined.

1 (b) SENSE OF THE SENATE.—It is the sense of the  
 2 Senate that there should be an immediate enactment of  
 3 an 18-month reinstatement of the aviation excise taxes to  
 4 provide short-term funding for the Federal Aviation Ad-  
 5 ministration.

6 **SEC. 407. AUTHORIZATION FOR STATE-SPECIFIC SAFETY**  
 7 **MEASURES.**

8 There are authorized to be appropriated to the Fed-  
 9 eral Aviation Administration not more than \$10,000,000  
 10 in fiscal year 1997 for the purpose of addressing State-  
 11 specific aviation safety problems identified by the National  
 12 Transportation Safety Board.

13 **SEC. 408. SENSE OF THE SENATE REGARDING THE AIR AM-**  
 14 **BULANCE EXEMPTION FROM CERTAIN FED-**  
 15 **ERAL EXCISE TAXES.**

16 It is the sense of the Senate that, if the excise taxes  
 17 imposed by section 4261 or 4271 of the Internal Revenue  
 18 Code of 1986 are reinstated, the exemption from those  
 19 taxes provided by section 4261(f) of such Code for air  
 20 transportation by helicopter for the purpose of providing  
 21 emergency medical services should be broadened to include  
 22 air transportation by fixed-wing aircraft for that purpose.

23 **SEC. 409. FAA SAFETY MISSION.**

24 (a) IN GENERAL.—Section 40104 is amended—

1 (1) by inserting “safety of” before “air com-  
 2 merce” in the section caption;

3 (2) by inserting “SAFETY OF” before “AIR  
 4 COMMERCE” in the caption of subsection (a); and

5 (3) by and inserting “safety of” before “air  
 6 commerce” in subsection (a).

7 (b) CLERICAL AMENDMENT.—The table of sections  
 8 for chapter 401 is amended by striking the item relating  
 9 to section 40104 and inserting:

“40104. Promotion of civil aeronautics and air commerce safety.”.

## 10 **TITLE V—COMMERCIAL SPACE** 11 **TRANSPORTATION**

### 12 **SEC. 501. COMMERCIAL SPACE LAUNCH AMENDMENTS.**

13 (a) AMENDMENTS.—Chapter 701 is amended—

14 (1) in the table of sections—

15 (A) by amending the item relating to sec-  
 16 tion 70104 to read as follows:

“70104. Restrictions on launches, operations, and reentries.”;

17 (B) by amending the item relating to sec-  
 18 tion 70108 to read as follows:

“70108. Prohibition, suspension, and end of launches, operation of launch sites  
 and reentry sites, and reentries.”;

19 and

20 (C) by amending the item relating to sec-  
 21 tion 70109 to read as follows:

“70109. Preemption of scheduled launches or reentries.”;

22 (2) in section 70101—

1 (A) by inserting “microgravity research,”  
2 after “information services,” in subsection  
3 (a)(3);

4 (B) by inserting “, reentry,” after “launch-  
5 ing” both places it appears in subsection (a)(4);

6 (C) by inserting “, reentry vehicles,” after  
7 “launch vehicles” in subsection (a)(5);

8 (D) by inserting “and reentry services”  
9 after “launch services” in subsection (a)(6);

10 (E) by inserting “, reentries,” after  
11 “launches” both places it appears in subsection  
12 (a)(7);

13 (F) by inserting “, reentry sites,” after  
14 “launch sites” in subsection (a)(8);

15 (G) by inserting “and reentry services”  
16 after “launch services” in subsection (a)(8);

17 (H) by inserting “reentry sites,” after  
18 “launch sites,” in subsection (a)(9);

19 (I) by inserting “and reentry site” after  
20 “launch site” in subsection (a)(9);

21 (J) by inserting “reentry vehicles,” after  
22 “launch vehicles” in subsection (b)(2);

23 (K) by striking “launch” in subsection  
24 (b)(2)(A);

1 (L) by inserting “and reentry” after “com-  
2 mercial launch” in subsection (b)(3);

3 (M) by striking “launch” after “and trans-  
4 fer commercial” in subsection (b)(3); and

5 (N) by inserting “and development of re-  
6 entry sites,” after “launch-site support facili-  
7 ties,” in subsection (b)(4);

8 (3) in section 70102—

9 (A) by striking “and any payload” and in-  
10 sserting in lieu thereof “or reentry vehicle and  
11 any payload from Earth” in paragraph (3);

12 (B) by inserting “or reentry vehicle” after  
13 “means of a launch vehicle” in paragraph (8);

14 (C) by redesignating paragraphs (10)  
15 through (12) as paragraphs (14) through (16),  
16 respectively;

17 (D) by inserting after paragraph (9) the  
18 following new paragraphs:

19 “(10) ‘reenter’ and ‘reentry’ mean to return or  
20 attempt to return, purposefully, a reentry vehicle  
21 and its payload, if any, from Earth orbit or from  
22 outer space to Earth.

23 “(11) ‘reentry services’ means—

1           “(A) activities involved in the preparation  
2           of a reentry vehicle and its payload, if any, for  
3           reentry; and

4           “(B) the conduct of a reentry.

5           “(12) ‘reentry site’ means the location on Earth  
6           to which a reentry vehicle is intended to return (as  
7           defined in a license the Secretary issues or transfers  
8           under this chapter).

9           “(13) ‘reentry vehicle’ means a vehicle designed  
10          to return from Earth orbit or outer space to Earth,  
11          or a reusable launch vehicle designed to return from  
12          outer space substantially intact.”; and

13          (E) by inserting “or reentry services” after  
14          “launch services” each place it appears in para-  
15          graph (15), as so redesignated by subparagraph  
16          (C) of this paragraph;  
17          (4) in section 70103(b)—

18               (A) by inserting “AND REENTRIES” after  
19               “LAUNCHES” in the subsection heading;

20               (B) by inserting “and reentries” after  
21               “space launches” in paragraph (1); and

22               (C) by inserting “and reentry” after  
23               “space launch” in paragraph (2);  
24               (5) in section 70104—

1 (A) by amending the section designation  
 2 and heading to read as follows:

3 **“§ 70104. Restrictions on launches, operations, and**  
 4 **reentries”;**

5 (B) by inserting “or reentry site, or to re-  
 6 enter a reentry vehicle,” after “operate a  
 7 launch site” each place it appears in subsection  
 8 (a);

9 (C) by inserting “or reentry” after “launch  
 10 or operation” in subsection (a)(3) and (4);

11 (D) in subsection (b)—

12 (i) by striking “launch license” and  
 13 inserting in lieu thereof “license”;

14 (ii) by inserting “or reenter” after  
 15 “may launch”; and

16 (iii) by inserting “or reentering” after  
 17 “related to launching”; and

18 (E) in subsection (c)—

19 (i) by amending the subsection head-  
 20 ing to read as follows: “PREVENTING  
 21 LAUNCHES AND REENTRIES.—”;

22 (ii) by inserting “or reentry” after  
 23 “prevent the launch”; and

24 (iii) by inserting “or reentry” after  
 25 “decides the launch”;

1 (6) in section 70105—

2 (A) by inserting “or a reentry site, or the  
3 reentry of a reentry vehicle,” after “operation  
4 of a launch site” in subsection (b)(1); and

5 (B) by striking “or operation” and insert-  
6 ing in lieu thereof “, operation, or reentry” in  
7 subsection (b)(2)(A);

8 (7) in section 70106(a)—

9 (A) by inserting “or reentry site” after  
10 “observer at a launch site”;

11 (B) by inserting “or reentry vehicle” after  
12 “assemble a launch vehicle”; and

13 (C) by inserting “or reentry vehicle” after  
14 “with a launch vehicle”;

15 (8) in section 70108—

16 (A) by amending the section designation  
17 and heading to read as follows:

18 **“§ 70108. Prohibition, suspension, and end of**  
19 **launches, operation of launch sites and**  
20 **reentry sites, and reentries”;**

21 and

22 (B) in subsection (a)—

23 (i) by inserting “or reentry site, or re-  
24 entry of a reentry vehicle,” after “oper-  
25 ation of a launch site”; and

1 (ii) by inserting “or reentry” after  
2 “launch or operation”;

3 (9) in section 70109—

4 (A) by amending the section designation  
5 and heading to read as follows:

6 **“§ 70109. Preemption of scheduled launches or reen-**  
7 **tries”;**

8 (B) in subsection (a)—

9 (i) by inserting “or reentry” after  
10 “ensure that a launch”;

11 (ii) by inserting “, reentry site,” after  
12 “United States Government launch site”;

13 (iii) by inserting “or reentry date  
14 commitment” after “launch date commit-  
15 ment”;

16 (iv) by inserting “or reentry” after  
17 “obtained for a launch”;

18 (v) by inserting “, reentry site,” after  
19 “access to a launch site”;

20 (vi) by inserting “, or services related  
21 to a reentry,” after “amount for launch  
22 services”; and

23 (vii) by inserting “or reentry” after  
24 “the scheduled launch”; and

1 (C) in subsection (c), by inserting “or re-  
2 entry” after “prompt launching”;

3 (10) in section 70110—

4 (A) by inserting “or reentry” after “pre-  
5 vent the launch” in subsection (a)(2); and

6 (B) by inserting “or reentry site, or re-  
7 entry of a reentry vehicle,” after “operation of  
8 a launch site” in subsection (a)(3)(B);

9 (11) in section 70111—

10 (A) by inserting “or reentry” after  
11 “launch” in subsection (a)(1)(A);

12 (B) by inserting “and reentry services”  
13 after “launch services” in subsection (a)(1)(B);

14 (C) by inserting “or reentry services” after  
15 “or launch services” in subsection (a)(2);

16 (D) by inserting “or reentry” after “com-  
17 mercial launch” both places it appears in sub-  
18 section (b)(1);

19 (E) by inserting “or reentry services” after  
20 “launch services” in subsection (b)(2)(C);

21 (F) by striking “or its payload for launch”  
22 in subsection (d) and inserting in lieu thereof  
23 “or reentry vehicle, or the payload of either, for  
24 launch or reentry”; and

1 (G) by inserting “, reentry vehicle,” after  
 2 “manufacturer of the launch vehicle” in sub-  
 3 section (d);

4 (12) in section 70112—

5 (A) by inserting “or reentry” after “one  
 6 launch” in subsection (a)(3);

7 (B) by inserting “or reentry services” after  
 8 “launch services” in subsection (a)(4);

9 (C) by inserting “or reentry services” after  
 10 “launch services” each place it appears in sub-  
 11 section (b);

12 (D) by inserting “applicable” after “car-  
 13 ried out under the” in paragraphs (1) and (2)  
 14 of subsection (b);

15 (E) by striking “, Space, and Technology”  
 16 in subsection (d)(1);

17 (F) by inserting “OR REENTRIES” after  
 18 “LAUNCHES” in the heading for subsection (e);  
 19 and

20 (G) by inserting “or reentry site or a re-  
 21 entry” after “launch site” in subsection (e);

22 (13) in section 70113(a)(1) and (d)(1) and (2),  
 23 by inserting “or reentry” after “one launch” each  
 24 place it appears;

25 (14) in section 70115(b)(1)(D)(i)—

1 (A) by inserting “reentry site,” after  
 2 “launch site,”; and

3 (B) by inserting “or reentry vehicle” after  
 4 “launch vehicle” both places it appears; and  
 5 (15) in section 70117—

6 (A) by inserting “or reentry site, or to re-  
 7 enter a reentry vehicle” after “operate a launch  
 8 site” in subsection (a);

9 (B) by inserting “or reentry” after “ap-  
 10 proval of a space launch” in subsection (d);

11 (C) by amending subsection (f) to read as  
 12 follows:

13 “(f) LAUNCH NOT AN EXPORT; REENTRY NOT AN  
 14 IMPORT.—A launch vehicle, reentry vehicle, or payload  
 15 that is launched or reentered is not, because of the launch  
 16 or reentry, an export or import, respectively, for purposes  
 17 of a law controlling exports or imports.”; and

18 (D) in subsection (g)—

19 (i) by striking “operation of a launch  
 20 vehicle or launch site,” in paragraph (1)  
 21 and inserting in lieu thereof “reentry, op-  
 22 eration of a launch vehicle or reentry vehi-  
 23 cle, or operation of a launch site or reentry  
 24 site,”; and

1 (ii) by inserting “reentry,” after  
2 “launch,” in paragraph (2).

3 (b) ADDITIONAL AMENDMENTS.—(1) Section 70105  
4 is amended—

5 (A) by inserting “(1)” before “A person may  
6 apply” in subsection (a);

7 (B) by striking “receiving an application” both  
8 places it appears in subsection (a) and inserting in  
9 lieu thereof “accepting an application in accordance  
10 with criteria established pursuant to subsection  
11 (b)(2)(D)”;

12 (C) by adding at the end of subsection (a) the  
13 following new paragraph:

14 “(2) In carrying out paragraph (1), the Secretary  
15 may establish procedures for certification of the safety of  
16 a launch vehicle, reentry vehicle, or safety system, proce-  
17 dure, service, or personnel that may be used in conducting  
18 licensed commercial space launch or reentry activities.”;

19 (D) by striking “and” at the end of subsection  
20 (b)(2)(B);

21 (E) by striking the period at the end of sub-  
22 section (b)(2)(C) and inserting in lieu thereof “;  
23 and”;

24 (F) by adding at the end of subsection (b)(2)  
25 the following new subparagraph:

1           “(D) regulations establishing criteria for ac-  
 2           cepting or rejecting an application for a license  
 3           under this chapter within 60 days after receipt of  
 4           such application.”; and

5           (G) by inserting “, or the requirement to obtain  
 6           a license,” after “waive a requirement” in subsection  
 7           (b)(3).

8           (2) The amendment made by paragraph (1)(B) shall  
 9           take effect upon the effective date of final regulations is-  
 10          sued pursuant to section 70105(b)(2)(D) of title 49, Unit-  
 11          ed States Code, as added by paragraph (1)(F) of this sub-  
 12          section.

13          (3) Section 70102(5) is amended—

14               (A) by redesignating subparagraphs (A) and  
 15               (B) as subparagraphs (B) and (C), respectively; and

16               (B) by inserting before subparagraph (B), as so  
 17               redesignated by subparagraph (A) of this paragraph,  
 18               the following new subparagraph:

19                       “(A) activities directly related to the prep-  
 20                       aration of a launch site or payload facility for  
 21                       one or more launches;”.

22          (4) Section 70103(b) is amended—

23               (A) in the subsection heading, as amended by  
 24               subsection (a)(4)(A) of this section, by inserting

1 “AND STATE SPONSORED SPACEPORTS” after “AND  
2 REENTRIES”; and

3 (B) in paragraph (1), by inserting “and State  
4 sponsored spaceports” after “private sector”.

5 (5) Section 70105(a)(1), as amended by subsection  
6 (b)(1) of this section, is amended by inserting at the end  
7 the following: “The Secretary shall submit to the Commit-  
8 tee on Science of the House of Representatives and the  
9 Committee on Commerce, Science, and Transportation of  
10 the Senate a written notice not later than 7 days after  
11 any occurrence when a license is not issued within the  
12 deadline established by this subsection.”.

13 (6) Section 70111 is amended—

14 (A) in subsection (a)(1), by inserting after sub-  
15 paragraph (B) the following:

16 “The Secretary shall establish criteria and procedures for  
17 determining the priority of competing requests from the  
18 private sector and State governments for property and  
19 services under this section.”;

20 (B) by striking “actual costs” in subsection  
21 (b)(1) and inserting in lieu thereof “additive costs  
22 only”; and

23 (C) by inserting after subsection (b)(2) the fol-  
24 lowing new paragraph:

1 “(3) The Secretary shall ensure the establishment of  
 2 uniform guidelines for, and consistent implementation of,  
 3 this section by all Federal agencies.”.

4 (7) Section 70112 is amended—

5 (A) in subsection (a)(1), by inserting “launch,  
 6 reentry, or site operator” after “(1) When a”;

7 (B) in subsection (b)(1), by inserting “launch,  
 8 reentry, or site operator” after “(1)A”; and

9 (C) in subsection (f), by inserting “launch, re-  
 10 entry, or site operator” after “carried out under a”.

11 (c) REGULATIONS.—(1) Chapter 701 is amended by  
 12 adding at the end the following new section:

13 **“§ 70120. Regulations**

14 “The Secretary of Transportation, within 6 months  
 15 after the date of the enactment of this section, shall issue  
 16 regulations to carry out this chapter that include—

17 “(1) guidelines for industry to obtain sufficient  
 18 insurance coverage for potential damages to third  
 19 parties;

20 “(2) procedures for requesting and obtaining li-  
 21 censes to operate a commercial launch vehicle and  
 22 reentry vehicle;

23 “(3) procedures for requesting and obtaining  
 24 operator licenses for launch and reentry; and

1 “(4) procedures for the application of govern-  
2 ment indemnification.”.

3 (2) The table of sections for such chapter 701 is  
4 amended by adding after the item relating to section  
5 70119 the following new item:

“70120. Regulations.”.

6 (d) REPORT TO CONGRESS.—(1) Chapter 701 is fur-  
7 ther amended by adding at the end the following new sec-  
8 tion:

9 **“§ 70121. Report to Congress**

10 “The Secretary of Transportation shall submit to  
11 Congress an annual report to accompany the President’s  
12 budget request that—

13 “(1) describes all activities undertaken under  
14 this chapter, including a description of the process  
15 for the application for and approval of licenses under  
16 this chapter and recommendations for legislation  
17 that may further commercial launches and reentries;  
18 and

19 “(2) reviews the performance of the regulatory  
20 activities and the effectiveness of the Office of Com-  
21 mercial Space Transportation.”.

22 (2) The table of sections for such chapter 701 is fur-  
23 ther amended by adding after the item relating to section

1 70120, as added by subsection (c)(2) of this section, the  
 2 following new item:

“70121. Report to Congress.”.

3 **TITLE VI—AIR TRAFFIC MAN-**  
 4 **AGEMENT SYSTEM PERFORM-**  
 5 **ANCE IMPROVEMENT ACT**

6 **SEC. 601. SHORT TITLE.**

7 This title may be cited as the “Air Traffic Manage-  
 8 ment System Performance Improvement Act of 1996”.

9 **SEC. 602. DEFINITIONS.**

10 For the purposes of this title the following definitions  
 11 shall apply:

12 (1) ADMINISTRATION.—The term “Administra-  
 13 tion” means the Federal Aviation Administration.

14 (2) ADMINISTRATOR.—The term “Adminis-  
 15 trator” means the Administrator of the Federal  
 16 Aviation Administration.

17 (3) SECRETARY.—The term “Secretary” means  
 18 the Secretary of Transportation.

19 **SEC. 603. EFFECTIVE DATE.**

20 The provisions of this title and the amendments made  
 21 by this title shall take effect on the date that is 30 days  
 22 after the date of the enactment of this Act.

## **SUBTITLE A—GENERAL PROVISIONS**

### **SEC. 621. FINDINGS.**

The Congress finds the following:

(1) In many respects the Administration is a unique agency, being one of the few non-defense government agencies that operates 24 hours a day, 365 days of the year, while continuing to rely on outdated technology to carry out its responsibilities for a state-of-the-art industry.

(2) Until January 1, 1996, users of the air transportation system paid 70 percent of the budget of the Administration, with the remaining 30 percent coming from the General Fund. The General Fund contribution over the years is one measure of the benefit received by the general public, military, and other users of Administration's services.

(3) The Administration must become a more efficient, effective, and different organization to meet future challenges.

(4) The need to balance the Federal budget means that it may become more and more difficult to obtain sufficient General Fund contributions to meet the Administration's future budget needs.

1           (5) Congress must keep its commitment to the  
2       users of the national air transportation system by  
3       seeking to spend all monies collected from them each  
4       year and deposited into the Airport and Airway  
5       Trust Fund. Existing surpluses representing past re-  
6       ceipts must also be spent for the purposes for which  
7       such funds were collected.

8           (6) The aviation community and the employees  
9       of the Administration must come together to im-  
10      prove the system. The Administration must continue  
11      to recognize who its customers are and what their  
12      needs are, and to design and redesign the system to  
13      make safety improvements and increase productivity.

14          (7) The Administration projects that commer-  
15      cial operations will increase by 18 percent and pas-  
16      senger traffic by 35 percent by the year 2002. With-  
17      out effective airport expansion and system mod-  
18      ernization, these needs cannot be met.

19          (8) Absent significant and meaningful reform,  
20      future challenges and needs cannot be met.

21          (9) The Administration must have a new way  
22      of doing business.

23          (10) There is widespread agreement within gov-  
24      ernment and the aviation industry that reform of the  
25      Administration is essential to safely and efficiently

1 accommodate the projected growth of aviation within  
2 the next decade.

3 (11) To the extent that the Congress deter-  
4 mines that certain segments of the aviation commu-  
5 nity are not required to pay all of the costs of the  
6 government services which they require and benefits  
7 which they receive, the Congress should appropriate  
8 the difference between such costs and any receipts  
9 received from such segment.

10 (12) Prior to the imposition of any new charges  
11 or user fees on segments of the industry, an inde-  
12 pendent review must be performed to assess the  
13 funding needs and assumptions for operations, cap-  
14 ital spending, and airport infrastructure.

15 (13) An independent, thorough, and complete  
16 study and assessment must be performed of the  
17 costs to the Administration and the costs driven by  
18 each segment of the aviation system for safety and  
19 operational services, including the use of the air  
20 traffic control system and the nation's airports.

21 (14) Because the Administration is a unique  
22 Federal entity in that it is a participant in the daily  
23 operations of an industry, and because the national  
24 air transportation system faces significant problems  
25 without significant changes, the Administration has

1       been authorized to change the Federal procurement  
2       and personnel systems to ensure that the Adminis-  
3       tration has the ability to keep pace with new tech-  
4       nology and is able to match resources with the real  
5       personnel needs of the Administration.

6           (15) The existing budget system does not allow  
7       for long-term planning or timely acquisition of tech-  
8       nology by the Administration.

9           (16) Without reforms in the areas of procure-  
10      ment, personnel, funding, and governance, the Ad-  
11      ministration will continue to experience delays and  
12      cost overruns in its major modernization programs  
13      and needed improvements in the performance of the  
14      air traffic management system will not occur.

15          (17) All reforms should be designed to help the  
16      Administration become more responsive to the needs  
17      of its customers and maintains the highest stand-  
18      ards of safety.

19   **SEC. 622. PURPOSES.**

20      The purposes of this title are—

21          (1) to ensure that final action shall be taken on  
22      all notices of proposed rulemaking of the Adminis-  
23      tration within 18 months after the date of their pub-  
24      lication;

1           (2) to permit the Administration, with Congres-  
 2           sional review, to establish a program to improve air  
 3           traffic management system performance and to es-  
 4           tablish appropriate levels of cost accountability for  
 5           air traffic management services provided by the Ad-  
 6           ministration;

7           (3) to establish a more autonomous and ac-  
 8           countable Administration within the Department of  
 9           Transportation; and

10          (4) to make the Administration a more efficient  
 11          and effective organization, able to meet the needs of  
 12          a dynamic, growing industry, and to ensure the safe-  
 13          ty of the travelling public.

14 **SEC. 623. REGULATION OF CIVILIAN AIR TRANSPORTATION**  
 15 **AND RELATED SERVICES BY THE FEDERAL**  
 16 **AVIATION ADMINISTRATION AND DEPART-**  
 17 **MENT OF TRANSPORTATION.**

18          (a) IN GENERAL.—Section 106 is amended—

19           (1) by striking “The Administrator” in the fifth  
 20           sentence of subsection (b) and inserting “Except as  
 21           provided in subsection (f) of this section or in other  
 22           provisions of law, the Administrator”; and

23           (2) by striking subsection (f) and inserting the  
 24           following:

1       “(f) AUTHORITY OF THE SECRETARY AND THE AD-  
2   MINISTRATOR.—

3               “(1) AUTHORITY OF THE SECRETARY.—Except  
4       as provided in paragraph (2), the Secretary of  
5       Transportation shall carry out the duties and powers  
6       of the Administration.

7               “(2) AUTHORITY OF THE ADMINISTRATOR.—  
8       The Administrator—

9               “(A) is the final authority for carrying out  
10       all functions, powers, and duties of the Admin-  
11       istration relating to—

12               “(i) except as otherwise provided in  
13       paragraph (3), the promulgation of regula-  
14       tions, rules, orders, circulars, bulletins, and  
15       other official publications of the Adminis-  
16       tration; and

17               “(ii) any obligation imposed on the  
18       Administrator, or power conferred on the  
19       Administrator, by the Air Traffic Manage-  
20       ment System Performance Improvement  
21       Act of 1996 (or any amendment made by  
22       that Act);

23               “(B) shall offer advice and counsel to the  
24       President with respect to the appointment and  
25       qualifications of any officer or employee of the

1 Administration to be appointed by the Presi-  
 2 dent or as a political appointee;

3 “(C) may delegate, and authorize succes-  
 4 sive redelegations of, to an officer or employee  
 5 of the Administration any function, power, or  
 6 duty conferred upon the Administrator, unless  
 7 such delegation is prohibited by law; and

8 “(D) except as otherwise provided for in  
 9 this title, and notwithstanding any other provi-  
 10 sion of law to the contrary, shall not be re-  
 11 quired to coordinate, submit for approval or  
 12 concurrence, or seek the advice or views of the  
 13 Secretary or any other officer or employee of  
 14 the Department of Transportation on any mat-  
 15 ter with respect to which the Administrator is  
 16 the final authority.

17 “(3) DEFINITION OF POLITICAL APPOINTEE.—  
 18 For purposes of this subsection, the term ‘political  
 19 appointee’ means any individual who—

20 “(A) is employed in a position on the Ex-  
 21 ecutive Schedule under sections 5312 through  
 22 5316 of title 5;

23 “(B) is a limited term appointee, limited  
 24 emergency appointee, or noncareer appointee in  
 25 the Senior Executive Service as defined under

1 section 3132(a) (5), (6), and (7) of title 5, re-  
 2 spectively; or

3 “(C) is employed in a position in the exec-  
 4 utive branch of the Government of a confiden-  
 5 tial or policy-determining character under  
 6 Schedule C of subpart C of part 213 of title 5  
 7 of the Code of Federal Regulations.”.

8 (b) PRESERVATION OF EXISTING AUTHORITY.—  
 9 Nothing in this title or the amendments made by this title  
 10 limits any authority granted to the Administrator by stat-  
 11 ute or by delegation that was in effect on the day before  
 12 the date of enactment of this Act.

13 **SEC. 624. REGULATIONS.**

14 Section 106(f) as amended by section 623, is further  
 15 amended—

16 (1) by redesignating paragraph (3) as para-  
 17 graph (4); and

18 (2) by inserting after paragraph (2) the follow-  
 19 ing:

20 “(3) REGULATIONS.—

21 “(A) IN GENERAL.—In the performance of  
 22 the functions of the Administrator and the Ad-  
 23 ministration, the Administrator is authorized to  
 24 issue, rescind, and revise such regulations as  
 25 are necessary to carry out those functions. The

1 issuance of such regulations shall be governed  
2 by the provisions of chapter 5 of title 5. The  
3 Administrator shall act upon all petitions for  
4 rulemaking no later than 6 months after the  
5 date such petitions are filed by dismissing such  
6 petitions, by informing the petitioner of an in-  
7 tention to dismiss, or by issuing a notice of pro-  
8 posed rulemaking or advanced notice of pro-  
9 posed rulemaking. The Administrator shall  
10 issue a final regulation, or take other final ac-  
11 tion, not later than 18 months after the date of  
12 publication in the Federal Register of a notice  
13 of proposed rulemaking or, in the case of an ad-  
14 vanced notice of proposed rulemaking, if issued,  
15 not later than 24 months after that date.

16 “(B) APPROVAL OF SECRETARY OF  
17 TRANSPORTATION.—

18 “(i) The Administrator may not issue  
19 a proposed regulation or final regulation  
20 that is likely to result in the expenditure  
21 by State, local, and tribal governments in  
22 the aggregate, or by the private sector, of  
23 \$50,000,000 or more (adjusted annually  
24 for inflation beginning with the year fol-  
25 lowing the date of enactment of the Air

Traffic Management System Performance Improvement Act of 1996) in any 1 year, or any regulation which is significant, unless the Secretary of Transportation approves the issuance of the regulation in advance. For purposes of this paragraph, a regulation is significant if it is likely to—

“(I) have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

“(II) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

“(III) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

“(IV) raise novel legal or policy issues arising out of legal mandates.

“(ii) In an emergency, the Administrator may issue a regulation described in clause (i)

1 without prior approval by the Secretary, but  
2 any such emergency regulation is subject to  
3 ratification by the Secretary after it is issued  
4 and shall be rescinded by the Administrator  
5 within 5 days (excluding Saturdays, Sundays,  
6 and legal public holidays) after issuance if the  
7 Secretary fails to ratify its issuance.

8 “(iii) Any regulation that does not meet  
9 the criteria of clause (i), and any regulation or  
10 other action that is a routine or frequent action  
11 or a procedural action, may be issued by the  
12 Administrator without review or approval by the  
13 Secretary.

14 “(iv) The Administrator shall submit a  
15 copy of any regulation requiring approval by  
16 the Secretary under clause (i) to the Secretary,  
17 who shall either approve it or return it to the  
18 Administrator with comments within 45 days  
19 after receiving it.

20 “(C) PERIODIC REVIEW.—(i) Beginning on  
21 the date which is 3 years after the date of en-  
22 actment of the Air Traffic Management System  
23 Performance Improvement Act of 1996, the Ad-  
24 ministrator shall review any unusually burden-  
25 some regulation issued by the Administrator

1 after the date of enactment of the Air Traffic  
2 Management System Performance Improvement  
3 Act of 1996 beginning not later than 3 years  
4 after the effective date of the regulation to de-  
5 termine if the cost assumptions were accurate,  
6 the benefit of the regulations, and the need to  
7 continue such regulations in force in their  
8 present form.

9 “(ii) The Administrator may identify for  
10 review under the criteria set forth in clause (i)  
11 unusually burdensome regulations that were is-  
12 sued before the date of enactment of the Air  
13 Traffic Management System Performance Im-  
14 provement Act of 1996 and that have been in  
15 force for more than 3 years.

16 “(iii) For purposes of this subparagraph,  
17 the term ‘unusually burdensome regulation’  
18 means any regulation that results in the annual  
19 expenditure by State, local, and tribal govern-  
20 ments in the aggregate, or by the private sec-  
21 tor, of \$25,000,000 or more (adjusted annually  
22 for inflation beginning with the year following  
23 the date of enactment of the Air Traffic Man-  
24 agement System Performance Act of 1996) in  
25 any year.

1           “(iv) The periodic review of regulations  
 2           may be performed by advisory committees and  
 3           the Management Advisory Council established  
 4           under subsection (p).”.

5 **SEC. 625. PERSONNEL AND SERVICES.**

6           Section 106 is amended by adding at the end the fol-  
 7           lowing new subsection:

8           “(1) PERSONNEL AND SERVICES.—

9           “(1) OFFICERS AND EMPLOYEES.—Except as  
 10          provided in section 40121(a) of this title and section  
 11          347 of Public Law 104–50, the Administrator is au-  
 12          thorized, in the performance of the functions of the  
 13          Administrator, to appoint, transfer, and fix the com-  
 14          pensation of such officers and employees, including  
 15          attorneys, as may be necessary to carry out the  
 16          functions of the Administrator and the Administra-  
 17          tion. Except as otherwise provided by law, such offi-  
 18          cers and employees shall be appointed in accordance  
 19          with the civil service laws and compensated in ac-  
 20          cordance with title 5. In fixing compensation and  
 21          benefits of officers and employees, the Administrator  
 22          shall not engage in any type of bargaining, except to  
 23          the extent provided for in section 40121(a), nor  
 24          shall the Administrator be bound by any require-

1       ment to establish such compensation or benefits at  
2       particular levels.

3           “(2) EXPERTS AND CONSULTANTS.—The Ad-  
4       ministrator is authorized to obtain the services of ex-  
5       perts and consultants in accordance with section  
6       3109 of title 5.

7           “(3) TRANSPORTATION AND PER DIEM EX-  
8       PENSES.—The Administrator is authorized to pay  
9       transportation expenses, and per diem in lieu of sub-  
10      sistence expenses, in accordance with chapter 57 of  
11      title 5.

12          “(4) USE OF PERSONNEL FROM OTHER AGEN-  
13      CIES.—The Administrator is authorized to utilize  
14      the services of personnel of any other Federal agen-  
15      cy (as such term is defined under section 551(1) of  
16      title 5).

17          “(5) VOLUNTARY SERVICES.—

18           “(A) IN GENERAL.—(i) In exercising the  
19      authority to accept gifts and voluntary services  
20      under section 326 of this title, and without re-  
21      gard to section 1342 of title 31, the Adminis-  
22      trator may not accept voluntary and uncompen-  
23      sated services if such services are used to dis-  
24      place Federal employees employed on a full-  
25      time, part-time, or seasonal basis.

1           “(ii) The Administrator is authorized to  
 2           provide for incidental expenses, including trans-  
 3           portation, lodging, and subsistence for volun-  
 4           teers who provide voluntary services under this  
 5           subsection.

6           “(iii) An individual who provides voluntary  
 7           services under this subsection shall not be con-  
 8           sidered a Federal employee for any purpose  
 9           other than for purposes of chapter 81 of title  
 10          5, relating to compensation for work injuries,  
 11          and chapter 171 of title 28, relating to tort  
 12          claims.”.

13 **SEC. 626. CONTRACTS.**

14          Section 106(l) as added by section 625 of this title,  
 15          is amended by adding at the end the following new para-  
 16          graph:

17           “(6) **CONTRACTS.**—The Administrator is au-  
 18          thorized to enter into and perform such contracts,  
 19          leases, cooperative agreements, or other transactions  
 20          as may be necessary to carry out the functions of  
 21          the Administrator and the Administration. The Ad-  
 22          ministrator may enter into such contracts, leases,  
 23          cooperative agreements, and other transactions with  
 24          any Federal agency (as such term is defined in sec-  
 25          tion 551(1) of title 5) or any instrumentality of the

1 United States, any State, territory, or possession, or  
2 political subdivision thereof, any other governmental  
3 entity, or any person, firm, association, corporation,  
4 or educational institution, on such terms and condi-  
5 tions as the Administrator may consider appro-  
6 priate.”.

7 **SEC. 627. FACILITIES.**

8 Section 106 as amended by section 625 of this title,  
9 is further amended by adding at the end the following new  
10 subsection:

11 “(m) COOPERATION BY ADMINISTRATOR.—With the  
12 consent of appropriate officials, the Administrator may,  
13 with or without reimbursement, use or accept the services,  
14 equipment, personnel, and facilities of any other Federal  
15 agency (as such term is defined in section 551(1) of title  
16 5) and any other public or private entity. The Adminis-  
17 trator may also cooperate with appropriate officials of  
18 other public and private agencies and instrumentalities  
19 concerning the use of services, equipment, personnel, and  
20 facilities. The head of each Federal agency shall cooperate  
21 with the Administrator in making the services, equipment,  
22 personnel, and facilities of the Federal agency available  
23 to the Administrator. The head of a Federal agency is au-  
24 thorized, notwithstanding any other provision of law, to  
25 transfer to or to receive from the Administration, without

1 reimbursement, supplies and equipment other than admin-  
 2 istrative supplies or equipment.”.

3 **SEC. 628. PROPERTY.**

4 Section 106 as amended by section 628 of this title,  
 5 is further amended by adding at the end the following new  
 6 subsection:

7 “(n) ACQUISITION.—

8 “(1) IN GENERAL.—The Administrator is au-  
 9 thorized—

10 “(A) to acquire (by purchase, lease, con-  
 11 demnation, or otherwise), construct, improve,  
 12 repair, operate, and maintain—

13 “(i) air traffic control facilities and  
 14 equipment;

15 “(ii) research and testing sites and fa-  
 16 cilities; and

17 “(iii) such other real and personal  
 18 property (including office space and pat-  
 19 ents), or any interest therein, within and  
 20 outside the continental United States as  
 21 the Administrator considers necessary;

22 “(B) to lease to others such real and per-  
 23 sonal property; and

24 “(C) to provide by contract or otherwise  
 25 for eating facilities and other necessary facili-

1           ties for the welfare of employees of the Admin-  
 2           istration at the installations of the Administra-  
 3           tion, and to acquire, operate, and maintain  
 4           equipment for these facilities.

5           “(2) TITLE.—Title to any property or interest  
 6           therein acquired pursuant to this subsection shall be  
 7           held by the Government of the United States.”.

8   **SEC. 629. TRANSFERS OF FUNDS FROM OTHER FEDERAL**  
 9                           **AGENCIES.**

10          Section 106 as amended by section 629 of this title,  
 11   is further amended by adding at the end the following new  
 12   subsection:

13          “(o) TRANSFERS OF FUNDS.—The Administrator is  
 14   authorized to accept transfers of unobligated balances and  
 15   unexpended balances of funds appropriated to other Fed-  
 16   eral agencies (as such term is defined in section 551(1)  
 17   of title 5) to carry out functions transferred by law to the  
 18   Administrator or functions transferred pursuant to law to  
 19   the Administrator on or after the date of the enactment  
 20   of the Air Traffic Management System Performance Im-  
 21   provement Act of 1996.”.

22   **SEC. 630. MANAGEMENT ADVISORY COUNCIL.**

23          Section 106 as amended by section 631 of this title,  
 24   is further amended by adding at the end the following new  
 25   subsection:

1 “(p) MANAGEMENT ADVISORY COUNCIL.—

2 “(1) ESTABLISHMENT.—Within 3 months after  
3 the date of enactment of the Air Traffic Manage-  
4 ment System Performance Improvement Act of  
5 1996, the Administrator shall establish an advisory  
6 council which shall be known as the Federal Aviation  
7 Management Advisory Council (in this subsection re-  
8 ferred to as the ‘Council’). With respect to Adminis-  
9 tration management, policy, spending, funding, and  
10 regulatory matters affecting the aviation industry,  
11 the Council may submit comments, recommended  
12 modifications, and dissenting views to the Adminis-  
13 trator. The Administrator shall include in any sub-  
14 mission to Congress, the Secretary, or the general  
15 public, and in any submission for publication in the  
16 Federal Register, a description of the comments,  
17 recommended modifications, and dissenting views re-  
18 ceived from the Council, together with the reasons  
19 for any differences between the views of the Council  
20 and the views or actions of the Administrator.

21 “(2) MEMBERSHIP.—The Council shall consist  
22 of 15 members, who shall consist of—

23 “(A) a designee of the Secretary of Trans-  
24 portation;

1           “(B) a designee of the Secretary of De-  
2           fense; and

3           “(C) 13 members representing aviation in-  
4           terests, appointed by the President by and with  
5           the advice and consent of the Senate.

6           “(3) QUALIFICATIONS.—No member appointed  
7           under paragraph (2)(C) may serve as an officer or  
8           employee of the United States Government while  
9           serving as a member of the Council.

10          “(4) FUNCTIONS.—

11           “(A) IN GENERAL.—(i) The Council shall  
12           provide advice and counsel to the Administrator  
13           on issues which affect or are affected by the op-  
14           erations of the Administrator. The Council shall  
15           function as an oversight resource for manage-  
16           ment, policy, spending, and regulatory matters  
17           under the jurisdiction of the Administration.

18           “(ii) The Council shall review the rule-  
19           making cost-benefit analysis process and de-  
20           velop recommendations to improve the analysis  
21           and ensure that the public interest is fully pro-  
22           tected.

23           “(iii) The Council shall review the process  
24           through which the Administration determines to  
25           use advisory circulars and service bulletins.

1           “(B) MEETINGS.—The Council shall meet  
 2           on a regular and periodic basis or at the call of  
 3           the chairman or of the Administrator.

4           “(C) ACCESS TO DOCUMENTS AND  
 5           STAFF.—The Administration may give the  
 6           Council appropriate access to relevant docu-  
 7           ments and personnel of the Administration, and  
 8           the Administrator shall make available, consist-  
 9           ent with the authority to withhold commercial  
 10          and other proprietary information under section  
 11          552 of title 5 (commonly known as the ‘Free-  
 12          dom of Information Act’), cost data associated  
 13          with the acquisition and operation of air traffic  
 14          service systems. Any member of the Council  
 15          who receives commercial or other proprietary  
 16          data from the Administrator shall be subject to  
 17          the provisions of section 1905 of title 18, per-  
 18          taining to unauthorized disclosure of such infor-  
 19          mation.

20          “(5) FEDERAL ADVISORY COMMITTEE ACT NOT  
 21          TO APPLY.—The Federal Advisory Committee Act (5  
 22          U.S.C. App.) does not apply to the Council or such  
 23          aviation rulemaking committees as the Adminis-  
 24          trator shall designate.

25          “(6) ADMINISTRATIVE MATTERS.—

1           “(A) TERMS OF MEMBERS.—(i) Except as  
2           provided in subparagraph (B), members of the  
3           Council appointed by the President under para-  
4           graph (2)(C) shall be appointed for a term of  
5           3 years.

6           “(ii) Of the members first appointed by the  
7           President—

8                   “(I) 4 shall be appointed for terms of  
9                   1 year;

10                   “(II) 5 shall be appointed for terms of  
11                   2 years; and

12                   “(III) 4 shall be appointed for terms  
13                   of 3 years.

14           “(iii) An individual chosen to fill a vacancy  
15           shall be appointed for the unexpired term of the  
16           member replaced.

17           “(iv) A member whose term expires shall  
18           continue to serve until the date on which the  
19           member’s successor takes office.

20           “(B) CHAIRMAN; VICE CHAIRMAN.—The  
21           Council shall elect a chair and a vice chair from  
22           among the members appointed under paragraph  
23           (2)(C), each of whom shall serve for a term of  
24           1 year. The vice chair shall perform the duties  
25           of the chairman in the absence of the chairman.

1           “(C) TRAVEL AND PER DIEM.—Each mem-  
 2           ber of the Council shall be paid actual travel ex-  
 3           penses, and per diem in lieu of subsistence ex-  
 4           penses when away from his or her usual place  
 5           of residence, in accordance with section 5703 of  
 6           title 5.

7           “(D) DETAIL OF PERSONNEL FROM THE  
 8           ADMINISTRATION.—The Administrator shall  
 9           make available to the Council such staff, infor-  
 10          mation, and administrative services and assist-  
 11          ance as may reasonably be required to enable  
 12          the Council to carry out its responsibilities  
 13          under this subsection.”.

14 **SEC. 631. AIRCRAFT ENGINE STANDARDS.**

15          Subsection (a)(1) of section 44715 is amended to  
 16          read as follows:

17          “(a) STANDARDS AND REGULATIONS.—(1) To relieve  
 18          and protect the public health and welfare from aircraft  
 19          noise, sonic boom, and aircraft engine emissions, the Ad-  
 20          ministrator of the Federal Aviation Administration, as he  
 21          deems necessary, shall prescribe—

22                 “(A) standards to measure aircraft noise and  
 23                 sonic boom;

24                 “(B) regulations to control and abate aircraft  
 25                 noise and sonic boom; and

1           “(C) emission standards applicable to the emis-  
 2           sion of any air pollutant from any class or classes  
 3           of aircraft engines which, in the judgment of the Ad-  
 4           ministrator, causes, or contributes to, air pollution  
 5           which may reasonably be anticipated to endanger  
 6           public health or welfare.”.

7   **SEC. 632. RURAL AIR FARE STUDY.**

8           (a) IN GENERAL.—The Secretary shall conduct a  
 9           study to—

10           (1) compare air fares paid (calculated as both  
 11           actual and adjusted air fares) for air transportation  
 12           on flights conducted by commercial air carriers—

13                   (A) between—

14                           (i) nonhub airports located in small  
 15                           communities; and

16                           (ii) large hub airports; and

17                   (B) between large hub airports;

18           (2) analyze—

19                   (A) the extent to which passenger service  
 20                   that is provided from nonhub airports is pro-  
 21                   vided on—

22                           (i) regional commuter commercial air  
 23                           carriers; or

24                           (ii) major air carriers;

1 (B) the type of aircraft employed in pro-  
2 viding passenger service at nonhub airports;  
3 and

4 (C) whether there is competition among  
5 commercial air carriers with respect to the pro-  
6 vision of air service to passengers from nonhub  
7 airports.

8 (b) FINDINGS.—The Secretary shall include in the re-  
9 port of the study conducted under subsection (a) findings  
10 concerning—

11 (1) whether passengers who use commercial air  
12 carriers to and from rural areas (as defined by the  
13 Secretary) pay a disproportionately greater price for  
14 that transportation than passengers who use com-  
15 mercial air carriers between urban areas (as defined  
16 by the Secretary);

17 (2) the nature of competition, if any, in rural  
18 markets (as defined by the Secretary) for commer-  
19 cial air carriers;

20 (3) whether a relationship exists between higher  
21 air fares and competition among commercial air car-  
22 riers for passengers travelling on jet aircraft from  
23 small communities (as defined by the Secretary)  
24 and, if such a relation exists, the nature of that rela-  
25 tionship;

1           (4) the number of small communities that have  
2       lost air service as a result of the deregulation of  
3       commercial air carriers with respect to air fares;

4           (5) the number of small communities served by  
5       airports with respect to which, after commercial air  
6       carrier fares were deregulated, jet aircraft service  
7       was replaced by turboprop aircraft service; and

8           (6) where such replacement occurred, any cor-  
9       responding decreases in available seat capacity for  
10      consumers at the airports referred to in that sub-  
11      paragraph.

12      (c) REPORT.—Not later than 60 days after the date  
13      of enactment of this Act, the Secretary shall submit a final  
14      report on the study carried out under subsection (a) to  
15      the Committee on Commerce, Science, and Transportation  
16      of the Senate.

17      (d) DEFINITIONS.—For purposes of this section, the  
18      following definitions shall apply:

19           (1) ADJUSTED AIR FARE.—The term “adjusted  
20      air fare” means an actual air fare that is adjusted  
21      for distance travelled by a passenger.

22           (2) AIR CARRIER.—The term “air carrier” is  
23      defined in section 40102(a)(2) of title 49, United  
24      States Code.

1           (3) AIRPORT.—The term “airport” is defined in  
2           section 40102(9) of such title.

3           (4) COMMERCIAL AIR CARRIER.—The term  
4           “commercial air carrier” means an air carrier that  
5           provides air transportation for commercial purposes  
6           (as determined by the Secretary).

7           (5) HUB AIRPORT.—The term “hub airport” is  
8           defined in section 41731(a)(2) of such title.

9           (6) LARGE HUB AIRPORT.—The term “large  
10          hub airport” shall be defined by the Secretary but  
11          the definition may not include a small hub airport,  
12          as that term is defined in section 41731(a)(5) of  
13          such title.

14          (7) MAJOR AIR CARRIER.—The term “major air  
15          carrier” shall be defined by the Secretary.

16          (8) NONHUB AIRPORT.—The term “nonhub air-  
17          port” is defined in section 41731(a)(4) of such title.

18          (9) REGIONAL COMMUTER AIR CARRIER.—The  
19          term “regional commuter air carrier” shall be de-  
20          fined by the Secretary.

1 **SUBTITLE B—FEDERAL AVIA-**  
 2 **TION ADMINISTRATION**  
 3 **STREAMLINING PROGRAMS**

4 **SEC. 651. REVIEW OF ACQUISITION MANAGEMENT SYSTEM.**

5 Not later than April 1, 1999, the Administration  
 6 shall employ outside experts to provide an independent  
 7 evaluation of the effectiveness of its acquisition manage-  
 8 ment system within 3 months after such date. The Admin-  
 9 istrator shall transmit a copy of the evaluation to the  
 10 Committee on Commerce, Science, and Transportation of  
 11 the Senate, and the Committee on Transportation and In-  
 12 frastructure of the House of Representatives.

13 **SEC. 652. AIR TRAFFIC CONTROL MODERNIZATION RE-**  
 14 **VIEWS.**

15 Chapter 401, as amended by section 404 of this Act,  
 16 is amended by redesignating section 40121 as 40123, and  
 17 by inserting after section 40120 the following new section:

18 **“§ 40121. Air traffic control modernization reviews**

19 **“(a) REQUIRED TERMINATIONS OF ACQUISITIONS.—**  
 20 The Administrator of the Federal Aviation Administration  
 21 (hereafter referred to in this section as the ‘Adminis-  
 22 trator’) shall terminate any program initiated after the  
 23 date of enactment of the Air Traffic Management System  
 24 Performance Improvement Act of 1996 and funded under  
 25 the Facilities and Equipment account that—

1           “(1) is more than 50 percent over the cost goal  
2           established for the program;

3           “(2) fails to achieve at least 50 percent of the  
4           performance goals established for the program; or

5           “(3) is more than 50 percent behind schedule  
6           as determined in accordance with the schedule goal  
7           established for the program.

8           “(b) AUTHORIZED TERMINATIONS OF ACQUISI-  
9           TIONS.—The Administrator shall consider terminating,  
10          under the authority of subsection (a), any substantial ac-  
11          quisition that—

12           “(1) is more than 10 percent over the cost goal  
13           established for the program;

14           “(2) fails to achieve at least 90 percent of the  
15           performance goals established for the program; or

16           “(3) is more than 10 percent behind schedule  
17           as determined in accordance with the schedule goal  
18           established for the program.

19          “(c) EXCEPTIONS AND REPORT.—

20           “(1) CONTINUANCE OF PROGRAM, ETC.—Not-  
21          withstanding subsection (a), the Administrator may  
22          continue an acquisitions program required to be ter-  
23          minated under subsection (a) if the Administrator  
24          determines that termination would be inconsistent  
25          with the development or operation of the national air

1 transportation system in a safe and efficient man-  
2 ner.

3 “(2) DEPARTMENT OF DEFENSE.—The Depart-  
4 ment of Defense shall have the same exemptions  
5 from acquisition laws as are waived by the Adminis-  
6 trator under section 348(b) of Public Law 104–50  
7 when engaged in joint actions to improve or replen-  
8 ish the national air traffic control system. The Ad-  
9 ministration may acquire real property, goods, and  
10 services through the Department of Defense, or  
11 other appropriate agencies, but is bound by the ac-  
12 quisition laws and regulations governing those cases.

13 “(3) REPORT.—If the Administrator makes a  
14 determination under paragraph (1), the Adminis-  
15 trator shall transmit a copy of the determination, to-  
16 gether with a statement of the basis for the deter-  
17 mination, to the Committees on Appropriations of  
18 the Senate and the House of Representatives, the  
19 Committee on Commerce, Science, and Transpor-  
20 tation of the Senate, and the Committee on Trans-  
21 portation and Infrastructure of the House of Rep-  
22 resentatives.”.

1 **SEC. 653. FEDERAL AVIATION ADMINISTRATION PERSON-**  
2 **NEL MANAGEMENT SYSTEM.**

3 Chapter 401, as amended by section 652, is further  
4 amended by inserting after section 40121 the following  
5 new section:

6 **“§ 40122. Federal Aviation Administration personnel**  
7 **management system**

8 “(a) IN GENERAL.—

9 “(1) CONSULTATION AND NEGOTIATION.—In  
10 developing and making changes to the personnel  
11 management system initially implemented by the Ad-  
12 ministrator on April 1, 1996, the Administrator  
13 shall negotiate with the exclusive bargaining rep-  
14 resentatives of employees of the Administration cer-  
15 tified under section 7111 of title 5 and consult with  
16 other employees of the Administration.

17 “(2) MEDIATION.—If the Administrator does  
18 not reach an agreement under paragraph (1) with  
19 the exclusive bargaining representatives, the services  
20 of the Federal Mediation and Conciliation Service  
21 shall be used to attempt to reach such agreement.  
22 If the services of the Federal Mediation and Concil-  
23 iation Service do not lead to an agreement, the Ad-  
24 ministrator’s proposed change to the personnel man-  
25 agement system shall not take effect until 60 days  
26 have elapsed after the Administrator has transmit-

1       ted the proposed change, along with the objections  
2       of the exclusive bargaining representatives to the  
3       change, and the reasons for such objections, to the  
4       Congress.

5           “(3) COST SAVINGS AND PRODUCTIVITY  
6       GOALS.—The Administration and the exclusive bar-  
7       gaining representatives of the employees shall use  
8       every reasonable effort to find cost savings and to  
9       increase productivity within each of the affected bar-  
10      gaining units.

11          “(4) ANNUAL BUDGET DISCUSSIONS.—The Ad-  
12      ministration and the exclusive bargaining represent-  
13      atives of the employees shall meet annually for the  
14      purpose of finding additional cost savings within the  
15      Administration’s annual budget as it applies to each  
16      of the affected bargaining units and throughout the  
17      agency.

18          “(b) EXPERT EVALUATION.—On the date which is 3  
19      years after the personnel management system is imple-  
20      mented, the Administration shall employ outside experts  
21      to provide an independent evaluation of the effectiveness  
22      of the system within 3 months after such date. For this  
23      purpose, the Administrator may utilize the services of ex-  
24      perts and consultants under section 3109 of title 5 without  
25      regard to the limitation imposed by the last sentence of

1 section 3109(b) of such title, and may contract on a sole  
2 source basis, notwithstanding any other provision of law  
3 to the contrary.

4 “(c) PAY RESTRICTION.—No officer or employee of  
5 the Administration may receive an annual rate of basic  
6 pay in excess of the annual rate of basic pay payable to  
7 the Administrator.

8 “(d) ETHICS.—The Administration shall be subject  
9 to Executive Order 12674 and regulations and opinions  
10 promulgated by the Office of Government Ethics, includ-  
11 ing those set forth in section 2635 of title 5 of the Code  
12 of Federal Regulations.

13 “(e) EMPLOYEE PROTECTIONS.—Until July 1, 1999,  
14 basic wages (including locality pay) and operational dif-  
15 ferential pay provided employees of the Administration  
16 shall not be involuntarily adversely affected by reason of  
17 the enactment of this section, except for unacceptable per-  
18 formance or by reason of a reduction in force or reorga-  
19 nization or by agreement between the Administration and  
20 the affected employees’ exclusive bargaining representa-  
21 tive.

22 “(f) LABOR-MANAGEMENT AGREEMENTS.—Except  
23 as otherwise provided by this title, all labor-management  
24 agreements covering employees of the Administration that  
25 are in effect on the effective date of the Air Traffic Man-

1 agement System Performance Improvement Act of 1996  
 2 shall remain in effect until their normal expiration date,  
 3 unless the Administrator and the exclusive bargaining rep-  
 4 resentative agree to the contrary.”.

5 **SEC. 654. CONFORMING AMENDMENT.**

6 The chapter analysis for chapter 401, as amended by  
 7 section 403(b) of this Act, is amended by striking the item  
 8 relating to section 40120 and inserting the following new  
 9 items:

“40121. Air traffic control modernization reviews.

“40122. Federal Aviation Administration personnel management system.

“40123. Relationship to other laws.”.

10 **SUBTITLE C—SYSTEM TO FUND**  
 11 **CERTAIN FEDERAL AVIATION**  
 12 **ADMINISTRATION FUNCTIONS**

13 **SEC. 671. FINDINGS.**

14 The Congress finds the following:

15 (1) The Administration is recognized through-  
 16 out the world as a leader in aviation safety.

17 (2) The Administration certifies aircraft, en-  
 18 gines, propellers and other manufactured parts.

19 (3) The Administration certifies more than 650  
 20 training schools for pilots and non-pilots, more than  
 21 4,858 repair stations, and more than 193 mainte-  
 22 nance schools.

1           (4) The Administration certifies pilot examin-  
2           ers, who are then qualified to determine if a person  
3           has the skills necessary to become a pilot.

4           (5) The Administration certifies more than  
5           6,000 medical examiners, each of whom is then  
6           qualified to medically certify the qualifications of pi-  
7           lots and non-pilots.

8           (6) The Administration certifies more than 470  
9           airports, and provides a limited certification for an-  
10          other 205 airports. Other airports in the United  
11          States are also reviewed by the Administration.

12          (7) The Administration each year performs  
13          more than 355,000 inspections.

14          (8) The Administration issues more than  
15          655,000 pilots licenses and more than 560,000 non-  
16          pilot licenses (e.g., mechanics).

17          (9) The Administration's certification means  
18          that the product meets world-wide recognized stand-  
19          ards of safety and reliability.

20          (10) The Administration's certification means  
21          aviation-related equipment and services meet world-  
22          wide recognized standards.

23          (11) The Administration's certification is recog-  
24          nized by governments and businesses throughout the  
25          world and as such may be a valuable element for any

1 company desiring to sell aviation-related products  
2 throughout the world.

3 (12) The Administration's certification may  
4 constitute a valuable license, franchise or privilege,  
5 and confers many benefits on the holders.

6 (13) The Administration also is a major pur-  
7 chaser of computers, radars, and other systems  
8 needed to run the air traffic control system. The Ad-  
9 ministration's design, acceptance, commissioning, or  
10 certification of such equipment enables the private  
11 sector to market those products around the world,  
12 and as such confers a benefit on the manufacturer.

13 (14) The Administration provides extensive  
14 services to public use aircraft.

15 **SEC. 672. PURPOSES.**

16 The purposes of this title are—

17 (1) to provide a financial structure for the Ad-  
18 ministration so that it will be able to support the fu-  
19 ture growth in the national aviation and airport sys-  
20 tem;

21 (2) to review existing and alternative funding  
22 options, including incentive-based fees for services,  
23 and establish a program to improve air traffic man-  
24 agement system performance and to establish appro-  
25 priate levels of cost accountability for air traffic

1 management services provided by the Administra-  
 2 tion;

3 (3) to ensure that any funding will be dedicated  
 4 solely for the use of the Administration;

5 (4) to authorize the Administration to recover  
 6 the costs of its services from those who benefit from,  
 7 but do not contribute to, the national aviation sys-  
 8 tem and the services provided by the Administration;

9 (5) to consider a fee system based on the cost  
 10 or value of the services provided and other funding  
 11 alternatives;

12 (6) to develop funding options for the Congress  
 13 in order to provide for the long-term efficient and  
 14 cost-effective support of the Administration and the  
 15 aviation system; and

16 (7) to achieve a more efficient and effective Ad-  
 17 ministration for the benefit of the aviation transpor-  
 18 tation industry.

19 **SEC. 673. USER FEES FOR VARIOUS FEDERAL AVIATION AD-**  
 20 **MINISTRATION SERVICES.**

21 (a) IN GENERAL.—Chapter 453 is amended by strik-  
 22 ing section 45301 and inserting the following new section:

23 **“§ 45301. General provisions**

24 **“(a) SCHEDULE OF FEES.—**The Administrator shall  
 25 establish a schedule of new fees, and a collection process

1 for such fees, for the following services provided by the  
2 Administration:

3 “(1) Air traffic control and related services pro-  
4 vided to aircraft (other than foreign government air-  
5 craft) that neither take off from nor land in the  
6 United States.

7 “(2) Services (other than air traffic control  
8 services) provided to a foreign government.

9 “(b) LIMITATIONS.—

10 “(1) AUTHORIZATION AND IMPACT CONSIDER-  
11 ATIONS.—In establishing fees under subsection (a),  
12 the Administrator—

13 “(A) is authorized to recover in fiscal year  
14 1997 \$100,000,000; and

15 “(B) shall ensure that each of the fees re-  
16 quired by subsection (a), is reasonably related  
17 to—

18 “(i) the Administration’s total cost of  
19 providing the service rendered; or

20 “(ii) the value of the service provided  
21 to the recipient, including in the case of air  
22 traffic control and related services de-  
23 scribed in subsection (a)(1), distance trav-  
24 eled, aircraft weight or size, and the nature  
25 of the operation conducted.

1           “(2) PUBLICATION; COMMENT.—The Adminis-  
 2           trator shall publish in the Federal Register an initial  
 3           fee schedule and associated collection process as an  
 4           interim final rule, pursuant to which public comment  
 5           will be sought and a final rule issued.

6           “(c) USE OF EXPERTS AND CONSULTANTS.—In de-  
 7           veloping the system, the Administrator may consult with  
 8           such nongovernmental experts as the Administrator may  
 9           employ and the Administrator may utilize the services of  
 10          experts and consultants under section 3109 of title 5 with-  
 11          out regard to the limitation imposed by the last sentence  
 12          of section 3109(b) of such title, and may contract on a  
 13          sole source basis, notwithstanding any other provision of  
 14          law to the contrary. Notwithstanding any other provision  
 15          of law to the contrary, the Administrator may retain such  
 16          experts under a contract awarded on a basis other than  
 17          a competitive basis and without regard to any such provi-  
 18          sions requiring competitive bidding or precluding sole  
 19          source contract authority.”.

20          (b) CONFORMING AMENDMENT.—The chapter analy-  
 21          sis for chapter 453 is amended by striking the item relat-  
 22          ing to section 45301 and inserting the following new item:

“45301. General provisions.”.

23          (c) REPEAL.—

24               (1) IN GENERAL.—Section 70118 is repealed.

1           (2) CONFORMING AMENDMENT.—The chapter  
2           analysis for chapter 701 is amended by striking the  
3           item relating to section 70118.

4   **SEC. 674. INDEPENDENT ASSESSMENT AND TASK FORCE TO**  
5                   **REVIEW EXISTING AND INNOVATIVE FUND-**  
6                   **ING MECHANISMS.**

7           (a) INDEPENDENT ASSESSMENT.—

8           (1) INITIATION.—As soon as all members of the  
9           task force are appointed under subsection (b) of this  
10          section, the Administrator shall contract with an en-  
11          tity independent of the Administration and the De-  
12          partment of Transportation to conduct a complete  
13          independent assessment of the financial require-  
14          ments of the Administration through the year 2002.

15          (2) ASSESSMENT CRITERIA.—The Adminis-  
16          trator shall provide to the independent entity esti-  
17          mates of the financial requirements of the Adminis-  
18          tration for the period described in paragraph (1),  
19          using as a base the fiscal year 1997 authorization  
20          levels established by the Congress. The independent  
21          assessment shall be based on an objective analysis of  
22          agency funding needs.

23          (3) CERTAIN FACTORS TO BE TAKEN INTO AC-  
24          COUNT.—The independent assessment shall take  
25          into account all relevant factors, including—

- 1 (A) anticipated air traffic forecasts;
- 2 (B) other workload measures;
- 3 (C) estimated productivity gains, if any,
- 4 which contribute to budgetary requirements;
- 5 (D) the need for programs; and
- 6 (5) the need to provide for continued im-
- 7 provements in all facets of aviation safety,
- 8 along with operational improvements in air traf-
- 9 fic control.

10 (4) COST ALLOCATION.—The independent as-

11 sessment shall also assess the costs to the Adminis-

12 tration occasioned by the provision of services to

13 each segment of the aviation system.

14 (5) DEADLINE.—The independent assessment

15 shall be completed no later than 90 days after the

16 contract is awarded, and shall be submitted to the

17 task force, the Secretary, the Committee on Com-

18 merce, Science, and Transportation of the Senate,

19 and the Committee on Transportation and Infra-

20 structure of the House of Representatives.

21 (b) TASK FORCE.—

22 (1) ESTABLISHMENT.—Not later than 30 days

23 after the date of enactment of this Act, the Sec-

24 retary shall establish an 11-member task force, inde-

pendent of the Administration and the Department of Transportation.

(2) MEMBERSHIP.—The members of the task force shall be selected from among individuals who have expertise in the aviation industry and who are able, collectively, to represent a balanced view of the issues important to general aviation, major air carriers, air cargo carriers, regional air carriers, business aviation, airports, aircraft manufacturers, the financial community, aviation industry workers, and airline passengers. At least one member of the task force shall have detailed knowledge of the Congressional budgetary process.

(3) HEARINGS AND CONSULTATION.—

(A) HEARINGS.—The task force shall take such testimony and solicit and receive such comments from the public and other interested parties as it deems appropriate, shall conduct 2 public hearings after affording adequate notice to the public thereof, and is authorized to conduct such additional hearings as may be necessary.

(B) CONSULTATION.—The task force shall consult on a regular and frequent basis with the Secretary of Transportation, the Committee on

1 Commerce, Science, and Transportation of the  
2 Senate, and the Committee on Transportation  
3 and Infrastructure of the House of Representa-  
4 tives.

5 (C) FACA NOT TO APPLY.—The task force  
6 shall not be considered an advisory committee  
7 for purposes of the Federal Advisory Committee  
8 Act (5 U.S.C. App.).

9 (4) DUTIES.—

10 (A) REPORT TO SECRETARY.—

11 (i) IN GENERAL.—The task force shall  
12 submit a report setting forth a comprehen-  
13 sive analysis of the Administration's budg-  
14 etary requirements through fiscal year  
15 2002, based upon the independent assess-  
16 ment under subsection (a), that analyzes  
17 alternative financing and funding means  
18 for meeting the needs of the aviation sys-  
19 tem through the year 2002. The task force  
20 shall submit a preliminary report of that  
21 analysis to the Secretary not later than 6  
22 months after the independent assessment  
23 is completed under subsection (a). The  
24 Secretary shall provide comments on the  
25 preliminary report to the task force within

1           30 days after receiving it. The task force  
2           shall issue a final report of such com-  
3           prehensive analysis within 30 days after  
4           receiving the Secretary's comments on its  
5           preliminary report.

6           (ii) CONTENTS.—The report submit-  
7           ted by the task force under clause (i)—

8                   (I) shall consider the independent  
9                   assessment under subsection (a);

10                   (II) shall consider estimated cost  
11                   savings, if any, resulting from the  
12                   procurement and personnel reforms  
13                   included in this Act or in sections 347  
14                   and 348 of Public Law 105–40, and  
15                   additional financial initiatives;

16                   (III) shall include specific rec-  
17                   ommendations to the Congress on how  
18                   the Administration can reduce costs,  
19                   raise additional revenue for the sup-  
20                   port of agency operations, and accel-  
21                   erate modernization efforts; and

22                   (IV) shall include a draft bill  
23                   containing the changes in law nec-  
24                   essary to implement its recommenda-  
25                   tions.

1 (B) RECOMMENDATIONS.—The task force  
2 shall make such recommendations under sub-  
3 paragraph (A)(III) as the task force deems ap-  
4 propriate. Those recommendations may in-  
5 clude—

6 (i) alternative financing and funding  
7 proposals, including linked financing pro-  
8 posals;

9 (ii) modifications to existing levels of  
10 Airport and Airways Trust Fund receipts  
11 and taxes for each type of tax;

12 (iii) establishment of a cost-based user  
13 fee system based on, but not limited to,  
14 criteria under subparagraph (F) and meth-  
15 ods to ensure that costs are borne by users  
16 on a fair and equitable basis;

17 (iv) methods to ensure that funds col-  
18 lected from the aviation community are  
19 able to meet the needs of the agency;

20 (v) methods to ensure that funds col-  
21 lected from the aviation community and  
22 passengers are used to support the aviation  
23 system;

1 (vi) means of meeting the airport in-  
2 frastructure needs for large, medium, and  
3 small airports; and

4 (vii) any other matter the task force  
5 deems appropriate to address the funding  
6 and needs of the Administration and the  
7 aviation system.

8 (C) ADDITIONAL RECOMMENDATIONS.—

9 The task force report may also make rec-  
10 ommendations concerning—

11 (i) means of improving productivity by  
12 expanding and accelerating the use of au-  
13 tomation and other technology;

14 (ii) means of contracting out services  
15 consistent with this Act, other applicable  
16 law, and safety and National defense  
17 needs;

18 (iii) methods to accelerate air traffic  
19 control modernization and improvements in  
20 aviation safety and safety services;

21 (iv) the elimination of unneeded pro-  
22 grams; and

23 (v) a limited innovative program  
24 based on funding mechanisms such as loan  
25 guarantees, financial partnerships with for-

profit private sector entities, government sponsored enterprises, and revolving loan funds, as a means of funding specific facilities and equipment projects, and to provide limited additional funding alternatives for airport capacity development.

(D) IMPACT ASSESSMENT FOR RECOMMENDATIONS.—For each recommendation contained in the task force’s report, the report shall include a full analysis and assessment of the impact implementation of the recommendation would have on—

- (i) safety;
- (ii) administrative costs;
- (iii) the Congressional budget process;
- (iv) the economics of the industry (including the proportionate share of all users);
- (v) the ability of the Administration to utilize the sums collected; and
- (vi) the funding needs of the Administration.

(E) TRUST FUND TAX RECOMMENDATIONS.—If the task force’s report includes a recommendation that the existing Airport and

1 Airways Trust Fund tax structure be modified,  
 2 the report shall—

3 (i) state the specific rates for each  
 4 group affected by the proposed modifica-  
 5 tions;

6 (ii) consider the impact such modifica-  
 7 tions shall have on specific users and the  
 8 public (including passengers); and

9 (iii) state the basis for the rec-  
 10 ommendations.

11 (F) FEE SYSTEM RECOMMENDATIONS.—If  
 12 the task force’s report includes a recommenda-  
 13 tion that a fee system be established, including  
 14 an air traffic control performance-based user  
 15 fee system, the report shall consider—

16 (i) the impact such a recommendation  
 17 would have on passengers, air fares (in-  
 18 cluding low-fare, high frequency service),  
 19 service, and competition;

20 (ii) existing contributions provided by  
 21 individual air carriers toward funding the  
 22 Administration and the air traffic control  
 23 system through contributions to the Air-  
 24 port and Airways Trust Fund;

1 (iii) continuing the promotion of fair  
2 and competitive practices;

3 (iv) the unique circumstances associ-  
4 ated with inter island air carrier service in  
5 Hawaii and rural air service in Alaska;

6 (v) the impact such a recommendation  
7 would have on service to small commu-  
8 nities;

9 (vi) the impact such a recommenda-  
10 tion would have on services provided by re-  
11 gional air carriers;

12 (vii) alternative methodologies for cal-  
13 culating fees so as to achieve a fair and  
14 reasonable distribution of costs of service  
15 among users;

16 (viii) the usefulness of phased-in ap-  
17 proaches to implementing such a financing  
18 system;

19 (ix) means of assuring the provision  
20 of general fund contributions, as appro-  
21 priate, toward the support of the Adminis-  
22 tration; and

23 (x) the provision of incentives to en-  
24 courage greater efficiency in the provision  
25 of air traffic services by the Administration

1                   and greater efficiency in the use of air  
2                   traffic services by aircraft operators.

3           (c) REPORT BY SECRETARY TO CONGRESS.—

4                   (1) CONSIDERATION OF TASK FORCE'S PRE-  
5           LIMINARY REPORT.—Within 30 days after receiving  
6           preliminary report of the task force under subsection  
7           (b), the Secretary shall furnish comments on that  
8           report to the task force.

9                   (2) SECRETARY'S REPORT TO CONGRESS.—  
10          Within 30 days after receiving the final report of the  
11          task force and in no event more than 1 year after  
12          the date of enactment of this Act, the Secretary  
13          shall submit a report, based upon the final report of  
14          the task force, containing the Secretary's rec-  
15          ommendations for funding the needs of the aviation  
16          system through the year 2002 to the Committee on  
17          Commerce, Science, and Transportation of the Sen-  
18          ate and the Committee on Transportation and Infra-  
19          structure of the House of Representatives.

20                   (3) CONTENTS.—The Secretary shall include in  
21          his report to the Congress under paragraph (2)—

22                           (A) a copy of the final report of the task  
23          force; and

1 (B) a draft bill containing the changes in  
2 law necessary to implement the Secretary's rec-  
3 ommendations.

4 (4) PUBLICATION.—The Secretary shall cause a  
5 copy of the reports to be printed in the Federal Reg-  
6 ister upon their submission to Congress.

7 (d) GAO AUDIT OF COST ALLOCATION.—The Comp-  
8 troller General shall conduct an assessment of the manner  
9 in which costs for air traffic control services are allocated  
10 between the Administration and the Department of De-  
11 fense. The Comptroller General shall report the results of  
12 the assessment, together with any recommendations the  
13 Comptroller General may have for reallocation of costs  
14 and for opportunities to increase the efficiency of air traf-  
15 fic control services provided by the Administration and by  
16 the Department of Defense, to the task force, the Admin-  
17 istrator, the Secretary of Defense, the Committee on Com-  
18 merce of the House of Representatives, and the Committee  
19 on Commerce, Science, and Transportation of the Senate  
20 not later than 120 days after the date of enactment of  
21 this Act.

22 **SEC. 675. PROCEDURE FOR CONSIDERATION OF CERTAIN**  
23 **FUNDING PROPOSALS.**

24 (a) IN GENERAL.—Chapter 481 is amended by add-  
25 ing at the end thereof the following:

1 **“§ 48111. Funding Proposals**

2       “(a) INTRODUCTION AND REFERRAL.—Within 15  
 3 days (not counting any day on which either House is not  
 4 in session) after a funding proposal is submitted to the  
 5 House of Representatives and the Senate by the Secretary  
 6 of Transportation under section 674(c) of the Air Traffic  
 7 Management System Performance Improvement Act of  
 8 1996, an implementing bill with respect to such funding  
 9 proposal shall be introduced in the House by the majority  
 10 leader of the House, for himself and the minority leader  
 11 of the House, or by Members of the House designated by  
 12 the majority leader and minority leader of the House; and  
 13 shall be introduced in the Senate by the majority leader  
 14 of the Senate, for himself and the minority leader of the  
 15 Senate, or by Members of the Senate designated by the  
 16 majority leader and minority leader of the Senate. The  
 17 implementing bill shall be referred by the Presiding Offi-  
 18 cers of the respective Houses to the appropriate commit-  
 19 tee, or, in the case of a bill containing provisions within  
 20 the jurisdiction of two or more committees, jointly to such  
 21 committees for consideration of those provisions within  
 22 their respective jurisdictions.

23       “(b) CONSIDERATION IN THE HOUSE OF REP-  
 24 REPRESENTATIVES.—

25               “(1) REFERRAL AND REPORTING.—Any com-  
 26 mittee of the House of Representatives to which a

1 implementing bill is referred shall report it, with or  
2 without recommendation, not later than the 45th  
3 calendar day of session after the date of its intro-  
4 duction. If any committee fails to report the bill  
5 within that period, it is in order to move that the  
6 House discharge the committee from further consid-  
7 eration of the bill. A motion to discharge may be  
8 made only by a Member favoring the bill (but only  
9 at a time or place designated by the Speaker in the  
10 legislative schedule of the day after the calendar day  
11 on which the Member offering the motion announces  
12 to the House his intention to do so and the form  
13 of the motion), the motion is highly privileged. De-  
14 bate thereon shall be limited to not more than one  
15 hour, the time to be divided in the House equally  
16 between a proponent and an opponent. The previous  
17 question shall be considered as ordered on the mo-  
18 tion to its adoption without intervening motion. A  
19 motion to reconsider the vote by which the motion  
20 is agreed to or disagreed to shall not be in order.

21 “(2) CONSIDERATION OF IMPLEMENTING  
22 BILL.—After an implementing bill is reported or a  
23 committee has been discharged from further consid-  
24 eration, it is in order to move that the House resolve  
25 into the Committee of the Whole House on the State

1 of the Union for consideration of the bill. If reported  
2 and the report has been available for at least one  
3 calendar day, all points of order against the bill and  
4 against consideration of the bill are waived. If dis-  
5 charged, all points of order against the bill and  
6 against consideration of the bill are waived. The mo-  
7 tion is highly privileged. A motion to reconsider the  
8 vote by which the motion is agreed to or disagreed  
9 to shall not be in order. During consideration of the  
10 bill in the committee of the Whole, the first reading  
11 of the bill shall be dispensed with. General debate  
12 shall proceed, shall be confined to the bill, and shall  
13 not exceed one hour equally divided and controlled  
14 by a proponent and an opponent of the bill. The bill  
15 shall be considered as read for amendment under the  
16 five-minute rule. Only one motion to rise shall be in  
17 order, except if offered by the manager. No amend-  
18 ment to the bill is in order except an amendment  
19 that is relevant to aviation funding and the Federal  
20 Aviation Administration. Consideration of the bill for  
21 amendment shall not exceed one hour excluding time  
22 for recorded votes and quorum calls. No amendment  
23 shall be subject to further amendment, except pro  
24 forma amendments for the purposes of debate only.  
25 At the conclusion of the consideration of the bill for

1 amendment, the Committee shall rise and report the  
 2 bill to the House with such amendments as may  
 3 have been adopted. The previous question shall be  
 4 considered as ordered on the bill and amendments  
 5 thereto to final passage without intervening motion.  
 6 A motion to reconsider the vote on passage of the  
 7 bill shall not be in order.

8 “(3) APPEALS OF RULINGS.—Appeals from de-  
 9 cision of the Chair regarding application of the rules  
 10 of the House of Representatives to the procedure re-  
 11 lating to an implementing bill shall be decided with-  
 12 out debate.

13 “(4) CONSIDERATION OF MORE THAN ONE IM-  
 14 PLEMENTING BILL.—It shall not be in order to con-  
 15 sider under this subsection more than one imple-  
 16 menting bill under this section, except for consider-  
 17 ation of a similar Senate bill (unless the House has  
 18 already rejected an implementing bill) or more than  
 19 one motion to discharge described in paragraph (1)  
 20 with respect to an implementing bill.

21 “(c) CONSIDERATION IN THE SENATE.—

22 “(1) REFERRAL AND REPORTING.—An imple-  
 23 menting bill introduced in the Senate shall be re-  
 24 ferred to the appropriate committee or committees.  
 25 A committee to which an implementing bill has been

1 referred shall report the bill not later than the 45th  
2 day of session following the date of introduction of  
3 that bill. If any committee fails to report the bill  
4 within that period, that committee shall be auto-  
5 matically discharged from further consideration of  
6 the bill and the bill shall be placed on the Calendar.

7 “(2) IMPLEMENTING BILL FROM HOUSE.—  
8 When the Senate receives from the House of Rep-  
9 resentatives an implementing bill, the bill shall not  
10 be referred to committee and shall be placed on the  
11 Calendar.

12 “(3) CONSIDERATION OF SINGLE IMPLEMENT-  
13 ING BILL.—After the Senate has proceeded to the  
14 consideration of an implementing bill under this sub-  
15 section, then no other implementing bill originating  
16 in that same House shall be subject to the proce-  
17 dures set forth in this subsection.

18 “(4) AMENDMENTS.—No amendment to the bill  
19 is in order except an amendment that is relevant to  
20 aviation funding and the Federal Aviation Adminis-  
21 tration. Consideration of the bill for amendment  
22 shall not exceed one hour excluding time for re-  
23 corded votes and quorum calls. No amendment shall  
24 be subject to further amendment, except for perfect-  
25 ing amendments.

1           “(5) MOTION NONDEBATABLE.—A motion to  
 2       proceed to consideration of an implementing bill  
 3       under this subsection shall not be debatable. It shall  
 4       not be in order to move to reconsider the vote by  
 5       which the motion to proceed was adopted or re-  
 6       jected, although subsequent motions to proceed may  
 7       be made under this paragraph.

8           “(6) LIMIT ON CONSIDERATION.—

9           “(A) After no more than 20 hours of con-  
 10       sideration of an implementing bill, the Senate  
 11       shall proceed, without intervening action or de-  
 12       bate (except as permitted under paragraph (9)),  
 13       to vote on the final disposition thereof to the  
 14       exclusion of all amendments not then pending  
 15       and to the exclusion of all motions, except a  
 16       motion to reconsider or table.

17          “(B) The time for debate on the imple-  
 18       menting bill shall be equally divided between  
 19       the Majority Leader and the Minority Leader  
 20       or their designees.

21          “(7) DEBATE OF AMENDMENTS.—Debate on  
 22       any amendment to an implementing bill shall be lim-  
 23       ited to one hour, equally divided and controlled by  
 24       the Senator proposing the amendment and the ma-  
 25       jority manager, unless the majority manager is in

1 favor of the amendment, in which case the minority  
 2 manager shall be in control of the time in opposi-  
 3 tion.

4 “(8) NO MOTION TO RECOMMIT.—A motion to  
 5 recommit an implementing bill shall not be in order.

6 “(9) DISPOSITION OF SENATE BILL.—If the  
 7 Senate has read for the third time an implementing  
 8 bill that originated in the Senate, then it shall be in  
 9 order at any time thereafter to move to proceed to  
 10 the consideration of an implementing bill for the  
 11 same special message received from the House of  
 12 Representatives and placed on the Calendar pursu-  
 13 ant to paragraph (2), strike all after the enacting  
 14 clause, substitute the text of the Senate implement-  
 15 ing bill, agree to the Senate amendment, and vote on  
 16 final disposition of the House implementing bill, all  
 17 without any intervening action or debate.

18 “(10) CONSIDERATION OF HOUSE MESSAGE.—  
 19 Consideration in the Senate of all motions, amend-  
 20 ments, or appeals necessary to dispose of a message  
 21 from the House of Representatives on an implement-  
 22 ing bill shall be limited to not more than 4 hours.  
 23 Debate on each motion or amendment shall be lim-  
 24 ited to 30 minutes. Debate on any appeal or point  
 25 of order that is submitted in connection with the dis-

1 position of the House message shall be limited to 20  
 2 minutes. Any time for debate shall be equally divided  
 3 and controlled by the proponent and the majority  
 4 manager, unless the majority manager is a pro-  
 5 ponent of the motion, amendment, appeal, or point  
 6 of order, in which case the minority manager shall  
 7 be in control of the time in opposition.

8 “(d) CONSIDERATION IN CONFERENCE.—

9 “(1) CONVENING OF CONFERENCE.—In the  
 10 case of disagreement between the two Houses of  
 11 Congress with respect to an implementing bill passed  
 12 by both Houses, conferees should be promptly ap-  
 13 pointed and a conference promptly convened, if nec-  
 14 essary.

15 “(2) HOUSE CONSIDERATION.—Notwithstand-  
 16 ing any other rule of the House of Representatives,  
 17 it shall be in order to consider the report of a com-  
 18 mittee of conference relating to an implementing bill  
 19 if such report has been available for one calendar  
 20 day (excluding Saturdays, Sundays, and legal holi-  
 21 days, unless the House is in session on such a day)  
 22 and the accompanying statement shall have been  
 23 filed in the House.

24 “(3) SENATE CONSIDERATION.—Consideration  
 25 in the Senate of the conference report and any

1 amendments in disagreement on an implementing  
2 bill shall be limited to not more than 4 hours equally  
3 divided and controlled by the majority leader and  
4 the minority leader or their designees. A motion to  
5 recommit the conference report is not in order.

6 “(e) DEFINITIONS.—For purposes of this section—

7 “(1) IMPLEMENTING BILL.—The term ‘imple-  
8 menting bill’ means only a bill of either House of  
9 Congress which is introduced as provided in sub-  
10 section (a) with respect to one or more Federal  
11 Aviation Administration funding proposals which  
12 contains changes in existing laws or new statutory  
13 authority required to implement such funding pro-  
14 posal or proposals.

15 “(2) FUNDING PROPOSAL.—The term ‘funding  
16 proposal’ means a proposal to provide interim or  
17 permanent funding for operations of the Federal  
18 Aviation Administration.

19 “(e) RULES OF HOUSE OF REPRESENTATIVES AND  
20 SENATE.—This section is enacted by the Congress—

21 “(1) as an exercise of the rulemaking power of  
22 the House of Representatives and the Senate, re-  
23 spectively, and as such they are deemed a part of  
24 the rules of each House, respectively, but applicable  
25 only with respect to the procedure to be followed in

1       that House in the case of implementing bills de-  
 2       scribed in subsection (d); and they supersede other  
 3       rules only to the extent that they are inconsistent  
 4       therewith; and

5           “(2) with full recognition of the constitutional  
 6       right of either House to change the rules (so far as  
 7       relating to the procedure of that House) at any time,  
 8       in the same manner and to the same extent as in  
 9       the case of any other rule of that House.”.

10       (b) CLERICAL AMENDMENT.—The table of sections  
 11       for chapter 481 is amended by adding at the end thereof  
 12       the following:

“48111. Funding proposals”.

13       **SEC. 676. ADMINISTRATIVE PROVISIONS.**

14       (a) IN GENERAL.—Chapter 453 as amended by sec-  
 15       tion 654 of this title, is further amended by—

16           (1) redesignating section 45303 as section  
 17       45304; and

18           (2) by inserting after section 45302 the follow-  
 19       ing:

20       **“§ 45303. Administrative provisions**

21       “(a) IN GENERAL.—

22           “(1) FEES PAYABLE TO ADMINISTRATOR.—All  
 23       fees imposed and amounts collected under this chap-  
 24       ter for services performed, or materials furnished, by  
 25       the Federal Aviation Administration (hereafter in

1       this section referred to as the ‘Administration’) are  
2       payable to the Administrator.

3           “(2) REFUNDS.—The Administrator may re-  
4       fund any fee paid by mistake or any amount paid in  
5       excess of that required.

6           “(3) RECEIPTS CREDITED TO ACCOUNT.—Not-  
7       withstanding section 3302 of title 31 all fees and  
8       amounts collected by the Administration, except in-  
9       surance premiums and other fees charged for the  
10      provision of insurance and deposited in the Aviation  
11      Insurance Revolving Fund and interest earned on in-  
12      vestments of such Fund, and except amounts which  
13      on the date of enactment of the Air Traffic Manage-  
14      ment System Performance Improvement Act of 1996  
15      are required to be credited to the General Fund of  
16      the Treasury, (whether imposed under this section  
17      or not)—

18           “(A) shall be credited to a separate ac-  
19      count established in the Treasury and made  
20      available for Administration activities as offset-  
21      ting collections;

22           “(B) shall be available immediately for ex-  
23      penditure but only for Congressionally author-  
24      ized and intended purposes; and

25           “(C) shall remain available until expended.

1           “(4) ANNUAL BUDGET REPORT BY ADMINIS-  
 2           TRATOR.—The Administrator shall, on the same day  
 3           each year as the President submits the annual budg-  
 4           et to the Congress, provide to the Committee on  
 5           Commerce, Science, and Transportation of the Sen-  
 6           ate and the Committee on Transportation and Infra-  
 7           structure of the House of Representatives—

8                   “(A) a list of fee collections by the Admin-  
 9                   istration during the preceding fiscal year;

10                   “(B) a list of activities by the Administra-  
 11                   tion during the preceding fiscal year that were  
 12                   supported by fee expenditures and appropria-  
 13                   tions;

14                   “(C) budget plans for significant pro-  
 15                   grams, projects, and activities of the Adminis-  
 16                   tration, including out-year funding estimates;

17                   “(D) any proposed disposition of surplus  
 18                   fees by the Administration; and

19                   “(E) such other information as those com-  
 20                   mittees consider necessary.

21           “(5) DEVELOPMENT OF COST ACCOUNTING SYS-  
 22           TEM.—The Administration shall develop a cost ac-  
 23           counting system that adequately and accurately re-  
 24           flects the investments, operating and overhead costs,

1 revenues, and other financial measurement and re-  
2 porting aspects of its operations.

3 “(6) COMPENSATION TO CARRIERS FOR ACTING  
4 AS COLLECTION AGENTS.—The Administration shall  
5 prescribe regulations to ensure that any air carrier  
6 required, pursuant to the Air Traffic Management  
7 System Performance Improvement Act of 1996 or  
8 any amendments made by that Act, to collect a fee  
9 imposed on another party by the Administrator may  
10 collect from such other party an additional uniform  
11 amount that the Administrator determines reflects  
12 the necessary and reasonable expenses (net of inter-  
13 est accruing to the carrier after collection and before  
14 remittance) incurred in collecting and handling the  
15 fee.

16 “(7) COST REDUCTION AND EFFICIENCY RE-  
17 PORT.—Prior to the submission of any proposal for  
18 establishment, implementation, or expansion of any  
19 fees or taxes imposed on the aviation industry, the  
20 Administrator shall prepare a report for submission  
21 to the Congress which includes—

22 “(A) a justification of the need for the pro-  
23 posed fees or taxes;

1 “(B) a statement of steps taken by the Ad-  
 2 ministrator to reduce costs and improve effi-  
 3 ciency within the Administration;

4 “(C) an analysis of the impact of any fee  
 5 or tax increase on each sector of the aviation  
 6 transportation industry; and

7 “(D) a comparative analysis of any de-  
 8 crease in taxes amounts equal to the receipts  
 9 from which are credited to the Airport and Air-  
 10 way Trust Fund established under section 9502  
 11 of the Internal Revenue Code of 1986.”.

12 (b) CONFORMING AMENDMENT.—The chapter analy-  
 13 sis for chapter 453 is amended by striking the item relat-  
 14 ing to section 45303 and inserting the following:

“45303. Administrative provisions.

“45304. Maximum fees for private person services.”.

15 **SEC. 677. ADVANCE APPROPRIATIONS FOR AIRPORT AND**  
 16 **AIRWAY TRUST FUND ACTIVITIES.**

17 (a) IN GENERAL.—Part C of subtitle VII is amended  
 18 by adding at the end the following new chapter:

19 **“CHAPTER 482—ADVANCE APPROPRIA-**  
 20 **TIONS FOR AIRPORT AND AIRWAY**  
 21 **TRUST FACILITIES**

“Sec.

“48201. Advance appropriations.

1 **“§ 48201. Advance appropriations**

2 “(a) MULTIYEAR AUTHORIZATIONS.—Beginning with  
3 fiscal year 1998, any authorization of appropriations for  
4 an activity for which amounts are to be appropriated from  
5 the Airport and Airway Trust Fund established under sec-  
6 tion 9502 of the Internal Revenue Code of 1986 shall pro-  
7 vide funds for a period of not less than 3 fiscal years un-  
8 less the activity for which appropriations are authorized  
9 is to be concluded before the end of that period.

10 “(b) MULTIYEAR APPROPRIATIONS.—Beginning with  
11 fiscal year 1998, amounts appropriated from the Airport  
12 and Airway Trust Fund shall be appropriated for periods  
13 of 3 fiscal years rather than annually.”.

14 (b) CONFORMING AMENDMENT.—The analysis for  
15 subtitle VIII is amended by adding at the end the follow-  
16 ing new item:

“482. Advance appropriations for airport and airway trust facilities .....48201.”.

17 **SEC. 678. RURAL AIR SERVICE SURVIVAL ACT.**

18 (a) SHORT TITLE.—This section may be cited as the  
19 “Rural Air Service Survival Act”.

20 (b) FINDINGS.—The Congress finds that—

21 (1) air service in rural areas is essential to a  
22 national transportation network;

23 (2) the rural air service infrastructure supports  
24 the safe operation of all air travel;

1           (3) rural air service creates economic benefits  
 2           for all air carriers by making the national aviation  
 3           system available to passengers from rural areas;

4           (4) rural air service has suffered since deregulation;  
 5           tion;

6           (5) the essential air service program under the  
 7           Department of Transportation—

8           (A) provides essential airline access to  
 9           rural and isolated rural communities throughout the Nation;  
 10          out the Nation;

11          (B) is necessary for the economic growth  
 12          and development of rural communities;

13          (C) is a critical component of the national  
 14          transportation system of the United States; and

15          (D) has endured serious funding cuts in  
 16          recent years; and

17          (6) a reliable source of funding must be established to maintain air service in rural areas and the  
 18          essential air service program.  
 19          essential air service program.

20          (c) ESSENTIAL AIR SERVICE AUTHORIZATION.—Section 41742 is amended to read as follows:  
 21          tion 41742 is amended to read as follows:

22          **“§ 41742. Essential air service authorization**

23               “(a) IN GENERAL.—Out of the amounts received by  
 24          the Administration credited to the account established  
 25          under section 45303(a)(3) or otherwise provided to the

1 Administration, the sum of \$50,000,000 is authorized and  
 2 shall be made available immediately for obligation and ex-  
 3 penditure to carry out the essential air service program  
 4 under this subchapter for each fiscal year.

5 “(b) FUNDING FOR SMALL COMMUNITY AIR SERV-  
 6 ICE.—Notwithstanding any other provision of law, monies  
 7 credited to the account established under section  
 8 45303(a), including the funds derived from fees imposed  
 9 under the authority contained in section 45301(a), shall  
 10 be used to carry out the essential air service program  
 11 under this subchapter. Notwithstanding section 47114(g)  
 12 of this title, any amounts from those fees that are not  
 13 obligated or expended at the end of the fiscal year for the  
 14 purpose of funding the essential air service program under  
 15 this subchapter shall be made available to the Administra-  
 16 tion for use in improving rural air safety under subchapter  
 17 I of chapter 471 of this title and shall be used exclusively  
 18 for projects at rural airports under this subchapter.”.

19 (d) CONFORMING AMENDMENT.—The chapter analy-  
 20 sis for chapter 417 is amended by striking the item relat-  
 21 ing to section 41742 and inserting the following:

“41742. Essential air service authorization.”.

22 (e) SECRETARY MAY REQUIRE MATCHING LOCAL  
 23 FUNDS.—Section 41737 is amended by adding at the end  
 24 thereof the following:

12 **TITLE VII—PILOT RECORDS**

14        This title may be cited as the “Pilot Records Im-  
15    provement Act of 1996”.

18 (a) IN GENERAL.—Section 44936 is amended by  
19 adding at the end the following new subsection:

22 “(1) IN GENERAL.—Before hiring an individual  
23 as a pilot, an air carrier shall request and receive  
24 the following information:

1           “(A) FAA RECORDS.—From the Adminis-  
2           trator of the Federal Aviation Administration  
3           (hereafter in this subsection referred to as the  
4           ‘Administrator’), records pertaining to the indi-  
5           vidual that are maintained by the Administrator  
6           concerning—

7                   “(i) current airman certificates (in-  
8                   cluding airman medical certificates) and  
9                   associated type ratings, including any limi-  
10                  tations to those certificates and ratings;  
11                  and

12                  “(ii) summaries of legal enforcement  
13                  actions resulting in a finding by the Ad-  
14                  ministrator of a violation of this title or a  
15                  regulation prescribed or order issued under  
16                  this title that was not subsequently over-  
17                  turned.

18           “(B) AIR CARRIER AND OTHER  
19           RECORDS.—From any air carrier or other per-  
20           son that has employed the individual at any  
21           time during the 5-year period preceding the  
22           date of the employment application of the indi-  
23           vidual, or from the trustee in bankruptcy for  
24           such air carrier or person—

1 “(i) records pertaining to the individ-  
2 ual that are maintained by an air carrier  
3 under regulations set forth in—

4 “(I) section 121.683 of title 14,  
5 Code of Federal Regulations;

6 “(II) paragraph (A) of section  
7 VI, appendix I, part 121 of such title;

8 “(III) paragraph (A) of section  
9 IV, appendix J, part 121 of such title;

10 “(IV) section 125.401 of such  
11 title; and

12 “(V) section 135.63(a)(4) of such  
13 title; and

14 “(ii) other records pertaining to the  
15 individual that are maintained by the air  
16 carrier or person concerning—

17 “(I) the training, qualifications,  
18 proficiency, or professional com-  
19 petence of the individual, including  
20 comments and evaluations made by a  
21 check airman designated in accord-  
22 ance with section 121.411, 125.295,  
23 or 135.337 of such title;

24 “(II) any disciplinary action  
25 taken with respect to the individual

1 that was not subsequently overturned;  
 2 and

3 “(III) any release from employ-  
 4 ment or resignation, termination, or  
 5 disqualification with respect to em-  
 6 ployment.

7 “(C) NATIONAL DRIVER REGISTER  
 8 RECORDS.—In accordance with section  
 9 30305(b)(7), from the chief driver licensing of-  
 10 ficial of a State, information concerning the  
 11 motor vehicle driving record of the individual.

12 “(2) WRITTEN CONSENT; RELEASE FROM LI-  
 13 ABILITY.—An air carrier making a request for  
 14 records under paragraph (1)—

15 “(A) shall be required to obtain written  
 16 consent to the release of those records from the  
 17 individual that is the subject of the records re-  
 18 quested; and

19 “(B) may, notwithstanding any other pro-  
 20 vision of law or agreement to the contrary, re-  
 21 quire the individual who is the subject of the  
 22 records request to execute a release from liabil-  
 23 ity for any claim arising from the furnishing of  
 24 such records to or the use of such records by  
 25 such air carrier (other than a claim arising

1 from furnishing information known to be false  
2 and maintained in violation of a criminal stat-  
3 ute).

4 “(3) 5-YEAR REPORTING PERIOD.—A person  
5 shall not furnish a record in response to a request  
6 made under paragraph (1) if the record was entered  
7 more than 5 years before the date of the request,  
8 unless the information concerns a revocation or sus-  
9 pension of an airman certificate or motor vehicle li-  
10 cense that is in effect on the date of the request.

11 “(4) REQUIREMENT TO MAINTAIN RECORDS.—  
12 The Administrator shall maintain pilot records de-  
13 scribed in paragraph (1)(A) for a period of at least  
14 5 years.

15 “(5) RECEIPT OF CONSENT; PROVISION OF IN-  
16 FORMATION.—A person shall not furnish a record in  
17 response to a request made under paragraph (1)  
18 without first obtaining a copy of the written consent  
19 of the individual who is the subject of the records re-  
20 quested. A person who receives a request for records  
21 under this paragraph shall furnish a copy of all of  
22 such requested records maintained by the person not  
23 later than 30 days after receiving the request.

24 “(6) RIGHT TO RECEIVE NOTICE AND COPY OF  
25 ANY RECORD FURNISHED.—A person who receives a

1 request for records under paragraph (1) shall pro-  
 2 vide to the individual who is the subject of the  
 3 records—

4 “(A) written notice of the request and of  
 5 the right of that individual to receive a copy of  
 6 such records; and

7 “(B) a copy of such records, if requested  
 8 by the individual.

9 “(7) REASONABLE CHARGES FOR PROCESSING  
 10 REQUESTS AND FURNISHING COPIES.—A person who  
 11 receives a request under paragraph (1) or (6) may  
 12 establish a reasonable charge for the cost of process-  
 13 ing the request and furnishing copies of the re-  
 14 quested records.

15 “(8) STANDARD FORMS.—The Administrator  
 16 shall promulgate—

17 “(A) standard forms that may be used by  
 18 an air carrier to request records under para-  
 19 graph (1); and

20 “(B) standard forms that may be used by  
 21 an air carrier to—

22 “(i) obtain the written consent of the  
 23 individual who is the subject of a request  
 24 under paragraph (1); and

25 “(ii) inform the individual of—

1 “(I) the request; and

2 “(II) the individual right of that  
3 individual to receive a copy of any  
4 records furnished in response to the  
5 request.

6 “(9) RIGHT TO CORRECT INACCURACIES.—An  
7 air carrier that maintains or requests and receives  
8 the records of an individual under paragraph (1)  
9 shall provide the individual with a reasonable oppor-  
10 tunity to submit written comments to correct any in-  
11 accuracies contained in the records before making a  
12 final hiring decision with respect to the individual.

13 “(10) RIGHT OF PILOT TO REVIEW CERTAIN  
14 RECORDS.—Notwithstanding any other provision of  
15 law or agreement, an air carrier shall, upon written  
16 request from a pilot employed by such carrier, make  
17 available, within a reasonable time of the request, to  
18 the pilot for review, any and all employment records  
19 referred to in paragraph (1)(B)(i) or (ii) pertaining  
20 to the employment of the pilot.

21 “(11) PRIVACY PROTECTIONS.—An air carrier  
22 that receives the records of an individual under  
23 paragraph (1) may use such records only to assess  
24 the qualifications of the individual in deciding  
25 whether or not to hire the individual as a pilot. The

1 air carrier shall take such actions as may be nec-  
2 essary to protect the privacy of the pilot and the  
3 confidentiality of the records, including ensuring  
4 that information contained in the records is not di-  
5 vulged to any individual that is not directly involved  
6 in the hiring decision.

7 “(12) PERIODIC REVIEW.—Not later than 18  
8 months after the date of enactment of the Pilot  
9 Records Improvement Act of 1996, and at least once  
10 every 3 years thereafter, the Administrator shall  
11 transmit to the Congress a statement that contains,  
12 taking into account recent developments in the avia-  
13 tion industry—

14 “(A) recommendations by the Adminis-  
15 trator concerning proposed changes to Federal  
16 Aviation Administration records, air carrier  
17 records, and other records required to be fur-  
18 nished under subparagraphs (A) and (B) of  
19 paragraph (1); or

20 “(B) reasons why the Administrator does  
21 not recommend any proposed changes to the  
22 records referred to in subparagraph (A).

23 “(13) REGULATIONS.—The Administrator may  
24 prescribe such regulations as may be necessary—

25 “(A) to protect—

1 “(i) the personal privacy of any indi-  
 2 vidual whose records are requested under  
 3 paragraph (1); and

4 “(ii) the confidentiality of those  
 5 records;

6 “(B) to preclude the further dissemination  
 7 of records received under paragraph (1) by the  
 8 person who requested those records; and

9 “(C) to ensure prompt compliance with  
 10 any request made under paragraph (1).

11 “(g) LIMITATION ON LIABILITY; PREEMPTION OF  
 12 STATE LAW.—

13 “(1) LIMITATION ON LIABILITY.—No action or  
 14 proceeding may be brought by or on behalf of an in-  
 15 dividual who has applied for or is seeking a position  
 16 with an air carrier as a pilot and who has signed a  
 17 release from liability, as provided for under para-  
 18 graph (2), against—

19 “(A) the air carrier requesting the records  
 20 of that individual under subsection (a)(1);

21 “(B) a person who has complied with such  
 22 request; or

23 “(C) an agent or employee of a person de-  
 24 scribed in subparagraph (A) or (B);

1 in the nature of an action for defamation, invasion  
 2 of privacy, negligence, interference with contract, or  
 3 otherwise, or under any Federal or State law with  
 4 respect to the furnishing or use of such records in  
 5 accordance with subsection (a).

6 “(2) PREEMPTION.—No State or political sub-  
 7 division thereof may enact, prescribe, issue, continue  
 8 in effect, or enforce any law (including any regula-  
 9 tion, standard, or other provision having the force  
 10 and effect of law) that prohibits, penalizes, or im-  
 11 poses liability for furnishing or using records in ac-  
 12 cordance with subsection (a).

13 “(3) PROVISION OF KNOWINGLY FALSE INFOR-  
 14 MATION.—Paragraphs (1) and (2) shall not apply  
 15 with respect to a person who furnishes information,  
 16 in response to a request made under subsection  
 17 (f)(1), that—

18 “(A) the person knows is false; and

19 “(B) was maintained in violation of a  
 20 criminal statute of the United States.”.

21 (b) CONFORMING AMENDMENT.—Section 30305(b)  
 22 of such title is amended—

23 (1) by redesignating paragraph (7) as para-  
 24 graph (8); and

1           (2) by inserting after paragraph (6) the follow-  
2       ing:

3           “(7) An individual who is seeking employment  
4       by an air carrier as a pilot may request the chief  
5       driver licensing official of a State to provide infor-  
6       mation about the individual under paragraph (2) to  
7       the prospective employer of the individual or to the  
8       Secretary of Transportation. Information may not be  
9       obtained from the National Driver Register under  
10      this subsection if the information was entered in the  
11      Register more than 5 years before the request unless  
12      the information is about a revocation or suspension  
13      still in effect on the date of the request.”.

14      (c) APPLICABILITY.—The amendments made by this  
15      section shall apply to any air carrier hiring an individual  
16      as a pilot whose application was first received by the car-  
17      rier on or after the 120th day after the date of enactment  
18      of this Act.

19      **SEC. 703. STUDY OF MINIMUM STANDARDS FOR PILOT**  
20                                   **QUALIFICATIONS.**

21      The Administrator shall appoint a task force consist-  
22      ing of appropriate representatives of the aviation industry  
23      to conduct a study directed toward the development of—

24           (1) standards and criteria for preemployment  
25      screening tests measuring the psychomotor coordina-

1       tion, general intellectual capacity, instrument and  
2       mechanical comprehension, and physical and mental  
3       fitness of an applicant for employment as a pilot by  
4       an air carrier; and

5           (2) standards and criteria for pilot training fa-  
6       cilities to be licensed by the Administrator and  
7       which will assure that pilots trained at such facilities  
8       meet the preemployment screening standards and  
9       criteria described in paragraph (1).