

***In the Senate of the United States,***

*September 25, 1998.*

*Resolved*, That the bill from the House of Representatives (H.R. 4057) entitled “An Act to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes.”, do pass with the following

**AMENDMENT:**

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE; TABLE OF SECTIONS.***

2       (a) *SHORT TITLE.*—*This Act may be cited as the*  
3 *“Wendell H. Ford National Air Transportation System Im-*  
4 *provement Act of 1998”.*

5       (b) *TABLE OF SECTIONS.*—*The table of sections for this*  
6 *Act is as follows:*

*Sec. 1. Short title; table of sections.*

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

***TITLE I—AUTHORIZATIONS***

*Sec. 101. Federal Aviation Administration operations.*

*Sec. 102. Air navigation facilities and equipment.*

*Sec. 103. Airport planning and development and noise compatibility planning  
and programs.*

*Sec. 104. Reprogramming notification requirement.*

- Sec. 105. Airport security program.*
- Sec. 106. Contract tower programs*
- Sec. 107. Automated surface observation system stations.*

#### *TITLE II—AIRPORT IMPROVEMENT PROGRAM AMENDMENTS*

- Sec. 201. Removal of the cap on discretionary fund.*
- Sec. 202. Innovative use of airport grant funds.*
- Sec. 203. Matching share.*
- Sec. 204. Increase in apportionment for noise compatibility planning and programs.*
- Sec. 205. Technical amendments.*
- Sec. 206. Repeal of period of applicability.*
- Sec. 207. Report on efforts to implement capacity enhancements.*
- Sec. 208. Prioritization of discretionary projects.*
- Sec. 209. Public notice before grant assurance requirement waived.*
- Sec. 210. Definition of public aircraft.*
- Sec. 211. Terminal development costs.*
- Sec. 212. Airfield pavement conditions.*
- Sec. 213. Discretionary grants.*

#### *TITLE III—AMENDMENTS TO AVIATION LAW*

- Sec. 301. Severable services contracts for periods crossing fiscal years.*
- Sec. 302. Foreign carriers eligible for waiver under Airport Noise and Capacity Act.*
- Sec. 303. Government and industry consortia.*
- Sec. 304. Implementation of Article 83 Bis of the Chicago Convention.*
- Sec. 305. Foreign aviation services authority.*
- Sec. 306. Flexibility to perform criminal history record checks; technical amendments to Pilot Records Improvement Act.*
- Sec. 307. Aviation insurance program amendments.*
- Sec. 308. Technical corrections to civil penalty provisions.*
- Sec. 309. Criminal penalty for pilots operating in air transportation without an airman's certificate.*
- Sec. 310. Nondiscriminatory interline interconnection requirements.*

#### *TITLE IV—TITLE 49 TECHNICAL CORRECTIONS*

- Sec. 401. Restatement of 49 U.S.C. 106(g).*
- Sec. 402. Restatement of 49 U.S.C. 44909.*

#### *TITLE V—MISCELLANEOUS*

- Sec. 501. Oversight of FAA response to year 2000 problem.*
- Sec. 502. Cargo collision avoidance systems deadline.*
- Sec. 503. Runway safety areas; precision approach path indicators.*
- Sec. 504. Airplane emergency locators.*
- Sec. 505. Counterfeit aircraft parts.*
- Sec. 506. FAA may fine unruly passengers.*
- Sec. 507. Higher standards for handicapped access.*
- Sec. 508. Conveyances of United States Government land.*
- Sec. 509. Flight operations quality assurance rules.*
- Sec. 510. Wide area augmentation system.*
- Sec. 511. Regulation of Alaska air guides.*
- Sec. 512. Application of FAA regulations.*
- Sec. 513. Human factors program.*

- Sec. 514. Independent validation of FAA costs and allocations.*  
*Sec. 515. Whistleblower protection for FAA employees.*  
*Sec. 516. Report on modernization of oceanic ATC system.*  
*Sec. 517. Report on air transportation oversight system.*  
*Sec. 518. Recycling of EIS.*  
*Sec. 519. Protection of employees providing air safety information.*  
*Sec. 520. Improvements to air navigation facilities.*  
*Sec. 521. Denial of airport access to certain air carriers.*  
*Sec. 522. Tourism.*  
*Sec. 523. Equivalency of FAA and EU safety standards.*  
*Sec. 524. Sense of the Senate on property taxes on public-use airports.*  
*Sec. 525. Federal Aviation Administration Personnel Management System.*  
*Sec. 526. Aircraft and aviation component repair and maintenance advisory panel.*  
*Sec. 527. Report on enhanced domestic airline competition.*  
*Sec. 528. Aircraft situational display data.*  
*Sec. 529. To express the sense of the Senate concerning a bilateral agreement between the United States and the United Kingdom regarding Charlotte-London route.*  
*Sec. 530. To express the sense of the Senate concerning a bilateral agreement between the United States and the United Kingdom regarding Cleveland-London route.*  
*Sec. 531. Allocation of Trust Fund funding.*  
*Sec. 532. Taos Pueblo and Blue Lakes Wilderness Area demonstration project.*  
*Sec. 533. Airline marketing disclosure.*  
*Sec. 534. Certain air traffic control towers.*  
*Sec. 535. Compensation under the Death on the High Seas Act.*

#### TITLE VI—AVIATION COMPETITION PROMOTION

- Sec. 601. Purpose.*  
*Sec. 602. Establishment of small community aviation development program.*  
*Sec. 603. Community-carrier air service program.*  
*Sec. 604. Authorization of appropriations.*  
*Sec. 605. Marketing practices.*  
*Sec. 606. Slot exemptions for nonstop regional jet service.*  
*Sec. 607. Exemptions to perimeter rule at Ronald Reagan Washington National Airport.*  
*Sec. 608. Additional slot exemptions at Chicago O'Hare International Airport.*  
*Sec. 609. Consumer notification of e-ticket expiration dates.*  
*Sec. 610. Joint venture agreements.*  
*Sec. 611. Regional air service incentive options.*  
*Sec. 612. GAO study of air transportation needs.*

#### TITLE VII—NATIONAL PARK OVERFLIGHTS

- Sec. 701. Findings.*  
*Sec. 702. Air tour management plans for national parks.*  
*Sec. 703. Advisory group.*  
*Sec. 704. Overflight fee report.*  
*Sec. 705. Prohibition of commercial air tours over the Rocky Mountain National Park.*

#### TITLE VIII—CENTENNIAL OF FLIGHT COMMEMORATION

- Sec. 801. Short title.*



1       2000. Of the amounts authorized to be appropriated  
2       for fiscal year 1999, not more than \$9,100,000 shall  
3       be used to support air safety efforts through payment  
4       of United States membership obligations, to be paid  
5       as soon as practicable.

6               “(2) *AUTHORIZED EXPENDITURES.*—Of the  
7       amounts appropriated under paragraph (1) \$450,000  
8       may be used for wildlife hazard mitigation measures  
9       and management of the wildlife strike database of the  
10       Federal Aviation Administration.

11               “(3) *UNIVERSITY CONSORTIUM.*—There are au-  
12       thorized to be appropriated not more than \$9,100,000  
13       for the 3 fiscal year period beginning with fiscal year  
14       1999 to support a university consortium established  
15       to provide an air safety and security management  
16       certificate program, working cooperatively with the  
17       Federal Aviation Administration and United States  
18       air carriers. Funds authorized under this para-  
19       graph—

20                       “(A) may not be used for the construction  
21                       of a building or other facility; and

22                       “(B) shall be awarded on the basis of open  
23                       competition.”.

24       (b) *COORDINATION.*—The authority granted the Sec-  
25       retary under section 41717 of title 49, United States Code,

1 *does not affect the Secretary's authority under any other*  
2 *provision of law.*

3 **SEC. 102. AIR NAVIGATION FACILITIES AND EQUIPMENT.**

4 (a) *IN GENERAL.*—Section 48101(a) is amended by  
5 *striking paragraphs (1) and (2) and inserting the following:*

6 “(1) *for fiscal year 1999—*

7 “(A) *\$222,800,000 for engineering, develop-*  
8 *ment, test, and evaluation: en route programs;*

9 “(B) *\$74,700,000 for engineering, develop-*  
10 *ment, test, and evaluation: terminal programs;*

11 “(C) *\$108,000,000 for engineering, develop-*  
12 *ment, test, and evaluation: landing and naviga-*  
13 *tional aids;*

14 “(D) *\$17,790,000 for engineering, develop-*  
15 *ment, test, and evaluation: research, test, and*  
16 *evaluation equipment and facilities programs;*

17 “(E) *\$391,358,300 for air traffic control fa-*  
18 *cilities and equipment: en route programs;*

19 “(F) *\$492,315,500 for air traffic control fa-*  
20 *cilities and equipment: terminal programs;*

21 “(G) *\$38,764,400 for air traffic control fa-*  
22 *cilities and equipment: flight services programs;*

23 “(H) *\$50,500,000 for air traffic control fa-*  
24 *cilities and equipment: other ATC facilities pro-*  
25 *grams;*

1           “(I) \$162,400,000 for non-ATC facilities  
2           and equipment programs;

3           “(J) \$14,500,000 for training and equip-  
4           ment facilities programs;

5           “(K) \$280,800,000 for mission support pro-  
6           grams;

7           “(L) \$235,210,000 for personnel and related  
8           expenses; and

9           “(2) \$2,189,000,000 for fiscal year 2000.”.

10       (b) *CONTINUATION OF ILS INVENTORY PROGRAM.*—

11       Section 44502(a)(4)(B) is amended—

12           (1) by striking “fiscal years 1995 and 1996” and  
13           inserting “fiscal years 1999 and 2000”; and

14           (2) by striking “acquisition,” and inserting “ac-  
15           quisition under new or existing contracts,”.

16       (c) *LIFE-CYCLE COST ESTIMATES.*—The Adminis-  
17       trator of the Federal Aviation Administration shall estab-  
18       lish life-cycle cost estimates for any air traffic control mod-  
19       ernization project the total life-cycle costs of which equal  
20       or exceed \$50,000,000.

21       **SEC. 103. AIRPORT PLANNING AND DEVELOPMENT AND**  
22                               **NOISE COMPATIBILITY PLANNING AND PRO-**  
23                               **GRAMS.**

24       (a) *EXTENSION AND AUTHORIZATION.*—Section 48103  
25       is amended by—

1           (1) striking “September 30, 1996,” and inserting  
2           “September 30, 1998,”; and

3           (2) striking “\$2,280,000,000 for fiscal years end-  
4           ing before October 1, 1997, and \$4,627,000,000 for fis-  
5           cal years ending before October 1, 1998.” and insert-  
6           ing “\$2,410,000,000 for fiscal years ending before Oc-  
7           tober 1, 1999 and \$4,885,000,000 for fiscal years end-  
8           ing before October 1, 2000.”.

9           (b) *PROJECT GRANT AUTHORITY*.—Section 47104(c) is  
10          amended by striking “1998,” and inserting “2002,”.

11          **SEC. 104. REPROGRAMMING NOTIFICATION REQUIREMENT.**

12          *Before reprogramming any amounts appropriated*  
13          *under section 106(k), 48101(a), or 48103 of title 49, United*  
14          *States Code, for which notification of the Committees on*  
15          *Appropriations of the Senate and the House of Representa-*  
16          *tives is required, the Secretary of Transportation shall sub-*  
17          *mit a written explanation of the proposed reprogramming*  
18          *to the Committee on Commerce, Science, and Transpor-*  
19          *tation of the Senate and the Committee on Transportation*  
20          *and Infrastructure of the House of Representatives.*

21          **SEC. 105. AIRPORT SECURITY PROGRAM.**

22          (a) *IN GENERAL*.—Chapter 471 (as amended by sec-  
23          tion 202(a) of this Act) is amended by adding at the end  
24          thereof the following new section:



1 **“§47136. Airport security program**

2       “(a) *GENERAL AUTHORITY.*—To improve security at  
3 public airports in the United States, the Secretary of  
4 Transportation shall carry out not less than 1 project to  
5 test and evaluate innovative airport security systems and  
6 related technology.

7       “(b) *PRIORITY.*—In carrying out this section, the Sec-  
8 retary shall give the highest priority to a request from an  
9 eligible sponsor for a grant to undertake a project that—

10               “(1) evaluates and tests the benefits of innovative  
11 airport security systems or related technology, includ-  
12 ing explosives detection systems, for the purpose of  
13 improving airport and aircraft physical security and  
14 access control; and

15               “(2) provides testing and evaluation of airport  
16 security systems and technology in an operational,  
17 test bed environment.

18       “(c) *MATCHING SHARE.*—Notwithstanding section  
19 47109, the United States Government’s share of allowable  
20 project costs for a project under this section is 100 percent.

21       “(d) *TERMS AND CONDITIONS.*—The Secretary may es-  
22 tablish such terms and conditions as the Secretary deter-  
23 mines appropriate for carrying out a project under this sec-  
24 tion, including terms and conditions relating to the form  
25 and content of a proposal for a project, project assurances,  
26 and schedule of payments.

1       “(e) *ELIGIBLE SPONSOR DEFINED.*—*In this section,*  
2 *the term ‘eligible sponsor’ means a nonprofit corporation*  
3 *composed of a consortium of public and private persons,*  
4 *including a sponsor of a primary airport, with the nec-*  
5 *essary engineering and technical expertise to successfully*  
6 *conduct the testing and evaluation of airport and aircraft*  
7 *related security systems.*

8       “(f) *AUTHORIZATION OF APPROPRIATIONS.*—*Of the*  
9 *amounts made available to the Secretary under section*  
10 *47115 in a fiscal year, the Secretary shall make available*  
11 *not less than \$5,000,000 for the purpose of carrying out*  
12 *this section.”.*

13       “(b) *CONFORMING AMENDMENT.*—*The chapter analysis*  
14 *for such chapter (as amended by section 202(b) of this Act)*  
15 *is amended by inserting after the item relating to section*  
16 *47135 the following:*

      “47136. *Airport security program.*”.

17 **SEC. 106. CONTRACT TOWER PROGRAM.**

18       *There are authorized to be appropriated to the Sec-*  
19 *retary of Transportation such sums as may be necessary*  
20 *to carry out the Federal Contract Tower Program under*  
21 *title 49, United States Code.*

1 **SEC. 107. AUTOMATED SURFACE OBSERVATION SYSTEM**  
2 **STATIONS.**

3 *The Administrator of the Federal Aviation Adminis-*  
4 *tration shall not terminate human weather observers for*  
5 *Automated Surface Observation System stations until—*

6 *(1) the Secretary of Transportation determines*  
7 *that the System provides consistent reporting of*  
8 *changing meteorological conditions and notifies the*  
9 *Congress in writing of that determination; and*

10 *(2) 60 days have passed since the report was*  
11 *submitted to the Congress.*

12 **TITLE II—AIRPORT IMPROVE-**  
13 **MENT PROGRAM AMEND-**  
14 **MENTS**

15 **SEC. 201. REMOVAL OF THE CAP ON DISCRETIONARY FUND.**

16 *Section 47115(g) is amended by striking paragraph*  
17 *(4).*

18 **SEC. 202. INNOVATIVE USE OF AIRPORT GRANT FUNDS.**

19 *(a) CODIFICATION AND IMPROVEMENT OF 1996 PRO-*  
20 *GRAM.—Subchapter I of chapter 471 is amended by adding*  
21 *at the end thereof the following:*

22 **“§47135. Innovative financing techniques**

23 *“(a) IN GENERAL.—The Secretary of Transportation*  
24 *is authorized to carry out a demonstration program under*  
25 *which the Secretary may approve applications under this*  
26 *subchapter for not more than 20 projects for which grants*

1 *received under the subchapter may be used to implement*  
2 *innovative financing techniques.*

3       “(b) *PURPOSE.*—*The purpose of the demonstration*  
4 *program shall be to provide information on the use of inno-*  
5 *vative financing techniques for airport development*  
6 *projects.*

7       “(c) *LIMITATION.*—*In no case shall the implementation*  
8 *of an innovative financing technique under this section be*  
9 *used in a manner giving rise to a direct or indirect guaran-*  
10 *tee of any airport debt instrument by the United States*  
11 *Government.*

12       “(d) *INNOVATIVE FINANCING TECHNIQUE DEFINED.*—  
13 *In this section, the term ‘innovative financing technique’*  
14 *includes methods of financing projects that the Secretary*  
15 *determines may be beneficial to airport development, in-*  
16 *cluding—*

17               “(1) *payment of interest;*

18               “(2) *commercial bond insurance and other credit*  
19 *enhancement associated with airport bonds for eligible*  
20 *airport development; and*

21               “(3) *flexible non-Federal matching require-*  
22 *ments.*”.

23       “(b) *CONFORMING AMENDMENT.*—*The chapter analysis*  
24 *for chapter 471 is amended by inserting after the item relat-*  
25 *ing to section 47134 the following:*

“47135. *Innovative financing techniques.*”.

1 **SEC. 203. MATCHING SHARE.**

2 *Section 47109(a)(2) is amended by inserting “not*  
3 *more than” before “90 percent”.*

4 **SEC. 204. INCREASE IN APPORTIONMENT FOR NOISE COM-**  
5 **PATIBILITY PLANNING AND PROGRAMS.**

6 *Section 47117(e)(1)(A) is amended by striking “31”*  
7 *each time it appears and substituting “35”.*

8 **SEC. 205. TECHNICAL AMENDMENTS.**

9 *(a) USE OF APPORTIONMENTS FOR ALASKA, PUERTO*  
10 *RICO, AND HAWAII.—Section 47114(d)(3) is amended to*  
11 *read as follows:*

12 *“(3) An amount apportioned under paragraph*  
13 *(2) of this subsection for airports in Alaska, Hawaii,*  
14 *or Puerto Rico may be made available by the Sec-*  
15 *retary for any public airport in those respective juris-*  
16 *dictions.”.*

17 *(b) SUPPLEMENTAL APPORTIONMENT FOR ALASKA.—*  
18 *Section 47114(e) is amended—*

19 *(1) by striking “ALTERNATIVE” in the subsection*  
20 *caption and inserting “SUPPLEMENTAL”;*

21 *(2) in paragraph (1) by—*

22 *(A) striking “Instead of apportioning*  
23 *amounts for airports in Alaska under” and in-*  
24 *serting “Notwithstanding”; and*

25 *(B) striking “those airports” and inserting*  
26 *“airports in Alaska”; and*

1           (3) striking paragraph (3) and inserting the fol-  
2           lowing:

3           “(3) An amount apportioned under this sub-  
4           section may be used for any public airport in Alas-  
5           ka.”.

6           (c) *REPEAL OF APPORTIONMENT LIMITATION ON COM-*  
7           *MERCIAL SERVICE AIRPORTS IN ALASKA.*—Section 47117  
8           is amended by striking subsection (f) and redesignating sub-  
9           sections (g) and (h) as subsections (f) and (g), respectively.

10          (d) *DISCRETIONARY FUND DEFINITION.*—

11           (1) Section 47115 is amended—

12                   (A) by striking “25” in subsection (a) and  
13                   inserting “12.5”; and

14                   (B) by striking the second sentence in sub-  
15                   section (b).

16           (2) Section 47116 is amended—

17                   (A) by striking “75” in subsection (a) and  
18                   inserting “87.5”;

19                   (B) by redesignating paragraphs (1) and  
20                   (2) in subsection (b) as subparagraphs (A) and  
21                   (B), respectively, and inserting before subpara-  
22                   graph (A), as so redesignated, the following:

23                   “(1) one-seventh for grants for projects at small  
24                   hub airports (as defined in section 41731 of this  
25                   title); and

1           “(2) the remaining amounts based on the follow-  
2           ing.”.

3           (e) *CONTINUATION OF PROJECT FUNDING.*—Section  
4 47108 is amended by adding at the end thereof the follow-  
5 ing:

6           “(e) *CHANGE IN AIRPORT STATUS.*—If the status of  
7 a primary airport changes to a nonprimary airport at a  
8 time when a development project under a multiyear agree-  
9 ment under subsection (a) is not yet completed, the project  
10 shall remain eligible for funding from discretionary funds  
11 under section 47115 of this title at the funding level and  
12 under the terms provided by the agreement, subject to the  
13 availability of funds.”.

14           (f) *GRANT ELIGIBILITY FOR PRIVATE RELIEVER AIR-*  
15 *PORTS.*—Section 47102(17)(B) is amended by—

16           (1) striking “or” at the end of clause (i) and re-  
17           designating clause (ii) as clause (iii); and

18           (2) inserting after clause (i) the following:

19                           “(ii) a privately-owned airport that, as  
20                           a reliever airport, received Federal aid for  
21                           airport development prior to October 9,  
22                           1996, but only if the Administrator issues  
23                           revised administrative guidance after July  
24                           1, 1998, for the designation of reliever air-  
25                           ports; or”.

1           (g) *RELIEVER AIRPORTS NOT ELIGIBLE FOR LETTERS*  
2 *OF INTENT.*—Section 47110(e)(1) is amended by striking  
3 “or reliever”.

4           (h) *PASSENGER FACILITY FEE WAIVER FOR CERTAIN*  
5 *CLASS OF CARRIERS.*—Section 40117(e)(2) is amended—

6           (1) by striking “and” after the semicolon in sub-  
7 paragraph (B);

8           (2) by striking “payment.” in subparagraph (C)  
9 and inserting “payment; and”; and

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

11                   “(D) in Alaska aboard an aircraft having a  
12 seating capacity of less than 20 passengers.”.

13           (i) *PASSENGER FACILITY FEE WAIVER FOR CERTAIN*  
14 *CLASS OF CARRIERS OR FOR SERVICE TO AIRPORTS IN ISO-*  
15 *LATED COMMUNITIES.*—Section 40117(i) is amended—

16           (1) by striking “and” at the end of paragraph  
17 (1);

18           (2) by striking “transportation.” in paragraph  
19 (2)(D) and inserting “transportation; and”; and

20           (3) by adding at the end thereof the following:

21                   “(3) may permit a public agency to request that  
22 collection of a passenger facility fee be waived for—

23                           “(A) passengers enplaned by any class of  
24 air carrier or foreign air carrier if the number  
25 of passengers enplaned by the carriers in the



1           *class constitutes not more than one percent of the*  
 2           *total number of passengers enplaned annually at*  
 3           *the airport at which the fee is imposed; or*

4                   “(B) *passengers enplaned on a flight to an*  
 5           *airport—*

6                           “(i) *that has fewer than 2,500 pas-*  
 7                           *senger boardings each year and receives*  
 8                           *scheduled passenger service; or*

9                           “(ii) *in a community which has a pop-*  
 10                           *ulation of less than 10,000 and is not con-*  
 11                           *ected by a land highway or vehicular way*  
 12                           *to the land-connected National Highway*  
 13                           *System within a State.”.*

14           (j) *USE OF THE WORD “GIFT” AND PRIORITY FOR AIR-*  
 15           *PORTS IN SURPLUS PROPERTY DISPOSAL.—*

16                   (1) *Section 47151 is amended—*

17                           (A) *by striking “give” in subsection (a) and*  
 18                           *inserting “convey to”;*

19                           (B) *by striking “gift” in subsection (a)(2)*  
 20                           *and inserting “conveyance”;*

21                           (C) *by striking “giving” in subsection (b)*  
 22                           *and inserting “conveying”;*

23                           (D) *by striking “gift” in subsection (b) and*  
 24                           *inserting “conveyance”; and*

1                   (E) by adding at the end thereof the follow-  
2                   ing:

3                   “(d) *PRIORITY FOR PUBLIC AIRPORTS.*—*Except for re-*  
4 *quests from another Federal agency, a department, agency,*  
5 *or instrumentality of the Executive Branch of the United*  
6 *States Government shall give priority to a request by a pub-*  
7 *lic agency (as defined in section 47102 of this title) for sur-*  
8 *plus property described in subsection (a) of this section for*  
9 *use at a public airport.”.*

10                  (2) *Section 47152 is amended—*

11                   (A) by striking “**gifts**” in the section cap-  
12                   tion and inserting “**conveyances**”; and

13                   (B) by striking “gift” in the first sentence  
14                   and inserting “conveyance”.

15                  (3) *The chapter analysis for chapter 471 is*  
16 *amended by striking the item relating to section*  
17 *47152 and inserting the following:*

“47152. *Terms of conveyances.*”.

18                  (4) *Section 47153(a) is amended—*

19                   (A) by striking “gift” in paragraph (1) and  
20                   inserting “conveyance”;

21                   (B) by striking “given” in paragraph  
22                   (1)(A) and inserting “conveyed”; and

23                   (C) by striking “gift” in paragraph (1)(B)  
24                   and inserting “conveyance”.

1       (k) *APPORTIONMENT FOR CARGO ONLY AIRPORTS.*—  
2       Section 47114(c)(2)(A) is amended by striking “2.5 per-  
3       cent” and inserting “3 percent”.

4       (l) *FLEXIBILITY IN PAVEMENT DESIGN STANDARDS.*—  
5       Section 47114(d) is amended by adding at the end thereof  
6       the following:

7               “(4) The Secretary may permit the use of State  
8       highway specifications for airfield pavement construc-  
9       tion using funds made available under this subsection  
10      at nonprimary airports with runways of 5,000 feet or  
11      shorter serving aircraft that do not exceed 60,000  
12      pounds gross weight, if the Secretary determines  
13      that—

14              “(A) safety will not be negatively affected;  
15              and

16              “(B) the life of the pavement will not be  
17              shorter than it would be if constructed using Ad-  
18              ministration standards.

19      An airport may not seek funds under this subchapter  
20      for runway rehabilitation or reconstruction of any  
21      such airfield pavement constructed using State high-  
22      way specifications for a period of 10 years after con-  
23      struction is completed.”.

1 **SEC. 206. REPEAL OF PERIOD OF APPLICABILITY.**

2 *Section 125 of the Federal Aviation Reauthorization*  
3 *Act of 1996 (49 U.S.C. 47114 note) is repealed.*

4 **SEC. 207. REPORT ON EFFORTS TO IMPLEMENT CAPACITY**  
5 **ENHANCEMENTS.**

6 *Within 9 months after the date of enactment of this*  
7 *Act, the Secretary of Transportation shall report to the*  
8 *Committee on Commerce, Science, and Transportation of*  
9 *the Senate and the Committee on Transportation and In-*  
10 *frastructure of the House of Representatives on efforts by*  
11 *the Federal Aviation Administration to implement capacity*  
12 *enhancements and improvements, such as precision runway*  
13 *monitoring systems, and the time frame for implementation*  
14 *of such enhancements and improvements.*

15 **SEC. 208. PRIORITIZATION OF DISCRETIONARY PROJECTS.**

16 *Section 47120 is amended by—*

17 *(1) inserting “(a) IN GENERAL.—” before “In”;*

18 *and*

19 *(2) adding at the end thereof the following:*

20 *“(b) DISCRETIONARY FUNDING TO BE USED FOR*  
21 *HIGHER PRIORITY PROJECTS.—The Administrator of the*  
22 *Federal Aviation Administration shall discourage airport*  
23 *sponsors and airports from using entitlement funds for*  
24 *lower priority projects by giving lower priority to discre-*  
25 *tionary projects submitted by airport sponsors and airports*  
26 *that have used entitlement funds for projects that have a*

1 *lower priority than the projects for which discretionary*  
2 *funds are being requested.”.*

3 **SEC. 209. PUBLIC NOTICE BEFORE GRANT ASSURANCE RE-**  
4 **QUIREMENT WAIVED.**

5 (a) *IN GENERAL.*—*Notwithstanding any other provi-*  
6 *sion of law to the contrary, the Secretary of Transportation*  
7 *may not waive any assurance required under section 47107*  
8 *of title 49, United States Code, that requires property to*  
9 *be used for aeronautical purposes unless the Secretary pro-*  
10 *vides notice to the public not less than 30 days before*  
11 *issuing any such waiver. Nothing in this section shall be*  
12 *construed to authorize the Secretary to issue a waiver of*  
13 *any assurance required under that section.*

14 (b) *EFFECTIVE DATE.*—*This section applies to any re-*  
15 *quest filed on or after the date of enactment of this Act.*

16 **SEC. 210. DEFINITION OF PUBLIC AIRCRAFT.**

17 *Section 40102(a)(37)(B)(ii) is amended—*

18 (1) *by striking “or” at the end of subclause (I);*

19 (2) *by striking the “States.” in subclause (II)*  
20 *and inserting “States; or”; and*

21 (3) *by adding at the end thereof the following:*

22 (III) *transporting persons*  
23 *aboard the aircraft if the aircraft is*  
24 *operated for the purpose of prisoner*  
25 *transport.”.*

1 **SEC. 211. TERMINAL DEVELOPMENT COSTS.**

2 *Section 40117 is amended by adding at the end thereof*  
3 *the following:*

4 *“(j) SHELL OF TERMINAL BUILDING.—In order to en-*  
5 *able additional air service by an air carrier with less than*  
6 *50 percent of the scheduled passenger traffic at an airport,*  
7 *the Secretary may consider the shell of a terminal building*  
8 *(including heating, ventilation, and air conditioning) and*  
9 *aircraft fueling facilities adjacent to an airport terminal*  
10 *building to be an eligible airport-related project under sub-*  
11 *section (a)(3)(E).”.*

12 **SEC. 212. AIRFIELD PAVEMENT CONDITIONS.**

13 *(a) EVALUATION OF OPTIONS.—The Administrator of*  
14 *the Federal Aviation Administration shall evaluate options*  
15 *for improving the quality of information available to the*  
16 *Administration on airfield pavement conditions for air-*  
17 *ports that are part of the national air transportation sys-*  
18 *tem, including—*

19 *(1) improving the existing runway condition in-*  
20 *formation contained in the Airport Safety Data Pro-*  
21 *gram by reviewing and revising rating criteria and*  
22 *providing increased training for inspectors;*

23 *(2) requiring such airports to submit pavement*  
24 *condition index information as part of their airport*  
25 *master plan or as support in applications for airport*  
26 *improvement grants; and*

1           (3) *requiring all such airports to submit pave-*  
2           *ment condition index information on a regular basis*  
3           *and using this information to create a pavement con-*  
4           *dition database that could be used in evaluating the*  
5           *cost-effectiveness of project applications and forecast-*  
6           *ing anticipated pavement needs.*

7           (b) *REPORT TO CONGRESS.—The Administrator shall*  
8           *transmit a report, containing an evaluation of such options,*  
9           *to the Senate Committee on Commerce, Science, and Trans-*  
10          *portation and the House of Representatives Committee on*  
11          *Transportation and Infrastructure not later than 12*  
12          *months after the date of enactment of this Act.*

13          **SEC. 213. DISCRETIONARY GRANTS.**

14          *Notwithstanding any limitation on the amount of*  
15          *funds that may be expended for grants for noise abatement,*  
16          *if any funds made available under section 48103 of title*  
17          *49, United States Code, remain available at the end of the*  
18          *fiscal year for which those funds were made available, and*  
19          *are not allocated under section 47115 of that title, or under*  
20          *any other provision relating to the awarding of discre-*  
21          *tionary grants from unobligated funds made available*  
22          *under section 48103 of that title, the Secretary of Transpor-*  
23          *tation may use those funds to make discretionary grants*  
24          *for noise abatement activities.*

1           **TITLE III—AMENDMENTS TO**  
2                                   **AVIATION LAW**

3   **SEC. 301. SEVERABLE SERVICES CONTRACTS FOR PERIODS**  
4                                   **CROSSING FISCAL YEARS.**

5           (a) Chapter 401 is amended by adding at the end  
6 thereof the following:

7   **“§40125. Severable services contracts for periods**  
8                                   **crossing fiscal years**

9           “(a) *IN GENERAL.*—The Administrator of the Federal  
10 Aviation Administration may enter into a contract for pro-  
11 curement of severable services for a period that begins in  
12 one fiscal year and ends in the next fiscal year if (without  
13 regard to any option to extend the period of the contract)  
14 the contract period does not exceed one year.

15           “(b) *OBLIGATION OF FUNDS.*—Funds made available  
16 for a fiscal year may be obligated for the total amount of  
17 a contract entered into under the authority of subsection  
18 (a) of this section.”.

19           (b) *CONFORMING AMENDMENT.*—The chapter analysis  
20 for chapter 401 is amended by adding at the end thereof  
21 the following:

“40125. Severable services contracts for periods crossing fiscal years.”.



1 **SEC. 302. FOREIGN CARRIERS ELIGIBLE FOR WAIVER**  
2 **UNDER AIRPORT NOISE AND CAPACITY ACT.**

3 *The first sentence of section 47528(b)(1) is amended*  
4 *by inserting “or foreign air carrier” after “air carrier” the*  
5 *first place it appears and after “carrier” the first place it*  
6 *appears.*

7 **SEC. 303. GOVERNMENT AND INDUSTRY CONSORTIA.**

8 *Section 44903 is amended by adding at the end thereof*  
9 *the following:*

10 *“(f) GOVERNMENT AND INDUSTRY CONSORTIA.—The*  
11 *Administrator may establish at airports such consortia of*  
12 *government and aviation industry representatives as the*  
13 *Administrator may designate to provide advice on matters*  
14 *related to aviation security and safety. Such consortia shall*  
15 *not be considered federal advisory committees for purposes*  
16 *of the Federal Advisory Committee Act (5 U.S.C. App.).”.*

17 **SEC. 304. IMPLEMENTATION OF ARTICLE 83 BIS OF THE**  
18 **CHICAGO CONVENTION.**

19 *Section 44701 is amended—*

20 *(1) by redesignating subsection (e) as subsection*  
21 *(f); and*

22 *(2) by inserting after subsection (d) the follow-*  
23 *ing:*

24 *“(e) BILATERAL EXCHANGES OF SAFETY OVERSIGHT*  
25 *RESPONSIBILITIES.—*

1           “(1) Notwithstanding the provisions of this chap-  
2           ter, and pursuant to Article 83 bis of the Convention  
3           on International Civil Aviation, the Administrator  
4           may, by a bilateral agreement with the aeronautical  
5           authorities of another country, exchange with that  
6           country all or part of their respective functions and  
7           duties with respect to aircraft described in subpara-  
8           graphs (A) and (B), under the following articles of the  
9           Convention:

10                   “(A) Article 12 (Rules of the Air).

11                   “(B) Article 31 (Certificates of Airworthi-  
12           ness).

13                   “(C) Article 32a (Licenses of Personnel).

14           “(2) The agreement under paragraph (1) may apply  
15           to—

16                   “(A) aircraft registered in the United States  
17           operated pursuant to an agreement for the lease,  
18           charter, or interchange of the aircraft or any  
19           similar arrangement by an operator that has its  
20           principal place of business, or, if it has no such  
21           place of business, its permanent residence, in an-  
22           other country; or

23                   “(B) aircraft registered in a foreign country  
24           operated under an agreement for the lease, char-  
25           ter, or interchange of the aircraft or any similar

1           *arrangement by an operator that has its prin-*  
2           *cipal place of business, or, if it has no such place*  
3           *of business, its permanent residence, in the*  
4           *United States.*

5           “(3) *The Administrator relinquishes responsibil-*  
6           *ity with respect to the functions and duties trans-*  
7           *ferred by the Administrator as specified in the bilat-*  
8           *eral agreement, under the Articles listed in paragraph*  
9           *(1) of this subsection for United States-registered air-*  
10          *craft transferred abroad as described in subparagraph*  
11          *(A) of that paragraph, and accepts responsibility*  
12          *with respect to the functions and duties under those*  
13          *Articles for aircraft registered abroad that are trans-*  
14          *ferred to the United States as described in subpara-*  
15          *graph (B) of that paragraph.*

16          “(4) *The Administrator may, in the agreement*  
17          *under paragraph (1), predicate the transfer of these*  
18          *functions and duties on any conditions the Adminis-*  
19          *trator deems necessary and prudent.”.*

20   **SEC. 305. FOREIGN AVIATION SERVICES AUTHORITY.**

21          *Section 45301 is amended by striking “government.”*  
22          *in subsection (a)(2) and inserting “government or to any*  
23          *entity obtaining services outside the United States.”.*

1 **SEC. 306. FLEXIBILITY TO PERFORM CRIMINAL HISTORY**  
2 **RECORD CHECKS; TECHNICAL AMENDMENTS**  
3 **TO PILOT RECORDS IMPROVEMENT ACT.**

4 *Section 44936 is amended—*

5 (1) *by striking “subparagraph (C)” in sub-*  
6 *section (a)(1)(B) and inserting “subparagraph (C), or*  
7 *in the case of passenger, baggage, or property screen-*  
8 *ing at airports, the Administrator decides it is nec-*  
9 *essary to ensure air transportation security)”;*

10 (2) *by striking “individual” in subsection*  
11 *(f)(1)(B)(ii) and inserting “individual’s performance*  
12 *as a pilot”;* and

13 (3) *by inserting “or from a foreign government*  
14 *or entity that employed the individual,” in subsection*  
15 *(f)(14)(B) after “exists,”.*

16 **SEC. 307. AVIATION INSURANCE PROGRAM AMENDMENTS.**

17 (a) **REIMBURSEMENT OF INSURED PARTY’S**  
18 **SUBROGEE.**—*Subsection (a) of 44309 is amended—*

19 (1) *by striking the subsection caption and the*  
20 *first sentence, and inserting the following:*

21 *“(a) LOSSES.—*

22 *“(1) A person may bring a civil action in a dis-*  
23 *trict court of the United States or in the United*  
24 *States Court of Federal Claims against the United*  
25 *States Government when—*



1           (1) by striking “46302, 46303, or” in subsection  
2           (a)(1)(A);

3           (2) by striking “individual” the first time it ap-  
4           pears in subsection (d)(7)(A) and inserting “person”;  
5           and

6           (3) by inserting “or the Administrator” in sub-  
7           section (g) after “Secretary”.

8   **SEC. 309. CRIMINAL PENALTY FOR PILOTS OPERATING IN**  
9                           **AIR TRANSPORTATION WITHOUT AN AIR-**  
10                           **MAN’S CERTIFICATE.**

11           (a) *IN GENERAL.*—Chapter 463 of title 49, United  
12   States Code, is amended by adding at the end the following:

13   **“§46317. Criminal penalty for pilots operating in air**  
14                           **transportation without an airman’s cer-**  
15                           **tificate**

16           “(a) *APPLICATION.*—This section applies only to air-  
17   craft used to provide air transportation.

18           “(b) *GENERAL CRIMINAL PENALTY.*—An individual  
19   shall be fined under title 18, imprisoned for not more than  
20   3 years, or both, if that individual—

21           “(1) knowingly and willfully serves or attempts  
22           to serve in any capacity as an airman without an  
23           airman’s certificate authorizing the individual to  
24           serve in that capacity; or

1           “(2) knowingly and willfully employs for service  
2           or uses in any capacity as an airman an individual  
3           who does not have an airman’s certificate authorizing  
4           the individual to serve in that capacity.

5           “(c) CONTROLLED SUBSTANCE CRIMINAL PENALTY.—  
6           (1) In this subsection, the term ‘controlled substance’ has  
7           the same meaning given that term in section 102 of the  
8           Comprehensive Drug Abuse Prevention and Control Act of  
9           1970 (21 U.S.C. 802).

10          “(2) An individual violating subsection (b) shall be  
11          fined under title 18, imprisoned for not more than 5 years,  
12          or both, if the violation is related to transporting a con-  
13          trolled substance by aircraft or aiding or facilitating a con-  
14          trolled substance violation and that transporting, aiding,  
15          or facilitating—

16                 “(A) is punishable by death or imprisonment of  
17                 more than 1 year under a Federal or State law; or

18                 “(B) is related to an act punishable by death or  
19                 imprisonment for more than 1 year under a Federal  
20                 or State law related to a controlled substance (except  
21                 a law related to simple possession (as that term is  
22                 used in section 46306(c)) of a controlled substance).

23          “(3) A term of imprisonment imposed under para-  
24          graph (2) shall be served in addition to, and not concur-

1 *rently with, any other term of imprisonment imposed on*  
 2 *the individual subject to the imprisonment.”.*

3       (b) *CLERICAL AMENDMENT.—The table of sections at*  
 4 *the beginning of chapter 463 of title 49, United States Code,*  
 5 *is amended by adding at the end the following:*

*“46317. Criminal penalty for pilots operating in air transportation without an  
 airman’s certificate.”.*

6 **SEC. 310. NONDISCRIMINATORY INTERLINE INTERCONNEC-**  
 7 **TION REQUIREMENTS.**

8       (a) *IN GENERAL.—Subchapter I of chapter 417 of title*  
 9 *49, United States Code, is amended by adding at the end*  
 10 *thereof the following:*

11 **“§41716. Interline agreements for domestic transpor-**  
 12 **tation**

13       “(a) *NONDISCRIMINATORY REQUIREMENTS.—If a*  
 14 *major air carrier that provides air service to an essential*  
 15 *airport facility has any agreement involving ticketing, bag-*  
 16 *gage and ground handling, and terminal and gate access*  
 17 *with another carrier, it shall provide the same services to*  
 18 *any requesting air carrier that offers service to a commu-*  
 19 *nity selected for participation in the program under section*  
 20 *41743 under similar terms and conditions and on a non-*  
 21 *discriminatory basis within 30 days after receiving the re-*  
 22 *quest, as long as the requesting air carrier meets such safe-*  
 23 *ty, service, financial, and maintenance requirements, if*  
 24 *any, as the Secretary may by regulation establish consistent*





1 and inserting “40113(a), (c)–(e), 40114(a), and 40119, and  
2 chapter 445 (except sections 44501(b), 44502(a)(2)–(4),  
3 44503, 44506, 44509, 44510, 44514, and 44515), chapter  
4 447 (except sections 44717, 44718(a) and (b), 44719, 44720,  
5 44721(b), 44722, and 44723), chapter 449 (except sections  
6 44903(d), 44904, 44905, 44907–44911, 44913, 44915, and  
7 44931–44934), chapter 451, chapter 453, sections”.

8 (b) *TECHNICAL CORRECTION.*—*The amendment made*  
9 *by this section may not be construed as making a sub-*  
10 *stantive change in the language replaced.*

11 **SEC. 402. RESTATEMENT OF 49 U.S.C. 44909.**

12 Section 44909(a)(2) is amended by striking “shall”  
13 and inserting “should”.

## 14 **TITLE V—MISCELLANEOUS**

15 **SEC. 501. OVERSIGHT OF FAA RESPONSE TO YEAR 2000**

16 **PROBLEM.**

17 *The Administrator of the Federal Aviation Adminis-*  
18 *tration shall report to the Senate Committee on Commerce,*  
19 *Science, and Transportation and the House Committee on*  
20 *Transportation and Infrastructure every 3 months, in oral*  
21 *or written form, on electronic data processing problems as-*  
22 *sociated with the year 2000 within the Administration.*

1 **SEC. 502. CARGO COLLISION AVOIDANCE SYSTEMS DEAD-**  
2 **LINE.**

3 (a) *IN GENERAL.*—*The Administrator of the Federal*  
4 *Aviation Administration shall require by regulation that,*  
5 *not later than December 31, 2002, collision avoidance*  
6 *equipment be installed on each cargo aircraft with a pay-*  
7 *load capacity of 15,000 kilograms or more.*

8 (b) *EXTENSION.*—*The Administrator may extend the*  
9 *deadline imposed by subsection (a) for not more than 2*  
10 *years if the Administrator finds that the extension is needed*  
11 *to promote—*

12 (1) *a safe and orderly transition to the operation*  
13 *of a fleet of cargo aircraft equipped with collision*  
14 *avoidance equipment; or*

15 (2) *other safety or public interest objectives.*

16 (c) *COLLISION AVOIDANCE EQUIPMENT.*—*For pur-*  
17 *poses of this section, the term “collision avoidance equip-*  
18 *ment” means TCAS II equipment (as defined by the Ad-*  
19 *ministrator), or any other similar system approved by the*  
20 *Administration for collision avoidance purposes.*

21 **SEC. 503. RUNWAY SAFETY AREAS; PRECISION APPROACH**  
22 **PATH INDICATORS.**

23 *Within 6 months after the date of enactment of this*  
24 *Act, the Administrator of the Federal Aviation Administra-*  
25 *tion shall solicit comments on the need for—*

26 (1) *the improvement of runway safety areas; and*

1           (2) *the installation of precision approach path*  
2           *indicators.*

3 **SEC. 504. AIRPLANE EMERGENCY LOCATORS.**

4           (a) *REQUIREMENT.*—Section 44712(b) is amended to  
5 *read as follows:*

6           “(b) *NONAPPLICATION.*—Subsection (a) does not apply  
7 *to aircraft when used in—*

8                 “(1) *scheduled flights by scheduled air carriers*  
9                 *holding certificates issued by the Secretary of Trans-*  
10                 *portation under subpart II of this part;*

11                 “(2) *training operations conducted entirely with-*  
12                 *in a 50-mile radius of the airport from which the*  
13                 *training operations begin;*

14                 “(3) *flight operations related to the design and*  
15                 *testing, manufacture, preparation, and delivery of*  
16                 *aircraft;*

17                 “(4) *showing compliance with regulations, exhi-*  
18                 *bition, or air racing; or*

19                 “(5) *the aerial application of a substance for an*  
20                 *agricultural purpose.”.*

21           (b) *COMPLIANCE.*—Section 44712 is amended by redес-  
22 *ignating subsection (c) as subsection (d), and by inserting*  
23 *after subsection (b) the following:*

24           “(c) *COMPLIANCE.*—*An aircraft is deemed to meet the*  
25 *requirement of subsection (a) if it is equipped with an emer-*

1 *gency locator transmitter that transmits on the 121.5/243*  
 2 *megahertz frequency or the 406 megahertz frequency, or*  
 3 *with other equipment approved by the Secretary for meeting*  
 4 *the requirement of subsection (a).”.*

5 *(c) EFFECTIVE DATE; REGULATIONS.—*

6 *(1) REGULATIONS.—The Secretary of Transpor-*  
 7 *tation shall promulgate regulations under section*  
 8 *44712(b) of title 49, United States Code, as amended*  
 9 *by this section not later than January 1, 2002.*

10 *(2) EFFECTIVE DATE.—The amendments made*  
 11 *by this section shall take effect on January 1, 2002.*

12 **SEC. 505. COUNTERFEIT AIRCRAFT PARTS.**

13 *(a) DENIAL; REVOCATION; AMENDMENT OF CERTIFI-*  
 14 *CATE.—*

15 *(1) IN GENERAL.—Chapter 447 is amended by*  
 16 *adding at the end thereof the following:*

17 **“§44725. Denial and revocation of certificate for**  
 18 **counterfeit parts violations**

19 **“(a) DENIAL OF CERTIFICATE.—**

20 **“(1) IN GENERAL.—Except as provided in para-**  
 21 **graph (2) of this subsection and subsection (e)(2) of**  
 22 **this section, the Administrator may not issue a cer-**  
 23 **tificate under this chapter to any person—**

24 **“(A) convicted of a violation of a law of the**  
 25 **United States or of a State relating to the instal-**

1           *lation, production, repair, or sale of a counterfeit*  
2           *or falsely-represented aviation part or material;*  
3           *or*

4                   “(B) *subject to a controlling or ownership*  
5           *interest of an individual convicted of such a vio-*  
6           *lation.*

7           “(2) *EXCEPTION.—Notwithstanding paragraph*  
8           *(1), the Administrator may issue a certificate under*  
9           *this chapter to a person described in paragraph (1)*  
10          *if issuance of the certificate will facilitate law enforce-*  
11          *ment efforts.*

12          “(b) *REVOCATION OF CERTIFICATE.—*

13                   “(1) *IN GENERAL.—Except as provided in sub-*  
14          *sections (f) and (g) of this section, the Administrator*  
15          *shall issue an order revoking a certificate issued*  
16          *under this chapter if the Administrator finds that the*  
17          *holder of the certificate, or an individual who has a*  
18          *controlling or ownership interest in the holder—*

19                           “(A) *was convicted of a violation of a law*  
20           *of the United States or of a State relating to the*  
21           *installation, production, repair, or sale of a*  
22           *counterfeit or falsely-represented aviation part or*  
23           *material; or*

24                           “(B) *knowingly carried out or facilitated*  
25           *an activity punishable under such a law.*

1           “(2) *NO AUTHORITY TO REVIEW VIOLATION.*—*In*  
2           *carrying out paragraph (1) of this subsection, the Ad-*  
3           *ministrator may not review whether a person violated*  
4           *such a law.*

5           “(c) *NOTICE REQUIREMENT.*—*Before the Adminis-*  
6           *trator revokes a certificate under subsection (b), the Admin-*  
7           *istrator shall—*

8           “(1) *advise the holder of the certificate of the rea-*  
9           *son for the revocation; and*

10           “(2) *provide the holder of the certificate an op-*  
11           *portunity to be heard on why the certificate should*  
12           *not be revoked.*

13           “(d) *APPEAL.*—*The provisions of section 44710(d)*  
14           *apply to the appeal of a revocation order under subsection*  
15           *(b). For the purpose of applying that section to such an*  
16           *appeal, ‘person’ shall be substituted for ‘individual’ each*  
17           *place it appears.*

18           “(e) *AQUITTAL OR REVERSAL.*—

19           “(1) *IN GENERAL.*—*The Administrator may not*  
20           *revoke, and the Board may not affirm a revocation of,*  
21           *a certificate under subsection (b)(1)(B) of this section*  
22           *if the holder of the certificate, or the individual, is ac-*  
23           *quitted of all charges related to the violation.*

1           “(2) *REISSUANCE.*—*The Administrator may re-*  
2           *issue a certificate revoked under subsection (b) of this*  
3           *section to the former holder if—*

4                   “(A) *the former holder otherwise satisfies*  
5                   *the requirements of this chapter for the certifi-*  
6                   *cate;*

7                   “(B) *the former holder, or individual, is ac-*  
8                   *quitted of all charges related to the violation on*  
9                   *which the revocation was based; or*

10                   “(C) *the conviction of the former holder, or*  
11                   *individual, of the violation on which the revoca-*  
12                   *tion was based is reversed.*

13           “(f) *WAIVER.*—*The Administrator may waive revoca-*  
14           *tion of a certificate under subsection (b) of this section if—*

15                   “(1) *a law enforcement official of the United*  
16                   *States Government, or of a State (with respect to vio-*  
17                   *lations of State law), requests a waiver; or*

18                   “(2) *the waiver will facilitate law enforcement*  
19                   *efforts.*

20           “(g) *AMENDMENT OF CERTIFICATE.*—*If the holder of*  
21           *a certificate issued under this chapter is other than an indi-*  
22           *vidual and the Administrator finds that—*

23                   “(1) *an individual who had a controlling or*  
24                   *ownership interest in the holder committed a viola-*  
25                   *tion of a law for the violation of which a certificate*



1        *may be revoked under this section, or knowingly car-*  
2        *ried out or facilitated an activity punishable under*  
3        *such a law; and*

4                *“(2) the holder satisfies the requirements for the*  
5        *certificate without regard to that individual,*  
6        *then the Administrator may amend the certificate to impose*  
7        *a limitation that the certificate will not be valid if that*  
8        *individual has a controlling or ownership interest in the*  
9        *holder. A decision by the Administrator under this sub-*  
10       *section is not reviewable by the Board.”.*

11                *(2) CONFORMING AMENDMENT.—The chapter*  
12        *analysis for chapter 447 is amended by adding at the*  
13        *end thereof the following:*

*“44725. Denial and revocation of certificate for counterfeit parts violations”.*

14                *(b) PROHIBITION ON EMPLOYMENT.—Section 44711 is*  
15        *amended by adding at the end thereof the following:*

16                *“(c) PROHIBITION ON EMPLOYMENT OF CONVICTED*  
17        *COUNTERFEIT PART DEALERS.—No person subject to this*  
18        *chapter may employ anyone to perform a function related*  
19        *to the procurement, sale, production, or repair of a part*  
20        *or material, or the installation of a part into a civil air-*  
21        *craft, who has been convicted of a violation of any Federal*  
22        *or State law relating to the installation, production, repair,*  
23        *or sale of a counterfeit or falsely-represented aviation part*  
24        *or material.”.*

1 **SEC. 506. FAA MAY FINE UNRULY PASSENGERS.**

2 (a) *IN GENERAL.*—Chapter 463 is amended by redesignig-  
3 nating section 46316 as section 46317, and by inserting  
4 after section 46315 the following:

5 **“§46316. Interference with cabin or flight crew**

6 “(a) *IN GENERAL.*—An individual who interferes with  
7 the duties or responsibilities of the flight crew or cabin crew  
8 of a civil aircraft, or who poses an imminent threat to the  
9 safety of the aircraft or other individuals on the aircraft,  
10 is liable to the United States Government for a civil penalty  
11 of not more than \$10,000, which shall be paid to the Federal  
12 Aviation Administration and deposited in the account es-  
13 tablished by section 45303(c).

14 “(b) *COMPROMISE AND SETOFF.*—

15 “(1) *The Secretary of Transportation or the Ad-*  
16 *ministrator may compromise the amount of a civil*  
17 *penalty imposed under subsection (a).*

18 “(2) *The Government may deduct the amount of*  
19 *a civil penalty imposed or compromised under this*  
20 *section from amounts it owes the individual liable for*  
21 *the penalty.”.*

22 (b) *CONFORMING CHANGE.*—The chapter analysis for  
23 chapter 463 is amended by striking the item relating to sec-  
24 tion 46316 and inserting after the item relating to section  
25 46315 the following:

*“46316. Interference with cabin or flight crew.*

*“46317. General criminal penalty when specific penalty not provided.”.*

1 **SEC. 507. HIGHER STANDARDS FOR HANDICAPPED ACCESS.**

2       (a) *ESTABLISHMENT OF HIGHER INTERNATIONAL*  
3 *STANDARDS.—The Secretary of Transportation shall work*  
4 *with appropriate international organizations and the avia-*  
5 *tion authorities of other nations to bring about their estab-*  
6 *lishment of higher standards for accommodating handi-*  
7 *capped passengers in air transportation, particularly with*  
8 *respect to foreign air carriers that code-share with domestic*  
9 *air carriers.*

10       (b) *INCREASED CIVIL PENALTIES.—Section 46301(a)*  
11 *is amended by—*

12               (1) *inserting “41705,” after “41704,” in para-*  
13 *graph (1)(A); and*

14               (2) *adding at the end thereof the following:*

15               “*(7) Unless an air carrier that violates section*  
16 *41705 with respect to an individual provides that in-*  
17 *dividual a credit or voucher for the purchase of a*  
18 *ticket on that air carrier or any affiliated air carrier*  
19 *in an amount (determined by the Secretary) of—*

20                       “*(A) not less than \$500 and not more than*  
21 *\$2,500 for the first violation; or*

22                       “*(B) not less than \$2,500 and not more*  
23 *than \$5,000 for any subsequent violation, then*  
24 *that air carrier is liable to the United States*

1           *Government for a civil penalty, determined by*  
2           *the Secretary, of not more than 100 percent of*  
3           *the amount of the credit or voucher so deter-*  
4           *mined. For purposes of this paragraph, each act*  
5           *of discrimination prohibited by section 41705*  
6           *constitutes a separate violation of that section.”.*

7   **SEC. 508. CONVEYANCES OF UNITED STATES GOVERNMENT**

8                   **LAND.**

9           *(a) IN GENERAL.—Section 47125(a) is amended to*  
10   *read as follows:*

11           *“(a) CONVEYANCES TO PUBLIC AGENCIES.—*

12                   *“(1) REQUEST FOR CONVEYANCE.—Except as*  
13   *provided in subsection (b) of this section, the Sec-*  
14   *retary of Transportation—*

15                           *“(A) shall request the head of the depart-*  
16                           *ment, agency, or instrumentality of the United*  
17                           *States Government owning or controlling land or*  
18                           *airspace to convey a property interest in the*  
19                           *land or airspace to the public agency sponsoring*  
20                           *the project or owning or controlling the airport*  
21                           *when necessary to carry out a project under this*  
22                           *subchapter at a public airport, to operate a pub-*  
23                           *lic airport, or for the future development of an*  
24                           *airport under the national plan of integrated*  
25                           *airport systems; and*

1           “(B) may request the head of such a depart-  
2           ment, agency, or instrumentality to convey a  
3           property interest in the land or airspace to such  
4           a public agency for a use that will complement,  
5           facilitate, or augment airport development, in-  
6           cluding the development of additional revenue  
7           from both aviation and nonaviation sources.

8           “(2) *RESPONSE TO REQUEST FOR CERTAIN CON-*  
9           *VEYANCES.*—Within 4 months after receiving a re-  
10          quest from the Secretary under paragraph (1), the  
11          head of the department, agency, or instrumentality  
12          shall—

13                 “(A) decide whether the requested convey-  
14                 ance is consistent with the needs of the depart-  
15                 ment, agency, or instrumentality;

16                 “(B) notify the Secretary of the decision;  
17                 and

18                 “(C) make the requested conveyance if—

19                         “(i) the requested conveyance is con-  
20                         sistent with the needs of the department,  
21                         agency, or instrumentality;

22                         “(ii) the Attorney General approves the  
23                         conveyance; and

1                   “(iii) the conveyance can be made  
2                   without cost to the United States Govern-  
3                   ment.

4                   “(3) REVERSION.—Except as provided in sub-  
5                   section (b), a conveyance under this subsection may  
6                   only be made on the condition that the property in-  
7                   terest conveyed reverts to the Government, at the op-  
8                   tion of the Secretary, to the extent it is not developed  
9                   for an airport purpose or used consistently with the  
10                  conveyance.”.

11                  (b) RELEASE OF CERTAIN CONDITIONS.—Section  
12 47125 is amended—

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

15                   (2) by inserting the following after subsection  
16                   (a):

17                  “(b) RELEASE OF CERTAIN CONDITIONS.—The Sec-  
18                  retary may grant a release from any term, condition, res-  
19                  ervation, or restriction contained in any conveyance exe-  
20                  cuted under this section, section 16 of the Federal Airport  
21                  Act, section 23 of the Airport and Airway Development Act  
22                  of 1970, or section 516 of the Airport and Airway Improve-  
23                  ment Act of 1982, to facilitate the development of additional  
24                  revenue from aeronautical and nonaeronautical sources if  
25                  the Secretary—

1           “(1) determines that the property is no longer  
2           needed for aeronautical purposes;

3           “(2) determines that the property will be used  
4           solely to generate revenue for the public airport;

5           “(3) provides preliminary notice to the head of  
6           the department, agency, or instrumentality that con-  
7           veyed the property interest at least 30 days before exe-  
8           cuting the release;

9           “(4) provides notice to the public of the requested  
10          release;

11          “(5) includes in the release a written justifica-  
12          tion for the release of the property; and

13          “(6) determines that release of the property will  
14          advance civil aviation in the United States.”.

15          (c) *EFFECTIVE DATE*.—Section 47125(b) of title 49,  
16          United States Code, as added by subsection (b) of this sec-  
17          tion, applies to property interests conveyed before, on, or  
18          after the date of enactment of this Act.

19          (d) *IDITAROD AREA SCHOOL DISTRICT*.—Notwith-  
20          standing any other provision of law (including section  
21          47125 of title 49, United States Code, as amended by this  
22          section), the Administrator of the Federal Aviation Admin-  
23          istration, or the Administrator of the General Services Ad-  
24          ministration, may convey to the Iditarod Area School Dis-  
25          trict without reimbursement all right, title, and interest in

1 12 acres of property at Lake Minchumina, Alaska, identi-  
2 fied by the Administrator of the Federal Aviation Adminis-  
3 tration, including the structures known as housing units  
4 100 through 105 and as utility building 301.

5 **SEC. 509. FLIGHT OPERATIONS QUALITY ASSURANCE**  
6 **RULES.**

7 *Not later than 90 days after the date of enactment of*  
8 *this Act, the Administrator shall issue a notice of proposed*  
9 *rulemaking to develop procedures to protect air carriers and*  
10 *their employees from civil enforcement action under the*  
11 *program known as Flight Operations Quality Assurance.*  
12 *Not later than 1 year after the last day of the period for*  
13 *public comment provided for in the notice of proposed rule-*  
14 *making, the Administrator shall issue a final rule establish-*  
15 *ing those procedures.*

16 **SEC. 510. WIDE AREA AUGMENTATION SYSTEM.**

17 (a) *PLAN.*—*The Administrator shall identify or de-*  
18 *velop a plan to implement WAAS to provide navigation*  
19 *and landing approach capabilities for civilian use and*  
20 *make a determination as to whether a backup system is nec-*  
21 *essary. Until the Administrator determines that WAAS is*  
22 *the sole means of navigation, the Administration shall con-*  
23 *tinue to develop and maintain a backup system.*

24 (b) *REPORT.*—*Within 6 months after the date of enact-*  
25 *ment of this Act, the Administrator shall—*



1           (1) *report to the Senate Committee on Com-*  
2           *merce, Science, and Transportation and the House of*  
3           *Representatives Committee on Transportation and*  
4           *Infrastructure, on the plan developed under subsection*  
5           *(a);*

6           (2) *submit a timetable for implementing WAAS;*  
7           *and*

8           (3) *make a determination as to whether WAAS*  
9           *will ultimately become a primary or sole means of*  
10          *navigation and landing approach capabilities.*

11          (c) *WAAS DEFINED.—For purposes of this section, the*  
12          *term “WAAS” means wide area augmentation system.*

13          (d) *FUNDING AUTHORIZATION.—There are authorized*  
14          *to be appropriated to the Secretary of Transportation such*  
15          *sums as may be necessary to carry out this section.*

16          **SEC. 511. REGULATION OF ALASKA AIR GUIDES.**

17          *The Administrator shall reissue the notice to operators*  
18          *originally published in the Federal Register on January 2,*  
19          *1998, which advised Alaska guide pilots of the applicability*  
20          *of part 135 of title 14, Code of Federal Regulations, to guide*  
21          *pilot operations. In reissuing the notice, the Administrator*  
22          *shall provide for not less than 60 days of public comment*  
23          *on the Federal Aviation Administration action. If, notwith-*  
24          *standing the public comments, the Administrator decides to*  
25          *proceed with the action, the Administrator shall publish in*

1 *the Federal Register a notice justifying the Administrator’s*  
2 *decision and providing at least 90 days for compliance.*

3 **SEC. 512. APPLICATION OF FAA REGULATIONS.**

4 *Section 40113 is amended by adding at the end thereof*  
5 *the following:*

6 “(f) *APPLICATION OF CERTAIN REGULATIONS TO*  
7 *ALASKA.—In amending title 14, Code of Federal Regula-*  
8 *tions, in a manner affecting intrastate aviation in Alaska,*  
9 *the Administrator of the Federal Aviation Administration*  
10 *shall consider the extent to which Alaska is not served by*  
11 *transportation modes other than aviation, and shall estab-*  
12 *lish such regulatory distinctions as the Administrator con-*  
13 *siders appropriate.”.*

14 **SEC. 513. HUMAN FACTORS PROGRAM.**

15 (a) *IN GENERAL.—Chapter 445 is amended by adding*  
16 *at the end thereof the following:*

17 “**§44516. Human factors program**

18 “(a) *OVERSIGHT COMMITTEE.—The Administrator of*  
19 *the Federal Aviation Administration shall establish an ad-*  
20 *vanced qualification program oversight committee to advise*  
21 *the Administrator on the development and execution of Ad-*  
22 *vanced Qualification Programs for air carriers under this*  
23 *section, and to encourage their adoption and implementa-*  
24 *tion.*

25 “(b) *HUMAN FACTORS TRAINING.—*

1           “(1) *AIR TRAFFIC CONTROLLERS.*—*The Adminis-*  
2           *trator shall—*

3                   “(A) *address the problems and concerns*  
4                   *raised by the National Research Council in its*  
5                   *report ‘The Future of Air Traffic Control’ on air*  
6                   *traffic control automation; and*

7                   “(B) *respond to the recommendations made*  
8                   *by the National Research Council.*

9           “(2) *PILOTS AND FLIGHT CREWS.*—*The Adminis-*  
10           *trator shall work with the aviation industry to de-*  
11           *velop specific training curricula, within 12 months*  
12           *after the date of enactment of the Wendell H. Ford*  
13           *National Air Transportation System Improvement*  
14           *Act of 1998, to address critical safety problems, in-*  
15           *cluding problems of pilots—*

16                   “(A) *in recovering from loss of control of the*  
17                   *aircraft, including handling unusual attitudes*  
18                   *and mechanical malfunctions;*

19                   “(B) *in deviating from standard operating*  
20                   *procedures, including inappropriate responses to*  
21                   *emergencies and hazardous weather;*

22                   “(C) *in awareness of altitude and location*  
23                   *relative to terrain to prevent controlled flight*  
24                   *into terrain; and*

1                   “(D) *in landing and approaches, including*  
2                   *nonprecision approaches and go-around proce-*  
3                   *dures.*

4                   “(c) *ACCIDENT INVESTIGATIONS.—The Administrator,*  
5                   *working with the National Transportation Safety Board*  
6                   *and representatives of the aviation industry, shall establish*  
7                   *a process to assess human factors training as part of acci-*  
8                   *dent and incident investigations.*

9                   “(d) *TEST PROGRAM.—The Administrator shall estab-*  
10                   *lish a test program in cooperation with United States air*  
11                   *carriers to use model Jeppesen approach plates or other*  
12                   *similar tools to improve nonprecision landing approaches*  
13                   *for aircraft.*

14                   “(e) *ADVANCED QUALIFICATION PROGRAM DE-*  
15                   *FINED.—For purposes of this section, the term ‘advanced*  
16                   *qualification program’ means an alternative method for*  
17                   *qualifying, training, certifying, and ensuring the com-*  
18                   *petency of flight crews and other commercial aviation oper-*  
19                   *ations personnel subject to the training and evaluation re-*  
20                   *quirements of Parts 121 and 135 of title 14, Code of Federal*  
21                   *Regulations.’.*

22                   “(b) *AUTOMATION AND ASSOCIATED TRAINING.—The*  
23                   *Administrator shall complete the Administration’s updat-*  
24                   *ing of training practices for automation and associated*

1 *training requirements within 12 months after the date of*  
2 *enactment of this Act.*

3 (c) *CONFORMING AMENDMENT.*—*The chapter analysis*  
4 *for chapter 445 is amended by adding at the end thereof*  
5 *the following:*

*“44516. Human factors program.”.*

6 **SEC. 514. INDEPENDENT VALIDATION OF FAA COSTS AND**  
7 **ALLOCATIONS.**

8 (a) *INDEPENDENT ASSESSMENT.*—

9 (1) *INITIATION.*—*Not later than 90 days after*  
10 *the date of enactment of this Act, the Inspector Gen-*  
11 *eral of the Department of Transportation shall initi-*  
12 *ate the analyses described in paragraph (2). In con-*  
13 *ducting the analyses, the Inspector General shall en-*  
14 *sure that the analyses are carried out by 1 or more*  
15 *entities that are independent of the Federal Aviation*  
16 *Administration. The Inspector General may use the*  
17 *staff and resources of the Inspector General or may*  
18 *contract with independent entities to conduct the*  
19 *analyses.*

20 (2) *ASSESSMENT OF ADEQUACY AND ACCURACY*  
21 *OF FAA COST DATA AND ATTRIBUTIONS.*—*To ensure*  
22 *that the method for capturing and distributing the*  
23 *overall costs of the Federal Aviation Administration*  
24 *is appropriate and reasonable, the Inspector General*

1       *shall conduct an assessment that includes the follow-*  
2       *ing:*

3               *(A)(i) Validation of Federal Aviation Ad-*  
4               *ministration cost input data, including an audit*  
5               *of the reliability of Federal Aviation Adminis-*  
6               *tration source documents and the integrity and*  
7               *reliability of the Federal Aviation Administra-*  
8               *tion's data collection process.*

9               *(ii) An assessment of the reliability of the*  
10              *Federal Aviation Administration's system for*  
11              *tracking assets.*

12              *(iii) An assessment of the reasonableness of*  
13              *the Federal Aviation Administration's bases for*  
14              *establishing asset values and depreciation rates.*

15              *(iv) An assessment of the Federal Aviation*  
16              *Administration's system of internal controls for*  
17              *ensuring the consistency and reliability of re-*  
18              *ported data to begin immediately after full oper-*  
19              *ational capability of the cost accounting system.*

20              *(B) A review and validation of the Federal*  
21              *Aviation Administration's definition of the serv-*  
22              *ices to which the Federal Aviation Administra-*  
23              *tion ultimately attributes its costs, and the meth-*  
24              *ods used to identify direct costs associated with*  
25              *the services.*

1           (C) *An assessment and validation of the*  
2           *general cost pools used by the Federal Aviation*  
3           *Administration, including the rationale for and*  
4           *reliability of the bases on which the Federal*  
5           *Aviation Administration proposes to allocate*  
6           *costs of services to users and the integrity of the*  
7           *cost pools as well as any other factors considered*  
8           *important by the Inspector General. Appropriate*  
9           *statistical tests shall be performed to assess rela-*  
10          *tionships between costs in the various cost pools*  
11          *and activities and services to which the costs are*  
12          *attributed by the Federal Aviation Administra-*  
13          *tion.*

14          (b) *DEADLINE.—The independent analyses described*  
15          *in this section shall be completed no later than 270 days*  
16          *after the contracts are awarded to the outside independent*  
17          *contractors. The Inspector General shall submit a final re-*  
18          *port combining the analyses done by its staff with those*  
19          *of the outside independent contractors to the Secretary of*  
20          *Transportation, the Administrator, the Committee on Com-*  
21          *merce, Science, and Transportation of the Senate, and the*  
22          *Committee on Transportation and Infrastructure of the*  
23          *House of Representatives. The final report shall be submit-*  
24          *ted by the Inspector General not later than 300 days after*  
25          *the award of contracts.*

1       (c) *FUNDING.*—*There are authorized to be appro-*  
2 *priated such sums as may be necessary for the cost of the*  
3 *contracted audit services authorized by this section.*

4 **SEC. 515. WHISTLEBLOWER PROTECTION FOR FAA EMPLOY-**  
5 **EES.**

6       *Section 347(b)(1) of Public Law 104–50 (49 U.S.C.*  
7 *106, note) is amended by striking “protection;” and insert-*  
8 *ing “protection, including the provisions for investigations*  
9 *and enforcement as provided in chapter 12 of title 5, United*  
10 *States Code;”.*

11 **SEC. 516. REPORT ON MODERNIZATION OF OCEANIC ATC**  
12 **SYSTEM.**

13       *The Administrator of the Federal Aviation Adminis-*  
14 *tration shall report to the Congress on plans to modernize*  
15 *the oceanic air traffic control system, including a budget*  
16 *for the program, a determination of the requirements for*  
17 *modernization, and, if necessary, a proposal to fund the*  
18 *program.*

19 **SEC. 517. REPORT ON AIR TRANSPORTATION OVERSIGHT**  
20 **SYSTEM.**

21       *Beginning in 1999, the Administrator of the Federal*  
22 *Aviation Administration shall report biannually to the*  
23 *Congress on the air transportation oversight system pro-*  
24 *gram announced by the Administration on May 13, 1998,*  
25 *in detail on the training of inspectors, the number of inspec-*



1 *tors using the system, air carriers subject to the system, and*  
 2 *the budget for the system.*

3 **SEC. 518. RECYCLING OF EIS.**

4 *Notwithstanding any other provision of law to the con-*  
 5 *trary, the Secretary of Transportation may authorize the*  
 6 *use, in whole or in part, of a completed environmental as-*  
 7 *essment or environmental impact study for a new airport*  
 8 *construction project on the air operations area, that is sub-*  
 9 *stantially similar in nature to one previously constructed*  
 10 *pursuant to the completed environmental assessment or en-*  
 11 *vironmental impact study in order to avoid unnecessary*  
 12 *duplication of expense and effort, and any such authorized*  
 13 *use shall meet all requirements of Federal law for the com-*  
 14 *pletion of such an assessment or study.*

15 **SEC. 519. PROTECTION OF EMPLOYEES PROVIDING AIR**  
 16 **SAFETY INFORMATION.**

17 *(a) GENERAL RULE.—Chapter 421 of title 49, United*  
 18 *States Code, is amended by adding at the end the following*  
 19 *new subchapter:*

20 **“SUBCHAPTER III—WHISTLEBLOWER**  
 21 **PROTECTION PROGRAM**

22 **“§42121. Protection of employees providing air safety**  
 23 **information**

24 **“(a) DISCRIMINATION AGAINST AIRLINE EMPLOY-**  
 25 **EES.—No air carrier or contractor or subcontractor of an**

1 *air carrier may discharge an employee of the air carrier*  
2 *or the contractor or subcontractor of an air carrier or other-*  
3 *wise discriminate against any such employee with respect*  
4 *to compensation, terms, conditions, or privileges of employ-*  
5 *ment because the employee (or any person acting pursuant*  
6 *to a request of the employee)—*

7           “(1) *provided, caused to be provided, or is about*  
8 *to provide or cause to be provided to the Federal Gov-*  
9 *ernment information relating to any violation or al-*  
10 *leged violation of any order, regulation, or standard*  
11 *of the Federal Aviation Administration or any other*  
12 *provision of Federal law relating to air carrier safety*  
13 *under this subtitle or any other law of the United*  
14 *States;*

15           “(2) *has filed, caused to be filed, or is about to*  
16 *file or cause to be filed a proceeding relating to any*  
17 *violation or alleged violation of any order, regulation,*  
18 *or standard of the Federal Aviation Administration*  
19 *or any other provision of Federal law relating to air*  
20 *carrier safety under this subtitle or any other law of*  
21 *the United States;*

22           “(3) *testified or will testify in such a proceeding;*  
23 *or*

24           “(4) *assisted or participated or is about to assist*  
25 *or participate in such a proceeding.*

1       “(b) *DEPARTMENT OF LABOR COMPLAINT PROCE-*  
2 *DURE.—*

3               “(1) *FILING AND NOTIFICATION.—*

4                       “(A) *IN GENERAL.—In accordance with this*  
5 *paragraph, a person may file (or have a person*  
6 *file on behalf of that person) a complaint with*  
7 *the Secretary of Labor if that person believes*  
8 *that an air carrier or contractor or subcontrac-*  
9 *tor of an air carrier discharged or otherwise dis-*  
10 *criminated against that person in violation of*  
11 *subsection (a).*

12                       “(B) *REQUIREMENTS FOR FILING COM-*  
13 *PLAINTS.—A complaint referred to in subpara-*  
14 *graph (A) may be filed not later than 90 days*  
15 *after an alleged violation occurs. The complaint*  
16 *shall state the alleged violation.*

17                       “(C) *NOTIFICATION.—Upon receipt of a*  
18 *complaint submitted under subparagraph (A),*  
19 *the Secretary of Labor shall notify the air car-*  
20 *rier, contractor, or subcontractor named in the*  
21 *complaint and the Administrator of the Federal*  
22 *Aviation Administration of the—*

23                               “(i) *filing of the complaint;*

24                               “(ii) *allegations contained in the com-*  
25 *plaint;*

1                   “(iii) *substance of evidence supporting*  
2                   *the complaint; and*

3                   “(iv) *opportunities that are afforded to*  
4                   *the air carrier, contractor, or subcontractor*  
5                   *under paragraph (2).*

6                   “(2) *INVESTIGATION; PRELIMINARY ORDER.—*

7                   “(A) *IN GENERAL.—*

8                   “(i) *INVESTIGATION.—Not later than*  
9                   *60 days after receipt of a complaint filed*  
10                   *under paragraph (1) and after affording the*  
11                   *person named in the complaint an oppor-*  
12                   *tunity to submit to the Secretary of Labor*  
13                   *a written response to the complaint and an*  
14                   *opportunity to meet with a representative of*  
15                   *the Secretary to present statements from*  
16                   *witnesses, the Secretary of Labor shall con-*  
17                   *duct an investigation and determine wheth-*  
18                   *er there is reasonable cause to believe that*  
19                   *the complaint has merit and notify in writ-*  
20                   *ing the complainant and the person alleged*  
21                   *to have committed a violation of subsection*  
22                   *(a) of the Secretary’s findings.*

23                   “(ii) *ORDER.—Except as provided in*  
24                   *subparagraph (B), if the Secretary of Labor*  
25                   *concludes that there is reasonable cause to*

1           *believe that a violation of subsection (a) has*  
2           *occurred, the Secretary shall accompany the*  
3           *findings referred to in clause (i) with a pre-*  
4           *liminary order providing the relief pre-*  
5           *scribed under paragraph (3)(B).*

6           “(iii) *OBJECTIONS.*—*Not later than 30*  
7           *days after the date of notification of find-*  
8           *ings under this paragraph, the person al-*  
9           *leged to have committed the violation or the*  
10           *complainant may file objections to the find-*  
11           *ings or preliminary order and request a*  
12           *hearing on the record.*

13           “(iv) *EFFECT OF FILING.*—*The filing*  
14           *of objections under clause (iii) shall not op-*  
15           *erate to stay any reinstatement remedy con-*  
16           *tained in the preliminary order.*

17           “(v) *HEARINGS.*—*Hearings conducted*  
18           *pursuant to a request made under clause*  
19           *(iii) shall be conducted expeditiously. If a*  
20           *hearing is not requested during the 30-day*  
21           *period prescribed in clause (iii), the pre-*  
22           *liminary order shall be deemed a final*  
23           *order that is not subject to judicial review.*

24           “(B) *REQUIREMENTS.*—

1           “(i) *REQUIRED SHOWING BY COM-*  
2           *PLAINANT.—The Secretary of Labor shall*  
3           *dismiss a complaint filed under this sub-*  
4           *section and shall not conduct an investiga-*  
5           *tion otherwise required under subparagraph*  
6           *(A) unless the complainant makes a prima*  
7           *facie showing that any behavior described*  
8           *in paragraphs (1) through (4) of subsection*  
9           *(a) was a contributing factor in the unfa-*  
10           *vorable personnel action alleged in the com-*  
11           *plaint.*

12           “(ii) *SHOWING BY EMPLOYER.—Not-*  
13           *withstanding a finding by the Secretary*  
14           *that the complainant has made the showing*  
15           *required under clause (i), no investigation*  
16           *otherwise required under subparagraph (A)*  
17           *shall be conducted if the employer dem-*  
18           *onstrates, by clear and convincing evidence,*  
19           *that the employer would have taken the*  
20           *same unfavorable personnel action in the*  
21           *absence of that behavior.*

22           “(iii) *CRITERIA FOR DETERMINATION*  
23           *BY SECRETARY.—The Secretary may deter-*  
24           *mine that a violation of subsection (a) has*  
25           *occurred only if the complainant dem-*

1            *onstrates that any behavior described in*  
2            *paragraphs (1) through (4) of subsection (a)*  
3            *was a contributing factor in the unfavorable*  
4            *personnel action alleged in the complaint.*

5            *“(iv) PROHIBITION.—Relief may not*  
6            *be ordered under subparagraph (A) if the*  
7            *employer demonstrates by clear and con-*  
8            *vincing evidence that the employer would*  
9            *have taken the same unfavorable personnel*  
10           *action in the absence of that behavior.*

11           *“(3) FINAL ORDER.—*

12           *“(A) DEADLINE FOR ISSUANCE; SETTLE-*  
13           *MENT AGREEMENTS.—*

14           *“(i) IN GENERAL.—Not later than 120*  
15           *days after conclusion of a hearing under*  
16           *paragraph (2), the Secretary of Labor shall*  
17           *issue a final order that—*

18           *“(I) provides relief in accordance*  
19           *with this paragraph; or*

20           *“(II) denies the complaint.*

21           *“(ii) SETTLEMENT AGREEMENT.—At*  
22           *any time before issuance of a final order*  
23           *under this paragraph, a proceeding under*  
24           *this subsection may be terminated on the*  
25           *basis of a settlement agreement entered into*

1           by the Secretary of Labor, the complainant,  
2           and the air carrier, contractor, or sub-  
3           contractor alleged to have committed the  
4           violation.

5           “(B) *REMEDY.*—If, in response to a com-  
6           plaint filed under paragraph (1), the Secretary  
7           of Labor determines that a violation of sub-  
8           section (a) has occurred, the Secretary of Labor  
9           shall order the air carrier, contractor, or sub-  
10          contractor that the Secretary of Labor deter-  
11          mines to have committed the violation to—

12                   “(i) take action to abate the violation;

13                   “(ii) reinstate the complainant to the  
14                   former position of the complainant and en-  
15                   sure the payment of compensation (includ-  
16                   ing back pay) and the restoration of terms,  
17                   conditions, and privileges associated with  
18                   the employment; and

19                   “(iii) provide compensatory damages  
20                   to the complainant.

21           “(C) *COSTS OF COMPLAINT.*—If the Sec-  
22           retary of Labor issues a final order that provides  
23           for relief in accordance with this paragraph, the  
24           Secretary of Labor, at the request of the com-  
25           plainant, shall assess against the air carrier,



1 contractor, or subcontractor named in the order  
2 an amount equal to the aggregate amount of all  
3 costs and expenses (including attorney and ex-  
4 pert witness fees) reasonably incurred by the  
5 complainant (as determined by the Secretary of  
6 Labor) for, or in connection with, the bringing  
7 of the complaint that resulted in the issuance of  
8 the order.

9 “(4) REVIEW.—

10 “(A) APPEAL TO COURT OF APPEALS.—

11 “(i) IN GENERAL.—Not later than 60  
12 days after a final order is issued under  
13 paragraph (3), a person adversely affected  
14 or aggrieved by that order may obtain re-  
15 view of the order in the United States court  
16 of appeals for the circuit in which the viola-  
17 tion allegedly occurred or the circuit in  
18 which the complainant resided on the date  
19 of that violation.

20 “(ii) REQUIREMENTS FOR JUDICIAL  
21 REVIEW.—A review conducted under this  
22 paragraph shall be conducted in accordance  
23 with chapter 7 of title 5. The commence-  
24 ment of proceedings under this subpara-  
25 graph shall not, unless ordered by the court,

1           *operate as a stay of the order that is the*  
2           *subject of the review.*

3           “(B) *LIMITATION ON COLLATERAL AT-*  
4           *TACK.—An order referred to in subparagraph*  
5           *(A) shall not be subject to judicial review in any*  
6           *criminal or other civil proceeding.*

7           “(5) *ENFORCEMENT OF ORDER BY SECRETARY*  
8           *OF LABOR.—*

9           “(A) *IN GENERAL.—If an air carrier, con-*  
10          *tractor, or subcontractor named in an order*  
11          *issued under paragraph (3) fails to comply with*  
12          *the order, the Secretary of Labor may file a civil*  
13          *action in the United States district court for the*  
14          *district in which the violation occurred to en-*  
15          *force that order.*

16          “(B) *RELIEF.—In any action brought*  
17          *under this paragraph, the district court shall*  
18          *have jurisdiction to grant any appropriate form*  
19          *of relief, including injunctive relief and compen-*  
20          *satory damages.*

21          “(6) *ENFORCEMENT OF ORDER BY PARTIES.—*

22          “(A) *COMMENCEMENT OF ACTION.—A per-*  
23          *son on whose behalf an order is issued under*  
24          *paragraph (3) may commence a civil action*  
25          *against the air carrier, contractor, or sub-*

1 contractor named in the order to require compli-  
2 ance with the order. The appropriate United  
3 States district court shall have jurisdiction,  
4 without regard to the amount in controversy or  
5 the citizenship of the parties, to enforce the order.

6 “(B) *ATTORNEY FEES.*—In issuing any  
7 final order under this paragraph, the court may  
8 award costs of litigation (including reasonable  
9 attorney and expert witness fees) to any party if  
10 the court determines that the awarding of those  
11 costs is appropriate.

12 “(c) *MANDAMUS.*—Any nondiscretionary duty im-  
13 posed by this section shall be enforceable in a mandamus  
14 proceeding brought under section 1361 of title 28.

15 “(d) *NONAPPLICABILITY TO DELIBERATE VIOLA-*  
16 *TIONS.*—Subsection (a) shall not apply with respect to an  
17 employee of an air carrier, or contractor or subcontractor  
18 of an air carrier who, acting without direction from the  
19 air carrier (or an agent, contractor, or subcontractor of the  
20 air carrier), deliberately causes a violation of any require-  
21 ment relating to air carrier safety under this subtitle or  
22 any other law of the United States.”.

23 (b) *CONFORMING AMENDMENT.*—The chapter analysis  
24 for chapter 421 of title 49, United States Code, is amended  
25 by adding at the end the following:

“SUBCHAPTER III—WHISTLEBLOWER PROTECTION PROGRAM

“42121. Protection of employees providing air safety information.”.

1       (c) *CIVIL PENALTY.*—Section 46301(a)(1)(A) of title  
2 49, United States Code, is amended by striking “subchapter  
3 II of chapter 421,” and inserting “subchapter II or III of  
4 chapter 421,”.

5 **SEC. 520. IMPROVEMENTS TO AIR NAVIGATION FACILITIES.**

6       Section 44502(a) is amended by adding at the end  
7 thereof the following:

8               “(5) The Administrator may improve real prop-  
9 erty leased for air navigation facilities without regard  
10 to the costs of the improvements in relation to the cost  
11 of the lease if—

12                       “(A) the improvements primarily benefit  
13 the government;

14                       “(B) are essential for mission accomplish-  
15 ment; and

16                       “(C) the government’s interest in the im-  
17 provements is protected.”.

18 **SEC. 521. DENIAL OF AIRPORT ACCESS TO CERTAIN AIR**  
19 **CARRIERS.**

20       Section 47107 is amended by adding at the end thereof  
21 the following:

22       “(q) *DENIAL OF ACCESS.*—

23               “(1) *EFFECT OF DENIAL.*—If an owner or opera-  
24 tor of an airport described in paragraph (2) denies

1       *access to an air carrier described in paragraph (3),*  
2       *that denial shall not be considered to be unreasonable*  
3       *or unjust discrimination or a violation of this section.*

4           “(2) *AIRPORTS TO WHICH SUBSECTION AP-*  
5       *PLIES.—An airport is described in this paragraph if*  
6       *it—*

7           “(A) *is designated as a reliever airport by*  
8       *the Administrator of the Federal Aviation Ad-*  
9       *ministration;*

10          “(B) *does not have an operating certificate*  
11       *issued under part 139 of title 14, Code of Federal*  
12       *Regulations (or any subsequent similar regula-*  
13       *tions); and*

14          “(C) *is located within a 35-mile radius of*  
15       *an airport that has—*

16           “(i) *at least 0.05 percent of the total*  
17       *annual boardings in the United States; and*

18           “(ii) *current gate capacity to handle*  
19       *the demands of a public charter operation.*

20          “(3) *AIR CARRIERS DESCRIBED.—An air carrier*  
21       *is described in this paragraph if it conducts oper-*  
22       *ations as a public charter under part 380 of title 14,*  
23       *Code of Federal Regulations (or any subsequent simi-*  
24       *lar regulations) with aircraft that is designed to*  
25       *carry more than 9 passengers per flight.*

1           “(4) *DEFINITIONS.*—*In this subsection:*

2                   “(A) *AIR CARRIER; AIR TRANSPORTATION;*  
3                   *AIRCRAFT; AIRPORT.*—*The terms ‘air carrier’,*  
4                   *‘air transportation’, ‘aircraft’, and ‘airport’ have*  
5                   *the meanings given those terms in section 40102*  
6                   *of this title.*

7                   “(B) *PUBLIC CHARTER.*—*The term ‘public*  
8                   *charter’ means charter air transportation for*  
9                   *which the general public is provided in advance*  
10                   *a schedule containing the departure location, de-*  
11                   *parture time, and arrival location of the*  
12                   *flights.’.*

13 **SEC. 522. TOURISM.**

14           (a) *FINDINGS.*—*Congress finds that—*

15                   (1) *through an effective public-private partner-*  
16                   *ship, Federal, State, and local governments and the*  
17                   *travel and tourism industry can successfully market*  
18                   *the United States as the premiere international tour-*  
19                   *ist destination in the world;*

20                   (2) *in 1997, the travel and tourism industry*  
21                   *made a substantial contribution to the health of the*  
22                   *Nation’s economy, as follows:*

23                           (A) *The industry is one of the Nation’s*  
24                           *largest employers, directly employing 7,000,000*  
25                           *Americans, throughout every region of the coun-*

1           *try, heavily concentrated among small busi-*  
2           *nesses, and indirectly employing an additional*  
3           *9,200,000 Americans, for a total of 16,200,000*  
4           *jobs.*

5           *(B) The industry ranks as the first, second,*  
6           *or third largest employer in 32 States and the*  
7           *District of Columbia, generating a total tourism-*  
8           *related annual payroll of \$127,900,000,000.*

9           *(C) The industry has become the Nation's*  
10          *third-largest retail sales industry, generating a*  
11          *total of \$489,000,000,000 in total expenditures.*

12          *(D) The industry generated \$71,700,000,000*  
13          *in tax revenues for Federal, State, and local gov-*  
14          *ernments;*

15          *(3) the more than \$98,000,000,000 spent by for-*  
16          *ign visitors in the United States in 1997 generated*  
17          *a trade services surplus of more than*  
18          *\$26,000,000,000;*

19          *(4) the private sector, States, and cities currently*  
20          *spend more than \$1,000,000,000 annually to promote*  
21          *particular destinations within the United States to*  
22          *international visitors;*

23          *(5) because other nations are spending hundreds*  
24          *of millions of dollars annually to promote the visits*  
25          *of international tourists to their countries, the United*

1       *States will miss a major marketing opportunity if it*  
2       *fails to aggressively compete for an increased share of*  
3       *international tourism expenditures as they continue*  
4       *to increase over the next decade;*

5               *(6) a well-funded, well-coordinated international*  
6       *marketing effort—combined with additional public*  
7       *and private sector efforts—would help small and*  
8       *large businesses, as well as State and local govern-*  
9       *ments, share in the anticipated phenomenal growth of*  
10       *the international travel and tourism market in the*  
11       *21st century;*

12               *(7) by making permanent the successful visa*  
13       *waiver pilot program, Congress can facilitate the in-*  
14       *creased flow of international visitors to the United*  
15       *States;*

16               *(8) Congress can increase the opportunities for*  
17       *attracting international visitors and enhancing their*  
18       *stay in the United States by—*

19                       *(A) improving international signage at air-*  
20       *ports, seaports, land border crossings, highways,*  
21       *and bus, train, and other public transit stations*  
22       *in the United States;*

23                       *(B) increasing the availability of multi-*  
24       *lingual tourist information; and*



1           (C) creating a toll-free, private-sector oper-  
2           ated, telephone number, staffed by multilingual  
3           operators, to provide assistance to international  
4           tourists coping with an emergency;

5           (9) by establishing a satellite system of account-  
6           ing for travel and tourism, the Secretary of Commerce  
7           could provide Congress and the President with objec-  
8           tive, thorough data that would help policymakers  
9           more accurately gauge the size and scope of the do-  
10          mestic travel and tourism industry and its signifi-  
11          cant impact on the health of the Nation's economy;  
12          and

13          (10) having established the United States Na-  
14          tional Tourism Organization under the United States  
15          National Tourism Organization Act of 1996 (22  
16          U.S.C. 2141 et seq.) to increase the United States  
17          share of the international tourism market by develop-  
18          ing a national travel and tourism strategy, Congress  
19          should support a long-term marketing effort and other  
20          important regulatory reform initiatives to promote  
21          increased travel to the United States for the benefit of  
22          every sector of the economy.

23          (b) *PURPOSES.*—The purposes of this section are to  
24          provide international visitor initiatives and an inter-  
25          national marketing program to enable the United States

1 *travel and tourism industry and every level of government*  
2 *to benefit from a successful effort to make the United States*  
3 *the premiere travel destination in the world.*

4 (c) *INTERNATIONAL VISITOR ASSISTANCE TASK*  
5 *FORCE.—*

6 (1) *ESTABLISHMENT.—Not later than 9 months*  
7 *after the date of enactment of this Act, the Secretary*  
8 *of Commerce shall establish an Intergovernmental*  
9 *Task Force for International Visitor Assistance (here-*  
10 *after in this subsection referred to as the “Task*  
11 *Force”).*

12 (2) *DUTIES.—The Task Force shall examine—*

13 (A) *signage at facilities in the United*  
14 *States, including airports, seaports, land border*  
15 *crossings, highways, and bus, train, and other*  
16 *public transit stations, and shall identify exist-*  
17 *ing inadequacies and suggest solutions for such*  
18 *inadequacies, such as the adoption of uniform*  
19 *standards on international signage for use*  
20 *throughout the United States in order to facili-*  
21 *tate international visitors’ travel in the United*  
22 *States;*

23 (B) *the availability of multilingual travel*  
24 *and tourism information and means of dissemi-*

1           nating, at no or minimal cost to the Govern-  
2           ment, of such information; and

3                   (C) facilitating the establishment of a toll-  
4           free, private-sector operated, telephone number,  
5           staffed by multilingual operators, to provide as-  
6           sistance to international tourists coping with an  
7           emergency.

8           (3) *MEMBERSHIP.*—*The Task Force shall be*  
9           *composed of the following members:*

10                   (A) *The Secretary of Commerce.*

11                   (B) *The Secretary of State.*

12                   (C) *The Secretary of Transportation.*

13                   (D) *The Chair of the Board of Directors of*  
14           *the United States National Tourism Organiza-*  
15           *tion.*

16                   (E) *Such other representatives of other Fed-*  
17           *eral agencies and private-sector entities as may*  
18           *be determined to be appropriate to the mission*  
19           *of the Task Force by the Chairman.*

20           (4) *CHAIRMAN.*—*The Secretary of Commerce*  
21           *shall be Chairman of the Task Force. The Task Force*  
22           *shall meet at least twice each year. Each member of*  
23           *the Task Force shall furnish necessary assistance to*  
24           *the Task Force.*

1           (5) *REPORT.*—Not later than 18 months after the  
2           date of the enactment of this Act, the Chairman of the  
3           Task Force shall submit to the President and to Con-  
4           gress a report on the results of the review, including  
5           proposed amendments to existing laws or regulations  
6           as may be appropriate to implement such rec-  
7           ommendations.

8           (d) *TRAVEL AND TOURISM INDUSTRY SATELLITE SYS-*  
9           *TEM OF ACCOUNTING.*—

10           (1) *IN GENERAL.*—The Secretary of Commerce  
11           shall complete, as soon as may be practicable, a sat-  
12           ellite system of accounting for the travel and tourism  
13           industry.

14           (2) *FUNDING.*—To the extent any costs or ex-  
15           penditures are incurred under this subsection, they  
16           shall be covered to the extent funds are available to  
17           the Department of Commerce for such purpose.

18           (e) *AUTHORIZATION OF APPROPRIATIONS.*—

19           (1) *AUTHORIZATION.*—Subject to paragraph (2),  
20           there are authorized to be appropriated such sums as  
21           may be necessary for the purpose of funding inter-  
22           national promotional activities by the United States  
23           National Tourism Organization to help brand, posi-  
24           tion, and promote the United States as the premiere  
25           travel and tourism destination in the world.

1           (2) *RESTRICTIONS ON USE OF FUNDS.*—None of  
2           the funds appropriated under paragraph (1) may be  
3           used for purposes other than marketing, research, out-  
4           reach, or any other activity designed to promote the  
5           United States as the premiere travel and tourism des-  
6           tination in the world, except that the general and ad-  
7           ministrative expenses of operating the United States  
8           National Tourism Organization shall be borne by the  
9           private sector through such means as the Board of Di-  
10          rectors of the Organization shall determine.

11          (3) *REPORT TO CONGRESS.*—Not later than  
12          March 30 of each year in which funds are made  
13          available under subsection (a), the Secretary shall  
14          submit to the Committee on Commerce of the House  
15          of Representatives and the Committee on Commerce,  
16          Science, and Transportation of the Senate a detailed  
17          report setting forth—

18                 (A) the manner in which appropriated  
19                 funds were expended;

20                 (B) changes in the United States market  
21                 share of international tourism in general and as  
22                 measured against specific countries and regions;

23                 (C) an analysis of the impact of inter-  
24                 national tourism on the United States economy,  
25                 including, as specifically as practicable, an anal-

1            *ysis of the impact of expenditures made pursu-*  
2            *ant to this section;*

3            *(D) an analysis of the impact of inter-*  
4            *national tourism on the United States trade bal-*  
5            *ance and, as specifically as practicable, an anal-*  
6            *ysis of the impact on the trade balance of ex-*  
7            *penditures made pursuant to this section; and*

8            *(E) an analysis of other relevant economic*  
9            *impacts as a result of expenditures made pursu-*  
10           *ant to this section.*

11 **SEC. 523. EQUIVALENCY OF FAA AND EU SAFETY STAND-**  
12            **ARDS.**

13            *The Administrator of the Federal Aviation Adminis-*  
14            *tration shall determine whether the Administration's safety*  
15            *regulations are equivalent to the safety standards set forth*  
16            *in European Union Directive 89/336EEC. If the Adminis-*  
17            *trator determines that the standards are equivalent, the Ad-*  
18            *ministrator shall work with the Secretary of Commerce to*  
19            *gain acceptance of that determination pursuant to the Mu-*  
20            *tual Recognition Agreement between the United States and*  
21            *the European Union of May 18, 1998, in order to ensure*  
22            *that aviation products approved by the Administration are*  
23            *acceptable under that Directive.*

1 **SEC. 524. SENSE OF THE SENATE ON PROPERTY TAXES ON**  
2 **PUBLIC-USE AIRPORTS.**

3 *It is the sense of the Senate that—*

4 *(1) property taxes on public-use airports should*  
5 *be assessed fairly and equitably, regardless of the loca-*  
6 *tion of the owner of the airport; and*

7 *(2) the property tax recently assessed on the City*  
8 *of The Dalles, Oregon, as the owner and operator of*  
9 *the Columbia Gorge Regional/The Dalles Municipal*  
10 *Airport, located in the State of Washington, should be*  
11 *repealed.*

12 **SEC. 525. FEDERAL AVIATION ADMINISTRATION PERSON-**  
13 **NEL MANAGEMENT SYSTEM.**

14 *(a) APPLICABILITY OF MERIT SYSTEMS PROTECTION*  
15 *BOARD PROVISIONS.—Section 347(b) of the Department of*  
16 *Transportation and Related Agencies Appropriations Act,*  
17 *1996 (109 Stat. 460) is amended—*

18 *(1) by striking “and” at the end of paragraph*  
19 *(6);*

20 *(2) by striking the period at the end of para-*  
21 *graph (7) and inserting a semicolon and “and”; and*

22 *(3) by adding at the end thereof the following:*

23 *“(8) sections 1204, 1211–1218, 1221, and 7701–*  
24 *7703, relating to the Merit Systems Protection*  
25 *Board.”.*

1       (b) *APPEALS TO MERIT SYSTEMS PROTECTION*  
2 *BOARD.*—*Section 347(c) of the Department of Transpor-*  
3 *tation and Related Agencies Appropriations Act, 1996 is*  
4 *amended to read as follows:*

5       “(c) *APPEALS TO MERIT SYSTEMS PROTECTION*  
6 *BOARD.*—*Under the new personnel management system de-*  
7 *veloped and implemented under subsection (a), an employee*  
8 *of the Federal Aviation Administration may submit an ap-*  
9 *peal to the Merit Systems Protection Board and may seek*  
10 *judicial review of any resulting final orders or decisions*  
11 *of the Board from any action that was appealable to the*  
12 *Board under any law, rule, or regulation as of March 31,*  
13 *1996.”.*

14 **SEC 526. AIRCRAFT AND AVIATION COMPONENT REPAIR**  
15 **AND MAINTENANCE ADVISORY PANEL.**

16       (a) *ESTABLISHMENT OF PANEL.*—*The Administrator*  
17 *of the Federal Aviation Administration—*

18               (1) *shall establish an Aircraft Repair and Main-*  
19 *tenance Advisory Panel to review issues related to the*  
20 *use and oversight of aircraft and aviation component*  
21 *repair and maintenance facilities located within, or*  
22 *outside of, the United States; and*

23               (2) *may seek the advice of the panel on any issue*  
24 *related to methods to improve the safety of domestic*



1        *or foreign contract aircraft and aviation component*  
2        *repair facilities.*

3        *(b) MEMBERSHIP.—The panel shall consist of—*

4                *(1) 8 members, appointed by the Administrator*  
5        *as follows:*

6                        *(A) 3 representatives of labor organizations*  
7                *representing aviation mechanics;*

8                        *(B) 1 representative of cargo air carriers;*

9                        *(C) 1 representative of passenger air car-*  
10        *riers;*

11                        *(D) 1 representative of aircraft and avia-*  
12        *tion component repair stations;*

13                        *(E) 1 representative of aircraft manufactur-*  
14        *ers; and*

15                        *(F) 1 representative of the aviation indus-*  
16        *try not described in the preceding subpara-*  
17        *graphs;*

18                *(2) 1 representative from the Department of*  
19        *Transportation, designated by the Secretary of Trans-*  
20        *portation;*

21                *(3) 1 representative from the Department of*  
22        *State, designated by the Secretary of State; and*

23                *(4) 1 representative from the Federal Aviation*  
24        *Administration, designated by the Administrator.*

25        *(c) RESPONSIBILITIES.—The panel shall—*

1           (1) *determine how much aircraft and aviation*  
2 *component repair work and what type of aircraft and*  
3 *aviation component repair work is being performed*  
4 *by aircraft and aviation component repair stations*  
5 *located within, and outside of, the United States to*  
6 *better understand and analyze methods to improve the*  
7 *safety and oversight of such facilities; and*

8           (2) *provide advice and counsel to the Adminis-*  
9 *trator with respect to aircraft and aviation compo-*  
10 *nent repair work performed by those stations, staffing*  
11 *needs, and any safety issues associated with that*  
12 *work.*

13           (d) *FAA TO REQUEST INFORMATION FROM FOREIGN*  
14 *AIRCRAFT REPAIR STATIONS.—*

15           (1) *COLLECTION OF INFORMATION.—The Admin-*  
16 *istrator shall by regulation request aircraft and avia-*  
17 *tion component repair stations located outside the*  
18 *United States to submit such information as the Ad-*  
19 *ministrator may require in order to assess safety*  
20 *issues and enforcement actions with respect to the*  
21 *work performed at those stations on aircraft used by*  
22 *United States air carriers.*

23           (2) *DRUG AND ALCOHOL TESTING INFORMA-*  
24 *TION.—Included in the information the Adminis-*  
25 *trator requests under paragraph (1) shall be informa-*

1        *tion on the existence and administration of employee*  
2        *drug and alcohol testing programs in place at such*  
3        *stations, if applicable.*

4            (3) *DESCRIPTION OF WORK DONE.*—*Included in*  
5        *the information the Administrator requests under*  
6        *paragraph (1) shall be information on the amount*  
7        *and type of aircraft and aviation component repair*  
8        *work performed at those stations on aircraft registered*  
9        *in the United States.*

10        (e) *FAA TO REQUEST INFORMATION ABOUT DOMES-*  
11 *TIC AIRCRAFT REPAIR STATIONS.*—*If the Administrator*  
12 *determines that information on the volume of the use of do-*  
13 *mestic aircraft and aviation component repair stations is*  
14 *needed in order to better utilize Federal Aviation Adminis-*  
15 *tration resources, the Administrator may—*

16            (1) *require United States air carriers to submit*  
17        *the information described in subsection (d) with re-*  
18        *spect to their use of contract and noncontract aircraft*  
19        *and aviation component repair facilities located in*  
20        *the United States; and*

21            (2) *obtain information from such stations about*  
22        *work performed for foreign air carriers.*

23        (f) *FAA TO MAKE INFORMATION AVAILABLE TO PUB-*  
24 *LIC.*—*The Administrator shall make any information re-*  
25 *ceived under subsection (d) or (e) available to the public.*

1           (g) *TERMINATION.*—*The panel established under sub-*  
2 *section (a) shall terminate on the earlier of—*

3                 (1) *the date that is 2 years after the date of en-*  
4 *actment of this Act; or*

5                 (2) *December 31, 2000.*

6           (h) *ANNUAL REPORT TO CONGRESS.*—*The Adminis-*  
7 *trator shall report annually to the Congress on the number*  
8 *and location of air agency certificates that were revoked,*  
9 *suspended, or not renewed during the preceding year.*

10          (i) *DEFINITIONS.*—*Any term used in this section that*  
11 *is defined in subtitle VII of title 49, United States Code,*  
12 *has the meaning given that term in that subtitle.*

13 **SEC. 527. REPORT ON ENHANCED DOMESTIC AIRLINE COM-**  
14 **PETITION.**

15          (a) *FINDINGS.*—*The Congress makes the following*  
16 *findings:*

17                 (1) *There has been a reduction in the level of*  
18 *competition in the domestic airline business brought*  
19 *about by mergers, consolidations, and proposed do-*  
20 *mestic alliances.*

21                 (2) *Foreign citizens and foreign air carriers may*  
22 *be willing to invest in existing or start-up airlines if*  
23 *they are permitted to acquire a larger equity share of*  
24 *a United States airline.*

1       (b) *STUDY.*—*The Secretary of Transportation, after*  
2 *consulting the appropriate Federal agencies, shall study*  
3 *and report to the Congress not later than December 31,*  
4 *1998, on the desirability and implications of—*

5           (1) *decreasing the foreign ownership provision in*  
6 *section 40102(a)(15) of title 49, United States Code,*  
7 *to 51 percent from 75 percent; and*

8           (2) *changing the definition of air carrier in sec-*  
9 *tion 40102(a)(2) of such title by substituting “a com-*  
10 *pany whose principal place of business is in the*  
11 *United States” for “a citizen of the United States”.*

12 **SEC. 528. AIRCRAFT SITUATIONAL DISPLAY DATA.**

13       (a) *IN GENERAL.*—*A memorandum of agreement be-*  
14 *tween the Administrator of the Federal Aviation Adminis-*  
15 *tration and any person directly that obtains aircraft situa-*  
16 *tional display data from the Administration shall require*  
17 *that—*

18           (1) *the person demonstrate to the satisfaction of*  
19 *the Administrator that such person is capable of selec-*  
20 *tively blocking the display of any aircraft-situation-*  
21 *display-to-industry derived data related to any iden-*  
22 *tified aircraft registration number; and*

23           (2) *the person agree to block selectively the air-*  
24 *craft registration numbers of any aircraft owner or*  
25 *operator upon the Administration’s request.*

1           (b) *EXISTING MEMORANDA TO BE CONFORMED.*—The  
2 Administrator shall conform any memoranda of agreement,  
3 in effect on the date of enactment of this Act, between the  
4 Administration and a person under which that person ob-  
5 tains such data to incorporate the requirements of sub-  
6 section (a) within 30 days after that date.

7 **SEC. 529. TO EXPRESS THE SENSE OF THE SENATE CON-**  
8                           **CERNING A BILATERAL AGREEMENT BE-**  
9                           **TWEEN THE UNITED STATES AND THE**  
10                          **UNITED KINGDOM REGARDING CHARLOTTE-**  
11                          **LONDON ROUTE.**

12           (a) *DEFINITIONS.*—In this section:

13                   (1) *AIR CARRIER.*—The term “air carrier” has  
14 the meaning given that term in section 40102 of title  
15 49, United States Code.

16                   (2) *BERMUDA II AGREEMENT.*—The term “Ber-  
17 muda II Agreement” means the Agreement Between  
18 the United States of America and United Kingdom of  
19 Great Britain and Northern Ireland Concerning Air  
20 Services, signed at Bermuda on July 23, 1977 (TIAS  
21 8641).

22                   (3) *CHARLOTTE-LONDON (GATWICK) ROUTE.*—  
23 The term “Charlotte-London (Gatwick) route” means  
24 the route between Charlotte, North Carolina, and the  
25 Gatwick Airport in London, England.

1           (4) *FOREIGN AIR CARRIER.*—*The term “foreign*  
2 *air carrier” has the meaning given that term in sec-*  
3 *tion 40102 of title 49, United States Code.*

4           (5) *SECRETARY.*—*The term “Secretary” means*  
5 *the Secretary of Transportation.*

6           (b) *FINDINGS.*—*Congress finds that—*

7           (1) *under the Bermuda II Agreement, the United*  
8 *States has a right to designate an air carrier of the*  
9 *United States to serve the Charlotte-London*  
10 *(Gatwick) route;*

11           (2) *the Secretary awarded the Charlotte-London*  
12 *(Gatwick) route to US Airways on September 12,*  
13 *1997, and on May 7, 1998, US Airways announced*  
14 *plans to launch nonstop service in competition with*  
15 *the monopoly held by British Airways on the route*  
16 *and to provide convenient single-carrier one-stop serv-*  
17 *ice to the United Kingdom from dozens of cities in*  
18 *North Carolina and South Carolina and the sur-*  
19 *rounding region;*

20           (3) *US Airways was forced to cancel service for*  
21 *the Charlotte-London (Gatwick) route for the summer*  
22 *of 1998 and the following winter because the Govern-*  
23 *ment of the United Kingdom refused to provide com-*  
24 *mercially viable access to Gatwick Airport;*

1           (4) *British Airways continues to operate monop-*  
2           *oly service on the Charlotte-London (Gatwick) route*  
3           *and recently upgraded the aircraft for that route to*  
4           *B-777 aircraft;*

5           (5) *British Airways had been awarded an addi-*  
6           *tional monopoly route between London England and*  
7           *Denver, Colorado, resulting in a total of 10 monopoly*  
8           *routes operated by British Airways between the*  
9           *United Kingdom and points in the United States;*

10          (6) *monopoly service results in higher fares to*  
11          *passengers; and*

12          (7) *US Airways is prepared, and officials of the*  
13          *air carrier are eager, to initiate competitive air serv-*  
14          *ice on the Charlotte-London (Gatwick) route as soon*  
15          *as the Government of the United Kingdom provides*  
16          *commercially viable access to the Gatwick Airport.*

17          (c) *SENSE OF THE SENATE.—It is the sense of the Sen-*  
18          *ate that the Secretary should—*

19               (1) *act vigorously to ensure the enforcement of*  
20               *the rights of the United States under the Bermuda II*  
21               *Agreement;*

22               (2) *intensify efforts to obtain the necessary as-*  
23               *surances from the Government of the United Kingdom*  
24               *to allow an air carrier of the United States to operate*



1       *commercially viable, competitive service for the Char-*  
2       *lotte-London (Gatwick) route; and*

3               *(3) ensure that the rights of the Government of*  
4       *the United States and citizens and air carriers of the*  
5       *United States are enforced under the Bermuda II*  
6       *Agreement before seeking to renegotiate a broader bi-*  
7       *lateral agreement to establish additional rights for air*  
8       *carriers of the United States and foreign air carriers*  
9       *of the United Kingdom.*

10 **SEC. 530. TO EXPRESS THE SENSE OF THE SENATE CON-**  
11               **CERNING A BILATERAL AGREEMENT BE-**  
12               **TWEEN THE UNITED STATES AND THE**  
13               **UNITED KINGDOM REGARDING CLEVELAND-**  
14               **LONDON ROUTE.**

15       *(a) DEFINITIONS.—In this section:*

16               *(1) AIR CARRIER.—The term “air carrier” has*  
17       *the meaning given that term in section 40102 of title*  
18       *49, United States Code.*

19               *(2) AIRCRAFT.—The term “aircraft” has the*  
20       *meaning given that term in section 40102 of title 49,*  
21       *United States Code.*

22               *(3) AIR TRANSPORTATION.—The term “air trans-*  
23       *portation” has the meaning given that term in section*  
24       *40102 of title 49, United States Code.*

1           (4) *BERMUDA II AGREEMENT.*—*The term “Ber-*  
2 *muda II Agreement” means the Agreement Between*  
3 *the United States of America and United Kingdom of*  
4 *Great Britain and Northern Ireland Concerning Air*  
5 *Services, signed at Bermuda on July 23, 1977 (TIAS*  
6 *8641).*

7           (5) *CLEVELAND-LONDON (GATWICK) ROUTE.*—*The*  
8 *term “Cleveland-London (Gatwick) route” means the*  
9 *route between Cleveland, Ohio, and the Gatwick Air-*  
10 *port in London, England.*

11           (6) *FOREIGN AIR CARRIER.*—*The term “foreign*  
12 *air carrier” has the meaning given that term in sec-*  
13 *tion 40102 of title 49, United States Code.*

14           (7) *SECRETARY.*—*The term “Secretary” means*  
15 *the Secretary of Transportation.*

16           (8) *SLOT.*—*The term “slot” means a reservation*  
17 *for an instrument flight rule takeoff or landing by an*  
18 *air carrier of an aircraft in air transportation.*

19           (b) *FINDINGS.*—*Congress finds that—*

20           (1) *under the Bermuda II Agreement, the United*  
21 *States has a right to designate an air carrier of the*  
22 *United States to serve the Cleveland-London*  
23 *(Gatwick) route;*

1           (2)(A) on December 3, 1996, the Secretary  
2           awarded the Cleveland-London (Gatwick) route to  
3           Continental Airlines;

4           (B) on June 15, 1998, Continental Airlines an-  
5           nounced plans to launch nonstop service on that route  
6           on February 19, 1999, and to provide single-carrier  
7           one-stop service between London, England (from  
8           Gatwick Airport) and dozens of cities in Ohio and the  
9           surrounding region; and

10          (C) on August 4, 1998, the Secretary tentatively  
11          renewed the authority of Continental Airlines to  
12          carry out the nonstop service referred to in subpara-  
13          graph (B) and selected Cleveland, Ohio, as a new  
14          gateway under the Bermuda II Agreement;

15          (3) unless the Government of the United King-  
16          dom provides Continental Airlines commercially via-  
17          ble access to Gatwick Airport, Continental Airlines  
18          will not be able to initiate service on the Cleveland-  
19          London (Gatwick) route; and

20          (4) Continental Airlines is prepared to initiate  
21          competitive air service on the Cleveland-London  
22          (Gatwick) route when the Government of the United  
23          Kingdom provides commercially viable access to the  
24          Gatwick Airport.

1       (c) *SENSE OF THE SENATE.*—*It is the sense of the Sen-*  
2 *ate that the Secretary should—*

3           (1) *act vigorously to ensure the enforcement of*  
4 *the rights of the United States under the Bermuda II*  
5 *Agreement;*

6           (2) *intensify efforts to obtain the necessary as-*  
7 *surances from the Government of the United Kingdom*  
8 *to allow an air carrier of the United States to operate*  
9 *commercially viable, competitive service for the Cleve-*  
10 *land-London (Gatwick) route; and*

11          (3) *ensure that the rights of the Government of*  
12 *the United States and citizens and air carriers of the*  
13 *United States are enforced under the Bermuda II*  
14 *Agreement before seeking to renegotiate a broader bi-*  
15 *lateral agreement to establish additional rights for air*  
16 *carriers of the United States and foreign air carriers*  
17 *of the United Kingdom, including the right to com-*  
18 *mercially viable competitive slots at Gatwick Airport*  
19 *and Heathrow Airport in London, England, for air*  
20 *carriers of the United States.*

21 **SEC. 531. ALLOCATION OF TRUST FUND FUNDING.**

22       (a) *DEFINITIONS.*—*In this section:*

23           (1) *AIRPORT AND AIRWAY TRUST FUND.*—*The*  
24 *term “Airport and Airway Trust Fund” means the*

1 *trust fund established under section 9502 of the Inter-*  
2 *nal Revenue Code of 1986.*

3 (2) *SECRETARY.*—*The term “Secretary” means*  
4 *the Secretary of Transportation.*

5 (3) *STATE.*—*The term “State” means each of the*  
6 *States, the District of Columbia, and the Common-*  
7 *wealth of Puerto Rico.*

8 (4) *STATE DOLLAR CONTRIBUTION TO THE AIR-*  
9 *PORT AND AIRWAY TRUST FUND.*—*The term “State*  
10 *dollar contribution to the Airport and Airway Trust*  
11 *Fund”, with respect to a State and fiscal year, means*  
12 *the amount of funds equal to the amounts transferred*  
13 *to the Airport and Airway Trust Fund under section*  
14 *9502 of the Internal Revenue Code of 1986 that are*  
15 *equivalent to the taxes described in section 9502(b) of*  
16 *the Internal Revenue Code of 1986 that are collected*  
17 *in that State.*

18 (b) *REPORTING.*—

19 (1) *IN GENERAL.*—*As soon as practicable after*  
20 *the date of enactment of this Act, and annually there-*  
21 *after, the Secretary of the Treasury shall report to the*  
22 *Secretary the amount equal to the amount of taxes*  
23 *collected in each State during the preceding fiscal*  
24 *year that were transferred to the Airport and Airway*  
25 *Trust Fund.*

1           (2) *REPORT BY SECRETARY.*—Not later than 90  
2           days after the date of enactment of this Act, and an-  
3           nually thereafter, the Secretary shall prepare and  
4           submit to Congress a report that provides, for each  
5           State, for the preceding fiscal year—

6                   (A) the State dollar contribution to the Air-  
7                   port and Airway Trust Fund; and

8                   (B) the amount of funds (from funds made  
9                   available under section 48103 of title 49, United  
10                  States Code) that were made available to the  
11                  State (including any political subdivision there-  
12                  of) under chapter 471 of title 49, United States  
13                  Code.

14 **SEC. 532. TAOS PUEBLO AND BLUE LAKES WILDERNESS**  
15                   **AREA DEMONSTRATION PROJECT.**

16           Within 18 months after the date of enactment of this  
17           Act, the Administrator of the Federal Aviation Administra-  
18           tion shall work with the Taos Pueblo to study the feasibility  
19           of conducting a demonstration project to require all aircraft  
20           that fly over Taos Pueblo and the Blue Lake Wilderness  
21           Area of Taos Pueblo, New Mexico, to maintain a mandatory  
22           minimum altitude of at least 5,000 feet above ground level.

23 **SEC. 533. AIRLINE MARKETING DISCLOSURE.**

24           (a) *DEFINITIONS.*—In this section:

1           (1) *AIR CARRIER.*—The term “air carrier” has  
2           the meaning given that term in section 40102 of title  
3           49, United States Code.

4           (2) *AIR TRANSPORTATION.*—The term “air trans-  
5           portation” has the meaning given that term in section  
6           40102 of title 49, United States Code.

7           (b) *FINAL REGULATIONS.*—Not later than 90 days  
8           after the date of enactment of this Act, the Secretary of  
9           Transportation shall promulgate final regulations to pro-  
10          vide for improved oral and written disclosure to each con-  
11          sumer of air transportation concerning the corporate name  
12          of the air carrier that provides the air transportation pur-  
13          chased by that consumer. In issuing the regulations issued  
14          under this subsection, the Secretary shall take into account  
15          the proposed regulations issued by the Secretary on Janu-  
16          ary 17, 1995, published at page 3359, volume 60, Federal  
17          Register.

18       **SEC. 534. CERTAIN AIR TRAFFIC CONTROL TOWERS.**

19          Notwithstanding any other provision of law, regula-  
20          tion, intergovernmental circular advisories or other process,  
21          or any judicial proceeding or ruling to the contrary, the  
22          Federal Aviation Administration shall use such funds as  
23          necessary to contract for the operation of air traffic control  
24          towers, located in Salisbury, Maryland; Bozeman, Mon-  
25          tana; and Boca Raton, Florida: Provided, That the Federal

1 *Aviation Administration has made a prior determination*  
2 *of eligibility for such towers to be included in the contract*  
3 *tower program.*

4 **SEC. 535. COMPENSATION UNDER THE DEATH ON THE HIGH**  
5 **SEAS ACT.**

6 *(a) IN GENERAL.—Section 2 of the Death on the High*  
7 *Seas Act (46 U.S.C. App. 762) is amended by—*

8 *(1) inserting “(a) IN GENERAL.—” before “The*  
9 *recovery”;* and

10 *(2) adding at the end thereof the following:*

11 *“(b) COMMERCIAL AVIATION.—*

12 *“(1) IN GENERAL.—If the death was caused dur-*  
13 *ing commercial aviation, additional compensation for*  
14 *nonpecuniary damages for wrongful death of a dece-*  
15 *dent is recoverable in a total amount, for all bene-*  
16 *ficiaries of that decedent, that shall not exceed the*  
17 *greater of the pecuniary loss sustained or a sum total*  
18 *of \$750,000 from all defendants for all claims. Puni-*  
19 *tive damages are not recoverable.*

20 *“(2) INFLATION ADJUSTMENT.—The \$750,000*  
21 *amount shall be adjusted, beginning in calendar year*  
22 *2000 by the increase, if any, in the Consumer Price*  
23 *Index for all urban consumers for the prior year over*  
24 *the Consumer Price Index for all urban consumers for*  
25 *the calendar year 1998.*



1           “(3) *NONPECUNIARY DAMAGES*.—*For purposes of*  
 2           *this subsection, the term ‘nonpecuniary damages’*  
 3           *means damages for loss of care, comfort, and compan-*  
 4           *ionship.’.*”

5           (b) *EFFECTIVE DATE*.—*The amendment made by sub-*  
 6           *section (a) applies to any death caused during commercial*  
 7           *aviation occurring after July 16, 1996.*

8                           **TITLE VI—AVIATION**  
 9                           **COMPETITION PROMOTION**

10       **SEC. 601. PURPOSE.**

11           *The purpose of this title is to facilitate, through a 4-*  
 12           *year pilot program, incentives and projects that will help*  
 13           *up to 40 communities or consortia of communities to im-*  
 14           *prove their access to the essential airport facilities of the*  
 15           *national air transportation system through public-private*  
 16           *partnerships and to identify and establish ways to overcome*  
 17           *the unique policy, economic, geographic, and marketplace*  
 18           *factors that may inhibit the availability of quality, afford-*  
 19           *able air service to small communities.*

20       **SEC. 602. ESTABLISHMENT OF SMALL COMMUNITY AVIA-**  
 21                           **TION DEVELOPMENT PROGRAM.**

22           *Section 102 is amended by adding at the end thereof*  
 23           *the following:*

24           “(g) *SMALL COMMUNITY AIR SERVICE DEVELOPMENT*  
 25           *PROGRAM*.—

1           “(1) *ESTABLISHMENT.*—*The Secretary shall es-*  
2           *tablish a 4-year pilot aviation development program*  
3           *to be administered by a program director designated*  
4           *by the Secretary.*

5           “(2) *FUNCTIONS.*—*The program director shall—*

6                   “(A) *function as a facilitator between small*  
7                   *communities and air carriers;*

8                   “(B) *carry out section 41743 of this title;*

9                   “(C) *carry out the airline service restora-*  
10                  *tion program under sections 41744, 41745, and*  
11                  *41746 of this title;*

12                  “(D) *ensure that the Bureau of Transpor-*  
13                  *tation Statistics collects data on passenger infor-*  
14                  *mation to assess the service needs of small com-*  
15                  *munities;*

16                  “(E) *work with and coordinate efforts with*  
17                  *other Federal, State, and local agencies to in-*  
18                  *crease the viability of service to small commu-*  
19                  *nities and the creation of aviation development*  
20                  *zones; and*

21                  “(F) *provide policy recommendations to the*  
22                  *Secretary and the Congress that will ensure that*  
23                  *small communities have access to quality, afford-*  
24                  *able air transportation services.*

1           “(3) *REPORTS.*—*The program director shall pro-*  
2           *vide an annual report to the Secretary and the Con-*  
3           *gress beginning in 1999 that—*

4                   “(A) *analyzes the availability of air trans-*  
5                   *portation services in small communities, includ-*  
6                   *ing, but not limited to, an assessment of the air*  
7                   *fares charged for air transportation services in*  
8                   *small communities compared to air fares charged*  
9                   *for air transportation services in larger metro-*  
10                   *politan areas and an assessment of the levels of*  
11                   *service, measured by types of aircraft used, the*  
12                   *availability of seats, and scheduling of flights,*  
13                   *provided to small communities;*

14                   “(B) *identifies the policy, economic, geo-*  
15                   *graphic and marketplace factors that inhibit the*  
16                   *availability of quality, affordable air transpor-*  
17                   *tation services to small communities; and*

18                   “(C) *provides policy recommendations to*  
19                   *address the policy, economic, geographic, and*  
20                   *marketplace factors inhibiting the availability of*  
21                   *quality, affordable air transportation services to*  
22                   *small communities.”.*

23 **SEC. 603. COMMUNITY-CARRIER AIR SERVICE PROGRAM.**

24           (a) *IN GENERAL.*—*Subchapter II of chapter 417 is*  
25 *amended by adding at the end thereof the following:*

1 **“§ 41743. Air service program for small communities**

2       “(a) *COMMUNITIES PROGRAM.*—Under advisory  
3 *guidelines prescribed by the Secretary of Transportation,*  
4 *a small community or a consortia of small communities*  
5 *or a State may develop an assessment of its air service re-*  
6 *quirements, in such form as the program director des-*  
7 *ignated by the Secretary under section 102(g) may require,*  
8 *and submit the assessment and service proposal to the pro-*  
9 *gram director.*

10       “(b) *SELECTION OF PARTICIPANTS.*—In selecting com-  
11 *munity programs for participation in the communities pro-*  
12 *gram under subsection (a), the program director shall apply*  
13 *criteria, including geographical diversity and the presen-*  
14 *tation of unique circumstances, that will demonstrate the*  
15 *feasibility of the program. For purposes of this subsection,*  
16 *the application of geographical diversity criteria means cri-*  
17 *teria that—*

18               “(1) *will promote the development of a national*  
19 *air transportation system; and*

20               “(2) *will involve the participation of commu-*  
21 *nities in all regions of the country.*

22       “(c) *CARRIERS PROGRAM.*—The program director  
23 *shall invite part 121 air carriers and regional/commuter*  
24 *carriers (as such terms are defined in section 41715(d) of*  
25 *this title) to offer service proposals in response to, or in*  
26 *conjunction with, community aircraft service assessments*

1 *submitted to the office under subsection (a). A service pro-*  
2 *posal under this paragraph shall include—*

3           “(1) *an assessment of potential daily passenger*  
4 *traffic, revenues, and costs necessary for the carrier to*  
5 *offer the service;*

6           “(2) *a forecast of the minimum percentage of*  
7 *that traffic the carrier would require the community*  
8 *to garner in order for the carrier to start up and*  
9 *maintain the service; and*

10           “(3) *the costs and benefits of providing jet service*  
11 *by regional or other jet aircraft.*

12           “(d) *PROGRAM SUPPORT FUNCTION.—The program*  
13 *director shall work with small communities and air car-*  
14 *riers, taking into account their proposals and needs, to fa-*  
15 *cilitate the initiation of service. The program director—*

16           “(1) *may work with communities to develop in-*  
17 *novative means and incentives for the initiation of*  
18 *service;*

19           “(2) *may obligate funds appropriated under sec-*  
20 *tion 604 of the Wendell H. Ford National Air Trans-*  
21 *portation System Improvement Act of 1998 to carry*  
22 *out this section;*

23           “(3) *shall continue to work with both the carriers*  
24 *and the communities to develop a combination of*

1 *community incentives and carrier service levels*  
2 *that—*

3 *“(A) are acceptable to communities and*  
4 *carriers; and*

5 *“(B) do not conflict with other Federal or*  
6 *State programs to facilitate air transportation to*  
7 *the communities;*

8 *“(4) designate an airport in the program as an*  
9 *Air Service Development Zone and work with the*  
10 *community on means to attract business to the area*  
11 *surrounding the airport, to develop land use options*  
12 *for the area, and provide data, working with the De-*  
13 *partment of Commerce and other agencies;*

14 *“(5) take such other action under this chapter as*  
15 *may be appropriate.*

16 *“(e) LIMITATIONS.—*

17 *“(1) COMMUNITY SUPPORT.—The program direc-*  
18 *tor may not provide financial assistance under sub-*  
19 *section (c)(2) to any community unless the program*  
20 *director determines that—*

21 *“(A) a public-private partnership exists at*  
22 *the community level to carry out the commu-*  
23 *nity’s proposal;*

24 *“(B) the community will make a substan-*  
25 *tial financial contribution that is appropriate*

1           *for that community’s resources, but of not less*  
2           *than 25 percent of the cost of the project in any*  
3           *event;*

4           “(C) *the community has established an open*  
5           *process for soliciting air service proposals; and*

6           “(D) *the community will accord similar*  
7           *benefits to air carriers that are similarly situ-*  
8           *ated.*

9           “(2) *AMOUNT.—The program director may not*  
10          *obligate more than \$30,000,000 of the amounts appro-*  
11          *priated under 604 of the Wendell H. Ford National*  
12          *Air Transportation System Improvement Act of 1998*  
13          *over the 4 years of the program.*

14          “(3) *NUMBER OF PARTICIPANTS.—The program*  
15          *established under subsection (a) shall not involve*  
16          *more than 40 communities or consortia of commu-*  
17          *nities.*

18          “(f) *REPORT.—The program director shall report*  
19          *through the Secretary to the Congress annually on the*  
20          *progress made under this section during the preceding year*  
21          *in expanding commercial aviation service to smaller com-*  
22          *munities.*

1 **“§ 41744. Pilot program project authority**

2       “(a) *IN GENERAL.*—*The program director designated*  
3 *by the Secretary of Transportation under section 102(g)(1)*  
4 *shall establish a 4-year pilot program—*

5               “(1) *to assist communities and States with inad-*  
6 *equately access to the national transportation system to*  
7 *improve their access to that system; and*

8               “(2) *to facilitate better air service link-ups to*  
9 *support the improved access.*

10       “(b) *PROJECT AUTHORITY.*—*Under the pilot program*  
11 *established pursuant to subsection (a), the program director*  
12 *may—*

13               “(1) *out of amounts appropriated under section*  
14 *604 of the Wendell H. Ford National Air Transporta-*  
15 *tion System Improvement Act of 1998, provide fi-*  
16 *nancial assistance by way of grants to small commu-*  
17 *nities or consortia of small communities under section*  
18 *41743 of up to \$500,000 per year; and*

19               “(2) *take such other action as may be appro-*  
20 *priate.*

21       “(c) *OTHER ACTION.*—*Under the pilot program estab-*  
22 *lished pursuant to subsection (a), the program director may*  
23 *facilitate service by—*

24               “(1) *working with airports and air carriers to*  
25 *ensure that appropriate facilities are made available*  
26 *at essential airports;*



1           “(2) *collecting data on air carrier service to*  
2           *small communities; and*

3           “(3) *providing policy recommendations to the*  
4           *Secretary to stimulate air service and competition to*  
5           *small communities.*

6           “(d) *ADDITIONAL ACTION.—Under the pilot program*  
7           *established pursuant to subsection (a), the Secretary shall*  
8           *work with air carriers providing service to participating*  
9           *communities and major air carriers serving large hub air-*  
10          *ports (as defined in section 41731(a)(3)) to facilitate joint*  
11          *fare arrangements consistent with normal industry prac-*  
12          *tice.*

13          **“§41745. Assistance to communities for service**

14          “(a) *IN GENERAL.—Financial assistance provided*  
15          *under section 41743 during any fiscal year as part of the*  
16          *pilot program established under section 41744(a) shall be*  
17          *implemented for not more than—*

18                 “(1) *4 communities within any State at any*  
19                 *given time; and*

20                 “(2) *40 communities in the entire program at*  
21                 *any time.*

22          *For purposes of this subsection, a consortium of commu-*  
23          *nities shall be treated as a single community.*

24          “(b) *ELIGIBILITY.—In order to participate in a pilot*  
25          *project under this subchapter, a State, community, or group*

1 *of communities shall apply to the Secretary in such form*  
2 *and at such time, and shall supply such information, as*  
3 *the Secretary may require, and shall demonstrate to the sat-*  
4 *isfaction of the Secretary that—*

5           “(1) *the applicant has an identifiable need for*  
6 *access, or improved access, to the national air trans-*  
7 *portation system that would benefit the public;*

8           “(2) *the pilot project will provide material bene-*  
9 *fits to a broad section of the travelling public, busi-*  
10 *nesses, educational institutions, and other enterprises*  
11 *whose access to the national air transportation system*  
12 *is limited;*

13           “(3) *the pilot project will not impede competi-*  
14 *tion; and*

15           “(4) *the applicant has established, or will estab-*  
16 *lish, public-private partnerships in connection with*  
17 *the pilot project to facilitate service to the public.*

18           “(c) *COORDINATION WITH OTHER PROVISIONS OF*  
19 *SUBCHAPTER.—The Secretary shall carry out the 4-year*  
20 *pilot program authorized by this subchapter in such a man-*  
21 *ner as to complement action taken under the other provi-*  
22 *sions of this subchapter. To the extent the Secretary deter-*  
23 *mines to be appropriate, the Secretary may adopt criteria*  
24 *for implementation of the 4-year pilot program that are the*  
25 *same as, or similar to, the criteria developed under the pre-*

1 *ceding sections of this subchapter for determining which*  
2 *airports are eligible under those sections. The Secretary*  
3 *shall also, to the extent possible, provide incentives where*  
4 *no direct, viable, and feasible alternative service exists, tak-*  
5 *ing into account geographical diversity and appropriate*  
6 *market definitions.*

7       “(d) *MAXIMIZATION OF PARTICIPATION.—The Sec-*  
8 *retary shall structure the program established pursuant to*  
9 *section 41744(a) in a way designed to—*

10               “(1) *permit the participation of the maximum*  
11 *feasible number of communities and States over a 4-*  
12 *year period by limiting the number of years of par-*  
13 *ticipation or otherwise; and*

14               “(2) *obtain the greatest possible leverage from the*  
15 *financial resources available to the Secretary and the*  
16 *applicant by—*

17                       “(A) *progressively decreasing, on a project-*  
18 *by-project basis, any Federal financial incentives*  
19 *provided under this chapter over the 4-year pe-*  
20 *riod; and*

21                       “(B) *terminating as early as feasible Fed-*  
22 *eral financial incentives for any project deter-*  
23 *mined by the Secretary after its implementation*  
24 *to be—*

1                   “(i) *viable without further support*  
2                   *under this subchapter; or*

3                   “(ii) *failing to meet the purposes of*  
4                   *this chapter or criteria established by the*  
5                   *Secretary under the pilot program.*

6           “(e) *SUCCESS BONUS.—If Federal financial incentives*  
7           *to a community are terminated under subsection (d)(2)(B)*  
8           *because of the success of the program in that community,*  
9           *then that community may receive a one-time incentive*  
10           *grant to ensure the continued success of that program.*

11           “(f) *PROGRAM TO TERMINATE IN 4 YEARS.—No new*  
12           *financial assistance may be provided under this subchapter*  
13           *for any fiscal year beginning more than 4 years after the*  
14           *date of enactment of the Wendell H. Ford National Air*  
15           *Transportation System Improvement Act of 1998.*

16   “**§41746. Additional authority**

17           “*In carrying out this chapter, the Secretary—*

18                   “(1) *may provide assistance to States and com-*  
19                   *munities in the design and application phase of any*  
20                   *project under this chapter, and oversee the implemen-*  
21                   *tation of any such project;*

22                   “(2) *may assist States and communities in put-*  
23                   *ting together projects under this chapter to utilize pri-*  
24                   *vate sector resources, other Federal resources, or a*  
25                   *combination of public and private resources;*

1           “(3) may accord priority to service by jet air-  
2       craft;

3           “(4) take such action as may be necessary to en-  
4       sure that financial resources, facilities, and adminis-  
5       trative arrangements made under this chapter are  
6       used to carry out the purposes of title VI of the Wen-  
7       dell H. Ford National Air Transportation System  
8       Improvement Act of 1998; and

9           “(5) shall work with the Federal Aviation Ad-  
10       ministration on airport and air traffic control needs  
11       of communities in the program.

12       **“§41747. Air traffic control services pilot program**

13           “(a) *IN GENERAL.*—To further facilitate the use of,  
14       and improve the safety at, small airports, the Adminis-  
15       trator of the Federal Aviation Administration shall estab-  
16       lish a pilot program to contract for Level I air traffic con-  
17       trol services at 20 facilities not eligible for participation  
18       in the Federal Contract Tower Program.

19           “(b) *PROGRAM COMPONENTS.*—In carrying out the  
20       pilot program established under subsection (a), the Admin-  
21       istrator may—

22           “(1) utilize current, actual, site-specific data,  
23       forecast estimates, or airport system plan data pro-  
24       vided by a facility owner or operator;

1           “(2) take into consideration unique aviation  
2 safety, weather, strategic national interest, disaster  
3 relief, medical and other emergency management re-  
4 lief services, status of regional airline service, and re-  
5 lated factors at the facility;

6           “(3) approve for participation any facility will-  
7 ing to fund a pro rata share of the operating costs  
8 used by the Federal Aviation Administration to cal-  
9 culate, and, as necessary, a 1:1 benefit-to-cost ratio,  
10 as required for eligibility under the Federal Contract  
11 Tower Program; and

12           “(4) approve for participation no more than 3  
13 facilities willing to fund a pro rata share of construc-  
14 tion costs for an air traffic control tower so as to  
15 achieve, at a minimum, a 1:1 benefit-to-cost ratio, as  
16 required for eligibility under the Federal Contract  
17 Tower Program, and for each of such facilities the  
18 Federal share of construction costs does not exceed  
19 \$1,000,000.

20           “(c) REPORT.—One year before the pilot program es-  
21 tablished under subsection (a) terminates, the Adminis-  
22 trator shall report to the Congress on the effectiveness of  
23 the program, with particular emphasis on the safety and  
24 economic benefits provided to program participants and the  
25 national air transportation system.”.

1           (b) *CONFORMING AMENDMENT.*—*The chapter analysis*  
 2 *for chapter 417 is amended by inserting after the item relat-*  
 3 *ing to section 41742 the following:*

“41743. *Air service program for small communities.*

“41744. *Pilot program project authority.*

“41745. *Assistance to communities for service.*

“41746. *Additional authority.*

“41747. *Air traffic control services pilot program.*”.

4           (c) *WAIVER OF LOCAL CONTRIBUTION.*—*Section*  
 5 *41736(b) is amended by inserting after paragraph (4) the*  
 6 *following:*

7 “*Paragraph (4) does not apply to any community approved*  
 8 *for service under this section during the period beginning*  
 9 *October 1, 1991, and ending December 31, 1997.*”.

10          (d) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*  
 11 *authorized to be appropriated to the Secretary of Transpor-*  
 12 *tation such sums as may be necessary to carry out section*  
 13 *41747 of title 49, United States Code.*

14 **SEC. 604. AUTHORIZATION OF APPROPRIATIONS.**

15           *To carry out sections 41743 through 41746 of title 49,*  
 16 *United States Code, for the 4 fiscal-year period beginning*  
 17 *with fiscal year 1999—*

18                   (1) *there are authorized to be appropriated to the*  
 19 *Secretary of Transportation not more than*  
 20 *\$10,000,000; and*

21                   (2) *not more than \$20,000,000 shall be made*  
 22 *available, if available, to the Secretary for obligation*

1        *and expenditure out of the account established under*  
2        *section 45303(a) of title 49, United States Code.*

3        *To the extent that amounts are not available in such ac-*  
4        *count, there are authorized to be appropriated such sums*  
5        *as may be necessary to provide the amount authorized to*  
6        *be obligated under paragraph (2) to carry out those sections*  
7        *for that 4 fiscal-year period.*

8        **SEC. 605. MARKETING PRACTICES.**

9        *Section 41712 is amended by—*

10                *(1) inserting “(a) IN GENERAL.—” before “On”;*

11        *and*

12                *(2) adding at the end thereof the following:*

13                *“(b) MARKETING PRACTICES THAT ADVERSELY AF-*  
14        *FECT SERVICE TO SMALL OR MEDIUM COMMUNITIES.—*

15        *Within 180 days after the date of enactment of the Wendell*  
16        *H. Ford National Air Transportation System Improvement*  
17        *Act of 1998, the Secretary shall review the marketing prac-*  
18        *tices of air carriers that may inhibit the availability of*  
19        *quality, affordable air transportation services to small and*  
20        *medium-sized communities, including—*

21                *“(1) marketing arrangements between airlines*  
22        *and travel agents;*

23                *“(2) code-sharing partnerships;*

24                *“(3) computer reservation system displays;*

25                *“(4) gate arrangements at airports;*



1           “(5) *exclusive dealing arrangements; and*

2           “(6) *any other marketing practice that may have*  
3           *the same effect.*

4           “(c) *REGULATIONS.—If the Secretary finds, after con-*  
5           *ducting the review required by subsection (b), that market-*  
6           *ing practices inhibit the availability of such service to such*  
7           *communities, then, after public notice and an opportunity*  
8           *for comment, the Secretary shall promulgate regulations*  
9           *that address the problem.”.*

10   **SEC. 606. SLOT EXEMPTIONS FOR NONSTOP REGIONAL JET**  
11                                   **SERVICE.**

12           (a) *IN GENERAL.—Subchapter I of chapter 417 is*  
13           *amended by—*

14                           (1) *redesignating section 41715 as 41716; and*

15                           (2) *inserting after section 41714 the following:*

16   **“§41715. Slot exemptions for nonstop regional jet**  
17                                   **service.**

18           “(a) *IN GENERAL.—Within 90 days after receiving an*  
19           *application for an exemption to provide nonstop regional*  
20           *jet air service between—*

21                           “(1) *an airport with fewer than 2,000,000 an-*  
22           *nual enplanements; and*

23                           “(2) *a high density airport subject to the exemp-*  
24           *tion authority under section 41714(a),*

1 *the Secretary of Transportation shall grant or deny the ex-*  
2 *emption in accordance with established principles of safety*  
3 *and the promotion of competition.*

4       “(b) *EXISTING SLOTS TAKEN INTO ACCOUNT.—In de-*  
5 *ciding to grant or deny an exemption under subsection (a),*  
6 *the Secretary may take into consideration the slots and slot*  
7 *exemptions already used by the applicant.*

8       “(c) *CONDITIONS.—The Secretary may grant an ex-*  
9 *emption to an air carrier under subsection (a)—*

10               “(1) *for a period of not less than 12 months;*

11               “(2) *for a minimum of 2 daily roundtrip flights;*

12       *and*

13               “(3) *for a maximum of 3 daily roundtrip flights.*

14       “(d) *CHANGE OF NONHUB, SMALL HUB, OR MEDIUM*  
15 *HUB AIRPORT; JET AIRCRAFT.—The Secretary may, upon*  
16 *application made by an air carrier operating under an ex-*  
17 *emption granted under subsection (a)—*

18               “(1) *authorize the air carrier or an affiliated air*  
19 *carrier to upgrade service under the exemption to a*  
20 *larger jet aircraft; or*

21               “(2) *authorize an air carrier operating under*  
22 *such an exemption to change the nonhub airport or*  
23 *small hub airport for which the exemption was grant-*  
24 *ed to provide the same service to a different airport*

1       *that is smaller than a large hub airport (as defined*  
2       *in section 47134(d)(2)) if—*

3               “(A) *the air carrier has been operating*  
4               *under the exemption for a period of not less than*  
5               *12 months; and*

6               “(B) *the air carrier can demonstrate*  
7               *unmitigatable losses.*

8       “(e) *FOREFEITURE FOR MISUSE.—Any exemption*  
9       *granted under subsection (a) shall be terminated imme-*  
10       *diately by the Secretary if the air carrier to which it was*  
11       *granted uses the slot for any purpose other than the purpose*  
12       *for which it was granted or in violation of the conditions*  
13       *under which it was granted.*

14       “(f) *RESTORATION OF AIR SERVICE.—To the extent*  
15       *that—*

16               “(1) *slots were withdrawn from an air carrier*  
17               *under section 41714(b);*

18               “(2) *the withdrawal of slots under that section*  
19               *resulted in a net loss of slots; and*

20               “(3) *the net loss of slots and slot exemptions re-*  
21               *sulting from the withdrawal had an adverse effect on*  
22               *service to nonhub airports and in other domestic mar-*  
23               *kets,*

24       *the Secretary shall give priority consideration to the request*  
25       *of any air carrier from which slots were withdrawn under*

1 *that section for an equivalent number of slots at the airport*  
2 *where the slots were withdrawn. No priority consideration*  
3 *shall be given under this subsection to an air carrier de-*  
4 *scribed in paragraph (1) when the net loss of slots and slot*  
5 *exemptions is eliminated.*

6       “(g) *PRIORITY TO NEW ENTRANTS AND LIMITED IN-*  
7 *CUMBENT CARRIERS.—*

8               “(1) *IN GENERAL.—In granting slot exemptions*  
9 *under this section the Secretary shall give priority*  
10 *consideration to an application from an air carrier*  
11 *that, as of July 1, 1998, operated or held fewer than*  
12 *20 slots or slot exemptions at the high density airport*  
13 *for which it filed an exemption application.*

14               “(2) *LIMITATION.—No priority may be given*  
15 *under paragraph (1) to an air carrier that, at the*  
16 *time of application, operates or holds 20 or more slots*  
17 *and slot exemptions at the airport for which the ex-*  
18 *emption application is filed.*

19               “(3) *AFFILIATED CARRIERS.—The Secretary*  
20 *shall treat all commuter air carriers that have cooper-*  
21 *ative agreements, including code-share agreements,*  
22 *with other air carriers equally for determining eligi-*  
23 *bility for exemptions under this section regardless of*  
24 *the form of the corporate relationship between the*  
25 *commuter air carrier and the other air carrier.*

1       “(h) *STAGE 3 AIRCRAFT REQUIRED.*—An exemption  
2 may not be granted under this section with respect to any  
3 aircraft that is not a Stage 3 aircraft (as defined by the  
4 Secretary).

5       “(i) *REGIONAL JET DEFINED.*—In this section, the  
6 term ‘regional jet’ means a passenger, turbofan-powered  
7 aircraft carrying not fewer than 30 and not more than 50  
8 passengers.”.

9       (b) *CONFORMING AMENDMENTS.*—

10           (1) Section 40102 is amended by inserting after  
11 paragraph (28) the following:

12           “(28A) *LIMITED INCUMBENT AIR CARRIER.*—The  
13 term ‘limited incumbent air carrier’ has the meaning  
14 given that term in subpart S of part 93 of title 14,  
15 Code of Federal Regulations, except that ‘20’ shall be  
16 substituted for ‘12’ in sections 93.213(a)(5),  
17 93.223(c)(3), and 93.226(h) as such sections were in  
18 effect on August 1, 1998.”.

19           (2) The chapter analysis for chapter 417 is  
20 amended by striking the item relating to section  
21 41716 and inserting the following:

“41715. Slot exemptions for nonstop regional jet service.

“41716. Air service termination notice.”.

1 **SEC. 607. EXEMPTIONS TO PERIMETER RULE AT RONALD**  
2 **REAGAN WASHINGTON NATIONAL AIRPORT.**

3 (a) *IN GENERAL.*—Subchapter I of chapter 417, as  
4 amended by section 606, is amended by—

5 (1) redesignating section 41716 as 41717; and

6 (2) inserting after section 41715 the following:

7 **“§41716. Special Rules for Ronald Reagan Washing-**  
8 **ton National Airport**

9 “(a) *BEYOND-PERIMETER EXEMPTIONS.*—The Sec-  
10 retary shall by order grant exemptions from the application  
11 of sections 49104(a)(5), 49109, 49111(e), and 41714 of this  
12 title to air carriers to operate limited frequencies and air-  
13 craft on select routes between Ronald Reagan Washington  
14 National Airport and domestic hub airports of such carriers  
15 and exemptions from the requirements of subparts K and  
16 S of part 93, Code of Federal Regulations, if the Secretary  
17 finds that the exemptions will—

18 “(1) provide air transportation service with do-  
19 mestic network benefits in areas beyond the perimeter  
20 described in that section;

21 “(2) increase competition in multiple markets;

22 “(3) not reduce travel options for communities  
23 served by small hub airports and medium hub air-  
24 ports within the perimeter described in section 49109  
25 of title 49, United States Code; and

1           “(4) not result in meaningfully increased travel  
2       delays.

3           “(b) *WITHIN-PERIMETER EXEMPTIONS.*—The Sec-  
4       retary shall by order grant exemptions from the require-  
5       ments of sections 49104(a)(5), 49111(e), and 41714 of this  
6       title and subparts K and S of part 93 of title 14, Code  
7       of Federal Regulations, to commuter air carriers for service  
8       to airports with fewer than 2,000,000 annual enplanements  
9       within the perimeter established for civil aircraft operations  
10      at Ronald Reagan Washington National Airport under sec-  
11      tion 49109. The Secretary shall develop criteria for distrib-  
12      uting slot exemptions for flights within the perimeter to  
13      such airports under this paragraph in a manner consistent  
14      with the promotion of air transportation.

15          “(c) *LIMITATIONS.*—

16               “(1) *STAGE 3 AIRCRAFT REQUIRED.*—An exemp-  
17      tion may not be granted under this section with re-  
18      spect to any aircraft that is not a Stage 3 aircraft  
19      (as defined by the Secretary).

20               “(2) *GENERAL EXEMPTIONS.*—The exemptions  
21      granted under subsections (a) and (b) may not in-  
22      crease the number of operations at Ronald Reagan  
23      Washington National Airport in any 1-hour period  
24      during the hours between 7:00 a.m. and 9:59 p.m. by  
25      more than 2 operations.”.

1           “(3) *ADDITIONAL EXEMPTIONS.—The Secretary*  
2 *shall grant exemptions under subsections (a) and (b)*  
3 *that—*

4                   “(A) *will result in 12 additional daily air*  
5 *carrier slot exemptions at such airport for long-*  
6 *haul service beyond the perimeter;*

7                   “(B) *will result in 12 additional daily com-*  
8 *muter slot exemptions at such airport; and*

9                   “(C) *will not result in additional daily*  
10 *commuter slot exemptions for service to any*  
11 *within-the-perimeter airport that is not smaller*  
12 *than a large hub airport (as defined in section*  
13 *47134(d)(2)).*

14           “(4) *ASSESSMENT OF SAFETY, NOISE AND ENVI-*  
15 *RONMENTAL IMPACTS.—The Secretary shall assess the*  
16 *impact of granting exemptions, including the impacts*  
17 *of the additional slots and flights at Ronald Reagan*  
18 *Washington National Airport provided under sub-*  
19 *sections (a) and (b) on safety, noise levels and the en-*  
20 *vironment within 90 days of the date of the enact-*  
21 *ment of this Act. The environmental assessment shall*  
22 *be carried out in accordance with parts 1500–1508 of*  
23 *title 40, Code of Federal Regulations. Such environ-*  
24 *mental assessment shall include a public meeting.*



1           “(5) *APPLICABILITY WITH EXEMPTION 5133.*—  
2           *Nothing in this section affects Exemption No. 5133,*  
3           *as from time-to-time amended and extended.*”.

4           (b) *OVERRIDE OF MWAA RESTRICTION.*—Section  
5           49104(a)(5) is amended by adding at the end thereof the  
6           following:

7                       “(D) Subparagraph (C) does not apply to  
8                       *any increase in the number of instrument flight*  
9                       *rule takeoffs and landings necessary to imple-*  
10                      *ment exemptions granted by the Secretary under*  
11                      *section 41716.*”.

12           (c) *MWAA NOISE-RELATED GRANT ASSURANCES.*—

13                      (1) *IN GENERAL.*—In addition to any condition  
14                      *for approval of an airport development project that is*  
15                      *the subject of a grant application submitted to the*  
16                      *Secretary of Transportation under chapter 471 of*  
17                      *title 49, United States Code, by the Metropolitan*  
18                      *Washington Airports Authority, the Authority shall be*  
19                      *required to submit a written assurance that, for each*  
20                      *such grant made to the Authority for fiscal year 1999*  
21                      *or any subsequent fiscal year—*

22                               (A) *the Authority will make available for*  
23                               *that fiscal year funds for noise compatibility*  
24                               *planning and programs that are eligible to re-*  
25                               *ceive funding under chapter 471 of title 49,*

1           *United States Code, in an amount not less than*  
2           *10 percent of the aggregate annual amount of fi-*  
3           *nancial assistance provided to the Authority by*  
4           *the Secretary as grants under chapter 471 of*  
5           *title 49, United States Code; and*

6                     *(B) the Authority will not divert funds from*  
7           *a high priority safety project in order to make*  
8           *funds available for noise compatibility planning*  
9           *and programs.*

10           (2) *WAIVER.—The Secretary of Transportation*  
11           *may waive the requirements of paragraph (1) for any*  
12           *fiscal year for which the Secretary determines that the*  
13           *Metropolitan Washington Airports Authority is in*  
14           *full compliance with applicable airport noise compat-*  
15           *ibility planning and program requirements under*  
16           *part 150 of title 14, Code of Federal Regulations.*

17           (3) *SUNSET.—This subsection shall cease to be in*  
18           *effect 5 years after the date of enactment of this Act,*  
19           *if on that date the Secretary of Transportation cer-*  
20           *tifies that the Metropolitan Washington Airports Au-*  
21           *thority has achieved full compliance with applicable*  
22           *noise compatibility planning and program require-*  
23           *ments under part 150 of title 14, Code of Federal*  
24           *Regulations.*

1       (d) *NOISE COMPATIBILITY PLANNING AND PRO-*  
2 *GRAMS.*—Section 47117(e) is amended by adding at the end  
3 *the following:*

4               “(3) *The Secretary shall give priority in making*  
5 *grants under paragraph (1)(A) to applications for*  
6 *airport noise compatibility planning and programs*  
7 *at and around airports where operations increase*  
8 *under title VI of the Wendell H. Ford National Air*  
9 *Transportation System Improvement Act of 1998 and*  
10 *the amendments made by that title.”.*

11       (e) *CONFORMING AMENDMENTS.*—

12               (1) *Section 49111 is amended by striking sub-*  
13 *section (e).*

14               (2) *The chapter analysis for chapter 417, as*  
15 *amended by section 606(b) of this Act, is amended by*  
16 *striking the item relating to section 41716 and insert-*  
17 *ing the following:*

*“41716. Special Rules for Ronald Reagan Washington National Airport.*

*“41717. Air service termination notice.”.*

18       (f) *REPORT.*—*Within 1 year after the date of enact-*  
19 *ment of this Act, and biannually thereafter, the Secretary*  
20 *shall certify to the United States Senate Committee on*  
21 *Commerce, Science, and Transportation, the United States*  
22 *House of Representatives Committee on Transportation and*  
23 *Infrastructure, the Governments of Maryland, Virginia,*  
24 *and West Virginia and the metropolitan planning organi-*

1 zation for Washington D.C. that noise standards, air traffic  
 2 congestion, airport-related vehicular congestion, safety  
 3 standards, and adequate air service to communities served  
 4 by small hub airports and medium hub airports within the  
 5 perimeter described in section 49109 of title 49, United  
 6 States Code, have been maintained at appropriate levels.

7 **SEC. 608. ADDITIONAL SLOT EXEMPTIONS AT CHICAGO**  
 8 **O'HARE INTERNATIONAL AIRPORT.**

9 (a) *IN GENERAL.*—Chapter 417, as amended by sec-  
 10 tion 607, is amended by—

11 (1) redesignating section 41717 as 41718; and

12 (2) inserting after section 41716 the following:

13 **“§41717. Special Rules for Chicago O’Hare Inter-**  
 14 **national Airport**

15 “(a) *IN GENERAL.*—The Secretary of Transportation  
 16 shall grant 30 slot exemptions over a 3-year period begin-  
 17 ning on the date of enactment of the Wendell H. Ford Na-  
 18 tional Air Transportation System Improvement Act of 1998  
 19 at Chicago O’Hare International Airport.

20 “(b) *EQUIPMENT AND SERVICE REQUIREMENTS.*—

21 “(1) *STAGE 3 AIRCRAFT REQUIRED.*—An exemp-  
 22 tion may not be granted under this section with re-  
 23 spect to any aircraft that is not a Stage 3 aircraft  
 24 (as defined by the Secretary).

1           “(2) *SERVICE PROVIDED.*—Of the exemptions  
2           *granted under subsection (a)*—

3                   “(A) *18 shall be used only for service to un-*  
4                   *derserved markets, of which no fewer than 6 shall*  
5                   *be designated as commuter slot exemptions; and*

6                   “(B) *12 shall be air carrier slot exemptions.*

7           “(c) *PROCEDURAL REQUIREMENTS.*—Before granting  
8           *exemptions under subsection (a), the Secretary shall—*

9                   “(1) *conduct an environmental review, taking*  
10                   *noise into account, and determine that the granting*  
11                   *of the exemptions will not cause a significant increase*  
12                   *in noise;*

13                   “(2) *determine whether capacity is available and*  
14                   *can be used safely and, if the Secretary so determines*  
15                   *then so certify;*

16                   “(3) *give 30 days notice to the public through*  
17                   *publication in the Federal Register of the Secretary’s*  
18                   *intent to grant the exemptions; and*

19                   “(4) *consult with appropriate officers of the*  
20                   *State and local government on any related noise and*  
21                   *environmental issues.*

22           “(d) *UNDERSERVED MARKET DEFINED.*—In this sec-  
23           *tion, the term ‘service to underserved markets’ means pas-*  
24           *senger air transportation service to an airport that is a*

1 *nonhub airport or a small hub airport (as defined in para-*  
 2 *graphs (4) and (5), respectively, of section 41731(a)).”.*

3 *(b) STUDIES.—*

4 *(1) 3-YEAR REPORT.—The Secretary shall study*  
 5 *and submit a report 3 years after the first exemption*  
 6 *granted under section 41717(a) of title 49, United*  
 7 *States Code, is first used on the impact of the addi-*  
 8 *tional slots on the safety, environment, noise, access*  
 9 *to underserved markets, and competition at Chicago*  
 10 *O’Hare International Airport.*

11 *(2) DOT STUDY IN 2000.—The Secretary of*  
 12 *Transportation shall study community noise levels in*  
 13 *the areas surrounding the 4 high-density airports*  
 14 *after the 100 percent Stage 3 fleet requirements are*  
 15 *in place, and compare those levels with the levels in*  
 16 *such areas before 1991.*

17 *(c) CONFORMING AMENDMENT.—The chapter analysis*  
 18 *for chapter 417, as amended by section 607(b) of this Act,*  
 19 *is amended by striking the item relating to section 41717*  
 20 *and inserting the following:*

*“41717. Special Rules for Chicago O’Hare International Airport.*  
*“41718. Air service termination notice.”.*

21 **SEC. 609. CONSUMER NOTIFICATION OF E-TICKET EXPIRA-**  
 22 **TION DATES.**

23 *Section 41712, as amended by section 605 of this Act,*  
 24 *is amended by adding at the end thereof the following:*

1       “(d) *E-TICKET EXPIRATION NOTICE.*—*It shall be an*  
2 *unfair or deceptive practice under subsection (a) for any*  
3 *air carrier utilizing electronically transmitted tickets to fail*  
4 *to notify the purchaser of such a ticket of its expiration*  
5 *date, if any.*”.

6 **SEC. 610. JOINT VENTURE AGREEMENTS.**

7       (a) *IN GENERAL.*—*Subchapter I of chapter 417, as*  
8 *amended by section 608, is amended by adding at the end*  
9 *the following:*

10 **“§41719. Joint venture agreements**

11       “(a) *DEFINITIONS.*—*In this section—*

12               “(1) *JOINT VENTURE AGREEMENT.*—*The term*  
13 *‘joint venture agreement’ means an agreement entered*  
14 *into by a major air carrier on or after January 1,*  
15 *1998, with regard to (A) code-sharing, blocked-space*  
16 *arrangements, long-term wet leases (as defined in sec-*  
17 *tion 207.1 of title 14, Code of Federal Regulations) of*  
18 *a substantial number (as defined by the Secretary by*  
19 *regulation) of aircraft, or frequent flyer programs, or*  
20 *(B) any other cooperative working arrangement (as*  
21 *defined by the Secretary by regulation) between 2 or*  
22 *more major air carriers that affects more than 15*  
23 *percent of the total number of available seat miles of-*  
24 *fered by the major air carriers.*

1           “(2) *MAJOR AIR CARRIER.*—*The term ‘major air*  
2           *carrier’ means a passenger air carrier that is certifi-*  
3           *cated under chapter 411 of this title and included in*  
4           *Carrier Group III under criteria contained in section*  
5           *04 of part 241 of title 14, Code of Federal Regula-*  
6           *tions.*

7           “(b) *SUBMISSION OF JOINT VENTURE AGREEMENT.*—  
8           *At least 30 days before a joint venture agreement may take*  
9           *effect, each of the major air carriers that entered into the*  
10          *agreement shall submit to the Secretary—*

11           “(1) *a complete copy of the joint venture agree-*  
12          *ment and all related agreements; and*

13           “(2) *other information and documentary mate-*  
14          *rial that the Secretary may require by regulation.*

15          “(c) *EXTENSION OF WAITING PERIOD.*—

16           “(1) *IN GENERAL.*—*The Secretary may extend*  
17          *the 30-day period referred to in subsection (b) until—*

18           “(A) *in the case of a joint venture agree-*  
19          *ment with regard to code-sharing, the 150th day*  
20          *following the last day of such period; and*

21           “(B) *in the case of any other joint venture*  
22          *agreement, the 60th day following the last day of*  
23          *such period.*

24           “(2) *PUBLICATION OF REASONS FOR EXTEN-*  
25          *SION.*—*If the Secretary extends the 30-day period re-*



1       ferred to in subsection (b), the Secretary shall publish  
2       in the *Federal Register* the reasons of the Secretary  
3       for making the extension.

4       “(d) *TERMINATION OF WAITING PERIOD.*—At any  
5       time after the date of submission of a joint venture agree-  
6       ment under subsection (b), the Secretary may terminate the  
7       waiting periods referred to in subsections (b) and (c) with  
8       respect to the agreement.

9       “(e) *REGULATIONS.*—The effectiveness of a joint ven-  
10       ture agreement may not be delayed due to any failure of  
11       the Secretary to issue regulations to carry out this sub-  
12       section.

13       “(f) *MEMORANDUM TO PREVENT DUPLICATIVE RE-*  
14       *VIEWES.*—Promptly after the date of enactment of this sec-  
15       tion, the Secretary shall consult with the Assistant Attorney  
16       General of the Antitrust Division of the Department of Jus-  
17       tice in order to establish, through a written memorandum  
18       of understanding, preclearance procedures to prevent unnec-  
19       essary duplication of effort by the Secretary and the Assist-  
20       ant Attorney General under this section and the United  
21       States antitrust laws, respectively.

22       “(g) *PRIOR AGREEMENTS.*—With respect to a joint  
23       venture agreement entered into before the date of enactment  
24       of this section as to which the Secretary finds that—

1           “(1) the parties have submitted the agreement to  
2           the Secretary before such date of enactment; and

3           “(2) the parties have submitted any information  
4           on the agreement requested by the Secretary,  
5           the waiting period described in paragraphs (2) and (3)  
6           shall begin on the date, as determined by the Secretary, on  
7           which all such information was submitted and end on the  
8           last day to which the period could be extended under this  
9           section.

10          “(h) *LIMITATION ON STATUTORY CONSTRUCTION.*—  
11          The authority granted to the Secretary under this sub-  
12          section shall not in any way limit the authority of the At-  
13          torney General to enforce the antitrust laws as defined in  
14          the first section of the Clayton Act (15 U.S.C. 12).”.

15          (b) *CONFORMING AMENDMENT.*—The analysis for sub-  
16          chapter I of such chapter is amended by adding at the end  
17          the following:

          “41716. Joint venture agreements.”.

18          **SEC. 611. REGIONAL AIR SERVICE INCENTIVE OPTIONS.**

19          (a) *PURPOSE.*—The purpose of this section is to pro-  
20          vide the Congress with an analysis of means to improve  
21          service by jet aircraft to underserved markets by authoriz-  
22          ing a review of different programs of Federal financial as-  
23          sistance, including loan guarantees like those that would  
24          have been provided for by section 2 of S. 1353, 105th Con-  
25          gress, as introduced, to commuter air carriers that would

1 *purchase regional jet aircraft for use in serving those mar-*  
2 *kets.*

3       **(b) STUDY.**—*The Secretary of Transportation shall*  
4 *study the efficacy of a program of Federal loan guarantees*  
5 *for the purchase of regional jets by commuter air carriers.*  
6 *The Secretary shall include in the study a review of options*  
7 *for funding, including alternatives to Federal funding. In*  
8 *the study, the Secretary shall analyze—*

9               *(1) the need for such a program;*

10              *(2) its potential benefit to small communities;*

11              *(3) the trade implications of such a program;*

12              *(4) market implications of such a program for*  
13 *the sale of regional jets;*

14              *(5) the types of markets that would benefit the*  
15 *most from such a program;*

16              *(6) the competitive implications of such a pro-*  
17 *gram; and*

18              *(7) the cost of such a program.*

19       **(c) REPORT.**—*The Secretary shall submit a report of*  
20 *the results of the study to the Senate Committee on Com-*  
21 *merce, Science, and Transportation and the House of Rep-*  
22 *resentatives Committee on Transportation and Infrastruc-*  
23 *ture not later than 24 months after the date of enactment*  
24 *of this Act.*

1 **SEC. 612. GAO STUDY OF AIR TRANSPORTATION NEEDS.**

2       *The General Accounting Office shall conduct a study*  
3 *of the current state of the national airport network and its*  
4 *ability to meet the air transportation needs of the United*  
5 *States over the next 15 years. The study shall include air-*  
6 *ports located in remote communities and reliever airports.*  
7 *In assessing the effectiveness of the system the Comptroller*  
8 *General may consider airport runway length of 5,500 feet*  
9 *or the equivalent altitude-adjusted length, air traffic control*  
10 *facilities, and navigational aids.*

11       **TITLE VII—NATIONAL PARKS**  
12               **OVERFLIGHTS**

13 **SEC. 701. FINDINGS.**

14       *The Congress finds that—*

15               (1) *the Federal Aviation Administration has sole*  
16 *authority to control airspace over the United States;*

17               (2) *the Federal Aviation Administration has the*  
18 *authority to preserve, protect, and enhance the envi-*  
19 *ronment by minimizing, mitigating, or preventing*  
20 *the adverse effects of aircraft overflights on the public*  
21 *and tribal lands;*

22               (3) *the National Park Service has the respon-*  
23 *sibility of conserving the scenery and natural and*  
24 *historic objects and wildlife in national parks and of*  
25 *providing for the enjoyment of the national parks in*

1       ways that leave the national parks unimpaired for fu-  
2       ture generations;

3               (4) the protection of tribal lands from aircraft  
4       overflights is consistent with protecting the public  
5       health and welfare and is essential to the mainte-  
6       nance of the natural and cultural resources of Indian  
7       tribes;

8               (5) the National Parks Overflights Working  
9       Group, composed of general aviation, air tour, envi-  
10      ronmental, and Native American representatives, rec-  
11      ommended that the Congress enact legislation based  
12      on its consensus work product; and

13              (6) this title reflects the recommendations made  
14      by that Group.

15   **SEC. 702. AIR TOUR MANAGEMENT PLANS FOR NATIONAL**  
16                                   **PARKS.**

17       (a) *IN GENERAL.*—Chapter 401, as amended by sec-  
18      tion 301 of this Act, is amended by adding at the end the  
19      following:

20   **“§ 40126. Overflights of national parks**

21       “(a) *IN GENERAL.*—

22              “(1) *GENERAL REQUIREMENTS.*—A commercial  
23      air tour operator may not conduct commercial air  
24      tour operations over a national park or tribal lands  
25      except—

1           “(A) *in accordance with this section;*

2           “(B) *in accordance with conditions and*  
3 *limitations prescribed for that operator by the*  
4 *Administrator; and*

5           “(C) *in accordance with any effective air*  
6 *tour management plan for that park or those*  
7 *tribal lands.*

8           “(2) *APPLICATION FOR OPERATING AUTHOR-*  
9 *ITY.—*

10           “(A) *APPLICATION REQUIRED.—Before com-*  
11 *mencing commercial air tour operations over a*  
12 *national park or tribal lands, a commercial air*  
13 *tour operator shall apply to the Administrator*  
14 *for authority to conduct the operations over that*  
15 *park or those tribal lands.*

16           “(B) *COMPETITIVE BIDDING FOR LIMITED*  
17 *CAPACITY PARKS.—Whenever a commercial air*  
18 *tour management plan limits the number of*  
19 *commercial air tour flights over a national park*  
20 *area during a specified time frame, the Adminis-*  
21 *trator, in cooperation with the Director, shall*  
22 *authorize commercial air tour operators to pro-*  
23 *vide such service. The authorization shall specify*  
24 *such terms and conditions as the Administrator*  
25 *and the Director find necessary for management*

1           *of commercial air tour operations over the na-*  
2           *tional park. The Administrator, in cooperation*  
3           *with the Director, shall develop an open competi-*  
4           *tive process for evaluating proposals from per-*  
5           *sons interested in providing commercial air tour*  
6           *services over the national park. In making a se-*  
7           *lection from among various proposals submitted,*  
8           *the Administrator, in cooperation with the Di-*  
9           *rector, shall consider relevant factors, includ-*  
10          *ing—*

11                     *“(i) the safety record of the company*  
12                     *or pilots;*

13                     *“(ii) any quiet aircraft technology pro-*  
14                     *posed for use;*

15                     *“(iii) the experience in commercial air*  
16                     *tour operations over other national parks or*  
17                     *scenic areas;*

18                     *“(iv) the financial capability of the*  
19                     *company;*

20                     *“(v) any training programs for pilots;*  
21                     *and*

22                     *“(vi) responsiveness to any criteria de-*  
23                     *veloped by the National Park Service or the*  
24                     *affected national park.*

1           “(C) *NUMBER OF OPERATIONS AUTHORIZED.*—*In determining the number of authorizations to issue to provide commercial air tour service over a national park, the Administrator, in cooperation with the Director, shall take into consideration the provisions of the air tour management plan, the number of existing commercial air tour operators and current level of service and equipment provided by any such companies, and the financial viability of each commercial air tour operation.*

12           “(D) *COOPERATION WITH NPS.*—*Before granting an application under this paragraph, the Administrator shall, in cooperation with the Director, develop an air tour management plan in accordance with subsection (b) and implement such plan.*

18           “(E) *TIME LIMIT ON RESPONSE TO ATMP APPLICATIONS.*—*The Administrator shall act on any such application and issue a decision on the application not later than 24 months after it is received or amended.*

23           “(3) *EXCEPTION.*—*Notwithstanding paragraph*  
24 *(1), commercial air tour operators may conduct commercial air tour operations over a national park*  
25



1 *under part 91 of the Federal Aviation Regulations*  
2 *(14 CFR 91.1 et seq.) if—*

3 *“(A) such activity is permitted under part*  
4 *119 (14 CFR 119.1(e)(2));*

5 *“(B) the operator secures a letter of agree-*  
6 *ment from the Administrator and the national*  
7 *park superintendent for that national park de-*  
8 *scribing the conditions under which the flight op-*  
9 *erations will be conducted; and*

10 *“(C) the total number of operations under*  
11 *this exception is limited to not more than 5*  
12 *flights in any 30-day period over a particular*  
13 *park.*

14 *“(4) SPECIAL RULE FOR SAFETY REQUIRE-*  
15 *MENTS.—Notwithstanding subsection (c), an existing*  
16 *commercial air tour operator shall, not later than 90*  
17 *days after the date of enactment of the Wendell H.*  
18 *Ford National Air Transportation System Improve-*  
19 *ment Act of 1998, apply for operating authority*  
20 *under part 119, 121, or 135 of the Federal Aviation*  
21 *Regulations (14 CFR Pt. 119, 121, or 135). A new*  
22 *entrant commercial air tour operator shall apply for*  
23 *such authority before conducting commercial air tour*  
24 *operations over a national park or tribal lands.*

25 *“(b) AIR TOUR MANAGEMENT PLANS.—*

1           “(1) *ESTABLISHMENT OF ATMPS.*—

2                   “(A) *IN GENERAL.*—*The Administrator*  
3                   *shall, in cooperation with the Director, establish*  
4                   *an air tour management plan for any national*  
5                   *park or tribal land for which such a plan is not*  
6                   *already in effect whenever a person applies for*  
7                   *authority to operate a commercial air tour over*  
8                   *the park. The development of the air tour man-*  
9                   *agement plan is to be a cooperative undertaking*  
10                   *between the Federal Aviation Administration*  
11                   *and the National Park Service. The air tour*  
12                   *management plan shall be developed by means of*  
13                   *a public process, and the agencies shall develop*  
14                   *information and analysis that explains the con-*  
15                   *clusions that the agencies make in the applica-*  
16                   *tion of the respective criteria. Such explanations*  
17                   *shall be included in the Record of Decision and*  
18                   *may be subject to judicial review.*

19                   “(B) *OBJECTIVE.*—*The objective of any air*  
20                   *tour management plan shall be to develop accept-*  
21                   *able and effective measures to mitigate or pre-*  
22                   *vent the significant adverse impacts, if any, of*  
23                   *commercial air tours upon the natural and cul-*  
24                   *tural resources and visitor experiences and tribal*  
25                   *lands.*

1           “(2) *ENVIRONMENTAL DETERMINATION.*—*In es-*  
2           *tablishing an air tour management plan under this*  
3           *subsection, the Administrator and the Director shall*  
4           *each sign the environmental decision document re-*  
5           *quired by section 102 of the National Environmental*  
6           *Policy Act of 1969 (42 U.S.C. 4332) which may in-*  
7           *clude a finding of no significant impact, an environ-*  
8           *mental assessment, or an environmental impact state-*  
9           *ment, and the Record of Decision for the air tour*  
10           *management plan.*

11           “(3) *CONTENTS.*—*An air tour management plan*  
12           *for a national park—*

13                   “(A) *may prohibit commercial air tour op-*  
14                   *erations in whole or in part;*

15                   “(B) *may establish conditions for the con-*  
16                   *duct of commercial air tour operations, includ-*  
17                   *ing commercial air tour routes, maximum or*  
18                   *minimum altitudes, time-of-day restrictions, re-*  
19                   *strictions for particular events, maximum num-*  
20                   *ber of flights per unit of time, intrusions on pri-*  
21                   *vacancy on tribal lands, and mitigation of noise,*  
22                   *visual, or other impacts;*

23                   “(C) *shall apply to all commercial air tours*  
24                   *within 1/2 mile outside the boundary of a na-*  
25                   *tional park;*

1           “(D) shall include incentives (such as pre-  
2           ferred commercial air tour routes and altitudes,  
3           relief from caps and curfews) for the adoption of  
4           quiet aircraft technology by commercial air tour  
5           operators conducting commercial air tour oper-  
6           ations at the park;

7           “(E) shall provide for the initial allocation  
8           of opportunities to conduct commercial air tours  
9           if the plan includes a limitation on the number  
10          of commercial air tour flights for any time pe-  
11          riod; and

12          “(F) shall justify and document the need for  
13          measures taken pursuant to subparagraphs (A)  
14          through (E).

15          “(4) PROCEDURE.—In establishing a commercial  
16          air tour management plan for a national park, the  
17          Administrator and the Director shall—

18                 “(A) initiate at least one public meeting  
19                 with interested parties to develop a commercial  
20                 air tour management plan for the park;

21                 “(B) publish the proposed plan in the Fed-  
22                 eral Register for notice and comment and make  
23                 copies of the proposed plan available to the pub-  
24                 lic;

1           “(C) *comply with the regulations set forth*  
2           *in sections 1501.3 and 1501.5 through 1501.8 of*  
3           *title 40, Code of Federal Regulations (for pur-*  
4           *poses of complying with those regulations, the*  
5           *Federal Aviation Administration is the lead*  
6           *agency and the National Park Service is a co-*  
7           *operating agency); and*

8           “(D) *solicit the participation of any Indian*  
9           *tribe whose tribal lands are, or may be,*  
10          *overflowed by aircraft involved in commercial air*  
11          *tour operations over a national park or tribal*  
12          *lands, as a cooperating agency under the regula-*  
13          *tions referred to in paragraph (4)(C).*

14          “(5) *AMENDMENTS.—Any amendment of an air*  
15          *tour management plan shall be published in the Fed-*  
16          *eral Register for notice and comment. A request for*  
17          *amendment of an air tour management plan shall be*  
18          *made in such form and manner as the Administrator*  
19          *may prescribe.*

20          “(c) *INTERIM OPERATING AUTHORITY.—*

21                 “(1) *IN GENERAL.—Upon application for operat-*  
22                 *ing authority, the Administrator shall grant interim*  
23                 *operating authority under this paragraph to a com-*  
24                 *mercial air tour operator for a national park or trib-*

1 *al lands for which the operator is an existing com-*  
2 *mercial air tour operator.*

3 “(2) *REQUIREMENTS AND LIMITATIONS.—In-*  
4 *terim operating authority granted under this sub-*  
5 *section—*

6 “(A) *shall provide annual authorization*  
7 *only for the greater of—*

8 “(i) *the number of flights used by the*  
9 *operator to provide such tours within the*  
10 *12-month period prior to the date of enact-*  
11 *ment of the Wendell H. Ford National Air*  
12 *Transportation System Improvement Act of*  
13 *1998; or*

14 “(ii) *the average number of flights per*  
15 *12-month period used by the operator to*  
16 *provide such tours within the 36-month pe-*  
17 *riod prior to such date of enactment, and,*  
18 *for seasonal operations, the number of*  
19 *flights so used during the season or seasons*  
20 *covered by that 12-month period;*

21 “(B) *may not provide for an increase in the*  
22 *number of operations conducted during any time*  
23 *period by the commercial air tour operator to*  
24 *which it is granted unless the increase is agreed*  
25 *to by the Administrator and the Director;*

1           “(C) shall be published in the Federal Reg-  
2           ister to provide notice and opportunity for com-  
3           ment;

4           “(D) may be revoked by the Administrator  
5           for cause;

6           “(E) shall terminate 180 days after the date  
7           on which an air tour management plan is estab-  
8           lished for that park or those tribal lands; and

9           “(F) shall—

10           “(i) promote protection of national  
11           park resources, visitor experiences, and trib-  
12           al lands;

13           “(ii) promote safe operations of the  
14           commercial air tour;

15           “(iii) promote the adoption of quiet  
16           technology, as appropriate; and

17           “(iv) allow for modifications of the op-  
18           eration based on experience if the modifica-  
19           tion improves protection of national park  
20           resources and values and of tribal lands.

21           “(3) NEW ENTRANT AIR TOUR OPERATORS.—

22           “(A) IN GENERAL.—The Administrator, in  
23           cooperation with the Director, may grant in-  
24           terim operating authority under this paragraph  
25           to an air tour operator for a national park for

1           *which that operator is a new entrant air tour*  
2           *operator if the Administrator determines the au-*  
3           *thority is necessary to ensure competition in the*  
4           *provision of commercial air tours over that na-*  
5           *tional park or those tribal lands.*

6           “(B) *SAFETY LIMITATION.*—*The Adminis-*  
7           *trator may not grant interim operating author-*  
8           *ity under subparagraph (A) if the Administrator*  
9           *determines that it would create a safety problem*  
10           *at that park or on tribal lands, or the Director*  
11           *determines that it would create a noise problem*  
12           *at that park or on tribal lands.*

13           “(C) *ATMP LIMITATION.*—*The Adminis-*  
14           *trator may grant interim operating authority*  
15           *under subparagraph (A) of this paragraph only*  
16           *if the air tour management plan for the park or*  
17           *tribal lands to which the application relates has*  
18           *not been developed within 24 months after the*  
19           *date of enactment of the Wendell H. Ford Na-*  
20           *tional Air Transportation System Improvement*  
21           *Act of 1998.*

22           “(d) *DEFINITIONS.*—*In this section, the following defi-*  
23           *initions apply:*

24           “(1) *COMMERCIAL AIR TOUR.*—*The term ‘com-*  
25           *mercial air tour’ means any flight conducted for com-*



1        *compensation or hire in a powered aircraft where a pur-*  
2        *pose of the flight is sightseeing. If the operator of a*  
3        *flight asserts that the flight is not a commercial air*  
4        *tour, factors that can be considered by the Adminis-*  
5        *trator in making a determination of whether the*  
6        *flight is a commercial air tour, include, but are not*  
7        *limited to—*

8                *“(A) whether there was a holding out to the*  
9                *public of willingness to conduct a sightseeing*  
10               *flight for compensation or hire;*

11               *“(B) whether a narrative was provided that*  
12               *referred to areas or points of interest on the sur-*  
13               *face;*

14               *“(C) the area of operation;*

15               *“(D) the frequency of flights;*

16               *“(E) the route of flight;*

17               *“(F) the inclusion of sightseeing flights as*  
18               *part of any travel arrangement package; or*

19               *“(G) whether the flight or flights in question*  
20               *would or would not have been canceled based on*  
21               *poor visibility of the surface.*

22               *“(2) COMMERCIAL AIR TOUR OPERATOR.—The*  
23               *term ‘commercial air tour operator’ means any per-*  
24               *son who conducts a commercial air tour.*

1           “(3) *EXISTING COMMERCIAL AIR TOUR OPERA-*  
2           *TOR.—The term ‘existing commercial air tour opera-*  
3           *tor’ means a commercial air tour operator that was*  
4           *actively engaged in the business of providing commer-*  
5           *cial air tours over a national park at any time dur-*  
6           *ing the 12-month period ending on the date of enact-*  
7           *ment of the Wendell H. Ford National Air Transpor-*  
8           *tation System Improvement Act of 1998.*

9           “(4) *NEW ENTRANT COMMERCIAL AIR TOUR OP-*  
10           *ERATOR.—The term ‘new entrant commercial air tour*  
11           *operator’ means a commercial air tour operator*  
12           *that—*

13                   “(A) *applies for operating authority as a*  
14                   *commercial air tour operator for a national*  
15                   *park; and*

16                   “(B) *has not engaged in the business of pro-*  
17                   *viding commercial air tours over that national*  
18                   *park or those tribal lands in the 12-month pe-*  
19                   *riod preceding the application.*

20           “(5) *COMMERCIAL AIR TOUR OPERATIONS.—The*  
21           *term ‘commercial air tour operations’ means commer-*  
22           *cial air tour flight operations conducted—*

23                   “(A) *over a national park or within 1/2 mile*  
24                   *outside the boundary of any national park;*

1           “(B) below a minimum altitude, determined  
2           by the Administrator in cooperation with the Di-  
3           rector, above ground level (except solely for pur-  
4           poses of takeoff or landing, or necessary for safe  
5           operation of an aircraft as determined under the  
6           rules and regulations of the Federal Aviation  
7           Administration requiring the pilot-in-command  
8           to take action to ensure the safe operation of the  
9           aircraft); and

10           “(C) less than 1 mile laterally from any ge-  
11           ographic feature within the park (unless more  
12           than  $\frac{1}{2}$  mile outside the boundary).

13           “(6) NATIONAL PARK.—The term ‘national park’  
14           means any unit of the National Park System.

15           “(7) TRIBAL LANDS.—The term ‘tribal lands’  
16           means ‘Indian country’, as defined by section 1151 of  
17           title 18, United States Code, that is within or abut-  
18           ting a national park.

19           “(8) ADMINISTRATOR.—The term ‘Adminis-  
20           trator’ means the Administrator of the Federal Avia-  
21           tion Administration.

22           “(9) DIRECTOR.—The term ‘Director’ means the  
23           Director of the National Park Service.”.

24           (b) EXEMPTIONS.—

1           (1) *GRAND CANYON.*—Section 40126 of title 49,  
2           *United States Code, as added by subsection (a), does*  
3           *not apply to—*

4                     (A) *the Grand Canyon National Park; or*

5                     (B) *Indian country within or abutting the*  
6           *Grand Canyon National Park.*

7           (2) *ALASKA.*—*The provisions of this title and*  
8           *section 40126 of title 49, United States Code, as*  
9           *added by subsection (a), do not apply to any land or*  
10          *waters located in Alaska.*

11          (3) *COMPLIANCE WITH OTHER REGULATIONS.*—  
12          *For purposes of section 40126 of title 49, United*  
13          *States Code—*

14                     (A) *regulations issued by the Secretary of*  
15                     *Transportation and the Administrator of the*  
16                     *Federal Aviation Administration under section 3*  
17                     *of Public Law 100–91 (16 U.S.C. 1a–1, note);*  
18                     *and*

19                     (B) *commercial air tour operations carried*  
20                     *out in compliance with the requirements of those*  
21                     *regulations,*

22          *shall be deemed to meet the requirements of such sec-*  
23          *tion 40126.*

1           (c) *CLERICAL AMENDMENT.*—*The table of sections for*  
2 *chapter 401 is amended by adding at the end thereof the*  
3 *following:*

          “40126. *Overflights of national parks.*”.

4 **SEC. 703. ADVISORY GROUP.**

5           (a) *ESTABLISHMENT.*—*Not later than 1 year after the*  
6 *date of enactment of this Act, the Administrator of the Fed-*  
7 *eral Aviation Administration and the Director of the Na-*  
8 *tional Park Service shall jointly establish an advisory*  
9 *group to provide continuing advice and counsel with respect*  
10 *to the operation of commercial air tours over and near na-*  
11 *tional parks.*

12           (b) *MEMBERSHIP.*—

13               (1) *IN GENERAL.*—*The advisory group shall be*  
14 *composed of—*

15                       (A) *a balanced group of —*

16                               (i) *representatives of general aviation;*

17                               (ii) *representatives of commercial air*  
18 *tour operators;*

19                               (iii) *representatives of environmental*  
20 *concerns; and*

21                               (iv) *representatives of Indian tribes;*

22                       (B) *a representative of the Federal Aviation*  
23 *Administration; and*

24                       (C) *a representative of the National Park*  
25 *Service.*

1           (2) *EX-OFFICIO MEMBERS.*—*The Administrator*  
2           *and the Director shall serve as ex-officio members.*

3           (3) *CHAIRPERSON.*—*The representative of the*  
4           *Federal Aviation Administration and the representa-*  
5           *tive of the National Park Service shall serve alternat-*  
6           *ing 1-year terms as chairman of the advisory group,*  
7           *with the representative of the Federal Aviation Ad-*  
8           *ministration serving initially until the end of the cal-*  
9           *endar year following the year in which the advisory*  
10          *group is first appointed.*

11          (c) *DUTIES.*—*The advisory group shall provide advice,*  
12          *information, and recommendations to the Administrator*  
13          *and the Director—*

14                 (1) *on the implementation of this title;*

15                 (2) *on the designation of appropriate and fea-*  
16                 *sible quiet aircraft technology standards for quiet air-*  
17                 *craft technologies under development for commercial*  
18                 *purposes, which will receive preferential treatment in*  
19                 *a given air tour management plan;*

20                 (3) *on other measures that might be taken to ac-*  
21                 *commodate the interests of visitors to national parks;*  
22                 *and*

23                 (4) *on such other national park or tribal lands-*  
24                 *related safety, environmental, and air touring issues*  
25                 *as the Administrator and the Director may request.*

1       (d) *COMPENSATION; SUPPORT; FACA.*—

2               (1) *COMPENSATION AND TRAVEL.*—*Members of*  
3 *the advisory group who are not officers or employees*  
4 *of the United States, while attending conferences or*  
5 *meetings of the group or otherwise engaged in its*  
6 *business, or while serving away from their homes or*  
7 *regular places of business, each member may be al-*  
8 *lowed travel expenses, including per diem in lieu of*  
9 *subsistence, as authorized by section 5703 of title 5,*  
10 *United States Code, for persons in the Government*  
11 *service employed intermittently.*

12               (2) *ADMINISTRATIVE SUPPORT.*—*The Federal*  
13 *Aviation Administration and the National Park*  
14 *Service shall jointly furnish to the advisory group*  
15 *clerical and other assistance.*

16               (3) *NONAPPLICATION OF FACA.*—*Section 14 of*  
17 *the Federal Advisory Committee Act (5 U.S.C. App.)*  
18 *does not apply to the advisory group.*

19       (e) *REPORT.*—*The Administrator and the Director*  
20 *shall jointly report to the Congress within 24 months after*  
21 *the date of enactment of this Act on the success of this title*  
22 *in providing incentives for quiet aircraft technology.*

23 **SEC. 704. OVERFLIGHT FEE REPORT.**

24       *Not later than 180 days after the date of enactment*  
25 *of this Act, the Administrator of the Federal Aviation Ad-*

1 *ministration shall transmit to Congress a report on the ef-*  
2 *fects proposed overflight fees are likely to have on the com-*  
3 *mercial air tour industry. The report shall include, but*  
4 *shall not be limited to—*

5 *(1) the viability of a tax credit for the commer-*  
6 *cial air tour operators equal to the amount of the pro-*  
7 *posed fee charged by the National Park Service; and*

8 *(2) the financial effects proposed offsets are likely*  
9 *to have on Federal Aviation Administration budgets*  
10 *and appropriations.*

11 **SEC. 705. PROHIBITION OF COMMERCIAL AIR TOURS OVER**  
12 **THE ROCKY MOUNTAIN NATIONAL PARK.**

13 *Effective beginning on the date of enactment of this*  
14 *Act, no commercial air tour may be operated in the air-*  
15 *space over the Rocky Mountain National Park notwith-*  
16 *standing any other provision of this Act or section 40126*  
17 *of title 49, United States Code, as added by this Act.*

18 **TITLE VIII—CENTENNIAL OF**  
19 **FLIGHT COMMEMORATION**

20 **SEC. 801. SHORT TITLE.**

21 *This title may be cited as the “Centennial of Flight*  
22 *Commemoration Act”.*

23 **SEC. 802. FINDINGS.**

24 *Congress finds that—*



1           (1) *December 17, 2003, is the 100th anniversary*  
2           *of the first successful manned, free, controlled, and*  
3           *sustained flight by a power-driven, heavier-than-air*  
4           *machine;*

5           (2) *the first flight by Orville and Wilbur Wright*  
6           *represents the fulfillment of the age-old dream of fly-*  
7           *ing;*

8           (3) *the airplane has dramatically changed the*  
9           *course of transportation, commerce, communication,*  
10          *and warfare throughout the world;*

11          (4) *the achievement by the Wright brothers*  
12          *stands as a triumph of American ingenuity, inven-*  
13          *tiveness, and diligence in developing new technologies,*  
14          *and remains an inspiration for all Americans;*

15          (5) *it is appropriate to remember and renew the*  
16          *legacy of the Wright brothers at a time when the val-*  
17          *ues of creativity and daring represented by the*  
18          *Wright brothers are critical to the future of the Na-*  
19          *tion; and*

20          (6) *as the Nation approaches the 100th anniver-*  
21          *sary of powered flight, it is appropriate to celebrate*  
22          *and commemorate the centennial year through local,*  
23          *national, and international observances and activi-*  
24          *ties.*

1 **SEC. 803. ESTABLISHMENT.**

2 *There is established a commission to be known as the*  
3 *Centennial of Flight Commission.*

4 **SEC. 804. MEMBERSHIP.**

5 (a) *NUMBER AND APPOINTMENT.*—*The Commission*  
6 *shall be composed of 6 members, as follows:*

7 (1) *The Director of the National Air and Space*  
8 *Museum of the Smithsonian Institution or his des-*  
9 *ignee.*

10 (2) *The Administrator of the National Aero-*  
11 *navitics and Space Administration or his designee.*

12 (3) *The chairman of the First Flight Centennial*  
13 *Foundation of North Carolina, or his designee.*

14 (4) *The chairman of the 2003 Committee of*  
15 *Ohio, or his designee.*

16 (5) *As chosen by the Commission, the president*  
17 *or head of a United States aeronautical society, foun-*  
18 *dition, or organization of national stature or promi-*  
19 *nence who will be a person from a State other than*  
20 *Ohio or North Carolina.*

21 (6) *The Administrator of the Federal Aviation*  
22 *Administration, or his designee.*

23 (b) *VACANCIES.*—*Any vacancy in the Commission*  
24 *shall be filled in the same manner in which the original*  
25 *designation was made.*

26 (c) *COMPENSATION.*—

1           (1) *PROHIBITION OF PAY.*—*Except as provided*  
2           *in paragraph (2), members of the Commission shall*  
3           *serve without pay or compensation.*

4           (2) *TRAVEL EXPENSES.*—*The Commission may*  
5           *adopt a policy, only by unanimous vote, for members*  
6           *of the Commission and related advisory panels to re-*  
7           *ceive travel expenses, including per diem in lieu of*  
8           *subsistence. The policy may not exceed the levels es-*  
9           *tablished under sections 5702 and 5703 of title 5,*  
10          *United States Code. Members who are Federal em-*  
11          *ployees shall not receive travel expenses if otherwise*  
12          *reimbursed by the Federal Government.*

13          (d) *QUORUM.*—*Three members of the Commission shall*  
14          *constitute a quorum.*

15          (e) *CHAIRPERSON.*—*The Commission shall select a*  
16          *Chairperson of the Commission from the members des-*  
17          *ignated under subsection (a) (1), (2), or (5). The Chair-*  
18          *person may not vote on matters before the Commission ex-*  
19          *cept in the case of a tie vote. The Chairperson may be re-*  
20          *moved by a vote of a majority of the Commission's members.*

21          (f) *ORGANIZATION.*—*No later than 90 days after the*  
22          *date of enactment of this Act, the Commission shall meet*  
23          *and select a Chairperson, Vice Chairperson, and Executive*  
24          *Director.*

1 **SEC. 805. DUTIES.**

2 (a) *IN GENERAL.*—*The Commission shall—*

3 (1) *represent the United States and take a lead-*  
4 *ership role with other nations in recognizing the im-*  
5 *portance of aviation history in general and the cen-*  
6 *tennial of powered flight in particular, and promote*  
7 *participation by the United States in such activities;*

8 (2) *encourage and promote national and inter-*  
9 *national participation and sponsorships in com-*  
10 *memoration of the centennial of powered flight by*  
11 *persons and entities such as—*

12 (A) *aerospace manufacturing companies;*

13 (B) *aerospace-related military organiza-*  
14 *tions;*

15 (C) *workers employed in aerospace-related*  
16 *industries;*

17 (D) *commercial aviation companies;*

18 (E) *general aviation owners and pilots;*

19 (F) *aerospace researchers, instructors, and*  
20 *enthusiasts;*

21 (G) *elementary, secondary, and higher edu-*  
22 *cational institutions;*

23 (H) *civil, patriotic, educational, sporting,*  
24 *arts, cultural, and historical organizations and*  
25 *technical societies;*

26 (I) *aerospace-related museums; and*

1                   *(J) State and local governments;*

2                   *(3) plan and develop, in coordination with the*  
3                   *First Flight Centennial Commission, the First Flight*  
4                   *Centennial Foundation of North Carolina, and the*  
5                   *2003 Committee of Ohio, programs and activities that*  
6                   *are appropriate to commemorate the 100th anniver-*  
7                   *sary of powered flight;*

8                   *(4) maintain, publish, and distribute a calendar*  
9                   *or register of national and international programs*  
10                  *and projects concerning, and provide a central clear-*  
11                  *inghouse for, information and coordination regarding,*  
12                  *dates, events, and places of historical and commemo-*  
13                  *rative significance regarding aviation history in gen-*  
14                  *eral and the centennial of powered flight in particu-*  
15                  *lar;*

16                  *(5) provide national coordination for celebration*  
17                  *dates to take place throughout the United States dur-*  
18                  *ing the centennial year;*

19                  *(6) assist in conducting educational, civic, and*  
20                  *commemorative activities relating to the centennial of*  
21                  *powered flight throughout the United States, espe-*  
22                  *cially activities that occur in the States of North*  
23                  *Carolina and Ohio and that highlight the activities of*  
24                  *the Wright brothers in such States; and*

1           (7) *encourage the publication of popular and*  
2           *scholarly works related to the history of aviation or*  
3           *the anniversary of the centennial of powered flight.*

4           (b) *NONDUPLICATION OF ACTIVITIES.—The Commis-*  
5           *sion shall attempt to plan and conduct its activities in such*  
6           *a manner that activities conducted pursuant to this title*  
7           *enhance, but do not duplicate, traditional and established*  
8           *activities of Ohio’s 2003 Committee, North Carolina’s First*  
9           *Flight Centennial Commission, the First Flight Centennial*  
10           *Foundation, or any other organization of national stature*  
11           *or prominence.*

12   **SEC. 806. POWERS.**

13           (a) *ADVISORY COMMITTEES AND TASK FORCES.—*

14           (1) *IN GENERAL.—The Commission may appoint*  
15           *any advisory committee or task force from among the*  
16           *membership of the Advisory Board in section 812.*

17           (2) *FEDERAL COOPERATION.—To ensure the*  
18           *overall success of the Commission’s efforts, the Com-*  
19           *mission may call upon various Federal departments*  
20           *and agencies to assist in and give support to the pro-*  
21           *grams of the Commission. The head of the Federal de-*  
22           *partment or agency, where appropriate, shall furnish*  
23           *the information or assistance requested by the Com-*  
24           *mission, unless prohibited by law.*

1           (3) *PROHIBITION OF PAY OTHER THAN TRAVEL*  
2           *EXPENSES.*—*Members of an advisory committee or*  
3           *task force authorized under paragraph (1) shall not*  
4           *receive pay, but may receive travel expenses pursuant*  
5           *to the policy adopted by the Commission under sec-*  
6           *tion 804(c)(2).*

7           (b) *POWERS OF MEMBERS AND AGENTS.*—*Any mem-*  
8           *ber or agent of the Commission may, if authorized by the*  
9           *Commission, take any action that the Commission is au-*  
10          *thorized to take under this title.*

11          (c) *AUTHORITY TO PROCURE AND TO MAKE LEGAL*  
12          *AGREEMENTS.*—

13                 (1) *IN GENERAL.*—*Notwithstanding any other*  
14                 *provision in this title, only the Commission may pro-*  
15                 *cure supplies, services, and property, and make or*  
16                 *enter into leases and other legal agreements in order*  
17                 *to carry out this title.*

18                 (2) *RESTRICTION.*—

19                         (A) *IN GENERAL.*—*A contract, lease, or*  
20                         *other legal agreement made or entered into by*  
21                         *the Commission may not extend beyond the date*  
22                         *of the termination of the Commission.*

23                         (B) *FEDERAL SUPPORT.*—*The Commission*  
24                         *shall obtain property, equipment, and office*  
25                         *space from the General Services Administration*

1            *or the Smithsonian Institution, unless other of-*  
2            *fice space, property, or equipment is less costly.*

3            (3) *SUPPLIES AND PROPERTY POSSESSED BY*  
4            *COMMISSION AT TERMINATION.—Any supplies and*  
5            *property, except historically significant items, that*  
6            *are acquired by the Commission under this title and*  
7            *remain in the possession of the Commission on the*  
8            *date of the termination of the Commission shall be-*  
9            *come the property of the General Services Adminis-*  
10           *tration upon the date of termination.*

11           (d) *MAILS.—The Commission may use the United*  
12           *States mails in the same manner and under the same condi-*  
13           *tions as any other Federal agency.*

14           **SEC. 807. STAFF AND SUPPORT SERVICES.**

15           (a) *EXECUTIVE DIRECTOR.—There shall be an Execu-*  
16           *tive Director appointed by the Commission and chosen from*  
17           *among detailees from the agencies and organizations rep-*  
18           *resented on the Commission. The Executive Director may*  
19           *be paid at a rate not to exceed the maximum rate of basic*  
20           *pay payable for the Senior Executive Service.*

21           (b) *STAFF.—The Commission may appoint and fix the*  
22           *pay of any additional personnel that it considers appro-*  
23           *priate, except that an individual appointed under this sub-*  
24           *section may not receive pay in excess of the maximum rate*  
25           *of basic pay payable for GS-14 of the General Schedule.*



1           (c) *INAPPLICABILITY OF CERTAIN CIVIL SERVICE*  
2 *LAWS.*—*The Executive Director and staff of the Commis-*  
3 *sion may be appointed without regard to the provisions of*  
4 *title 5, United States Code, governing appointments in the*  
5 *competitive service, and may be paid without regard to the*  
6 *provisions of chapter 51 and subchapter III of chapter 53*  
7 *of such title, relating to classification and General Schedule*  
8 *pay rates, except as provided under subsections (a) and (b)*  
9 *of this section.*

10           (d) *MERIT SYSTEM PRINCIPLES.*—*The appointment of*  
11 *the Executive Director or any personnel of the Commission*  
12 *under subsection (a) or (b) shall be made consistent with*  
13 *the merit system principles under section 2301 of title 5,*  
14 *United States Code.*

15           (e) *STAFF OF FEDERAL AGENCIES.*—*Upon request by*  
16 *the Chairperson of the Commission, the head of any Federal*  
17 *department or agency may detail, on either a nonreimburs-*  
18 *able or reimbursable basis, any of the personnel of the de-*  
19 *partment or agency to the Commission to assist the Com-*  
20 *mission to carry out its duties under this title.*

21           (f) *ADMINISTRATIVE SUPPORT SERVICES.*—

22                 (1) *REIMBURSABLE SERVICES.*—*The Secretary of*  
23 *the Smithsonian Institution may provide to the Com-*  
24 *mission on a reimbursable basis any administrative*

1        *support services that are necessary to enable the Com-*  
2        *mission to carry out this title.*

3            (2) *NONREIMBURSABLE SERVICES.*—*The Sec-*  
4        *retary may provide administrative support services to*  
5        *the Commission on a nonreimbursable basis when, in*  
6        *the opinion of the Secretary, the value of such services*  
7        *is insignificant or not practical to determine.*

8            (g) *COOPERATIVE AGREEMENTS.*—*The Commission*  
9        *may enter into cooperative agreements with other Federal*  
10       *agencies, State and local governments, and private interests*  
11       *and organizations that will contribute to public awareness*  
12       *of and interest in the centennial of powered flight and to-*  
13       *ward furthering the goals and purposes of this title.*

14           (h) *PROGRAM SUPPORT.*—*The Commission may re-*  
15       *ceive program support from the nonprofit sector.*

16        **SEC. 808. CONTRIBUTIONS.**

17           (a) *DONATIONS.*—*The Commission may accept dona-*  
18       *tions of personal services and historic materials relating to*  
19       *the implementation of its responsibilities under the provi-*  
20       *sions of this title.*

21           (b) *VOLUNTEER SERVICES.*—*Notwithstanding section*  
22       *1342 of title 31, United States Code, the Commission may*  
23       *accept and use voluntary and uncompensated services as*  
24       *the Commission determines necessary.*

1           (c) *REMAINING FUNDS.*—Any funds (including funds  
2 received from licensing royalties) remaining with the Com-  
3 mission on the date of the termination of the Commission  
4 may be used to ensure proper disposition, as specified in  
5 the final report required under section 810(b), of histori-  
6 cally significant property which was donated to or acquired  
7 by the Commission. Any funds remaining after such dis-  
8 position shall be transferred to the Secretary of the Treas-  
9 ury for deposit into the general fund of the Treasury of the  
10 United States.

11 **SEC. 809. EXCLUSIVE RIGHT TO NAME, LOGOS, EMBLEMS,**  
12 **SEALS, AND MARKS.**

13           (a) *IN GENERAL.*—The Commission may devise any  
14 logo, emblem, seal, or descriptive or designating mark that  
15 is required to carry out its duties or that it determines is  
16 appropriate for use in connection with the commemoration  
17 of the centennial of powered flight.

18           (b) *LICENSING.*—The Commission shall have the sole  
19 and exclusive right to use, or to allow or refuse the use of,  
20 the name “Centennial of Flight Commission” on any logo,  
21 emblem, seal, or descriptive or designating mark that the  
22 Commission lawfully adopts.

23           (c) *EFFECT ON OTHER RIGHTS.*—No provision of this  
24 section may be construed to conflict or interfere with estab-  
25 lished or vested rights.

1       (d) *USE OF FUNDS.*—*Funds from licensing royalties*  
2 *received pursuant to this section shall be used by the Com-*  
3 *mission to carry out the duties of the Commission specified*  
4 *by this title.*

5       (e) *LICENSING RIGHTS.*—*All exclusive licensing rights,*  
6 *unless otherwise specified, shall revert to the Air and Space*  
7 *Museum of the Smithsonian Institution upon termination*  
8 *of the Commission.*

9 **SEC. 810. REPORTS.**

10       (a) *ANNUAL REPORT.*—*In each fiscal year in which*  
11 *the Commission is in existence, the Commission shall pre-*  
12 *pare and submit to Congress a report describing the activi-*  
13 *ties of the Commission during the fiscal year. Each annual*  
14 *report shall also include—*

15               (1) *recommendations regarding appropriate ac-*  
16 *tivities to commemorate the centennial of powered*  
17 *flight, including—*

18                       (A) *the production, publication, and dis-*  
19 *tribution of books, pamphlets, films, and other*  
20 *educational materials;*

21                       (B) *bibliographical and documentary*  
22 *projects and publications;*

23                       (C) *conferences, convocations, lectures, semi-*  
24 *nars, and other similar programs;*

1           (D) the development of exhibits for libraries,  
2 museums, and other appropriate institutions;

3           (E) ceremonies and celebrations commemo-  
4 rating specific events that relate to the history of  
5 aviation;

6           (F) programs focusing on the history of  
7 aviation and its benefits to the United States  
8 and humankind; and

9           (G) competitions, commissions, and awards  
10 regarding historical, scholarly, artistic, literary,  
11 musical, and other works, programs, and projects  
12 related to the centennial of powered flight;

13         (2) recommendations to appropriate agencies or  
14 advisory bodies regarding the issuance of commemo-  
15 rative coins, medals, and stamps by the United States  
16 relating to aviation or the centennial of powered  
17 flight;

18         (3) recommendations for any legislation or ad-  
19 ministrative action that the Commission determines  
20 to be appropriate regarding the commemoration of the  
21 centennial of powered flight;

22         (4) an accounting of funds received and ex-  
23 pended by the Commission in the fiscal year that the  
24 report concerns, including a detailed description of

1       *the source and amount of any funds donated to the*  
2       *Commission in the fiscal year; and*

3             (5) *an accounting of any cooperative agreements*  
4       *and contract agreements entered into by the Commis-*  
5       *sion.*

6       (b) *FINAL REPORT.*—*Not later than June 30, 2004,*  
7       *the Commission shall submit to the President and Congress*  
8       *a final report. The final report shall contain—*

9             (1) *a summary of the activities of the Commis-*  
10       *sion;*

11            (2) *a final accounting of funds received and ex-*  
12       *pende by the Commission;*

13            (3) *any findings and conclusions of the Commis-*  
14       *sion; and*

15            (4) *specific recommendations concerning the*  
16       *final disposition of any historically significant items*  
17       *acquired by the Commission, including items donated*  
18       *to the Commission under section 808(a)(1).*

19       **SEC. 811. AUDIT OF FINANCIAL TRANSACTIONS.**

20       (a) *IN GENERAL.*—

21            (1) *AUDIT.*—*The Comptroller General of the*  
22       *United States shall audit on an annual basis the fi-*  
23       *nancial transactions of the Commission, including fi-*  
24       *nancial transactions involving donated funds, in ac-*  
25       *cordance with generally accepted auditing standards.*

1           (2) *ACCESS.*—*In conducting an audit under this*  
2           *section, the Comptroller General—*

3                   (A) *shall have access to all books, accounts,*  
4                   *financial records, reports, files, and other papers,*  
5                   *items, or property in use by the Commission, as*  
6                   *necessary to facilitate the audit; and*

7                   (B) *shall be afforded full facilities for veri-*  
8                   *fying the financial transactions of the Commis-*  
9                   *sion, including access to any financial records or*  
10                   *securities held for the Commission by deposi-*  
11                   *tories, fiscal agents, or custodians.*

12           (b) *FINAL REPORT.*—*Not later than September 30,*  
13           *2004, the Comptroller General of the United States shall*  
14           *submit to the President and to Congress a report detailing*  
15           *the results of any audit of the financial transactions of the*  
16           *Commission conducted by the Comptroller General.*

17   **SEC. 812. ADVISORY BOARD.**

18           (a) *ESTABLISHMENT.*—*There is established a First*  
19           *Flight Centennial Federal Advisory Board.*

20           (b) *NUMBER AND APPOINTMENT.*—

21                   (1) *IN GENERAL.*—*The Board shall be composed*  
22                   *of 19 members as follows:*

23                           (A) *The Secretary of the Interior, or the*  
24                           *designee of the Secretary.*

1           (B) *The Librarian of Congress, or the des-*  
2           *ignee of the Librarian.*

3           (C) *The Secretary of the Air Force, or the*  
4           *designee of the Secretary.*

5           (D) *The Secretary of the Navy, or the des-*  
6           *ignee of the Secretary.*

7           (E) *The Secretary of Transportation, or the*  
8           *designee of the Secretary.*

9           (F) *Six citizens of the United States, ap-*  
10          *pointed by the President, who—*

11                 *(i) are not officers or employees of any*  
12                 *government (except membership on the*  
13                 *Board shall not be construed to apply to the*  
14                 *limitation under this clause); and*

15                 *(ii) shall be selected based on their ex-*  
16                 *perience in the fields of aerospace history,*  
17                 *science, or education, or their ability to rep-*  
18                 *resent the entities enumerated under section*  
19                 *805(a)(2).*

20           (G) *Four citizens of the United States, ap-*  
21           *pointed by the majority leader of the Senate in*  
22           *consultation with the minority leader of the Sen-*  
23           *ate.*

24           (H) *Four citizens of the United States, ap-*  
25           *pointed by the Speaker of the House of Rep-*



1            *representatives in consultation with the minority*  
2            *leader of the House of Representatives. Of the in-*  
3            *dividuals appointed under this subparagraph—*

4                    *(i) one shall be selected from among in-*  
5                    *dividuals recommended by the representa-*  
6                    *tive whose district encompasses the Wright*  
7                    *Brothers National Memorial; and*

8                    *(ii) one shall be selected from among*  
9                    *individuals recommended by the representa-*  
10                   *tives whose districts encompass any part of*  
11                   *the Dayton Aviation Heritage National*  
12                   *Historical Park.*

13            *(c) VACANCIES.—Any vacancy in the Advisory Board*  
14            *shall be filled in the same manner in which the original*  
15            *designation was made.*

16            *(d) MEETINGS.—Seven members of the Advisory Board*  
17            *shall constitute a quorum for a meeting. All meetings shall*  
18            *be open to the public.*

19            *(e) CHAIRPERSON.—The President shall designate 1*  
20            *member appointed under subsection (b)(1)(F) as chair-*  
21            *person of the Advisory Board.*

22            *(f) MAILS.—The Advisory Board may use the United*  
23            *States mails in the same manner and under the same condi-*  
24            *tions as a Federal agency.*

1       (g) *DUTIES.*—*The Advisory Board shall advise the*  
2 *Commission on matters related to this title.*

3       (h) *PROHIBITION OF COMPENSATION OTHER THAN*  
4 *TRAVEL EXPENSES.*—*Members of the Advisory Board shall*  
5 *not receive pay, but may receive travel expenses pursuant*  
6 *to the policy adopted by the Commission under section*  
7 *804(e).*

8       (i) *TERMINATION.*—*The Advisory Board shall termi-*  
9 *nate upon the termination of the Commission.*

10 **SEC. 813. DEFINITIONS.**

11       *In this title:*

12           (1) *ADVISORY BOARD.*—*The term “Advisory*  
13 *Board” means the Centennial of Flight Federal Advi-*  
14 *sory Board.*

15           (2) *CENTENNIAL OF POWERED FLIGHT.*—*The*  
16 *term “centennial of powered flight” means the anni-*  
17 *versary year, from December 2002 to December 2003,*  
18 *commemorating the 100-year history of aviation be-*  
19 *ginning with the First Flight and highlighting the*  
20 *achievements of the Wright brothers in developing the*  
21 *technologies which have led to the development of*  
22 *aviation as it is known today.*

23           (3) *COMMISSION.*—*The term “Commission”*  
24 *means the Centennial of Flight Commission.*

1           (4) *DESIGNEE*.—The term “designee” means a  
2           person from the respective entity of each entity rep-  
3           resented on the Commission or Advisory Board.

4           (5) *FIRST FLIGHT*.—The term “First Flight”  
5           means the first four successful manned, free, con-  
6           trolled, and sustained flights by a power-driven, heav-  
7           ier-than-air machine, which were accomplished by  
8           Orville and Wilbur Wright of Dayton, Ohio on De-  
9           cember 17, 1903, at Kitty Hawk, North Carolina.

10 **SEC. 814. TERMINATION.**

11           *The Commission shall terminate not later than 60*  
12 *days after the submission of the final report required by*  
13 *section 810(b) and shall transfer all documents and mate-*  
14 *rial to the National Archives or other appropriate Federal*  
15 *entity.*

16 **SEC. 815. AUTHORIZATION OF APPROPRIATIONS.**

17           *There are authorized to be appropriated to carry out*  
18 *this title—*

19           (1) \$250,000 for fiscal year 1999;

20           (2) \$600,000 for fiscal year 2000;

21           (3) \$750,000 for fiscal year 2001;

22           (4) \$900,000 for fiscal year 2002;

23           (5) \$900,000 for fiscal year 2003; and

24           (6) \$600,000 for fiscal year 2004.

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

5 **SEC. 901. EXTENSION OF EXPENDITURE AUTHORITY.**

6 (a) *IN GENERAL.*—Paragraph (1) of section 9502(d)  
7 of the Internal Revenue Code of 1986 (relating to expendi-  
8 tures from Airport and Airway Trust Fund) is amended—

9 (1) by striking “October 1, 1998” and inserting  
10 “October 1, 2000”; and

11 (2) by inserting before the semicolon at the end  
12 of subparagraph (A) the following “or the Wendell H.  
13 Ford National Air Transportation System Improve-  
14 ment Act of 1998”.

15 (b) *LIMITATION ON EXPENDITURE AUTHORITY.*—Sec-  
16 tion 9502 of such Code is amended by adding at the end  
17 the following new subsection:

18 “(f) *LIMITATION ON TRANSFERS TO TRUST FUND.*—

19 “(1) *IN GENERAL.*—Except as provided in para-  
20 graph (2), no amount may be appropriated or cred-  
21 ited to the Airport and Airway Trust Fund on and  
22 after the date of any expenditure from the Airport  
23 and Airway Trust Fund which is not permitted by  
24 this section. The determination of whether an expend-

1        *iture is so permitted shall be made without regard*  
2        *to—*

3                *“(A) any provision of law which is not con-*  
4                *tained or referenced in this title or in a revenue*  
5                *Act; and*

6                *“(B) whether such provision of law is a sub-*  
7                *sequently enacted provision or directly or indi-*  
8                *rectly seeks to waive the application of this sub-*  
9                *section.*

10               *“(2) EXCEPTION FOR PRIOR OBLIGATIONS.—*  
11               *Paragraph (1) shall not apply to any expenditure to*  
12               *liquidate any contract entered into (or for any*  
13               *amount otherwise obligated) before October 1, 2000,*  
14               *in accordance with the provisions of this section.”.*

Attest:

*Secretary.*

105<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 4057**

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**AMENDMENT**

HR 4057 EAS—2  
HR 4057 EAS—3  
HR 4057 EAS—4  
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HR 4057 EAS—7  
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