

105TH CONGRESS  
2D SESSION

# H. R. 4057

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## AN ACT

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

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

1       *Be it enacted by the Senate and House of Representa-*  
2   *tives of the United States of America in Congress assembled,*

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

2 (a) SHORT TITLE.—This Act may be cited as the  
 3 “Airport Improvement Program Reauthorization Act of  
 4 1998”.

5 (b) TABLE OF CONTENTS.—

- Sec. 1. Short title; table of contents.
- Sec. 2. Amendments to title 49, United States Code.
- Sec. 3. Applicability.
- Sec. 4. Administrator defined.

TITLE I—AIRPORT AND AIRWAY IMPROVEMENTS

- Sec. 101. Airport improvement program.
- Sec. 102. Airway facilities improvement program.
- Sec. 103. FAA operations.
- Sec. 104. AIP formula changes.
- Sec. 105. Grants from small airport fund.
- Sec. 106. Innovative use of airport grant funds.
- Sec. 107. Airport security program.
- Sec. 108. Matching share for State block grant program.
- Sec. 109. Treatment of certain facilities as airport-related projects.
- Sec. 110. Terminal development costs.
- Sec. 111. Conveyances of surplus property for public airports.
- Sec. 112. Construction of runways.
- Sec. 113. Potomac Metroplex terminal radar approach control facility.
- Sec. 114. General facilities authority.
- Sec. 115. Transportation assistance for Olympic cities.
- Sec. 116. Denial of airport access to certain air carriers.
- Sec. 117. Period of applicability of amendments.
- Sec. 118. Technical amendments.

TITLE II—CONTRACT TOWER PROGRAM

- Sec. 201. Contract towers.

TITLE III—FAMILY ASSISTANCE

- Sec. 301. Responsibilities of National Transportation Safety Board.
- Sec. 302. Air carrier plans.
- Sec. 303. Foreign air carrier plans.
- Sec. 304. Applicability of Death on the High Seas Act.

TITLE IV—WAR RISK INSURANCE PROGRAM

- Sec. 401. Aviation insurance program amendments.

TITLE V—SAFETY

- Sec. 501. Cargo collision avoidance systems deadline.
- Sec. 502. Records of employment of pilot applicants.
- Sec. 503. Whistleblower protection for FAA employees.
- Sec. 504. Safety risk mitigation programs.

- Sec. 505. Flight operations quality assurance rules.
- Sec. 506. Small airport certification.
- Sec. 507. Marking of life limited aircraft parts.

#### TITLE VI—WHISTLEBLOWER PROTECTION

- Sec. 601. Protection of employees providing air safety information.
- Sec. 602. Civil penalty.

#### TITLE VII—CENTENNIAL OF FLIGHT COMMISSION

- Sec. 701. Short title.
- Sec. 702. Findings.
- Sec. 703. Establishment.
- Sec. 704. Membership.
- Sec. 705. Duties.
- Sec. 706. Powers.
- Sec. 707. Staff and support services.
- Sec. 708. Contributions.
- Sec. 709. Exclusive right to name, logos, emblems, seals, and marks.
- Sec. 710. Reports.
- Sec. 711. Audit of financial transactions.
- Sec. 712. Advisory Board.
- Sec. 713. Definitions.
- Sec. 714. Termination.
- Sec. 715. Authorization of appropriations.

#### TITLE VIII—MISCELLANEOUS PROVISIONS

- Sec. 801. Clarification of regulatory approval process.
- Sec. 802. Duties and powers of Administrator.
- Sec. 803. Prohibition on release of offeror proposals.
- Sec. 804. Multiyear procurement contracts.
- Sec. 805. Federal Aviation Administration personnel management system.
- Sec. 806. General facilities and personnel authority.
- Sec. 807. Implementation of article 83 bis of the Chicago Convention.
- Sec. 808. Public availability of airmen records.
- Sec. 809. Government and industry consortia.
- Sec. 810. Passenger manifest.
- Sec. 811. Cost recovery for foreign aviation services.
- Sec. 812. Technical corrections to civil penalty provisions.
- Sec. 813. Enhanced vision technologies.
- Sec. 814. Foreign carriers eligible for waiver under Airport Noise and Capacity Act.
- Sec. 815. Typographical errors.
- Sec. 816. Acquisition management system.
- Sec. 817. Independent validation of FAA costs and allocations.
- Sec. 818. Elimination of backlog of equal employment opportunity complaints.
- Sec. 819. Newport News, Virginia.
- Sec. 820. Grant of easement, Los Angeles, California.
- Sec. 821. Regulation of Alaska air guides.
- Sec. 822. Public aircraft defined.

#### TITLE IX—NATIONAL PARKS AIR TOUR MANAGEMENT

- Sec. 901. Short title.
- Sec. 902. Findings.

Sec. 903. Air tour management plans for national parks.  
 Sec. 904. Advisory group.  
 Sec. 905. Reports.  
 Sec. 906. Exemptions.  
 Sec. 907. Definitions.

TITLE X—EXTENSION OF AIRPORT AND AIRWAY TRUST FUND  
EXPENDITURE AUTHORITY

Sec. 1001. Extension of expenditure authority.

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

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

**8 SEC. 3. APPLICABILITY.**

9       (a) IN GENERAL.—Except as otherwise specifically  
 10 provided, this Act and the amendments made by this Act  
 11 apply only to fiscal years beginning after September 30,  
 12 1998.

13       (b) LIMITATION ON STATUTORY CONSTRUCTION.—  
 14 Nothing in this Act or any amendment made by this Act  
 15 shall be construed as affecting funds made available for  
 16 a fiscal year ending before October 1, 1998.

**17 SEC. 4. ADMINISTRATOR DEFINED.**

18       In this Act, the term “Administrator” means the Ad-  
 19 ministrator of the Federal Aviation Administration.

1   **TITLE I—AIRPORT AND AIRWAY**  
2                   **IMPROVEMENTS**

3   **SEC. 101. AIRPORT IMPROVEMENT PROGRAM.**

4           (a) AUTHORIZATION OF APPROPRIATIONS.—Section  
5 48103 is amended—

6               (1) by striking “September 30, 1996” and in-  
7               serting “September 30, 1998”; and

8               (2) by striking “\$2,280,000,000” and all that  
9               follows through the period at the end and inserting  
10              the following: “\$2,347,000,000 for fiscal years end-  
11              ing before October 1, 1999.”.

12           (b) OBLIGATIONAL AUTHORITY.—Section 47104(c)  
13 is amended by striking “1998” and inserting “1999”.

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

15           (a) GENERAL AUTHORIZATION AND APPROPRIA-  
16 TIONS.—Section 48101(a) is amended by adding at the  
17 end the following:

18               “(3) \$2,131,000,000 for fiscal year 1999.”.

19           (b) UNIVERSAL ACCESS SYSTEMS.—Section 48101 is  
20 amended by adding at the end the following:

21               “(d) UNIVERSAL ACCESS SYSTEMS.—Of the amounts  
22 appropriated under subsection (a) for fiscal year 1999,  
23 \$8,000,000 may be used for the voluntary purchase and  
24 installation of universal access systems.”.

1 **SEC. 103. FAA OPERATIONS.**

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

4 (1) by inserting “(1) IN GENERAL.—” before  
5 “There”;

6 (2) in paragraph (1) (as so designated) by  
7 striking “\$5,158,000,000” and all that follows  
8 through the period at the end and inserting the fol-  
9 lowing: “\$5,632,000,000 for fiscal year 1999.”;

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

11 “(2) AUTHORIZED EXPENDITURES.—Of the  
12 amounts appropriated under paragraph (1) for fiscal  
13 year 1999—

14 “(A) \$450,000 may be used for wildlife  
15 hazard mitigation measures and management of  
16 the wildlife strike database of the Federal Avia-  
17 tion Administration;

18 “(B) such sums as may be necessary may  
19 be used to fund an office within the Federal  
20 Aviation Administration dedicated to supporting  
21 infrastructure systems development for both  
22 general aviation and the vertical flight industry;

23 “(C) such sums as may be necessary may  
24 be used to revise existing terminal and en route  
25 procedures and instrument flight rules to facili-  
26 tate the takeoff, flight, and landing of tiltrotor

1 aircraft and to improve the national airspace  
2 system by separating such aircraft from con-  
3 gested flight paths of fixed-wing aircraft; and

4 “(D) \$3,000,000 may be used to establish  
5 a prototype helicopter infrastructure using cur-  
6 rent technologies (such as the Global Position-  
7 ing System) to support all-weather, emergency  
8 medical service for trauma patients.”; and

9 (4) by indenting paragraph (1) (as designated  
10 by paragraph (1) of this subsection) and aligning  
11 such paragraph (1) with paragraph (2) (as added by  
12 paragraph (2) of this subsection).

13 (b) AUTHORIZATION OF APPROPRIATIONS FROM  
14 TRUST FUND.—Section 48104 is amended—

15 (1) by striking subsection (b) and redesignating  
16 subsection (c) as subsection (b);

17 (2) in subsection (b), as so redesignated—

18 (A) in the subsection heading by striking  
19 “FISCAL YEARS 1994–1998” and inserting  
20 “FISCAL YEAR 1999”; and

21 (B) in the matter preceding paragraph (1)  
22 by striking “each of fiscal years 1994 through  
23 1998” and inserting “fiscal year 1999”.



1 (c) LIMITATION ON OBLIGATING OR EXPENDING  
 2 AMOUNTS.—Section 48108(c) is amended by striking  
 3 “1998” and inserting “1999”.

4 **SEC. 104. AIP FORMULA CHANGES.**

5 (a) DISCRETIONARY FUND.—Section 47115 is  
 6 amended—

7 (1) by striking subsection (g);

8 (2) by redesignating subsection (h) as sub-  
 9 section (g); and

10 (3) by inserting before the period at the end of  
 11 subsection (g) (as so redesignated) the following:  
 12 “with funds made available under this section and,  
 13 if such funds are not sufficient, with funds made  
 14 available under sections 47114(c)(1)(A),  
 15 47114(c)(2), 47114(d), and 47117(e) on a pro rata  
 16 basis”.

17 (b) AMOUNTS APPORTIONED TO SPONSORS.—Section  
 18 47114(c)(1) is amended—

19 (1) in subparagraph (A)(v) by inserting “sub-  
 20 ject to subparagraph (C),” before “\$.50”; and

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

22 “(C) The amount to be apportioned for a fiscal year  
 23 for a passenger described in subparagraph (A)(v) shall be  
 24 reduced to \$.40 if the total amount made available under

1 section 48103 for such fiscal year is less than  
2 \$1,350,000,000.”.

3 (c) ENTITLEMENT FOR GENERAL AVIATION AIR-  
4 PORTS.—Section 47114(d)(2) is amended—

5 (1) in the matter preceding subparagraph (A)  
6 by striking “18.5 percent” and inserting “20 per-  
7 cent”;

8 (2) in subparagraph (A) by striking “0.66” and  
9 inserting “0.62; and

10 (3) in each of subparagraphs (B) and (C) by  
11 striking “49.67” and inserting “49.69”.

12 (d) USE OF APPORTIONMENTS FOR ALASKA, PUERTO  
13 RICO, AND HAWAII.—Section 47114(d)(3) is amended to  
14 read as follows:

15 “(3) SPECIAL RULE.—An amount apportioned  
16 under paragraph (2) of this subsection for airports  
17 in Alaska, Puerto Rico, or Hawaii may be made  
18 available by the Secretary for any public airport in  
19 those respective jurisdictions.”.

20 (e) USE OF STATE-APPORTIONED FUNDS FOR SYS-  
21 TEM PLANNING.—Section 47114(d) is further amended by  
22 adding at the end the following:

23 “(4) INTEGRATED AIRPORT SYSTEM PLAN-  
24 NING.—Notwithstanding paragraph (2), funds made  
25 available under this subsection may be used for inte-

1       grated airport system planning that encompasses 1  
2       or more primary airports.”.

3       (f) GRANTS FOR AIRPORT NOISE COMPATIBILITY  
4 PLANNING.—Section 47117(e)(1) is amended—

5           (1) in subparagraph (A) by striking “31 per-  
6       cent” each place it appears and inserting “33 per-  
7       cent”; and

8           (2) in subparagraph (B) by striking “At least”  
9       and all that follows through “sponsors of current”  
10       and inserting “At least 4 percent to sponsors of cur-  
11       rent”.

12       (g) SUPPLEMENTAL APPORTIONMENT FOR ALAS-  
13 KA.—Section 47114(e) is amended—

14           (1) in the subsection heading by striking “AL-  
15       TERNATIVE” and inserting “SUPPLEMENTAL”;

16           (2) in paragraph (1)—

17               (A) by striking “Instead of apportioning  
18       amounts for airports in Alaska under” and in-  
19       serting “IN GENERAL.—Notwithstanding”; and

20               (B) by striking “those airports” and in-  
21       serting “airports in Alaska”;

22           (3) in paragraph (2) by inserting “AUTHORITY  
23       FOR DISCRETIONARY GRANTS.—” before “This sub-  
24       section”;

1           (4) by striking paragraph (3) and inserting the  
2     following:

3           “(3) AIRPORTS ELIGIBLE FOR FUNDS.—An  
4     amount apportioned under this subsection may be  
5     used for any public airport in Alaska.”; and

6           (5) by indenting paragraph (1) and aligning it  
7     and paragraph (2) with paragraph (3) (as amended  
8     by paragraph (4) of this subsection).

9     (h) REPEAL OF APPORTIONMENT LIMITATION ON  
10  COMMERCIAL SERVICE AIRPORTS IN ALASKA.—Section  
11  47117 is amended by striking subsection (f) and by redес-  
12  ignating subsections (g) and (h) as subsections (f) and (g),  
13  respectively.

14     (i) DESIGNATING CURRENT AND FORMER MILITARY  
15  AIRPORTS.—Section 47118 is amended—

16           (1) in subsection (a) by striking “12” and in-  
17     serting “15”;

18           (2) by striking subsection (c) and redesignating  
19     subsections (d) through (f) as subsections (c)  
20     through (e), respectively;

21           (3) in subsection (c), as so redesignated, by  
22     striking “47117(e)(1)(E)” and inserting  
23     “47117(e)(1)(B)”;

24           (4) by adding at the end the following:

1       “(f) DESIGNATION OF GENERAL AVIATION AIR-  
 2 PORT.—Notwithstanding any other provision of this sec-  
 3 tion, at least 1 of the airports designated under subsection  
 4 (a) shall be a general aviation airport that is a former  
 5 military installation closed or realigned under a law de-  
 6 scribed in subsection (a)(1).”.

7       (j) ELIGIBILITY OF RUNWAY INCURSION PREVEN-  
 8 TION DEVICES.—

9           (1) POLICY.—Section 47101(a)(11) is amended  
 10 by inserting “(including integrated in-pavement  
 11 lighting systems for runways and taxiways and other  
 12 runway and taxiway incursion prevention devices)”  
 13 after “activities”.

14           (2) MAXIMUM USE OF SAFETY FACILITIES.—  
 15 Section 47101(f) is amended—

16           (A) by striking “and” at the end of para-  
 17 graph (9); and

18           (B) by striking the period at the end of  
 19 paragraph (10) and inserting “; and”; and

20           (C) by adding at the end the following:

21           “(11) runway and taxiway incursion prevention  
 22 devices, including integrated in-pavement lighting  
 23 systems for runways and taxiways.”.

24           (3) AIRPORT DEVELOPMENT DEFINED.—Sec-  
 25 tion 47102(3)(B)(ii) is amended by inserting “and

1 including integrated in-pavement lighting systems  
2 for runways and taxiways and other runway and  
3 taxiway incursion prevention devices” before the  
4 semicolon at the end.

5 **SEC. 105. GRANTS FROM SMALL AIRPORT FUND.**

6 (a) SET-ASIDE FOR MEETING SAFETY TERMS IN  
7 AIRPORT OPERATING CERTIFICATES.—Section 47116 is  
8 amended by adding at the end the following:

9 “(e) SET-ASIDE FOR MEETING SAFETY TERMS IN  
10 AIRPORT OPERATING CERTIFICATES.—In the first fiscal  
11 year beginning after the effective date of regulations  
12 issued to carry out section 44706(b) with respect to air-  
13 ports described in section 44706(a)(2), and in each of the  
14 next 4 fiscal years, the lesser of \$15,000,000 or 20 percent  
15 of the amounts distributed to sponsors of airports under  
16 subsection (b)(2) shall be used to assist the airports in  
17 meeting the terms established by the regulations. If the  
18 Secretary publishes in the Federal Register a finding that  
19 all the terms established by the regulations have been met,  
20 this subsection shall cease to be effective as of the date  
21 of such publication.”.

22 (b) NOTIFICATION OF SOURCE OF GRANT.—Section  
23 47116 is further amended by adding at the end the follow-  
24 ing:

1       “(f) NOTIFICATION OF SOURCE OF GRANT.—When-  
2       ever the Secretary makes a grant under this section, the  
3       Secretary shall notify the recipient of the grant, in writing,  
4       that the source of the grant is from the small airport  
5       fund.”.

6       **SEC. 106. INNOVATIVE USE OF AIRPORT GRANT FUNDS.**

7       (a) IN GENERAL.—Subchapter I of chapter 471 is  
8       amended by adding at the end the following:

9       **“§ 47135. Innovative financing techniques**

10       “(a) IN GENERAL.—The Secretary of Transportation  
11       may approve applications under this subchapter for not  
12       more than 20 projects for which grants made under this  
13       subchapter may be used to implement innovative financing  
14       techniques.

15       “(b) PURPOSE.—The purpose of implementing inno-  
16       vative financing techniques under this section shall be to  
17       provide information on the benefits and difficulties of  
18       using such techniques for airport development projects.

19       “(c) LIMITATION.—In no case shall the implementa-  
20       tion of an innovative financing technique under this sec-  
21       tion be used in a manner giving rise to a direct or indirect  
22       guarantee of any airport debt instrument by the United  
23       States Government.

1       “(d) INNOVATIVE FINANCING TECHNIQUE DE-  
 2 FINED.—In this section, the term ‘innovative financing  
 3 technique’ is limited to—

4               “(1) payment of interest;

5               “(2) commercial bond insurance and other cred-  
 6 it enhancement associated with airport bonds for eli-  
 7 gible airport development; and

8               “(3) flexible non-Federal matching require-  
 9 ments.”.

10       (b) CONFORMING AMENDMENT.—The analysis for  
 11 subchapter 1 of chapter 471 is amended by adding at the  
 12 end the following:

“47135. Innovative financing techniques.”.

13 **SEC. 107. AIRPORT SECURITY PROGRAM.**

14       (a) IN GENERAL.—Chapter 471 (as amended by sec-  
 15 tion 106 of this Act) is amended by adding the following  
 16 new section:

17 **“§ 47136. Airport security program**

18       “(a) GENERAL AUTHORITY.—To improve security at  
 19 public airports in the United States, the Secretary of  
 20 Transportation shall carry out not less than one project  
 21 to test and evaluate innovative airport security systems  
 22 and related technology.

23       “(b) PRIORITY.—In carrying out this section, the  
 24 Secretary shall give the highest priority to a request from



1 an eligible sponsor for a grant to undertake a project  
2 that—

3 “(1) evaluates and tests the benefits of innova-  
4 tive airport security systems or related technology,  
5 including explosives detection systems, for the pur-  
6 pose of improving airport and aircraft physical secu-  
7 rity and access control; and

8 “(2) provides testing and evaluation of airport  
9 security systems and technology in an operational,  
10 test bed environment.

11 “(c) MATCHING SHARE.—Notwithstanding section  
12 47109, the United States Government’s share of allowable  
13 project costs for a project under this section is 100 per-  
14 cent.

15 “(d) TERMS AND CONDITIONS.—The Secretary may  
16 establish such terms and conditions as the Secretary de-  
17 termines appropriate for carrying out a project under this  
18 section, including terms and conditions relating to the  
19 form and content of a proposal for a project, project assur-  
20 ances, and schedule of payments.

21 “(e) ELIGIBLE SPONSOR DEFINED.—In this section,  
22 the term ‘eligible sponsor’ means a nonprofit corporation  
23 composed of a consortium of public and private persons,  
24 including a sponsor of a primary airport, with the nec-  
25 essary engineering and technical expertise to successfully

1 conduct the testing and evaluation of airport and aircraft  
2 related security systems.

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

8 (b) CONFORMING AMENDMENT.—The analysis for  
9 subchapter 1 of such chapter is amended by adding at the  
10 end the following:

“47136. Airport security program.”.

11 **SEC. 108. MATCHING SHARE FOR STATE BLOCK GRANT**  
12 **PROGRAM.**

13 Section 47109(a) is amended—

14 (1) by redesignating paragraphs (2) and (3) as  
15 paragraphs (3) and (4), respectively;

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

18 “(2) not more than 90 percent for a project  
19 funded by a grant issued to and administered by a  
20 State under section 47128, relating to the State  
21 block grant program;”;

22 (3) by striking “and” at the end of paragraph  
23 (3) (as so redesignated); and

1           (4) by striking the period at the end of para-  
 2       graph (4) (as so redesignated) and inserting “;  
 3       and”.

4   **SEC. 109. TREATMENT OF CERTAIN FACILITIES AS AIR-**  
 5                   **PORT-RELATED PROJECTS.**

6       Section 40117 is amended by adding at the end the  
 7       following:

8       “(j) SHELL OF TERMINAL BUILDING AND AIRCRAFT  
 9       FUELING FACILITIES.—In order to enable additional air  
 10      service by an air carrier with less than 50 percent of the  
 11      scheduled passenger traffic at an airport, the Secretary  
 12      may consider the shell of a terminal building (including  
 13      heating, ventilation, and air conditioning) and aircraft  
 14      fueling facilities adjacent to an airport terminal building  
 15      to be an eligible airport-related project under subsection  
 16      (a)(3)(E).”.

17   **SEC. 110. TERMINAL DEVELOPMENT COSTS.**

18       (a)   REPAYING   BORROWED   MONEY.—Section  
 19   47119(a) is amended—

20           (1) in the matter preceding paragraph (1)—

21               (A) by striking “0.05” and inserting  
 22               “0.25”; and

23               (B) by striking “between January 1, 1992,  
 24               and October 31, 1992,” and inserting “between  
 25               August 1, 1986, and September 30, 1990, or

1           between June 1, 1991, and October 31, 1992,”;  
2           and

3           (2) in paragraph (1)(B) by striking “an airport  
4       development project outside the terminal area at  
5       that airport” and inserting “any needed airport de-  
6       velopment project affecting safety, security, or ca-  
7       pacity”.

8       (b) NONHUB AIRPORTS.—Section 47119(c) is  
9       amended by striking “0.05” and inserting “0.25”.

10   **SEC. 111. CONVEYANCES OF SURPLUS PROPERTY FOR PUB-**  
11           **LIC AIRPORTS.**

12       (a) REQUESTS BY PUBLIC AGENCIES.—Section  
13   47151 is amended by adding at the end the following:

14       “(d) REQUESTS BY PUBLIC AGENCIES.—Except with  
15   respect to a request made by another department, agency,  
16   or instrumentality of the executive branch of the United  
17   States Government, such a department, agency, or instru-  
18   mentality shall give priority consideration to a request  
19   made by a public agency (as defined in section 47102)  
20   for surplus property described in subsection (a) for use  
21   at a public airport.”.

22       (b) NOTICE AND PUBLIC COMMENT; PUBLICATION  
23   OF DECISIONS.—Section 47153(a) is amended—

1           (1) in paragraph (1) by inserting “, after pro-  
2       viding notice and an opportunity for public com-  
3       ment,” after “if the Secretary decides”; and

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

5           “(3) PUBLICATION OF DECISIONS.—The Sec-  
6       retary shall publish in the Federal Register any deci-  
7       sion to waive a term under paragraph (1) and the  
8       reasons for the decision.”.

9       (c) CONSIDERATIONS.—Section 47153 is amended by  
10   adding at the end the following:

11       “(c) CONSIDERATIONS.—In deciding whether to  
12   waive a term required under section 47152 or add another  
13   term, the Secretary shall consider the current and future  
14   needs of the users of the airport and the interests of the  
15   owner of the property.”.

16       (d) REFERENCES TO GIFTS.—Chapter 471 is amend-  
17   ed—

18           (1) in section 47151—

19               (A) in subsection (a)—

20                   (i) in the matter preceding paragraph

21                   (1) by striking “give” and inserting “con-  
22                   vey to”; and

23                   (ii) in paragraph (2) by striking  
24                   “gift” and inserting “conveyance”;

25               (B) in subsection (b)—

1 (i) by striking “giving” and inserting  
2 “conveying”; and

3 (ii) by striking “gift” and inserting  
4 “conveyance”; and

5 (C) in subsection (c)—

6 (i) in the subsection heading by strik-  
7 ing “GIVEN” and inserting “CONVEYED”;  
8 and

9 (ii) by striking “given” and inserting  
10 “conveyed”;

11 (2) in section 47152—

12 (A) in the section heading by striking  
13 “**gifts**” and inserting “**conveyances**”; and

14 (B) in the matter preceding paragraph (1)  
15 by striking “gift” and inserting “conveyance”;

16 (3) in section 47153(a)(1)—

17 (A) by striking “gift” each place it appears  
18 and inserting “conveyance”; and

19 (B) by striking “given” and inserting  
20 “conveyed”; and

21 (4) in the analysis for such chapter by striking  
22 the item relating to section 47152 and inserting the  
23 following:

“47152. Terms of conveyances.”.

1 **SEC. 112. CONSTRUCTION OF RUNWAYS.**

2       Notwithstanding any provision of law that specifically  
3 restricts the number of runways at a single international  
4 airport, the Secretary of Transportation may obligate  
5 funds made available under chapters 471 and 481 of title  
6 49, United States Code, for any project to construct a new  
7 runway at such airport, unless this section is expressly re-  
8 pealed.

9 **SEC. 113. POTOMAC METROPLEX TERMINAL RADAR AP-  
10 PROACH CONTROL FACILITY.**

11       (a) SITE SELECTION.—The Administrator may not  
12 select a site for, or begin construction of, the Potomac  
13 Metroplex terminal radar approach control facility before  
14 the 90th day after the Administrator transmits to Con-  
15 gress a report on the relative costs and benefits of con-  
16 structing the facility on land already owned by the United  
17 States, including land located outside the Washington,  
18 D.C., metropolitan area.

19       (b) CONTENTS OF REPORT.—The report to be trans-  
20 mitted under subsection (a) shall include—

21           (1) a justification for the current construction  
22 plan, including the size and cost of the consolidated  
23 facility; and

24           (2) a complete risk analysis of the possibility  
25 that the redesigned airspace may not be completed,  
26 or may be only partially completed, including an ex-

1 planation of whether or not the consolidation will be  
 2 cost beneficial if the airspace is only partially rede-  
 3 signed.

4 **SEC. 114. GENERAL FACILITIES AUTHORITY.**

5 (a) CONTINUATION OF ILS INVENTORY PROGRAM.—  
 6 Section 44502(a)(4)(B) is amended—

7 (1) by striking “each of fiscal years 1995 and  
 8 1996” and inserting “fiscal year 1999”; and

9 (2) by inserting “under new or existing con-  
 10 tracts” after “including acquisition”.

11 (b) LORAN-C NAVIGATION FACILITIES.—Section  
 12 44502(a) is amended by adding at the end the following:

13 “(5) MAINTENANCE AND UPGRADE OF LORAN-  
 14 C NAVIGATION FACILITIES.—The Secretary shall  
 15 maintain and upgrade Loran-C navigation facilities  
 16 throughout the transition period to satellite-based  
 17 navigation.”.

18 **SEC. 115. TRANSPORTATION ASSISTANCE FOR OLYMPIC**  
 19 **CITIES.**

20 (a) PURPOSE.—The purpose of this section is to pro-  
 21 vide assistance and support to State and local efforts on  
 22 aviation-related transportation issues necessary to obtain  
 23 the national recognition and economic benefits of partici-  
 24 pation in the International Olympic, Paralympic, and Spe-  
 25 cial Olympics movements by hosting international quad-



1 rennial Olympic events and Paralympic and Special Olym-  
 2 pic events in the United States.

3 (b) AIRPORT DEVELOPMENT PROJECTS.—

4 (1) AIRPORT DEVELOPMENT DEFINED.—Sec-  
 5 tion 47102(3) is amended by adding at the end the  
 6 following:

7 “(H) Developing, in coordination with  
 8 State and local transportation agencies, inter-  
 9 modal transportation plans necessary for Olym-  
 10 pic-related projects at an airport.”.

11 (2) DISCRETIONARY GRANTS.—Section  
 12 47115(d) is amended—

13 (A) by striking “and” at the end of para-  
 14 graph (5);

15 (B) by striking the period at the end of  
 16 paragraph (6) and inserting “; and”; and

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

18 “(7) the need for the project in order to meet  
 19 the unique demands of hosting international quad-  
 20 rennial Olympic events.”.

21 **SEC. 116. DENIAL OF AIRPORT ACCESS TO CERTAIN AIR**  
 22 **CARRIERS.**

23 (a) IN GENERAL.—It shall not be considered unrea-  
 24 sonable or unjust discrimination or a violation of section  
 25 47107 of title 49, United States Code, for the owner or

1 operator of an airport described in (b) to deny access to  
2 any air carrier that is conducting operations as a public  
3 charter under part 380 of title 14, Code of Federal Regu-  
4 lations, with aircraft designed to carry more than 9 pas-  
5 sengers per flight.

6 (b) COVERED AIRPORTS.—This section shall only  
7 apply to an airport that—

8 (1) is designated as a reliever airport by the  
9 Administrator;

10 (2) does not have an operating certificate issued  
11 under part 139 of title 14, Code of Federal Regula-  
12 tions; and

13 (3) is located within 25 miles of an airport that  
14 has at least 0.05 percent of the total annual  
15 boardings in the United States and has current gate  
16 capacity to handle the demands of the public charter  
17 operation.

18 (c) PUBLIC CHARTER DEFINED.—In this section, the  
19 term ‘public charter’ means charter air transportation for  
20 which the general public is provided in advance a schedule  
21 containing the departure location, departure time, and ar-  
22 rival location of the flights.

1 **SEC. 117. PERIOD OF APPLICABILITY OF AMENDMENTS.**

2 Effective September 29, 1998, section 125 of the  
3 Federal Aviation Reauthorization Act of 1996 (49 U.S.C.  
4 47114 note; 110 Stat. 3220) is repealed.

5 **SEC. 118. TECHNICAL AMENDMENTS.**

6 (a) DISCRETIONARY FUND DEFINITION.—

7 (1) AMOUNTS IN FUND AND AVAILABILITY.—

8 Section 47115 is amended—

9 (A) in subsection (a)(2) by striking “25”  
10 and inserting “12.5”; and

11 (B) by striking the second sentence of sub-  
12 section (b).

13 (2) SMALL AIRPORT FUND.—Section 47116 is  
14 amended—

15 (A) in subsection (a) by striking “75” and  
16 inserting “87.5”; and

17 (B) in subsection (b) by striking para-  
18 graphs (1) and (2) and inserting the following:

19 “(1)  $\frac{1}{7}$  for grants for projects at small hub air-  
20 ports (as defined in section 41731 of this title).

21 “(2) The remaining amounts as follows:

22 “(A)  $\frac{1}{3}$  for grants to sponsors of public-  
23 use airports (except commercial service air-  
24 ports).

25 “(B)  $\frac{2}{3}$  for grants to sponsors of each  
26 commercial service airport that each year has

1 less than .05 percent of the total boardings in  
2 the United States in that year.”.

3 (b) CONTINUATION OF PROJECT FUNDING.—Section  
4 47108 is amended by adding at the end the following:

5 “(e) CHANGE IN AIRPORT STATUS.—In the event  
6 that the status of a primary airport changes to a nonpri-  
7 mary airport at a time when a terminal development  
8 project under a multiyear agreement under subsection (a)  
9 is not yet completed, the project shall remain eligible for  
10 funding from discretionary funds under section 47115 at  
11 the funding level and under the terms provided by the  
12 agreement, subject to the availability of funds.”.

13 (c) PASSENGER FACILITY FEE WAIVER FOR CER-  
14 TAIN CLASS OF CARRIERS OR FOR SERVICE TO AIRPORTS  
15 IN ISOLATED COMMUNITIES.—Section 40117(i) is amend-  
16 ed—

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

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

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

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

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

of passengers enplaned by the carrier in the class constitutes not more than 1 percent of the total number of passengers enplaned annually at the airport at which the fee is imposed; or

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

“(i) that has fewer than 2,500 passenger boardings each year; and

“(ii) in a community which has a population of less than 10,000 and is not connected by a land highway or vehicular way to the land-connected National Highway System within a State.”.

## **TITLE II—CONTRACT TOWER PROGRAM**

### **SEC. 201. CONTRACT TOWERS.**

Section 47124(b) is amended by adding at the end the following:

“(3) NONQUALIFYING AIR TRAFFIC CONTROL TOWERS.—

“(A) IN GENERAL.—The Secretary shall establish a program to contract for air traffic control services at not more than 20 level I air traffic control towers, as defined by the Administrator of the Federal Aviation Administration,

1 that do not qualify for the program established  
2 under subsection (a) and continued under para-  
3 graph (1).

4 “(B) PRIORITY.—In selecting facilities to  
5 participate in the program under this para-  
6 graph, the Administrator shall give priority to  
7 the following:

8 “(i) Air traffic control towers that are  
9 participating in the program continued  
10 under paragraph (1) but have been notified  
11 that they will be terminated from such pro-  
12 gram because the Administrator has deter-  
13 mined that the benefit-to-cost ratio for  
14 their continuation in such program is less  
15 than one.

16 “(ii) Level I air traffic control towers  
17 of the Federal Aviation Administration  
18 that are closed as a result of the air traffic  
19 controllers strike in 1981.

20 “(iii) Air traffic control towers that  
21 are located at airports that receive air  
22 service from an air carrier that is receiving  
23 compensation under the essential air serv-  
24 ice program of subchapter II of chapter  
25 417.

1 “(iv) Air traffic control towers located  
 2 at airports that are prepared to assume re-  
 3 sponsibility for tower construction and  
 4 maintenance costs.

5 “(v) Air traffic control towers that are  
 6 located at airports with safety or oper-  
 7 ational problems related to topography,  
 8 weather, runway configuration, or mix of  
 9 aircraft.

10 “(C) COSTS EXCEEDING BENEFITS.—If  
 11 the costs of operating a control tower under the  
 12 program established under this paragraph ex-  
 13 ceed the benefits, the airport sponsor or State  
 14 or local government having jurisdiction over the  
 15 airport shall pay the portion of the costs that  
 16 exceed such benefits.

17 “(D) AUTHORIZATION OF APPROPRIA-  
 18 TIONS.—There is authorized to be appropriated  
 19 \$6,000,000 per fiscal year to carry out this  
 20 paragraph.”.

## 21 **TITLE III—FAMILY ASSISTANCE**

### 22 **SEC. 301. RESPONSIBILITIES OF NATIONAL TRANSPOR-** 23 **TATION SAFETY BOARD.**

24 (a) PROHIBITION ON UNSOLICITED COMMUNICA-  
 25 TIONS.—

1           (1) IN GENERAL.—Section 1136(g)(2) is  
2 amended—

3           (A) by inserting after “transportation,”  
4 the following: “and in a case involving a foreign  
5 air carrier and an accident that occurs within  
6 the United States,”;

7           (B) by inserting after “attorney” the fol-  
8 lowing: “(including any associate, agent, em-  
9 ployee, or other representative of the attor-  
10 ney)”; and

11           (C) by striking “30th day” and inserting  
12 “45th day”.

13           (2) ENFORCEMENT.—Section 1151 is amended  
14 by inserting “1136(g)(2),” before “or 1155(a)” each  
15 place it appears.

16           (b) PROHIBITION ON ACTIONS TO PREVENT MENTAL  
17 HEALTH AND COUNSELING SERVICES.—Section 1136(g)  
18 is amended by adding at the end the following:

19           “(3) PROHIBITION ON ACTIONS TO PREVENT  
20 MENTAL HEALTH AND COUNSELING SERVICES.—No  
21 State or political subdivision may prevent the em-  
22 ployees, agents, or volunteers of an organization des-  
23 ignated for an accident under subsection (a)(2) from  
24 providing mental health and counseling services  
25 under subsection (c)(1) in the 30-day period begin-



1       ning on the date of the accident. The director of  
 2       family support services designated for the accident  
 3       under subsection (a)(1) may extend such period for  
 4       not to exceed an additional 30 days if the director  
 5       determines that the extension is necessary to meet  
 6       the needs of the families and if State and local au-  
 7       thorities are notified of the determination.”.

8       (c) INCLUSION OF NON-REVENUE PASSENGERS IN  
 9       FAMILY ASSISTANCE COVERAGE.—Section 1136(h)(2) is  
 10      amended to read as follows:

11               “(2) PASSENGER.—The term ‘passenger’ in-  
 12      cludes—

13                       “(A) an employee of an air carrier or for-  
 14                       eign air carrier aboard an aircraft; and

15                       “(B) any other person aboard the aircraft  
 16                       without regard to whether the person paid for  
 17                       the transportation, occupied a seat, or held a  
 18                       reservation for the flight.”.

19       (d) LIMITATION ON STATUTORY CONSTRUCTION.—  
 20      Section 1136 is amended by adding at the end the follow-  
 21      ing:

22               “(i) LIMITATION ON STATUTORY CONSTRUCTION.—  
 23      Nothing in this section may be construed as limiting the  
 24      actions that an air carrier may take, or the obligations  
 25      that an air carrier may have, in providing assistance to

1 the families of passengers involved in an aircraft acci-  
2 dent.”.

3 **SEC. 302. AIR CARRIER PLANS.**

4 (a) CONTENTS OF PLANS.—

5 (1) FLIGHT RESERVATION INFORMATION.—Sec-  
6 tion 41113(b) is amended by adding at the end the  
7 following:

8 “(14) An assurance that, upon request of the  
9 family of a passenger, the air carrier will inform the  
10 family of whether the passenger’s name appeared on  
11 a preliminary passenger manifest for the flight in-  
12 volved in the accident.”.

13 (2) TRAINING OF EMPLOYEES AND AGENTS.—  
14 Section 41113(b) is further amended by adding at  
15 the end the following:

16 “(15) An assurance that the air carrier will  
17 provide adequate training to the employees and  
18 agents of the carrier to meet the needs of survivors  
19 and family members following an accident.”.

20 (3) SUBMISSION OF UPDATED PLANS.—The  
21 amendments made by paragraphs (1) and (2) shall  
22 take effect on the 180th day following the date of  
23 enactment of this Act. On or before such 180th day,  
24 each air carrier holding a certificate of public con-  
25 venience and necessity under section 41102 of title

1       49, United States Code, shall submit to the Sec-  
2       retary of Transportation and the Chairman of the  
3       National Transportation Safety Board an updated  
4       plan under section 41113 of such title that meets  
5       the requirement of the amendments made by para-  
6       graphs (1) and (2).

7               (4)    CONFORMING    AMENDMENTS.—Section  
8       41113 is amended—

9               (A) in subsection (a) by striking “Not later  
10       than 6 months after the date of the enactment  
11       of this section, each air carrier” and inserting  
12       “Each air carrier”; and

13              (B) in subsection (c) by striking “After the  
14       date that is 6 months after the date of the en-  
15       actment of this section, the Secretary” and in-  
16       serting “The Secretary”.

17       (b) LIMITATION ON LIABILITY.—Section 41113(d) is  
18       amended by inserting “, or in providing information con-  
19       cerning a flight reservation,” before “pursuant to a plan”.

20       (c) LIMITATION ON STATUTORY CONSTRUCTION.—  
21       Section 41113 is amended by adding at the end the follow-  
22       ing:

23       “(f) LIMITATION ON STATUTORY CONSTRUCTION.—  
24       Nothing in this section may be construed as limiting the  
25       actions that an air carrier may take, or the obligations

1 that an air carrier may have, in providing assistance to  
2 the families of passengers involved in an aircraft acci-  
3 dent.”.

4 **SEC. 303. FOREIGN AIR CARRIER PLANS.**

5 (a) INCLUSION OF NON-REVENUE PASSENGERS IN  
6 FAMILY ASSISTANCE COVERAGE.—Section 41313(a)(2) is  
7 amended to read as follows:

8 “(2) PASSENGER.—The term ‘passenger’ has  
9 the meaning given such term by section 1136 of this  
10 title.”.

11 (b) ACCIDENTS FOR WHICH PLAN IS REQUIRED.—  
12 Section 41313(b) is amended by striking “significant” and  
13 inserting “major”.

14 (c) CONTENTS OF PLANS.—

15 (1) IN GENERAL.—Section 41313(c) is amend-  
16 ed by adding at the end the following:

17 “(15) An assurance that the foreign air carrier  
18 will provide adequate training to the employees and  
19 agents of the carrier to meet the needs of survivors  
20 and family members following an accident.”.

21 (2) SUBMISSION OF UPDATED PLANS.—The  
22 amendment made by paragraph (1) shall take effect  
23 on the 180th day following the date of enactment of  
24 this Act. On or before such 180th day, each foreign  
25 air carrier providing foreign air transportation under

1 chapter 413 of title 49, United States Code, shall  
2 submit to the Secretary of Transportation and the  
3 Chairman of the National Transportation Safety  
4 Board an updated plan under section 41313 of such  
5 title that meets the requirement of the amendment  
6 made by paragraph (1).

7 **SEC. 304. APPLICABILITY OF DEATH ON THE HIGH SEAS**  
8 **ACT.**

9 (a) IN GENERAL.—Section 40120(a) is amended by  
10 inserting “(including the Act entitled ‘An Act relating to  
11 the maintenance of actions for death on the high seas and  
12 other navigable waters’, approved March 30, 1920, com-  
13 monly known as the Death on the High Seas Act (46  
14 U.S.C. App. 761–767; 41 Stat. 537–538))” after “United  
15 States”.

16 (b) APPLICABILITY.—The amendment made by sub-  
17 section (a) applies to civil actions commenced after the  
18 date of enactment of this Act and to civil actions that are  
19 not adjudicated by a court of original jurisdiction or set-  
20 tled on or before such date of enactment.

1 **TITLE IV—WAR RISK INSURANCE**  
2 **PROGRAM**

3 **SEC. 401. AVIATION INSURANCE PROGRAM AMENDMENTS.**

4 (a) REIMBURSEMENT OF INSURED PARTY'S  
5 SUBROGEE.—Section 44309(a) is amended to read as fol-  
6 lows:

7 “(a) LOSSES.—

8 “(1) ACTIONS AGAINST UNITED STATES.—A  
9 person may bring a civil action in a district court of  
10 the United States or in the United States Court of  
11 Federal Claims against the United States Govern-  
12 ment when—

13 “(A) a loss insured under this chapter is in  
14 dispute; or

15 “(B)(i) the person is subrogated under a  
16 contract between the person and a party in-  
17 sured under this chapter (other than section  
18 44305(b)) to the rights of the insured party  
19 against the United States Government; and

20 “(ii) the person has paid to the insured  
21 party, with the approval of the Secretary of  
22 Transportation, an amount for a physical dam-  
23 age loss that the Secretary has determined is a  
24 loss covered by insurance issued under this  
25 chapter (other than section 44305(b)).

1           “(2) LIMITATION.—A civil action involving the  
 2           same matter (except the action authorized by this  
 3           subsection) may not be brought against an agent, of-  
 4           ficer, or employee of the Government carrying out  
 5           this chapter.

6           “(3) PROCEDURE.—To the extent applicable,  
 7           the procedure in an action brought under section  
 8           1346(a)(2) of title 28, United States Code, applies  
 9           to an action under this subsection.”.

10          (b) EXTENSION OF AVIATION INSURANCE PRO-  
 11          GRAM.—Section 44310 of such title is amended by strik-  
 12          ing “1998” and inserting “2003”.

## 13                                   **TITLE V—SAFETY**

### 14          **SEC. 501. CARGO COLLISION AVOIDANCE SYSTEMS DEAD-** 15                                   **LINE.**

16          (a) IN GENERAL.—The Administrator shall require  
 17          by regulation that, not later than December 31, 2002,  
 18          equipment be installed, on each cargo aircraft with a pay-  
 19          load capacity of 15,000 kilograms or more, that provides  
 20          protection from mid-air collisions and resolution advisory  
 21          capability that is at least as good as is provided by the  
 22          collision avoidance system known as TCAS–II.

23          (b) EXTENSION OF DEADLINE.—The Administrator  
 24          may extend the deadline established by subsection (a) by

1 not more than 1 year if the Administrator finds that the  
2 extension would promote safety.

3 **SEC. 502. RECORDS OF EMPLOYMENT OF PILOT APPLI-**  
4 **CANTS.**

5 Section 44936 is amended—

6 (1) in subsection (f)(1)(B) by inserting “(except  
7 a branch of the United States Armed Forces, the  
8 National Guard, or a reserve component of the  
9 United States Armed Forces)” after “person” the  
10 first place it appears;

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

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

17 **SEC. 503. WHISTLEBLOWER PROTECTION FOR FAA EM-**  
18 **PLOYEES.**

19 Section 347(b)(1) of the Department of Transpor-  
20 tation and Related Agencies Appropriations Act, 1996 (49  
21 U.S.C. 106 note; 109 Stat. 460) is amended by inserting  
22 before the semicolon at the end the following: “, including  
23 the provisions for investigation and enforcement as pro-  
24 vided in chapter 12 of title 5, United States Code”.



1 **SEC. 504. SAFETY RISK MITIGATION PROGRAMS.**

2 Section 44701 (as amended by section 805 of this  
3 Act) is amended by adding at the end the following:

4 “(g) SAFETY RISK MANAGEMENT PROGRAM GUIDE-  
5 LINES.—The Administrator shall issue guidelines and en-  
6 courage the development of air safety risk mitigation pro-  
7 grams throughout the aviation industry, including self-au-  
8 dits and self-disclosure programs.”.

9 **SEC. 505. FLIGHT OPERATIONS QUALITY ASSURANCE**  
10 **RULES.**

11 Not later than 30 days after the date of enactment  
12 of this Act, the Administrator shall issue a notice of pro-  
13 posed rulemaking to develop procedures to protect air car-  
14 riers and their employees from civil enforcement actions  
15 under the program known as Flight Operations Quality  
16 Assurance. Not later than 1 year after the last day of the  
17 period for public comment provided for in the notice of  
18 proposed rulemaking, the Administrator shall issue a final  
19 rule establishing such procedures.

20 **SEC. 506. SMALL AIRPORT CERTIFICATION.**

21 Not later than 180 days after the date of enactment  
22 of this Act, the Administrator shall issue a notice of pro-  
23 posed rulemaking on implementing section 44706(a)(2) of  
24 title 49, United States Code, relating to issuance of air-  
25 port operating certificates for small scheduled passenger  
26 air carrier operations. Not later than 1 year after the last

1 day of the period for public comment provided for in the  
2 notice of proposed rulemaking, the Administrator shall  
3 issue a final rule on implementing such program.

4 **SEC. 507. MARKING OF LIFE LIMITED AIRCRAFT PARTS.**

5 (a) MARKING AUTHORITY.—Chapter 447 is amended  
6 by adding the following new section:

7 **“§ 44725. Marking of life limited aircraft parts**

8 “(a) IN GENERAL.—The Administrator of the Fed-  
9 eral Aviation Administration shall conduct a rulemaking  
10 proceeding to determine the most effective way to perma-  
11 nently mark all life limited civil aviation parts. In accord-  
12 ance with that determination, the Administrator shall  
13 issue a rule to require the mandatory marking of all such  
14 parts that exceed their useful life.

15 “(b) DEADLINES.—In conducting the rulemaking  
16 proceeding under subsection (a), the Administrator  
17 shall—

18 “(1) not later than 180 days after the date of  
19 enactment of this section, issue a notice of proposed  
20 rulemaking; and

21 “(2) not later than 120 days after the close of  
22 the comment period on the proposed rule, issue a  
23 final rule.”.

24 (b) CIVIL PENALTY.—Section 46301(a) is amend-  
25 ed—

1           (1) in paragraph (1)(A) by striking “and  
2       44719–44723” and inserting “, 44719–44723, and  
3       44725”; and

4           (2) in paragraph (3)—

5               (A) in subparagraph (A) by striking “or”  
6       at the end;

7               (B) in subparagraph (B) by striking the  
8       period at the end and inserting “; or”; and

9               (C) by adding at the end the following:

10           “(C) the failure to mark life limited air-  
11       craft parts in accordance of section 44725.”.

12       (c) CONFORMING AMENDMENT.—The analysis for  
13   chapter 447 is amended by adding at the end the follow-  
14   ing:

“44725. Marking of life limited aircraft parts.”.

## 15       **TITLE VI—WHISTLEBLOWER** 16       **PROTECTION**

### 17   **SEC. 601. PROTECTION OF EMPLOYEES PROVIDING AIR** 18       **SAFETY INFORMATION.**

19       (a) GENERAL RULE.—Chapter 421 is amended by  
20   adding at the end the following:

1           “SUBCHAPTER III—WHISTLEBLOWER  
2                           PROTECTION PROGRAM  
3   **“§ 42121. Protection of employees providing air safety**  
4                           **information**

5           “(a) DISCRIMINATION AGAINST AIRLINE EMPLOY-  
6   EES.—No air carrier or contractor or subcontractor of an  
7   air carrier may discharge an employee or otherwise dis-  
8   criminate against an employee with respect to compensa-  
9   tion, terms, conditions, or privileges of employment be-  
10   cause the employee (or any person acting pursuant to a  
11   request of the employee)—

12                   “(1) provided, caused to be provided, or is  
13                   about to provide or cause to be provided to the Fed-  
14                   eral Government information relating to air safety  
15                   under this subtitle or any other law of the United  
16                   States;

17                   “(2) has filed, caused to be filed, or is about to  
18                   file or cause to be filed a proceeding relating to air  
19                   carrier safety under this subtitle or any other law of  
20                   the United States;

21                   “(3) testified or is about to testify in such a  
22                   proceeding; or

23                   “(4) assisted or participated or is about to as-  
24                   sist or participate in such a proceeding.

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

3               “(1) FILING AND NOTIFICATION.—A person  
4 who believes that he or she has been discharged or  
5 otherwise discriminated against by a person in viola-  
6 tion of subsection (a) may, not later than 180 days  
7 after the date on which such violation occurs, file (or  
8 have any person file on his or her behalf) a com-  
9 plaint with the Secretary of Labor alleging such dis-  
10 charge or discrimination. Upon receipt of such a  
11 complaint, the Secretary of Labor shall notify the  
12 person named in the complaint and the Adminis-  
13 trator of the Federal Aviation Administration of the  
14 filing of the complaint, of the allegations contained  
15 in the complaint, of the substance of evidence sup-  
16 porting the complaint, and of the opportunities that  
17 will be afforded to such person under paragraph (2).

18               “(2) INVESTIGATION; PRELIMINARY ORDER.—  
19 Not later than 60 days after the date of receipt of  
20 a complaint filed under paragraph (1) and after af-  
21 fording the person named in the complaint of an op-  
22 portunity to submit to the Secretary of Labor a  
23 written response to the complaint and an oppor-  
24 tunity to meet with a representative of the Secretary  
25 to present statements from witnesses, the Secretary

1 of Labor shall conduct an investigation and deter-  
2 mine whether there is reasonable cause to believe  
3 that the complaint has merit and notify the com-  
4 plainant and the person alleged to have committed  
5 a violation of subsection (a) of the Secretary's find-  
6 ings. If the Secretary of Labor concludes that there  
7 is a reasonable cause to believe that a violation of  
8 subsection (a) has occurred, the Secretary shall ac-  
9 company the Secretary's findings with a preliminary  
10 order providing the relief prescribed by paragraph  
11 (3)(B). Not later than 30 days after the date of no-  
12 tification of findings under this paragraph, either  
13 the person alleged to have committed the violation or  
14 the complainant may file objections to the findings  
15 or preliminary order, or both, and request a hearing  
16 on the record. The filing of such objections shall not  
17 operate to stay any reinstatement remedy contained  
18 in the preliminary order. Such hearings shall be con-  
19 ducted expeditiously. If a hearing is not requested in  
20 such 30-day period, the preliminary order shall be  
21 deemed a final order that is not subject to judicial  
22 review.

23 “(3) FINAL ORDER.—

24 “(A) DEADLINE FOR ISSUANCE; SETTLE-  
25 MENT AGREEMENTS.—Not later than 120 days

1 after the date of conclusion of a hearing under  
2 paragraph (2), the Secretary of Labor shall  
3 issue a final order providing the relief pre-  
4 scribed by this paragraph or denying the com-  
5 plaint. At any time before issuance of a final  
6 order, a proceeding under this subsection may  
7 be terminated on the basis of a settlement  
8 agreement entered into by the Secretary of  
9 Labor, the complainant, and the person alleged  
10 to have committed the violation.

11 “(B) REMEDY.—If, in response to a com-  
12 plaint filed under paragraph (1), the Secretary  
13 of Labor determines that a violation of sub-  
14 section (a) has occurred, the Secretary of Labor  
15 shall order the person who committed such vio-  
16 lation to—

17 “(i) take affirmative action to abate  
18 the violation;

19 “(ii) reinstate the complainant to his  
20 or her former position together with the  
21 compensation (including back pay), terms,  
22 conditions, and privileges associated with  
23 his or her employment; and

24 “(iii) provide compensatory damages  
25 to the complainant.

1           If such an order is issued under this paragraph,  
2           the Secretary of Labor, at the request of the  
3           complainant, shall assess against the person  
4           against whom the order is issued a sum equal  
5           to the aggregate amount of all costs and ex-  
6           penses (including attorneys' and expert witness  
7           fees) reasonably incurred, as determined by the  
8           Secretary of Labor, by the complainant for, or  
9           in connection with, the bringing of the com-  
10          plaint upon which the order was issued.

11                 “(C) FRIVOLOUS COMPLAINTS.—If the  
12          Secretary of Labor finds that a complaint  
13          under paragraph (1) is frivolous or has been  
14          brought in bad faith, the Secretary of Labor  
15          may award to the prevailing employer a reason-  
16          able attorney's fee not exceeding \$5,000.

17                 “(4) REVIEW.—

18                 “(A) APPEAL TO COURT OF APPEALS.—  
19          Any person adversely affected or aggrieved by  
20          an order issued under paragraph (3) may ob-  
21          tain review of the order in the United States  
22          Court of Appeals for the circuit in which the  
23          violation, with respect to which the order was  
24          issued, allegedly occurred or the circuit in which  
25          the complainant resided on the date of such vio-



1           lation. The petition for review must be filed not  
2           later than 60 days after the date of the  
3           issuance of the order of the Secretary of Labor.  
4           Review shall conform to chapter 7 of title 5,  
5           United States Code. The commencement of pro-  
6           ceedings under this subparagraph shall not, un-  
7           less ordered by the court, operate as a stay of  
8           the order.

9           “(B) LIMITATION ON COLLATERAL AT-  
10          TACK.—An order of the Secretary of Labor  
11          with respect to which review could have been  
12          obtained under subparagraph (A) shall not be  
13          subject to judicial review in any criminal or  
14          other civil proceeding.

15          “(5) ENFORCEMENT OF ORDER BY SECRETARY  
16          OF LABOR.—Whenever a person has failed to comply  
17          with an order issued under paragraph (3), the Sec-  
18          retary of Labor may file a civil action in the United  
19          States district court for the district in which the vio-  
20          lation was found to occur to enforce such order. In  
21          actions brought under this paragraph, the district  
22          courts shall have jurisdiction to grant all appropriate  
23          relief including, but not limited to, injunctive relief  
24          and compensatory damages.

25          “(6) ENFORCEMENT OF ORDER BY PARTIES.—

1           “(A) COMMENCEMENT OF ACTION.—A per-  
2           son on whose behalf an order was issued under  
3           paragraph (3) may commence a civil action  
4           against the person to whom such order was  
5           issued to require compliance with such order.  
6           The appropriate United States district court  
7           shall have jurisdiction, without regard to the  
8           amount in controversy or the citizenship of the  
9           parties, to enforce such order.

10          “(B) ATTORNEY FEES.—The court, in  
11          issuing any final order under this paragraph,  
12          may award costs of litigation (including reason-  
13          able attorney and expert witness fees) to any  
14          party whenever the court determines such  
15          award is appropriate.

16          “(c) MANDAMUS.—Any nondiscretionary duty im-  
17          posed by this section shall be enforceable in a mandamus  
18          proceeding brought under section 1361 of title 28, United  
19          States Code.

20          “(d) NONAPPLICABILITY TO DELIBERATE VIOLA-  
21          TIONS.—Subsection (a) shall not apply with respect to an  
22          employee of an air carrier who, acting without direction  
23          from such air carrier (or such air carrier’s agent), delib-  
24          erately causes a violation of any requirement relating to

1 air carrier safety under this subtitle or any other law of  
2 the United States.

3 “(e) CONTRACTOR DEFINED.—In this section, the  
4 term ‘contractor’ means a company that performs safety-  
5 sensitive functions by contract for an air carrier.”.

6 (b) CONFORMING AMENDMENT.—The analysis for  
7 such chapter is amended by adding at the end the follow-  
8 ing:

“SUBCHAPTER III—WHISTLEBLOWER PROTECTION PROGRAM  
“42121. Protection of employees providing air safety information.”.

9 **SEC. 602. CIVIL PENALTY.**

10 Section 46301(a)(1)(A) is amended by striking “sub-  
11 chapter II of chapter 421” and inserting “subchapter II  
12 or III of chapter 421”.

13 **TITLE VII—CENTENNIAL OF**  
14 **FLIGHT COMMISSION**

15 **SEC. 701. SHORT TITLE.**

16 This title may be cited as the “Centennial of Flight  
17 Commemoration Act”.

18 **SEC. 702. FINDINGS.**

19 Congress finds that—

20 (1) December 17, 2003, is the 100th anniver-  
21 sary of the first successful manned, free, controlled,  
22 and sustained flight by a power-driven, heavier-than-  
23 air machine;

1           (2) the first flight by Orville and Wilbur Wright  
2       represents the fulfillment of the age-old dream of  
3       flying;

4           (3) the airplane has dramatically changed the  
5       course of transportation, commerce, communication,  
6       and warfare throughout the world;

7           (4) the achievement by the Wright brothers  
8       stands as a triumph of American ingenuity, inven-  
9       tiveness, and diligence in developing new tech-  
10      nologies, and remains an inspiration for all Ameri-  
11      cans;

12          (5) it is appropriate to remember and renew the  
13      legacy of the Wright brothers at a time when the  
14      values of creativity and daring represented by the  
15      Wright brothers are critical to the future of the Na-  
16      tion; and

17          (6) as the Nation approaches the 100th anni-  
18      versary of powered flight, it is appropriate to cele-  
19      brate and commemorate the centennial year through  
20      local, national, and international observances and ac-  
21      tivities.

22   **SEC. 703. ESTABLISHMENT.**

23       There is established a commission to be known as the  
24   Centennial of Flight Commission.

1 **SEC. 704. MEMBERSHIP.**

2 (a) NUMBER AND APPOINTMENT.—The Commission  
3 shall be composed of 7 members as follows:

4 (1) The Administrator of the Federal Aviation  
5 Administration (or the designee of the Adminis-  
6 trator).

7 (2) The Director of the National Air and Space  
8 Museum (or the designee of the Director).

9 (3) The Administrator of the National Aero-  
10 nautics and Space Administration (or the designee  
11 of the Administrator).

12 (4) The chairman of the First Flight Centen-  
13 nial Foundation of North Carolina (or the designee  
14 of the chairman).

15 (5) The chairman of the 2003 Committee of  
16 Ohio (or the designee of the chairman).

17 (6) The president of the American Institute of  
18 Aeronautics and Astronautics Foundation of Reston,  
19 Virginia (or the designee of the president).

20 (7) An individual of national stature who shall  
21 be selected by the members of the Commission des-  
22 ignated under paragraphs (1) through (6).

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 for members of the Commission and  
6           related advisory panels to receive travel expenses, in-  
7           cluding per diem in lieu of subsistence. The policy  
8           may not exceed the levels established under sections  
9           5702 and 5703 of title 5, United States Code. Mem-  
10          bers who are Federal employees shall not receive  
11          travel expenses if otherwise reimbursed by the Fed-  
12          eral Government.

13          (d) QUORUM.—Three members of the Commission  
14          shall constitute a quorum.

15          (e) CHAIRPERSON.—The Commission member se-  
16          lected under subsection (a)(7) shall serve as Chairperson  
17          of the Commission. The Chairperson may not vote on mat-  
18          ters before the Commission except in the case of a tie vote.

19          (f) ORGANIZATION.—Not later than 90 days after the  
20          date of enactment of this Act, the Commission shall meet  
21          and select a Chairperson, Vice Chairperson, and Executive  
22          Director.

23   **SEC. 705. DUTIES.**

24          (a) IN GENERAL.—The Commission shall—

1           (1) represent the United States and take a  
2           leadership role with other nations in recognizing the  
3           importance of aviation history in general and the  
4           centennial of powered flight in particular, and pro-  
5           mote participation by the United States in such ac-  
6           tivities;

7           (2) encourage and promote national and inter-  
8           national participation and sponsorships in com-  
9           memoration of the centennial of powered flight by  
10          persons and entities such as—

11                   (A) aerospace manufacturing companies;

12                   (B) aerospace-related military organiza-  
13          tions;

14                   (C) workers employed in aerospace-related  
15          industries;

16                   (D) commercial aviation companies;

17                   (E) general aviation owners and pilots;

18                   (F) aerospace researchers, instructors, and  
19          enthusiasts;

20                   (G) elementary, secondary, and higher edu-  
21          cational institutions;

22                   (H) civil, patriotic, educational, sporting,  
23          arts, cultural, and historical organizations and  
24          technical societies;

25                   (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  
4 Flight Centennial Foundation of North Carolina,  
5 and the 2003 Committee of Ohio, programs and ac-  
6 tivities that are appropriate to commemorate the  
7 100th anniversary 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 regard-  
12 ing, dates, events, and places of historical and com-  
13 memorative significance regarding aviation history in  
14 general and the centennial of powered flight in par-  
15 ticular;

16 (5) provide national coordination for celebration  
17 dates to take place throughout the United States  
18 during the centennial year;

19 (6) assist in conducting educational, civic, and  
20 commemorative activities relating to the centennial  
21 of powered flight throughout the United States, es-  
22 pecially activities that occur in the States of North  
23 Carolina and Ohio and that highlight the activities  
24 of the Wright brothers in such States; and



1           (7) publish popular and scholarly works related  
2           to the history of aviation or the anniversary of the  
3           centennial of powered flight.

4           (b) NONDUPLICATION OF ACTIVITIES.—The Com-  
5           mission shall attempt to plan and conduct its activities  
6           in such a manner that activities conducted pursuant to  
7           this title enhance, but do not duplicate, traditional and  
8           established activities of Ohio’s 2003 Committee, North  
9           Carolina’s First Flight Centennial Commission, and the  
10          First Flight Centennial Foundation.

11       **SEC. 706. POWERS.**

12          (a) ADVISORY COMMITTEES AND TASK FORCES.—

13               (1) IN GENERAL.—The Commission may ap-  
14               point any advisory committee or task force that it  
15               determines to be necessary to carry out this title.

16               (2) FEDERAL COOPERATION.—To ensure the  
17               overall success of the Commission’s efforts, the Com-  
18               mission may call upon various Federal departments  
19               and agencies to assist in and give support to pro-  
20               grams of the Commission. Where appropriate, all  
21               Federal departments and agencies shall provide any  
22               assistance possible.

23               (3) PROHIBITION OF PAY OTHER THAN TRAVEL  
24               EXPENSES.—Members of an advisory committee or  
25               task force authorized by paragraph (1) shall not re-

1       ceive pay, but may receive travel expenses pursuant  
2       to the policy adopted by the Commission under sec-  
3       tion 704(c)(2).

4       (b) POWERS OF MEMBERS AND AGENTS.—Any mem-  
5       ber or agent of the Commission may, if authorized by the  
6       Commission, take any action that the Commission is au-  
7       thorized to take under this title.

8       (c) AUTHORITY TO PROCURE AND TO MAKE LEGAL  
9       AGREEMENTS.—

10           (1) IN GENERAL.—The Commission may pro-  
11       cure supplies, services, and property, and make or  
12       enter into leases and other legal agreements in order  
13       to carry out this title.

14           (2) RESTRICTION.—A contract, lease, or other  
15       legal agreement made or entered into by the Com-  
16       mission may not extend beyond the date of the ter-  
17       mination of the Commission.

18           (3) SUPPLIES AND PROPERTY POSSESSED BY  
19       COMMISSION AT TERMINATION.—Any supplies and  
20       property, except historically significant items, that  
21       are acquired by the Commission under this title and  
22       remain in the possession of the Commission on the  
23       date of the termination of the Commission shall be-  
24       come the property of the General Services Adminis-  
25       tration upon the date of termination.

1 (d) REQUESTS FOR OFFICIAL INFORMATION.—The  
2 Commission may request from any Federal department or  
3 agency information necessary to enable the Commission  
4 to carry out this title. The head of the Federal department  
5 or agency shall furnish the information to the Commission  
6 unless the release of the information by the department  
7 or agency to the public is prohibited by law.

8 (e) MAILS.—The Commission may use the United  
9 States mails in the same manner and under the same con-  
10 ditions as any other Federal agency.

11 (f) APPLICABILITY OF CERTAIN LAWS.—Except as  
12 otherwise expressly provided by this title, laws relating to  
13 the general operation and management of Federal agen-  
14 cies shall apply to the Commission only to the extent such  
15 laws apply to the Smithsonian Institution.

16 **SEC. 707. STAFF AND SUPPORT SERVICES.**

17 (a) EXECUTIVE DIRECTOR.—There shall be an Exec-  
18 utive Director appointed by the Commission. The Execu-  
19 tive Director may be paid at a rate not to exceed the maxi-  
20 mum rate of basic pay payable for the Senior Executive  
21 Service.

22 (b) STAFF.—The Commission may appoint and fix  
23 the pay of any additional personnel that it considers ap-  
24 propriate, except that an individual appointed under this  
25 subsection may not receive pay in excess of the maximum

1 rate of basic pay payable for GS-14 of the General Sched-  
2 ule.

3 (c) INAPPLICABILITY OF CERTAIN CIVIL SERVICE  
4 LAWS.—The Executive Director and staff of the Commis-  
5 sion may be appointed without regard to the provisions  
6 of title 5, United States Code, governing appointments in  
7 the competitive service, and may be paid without regard  
8 to the provisions of chapter 51 and subchapter III of chap-  
9 ter 53 of such title, relating to classification and General  
10 Schedule pay rates, except as provided under subsections  
11 (a) and (b).

12 (d) STAFF OF FEDERAL AGENCIES.—Upon request  
13 by the Chairperson of the Commission, the head of any  
14 Federal department or agency may detail, on a non-  
15 reimbursable basis, any of the personnel of the department  
16 or agency to the Commission to assist the Commission to  
17 carry out its duties under this title.

18 (e) EXPERTS AND CONSULTANTS.—The Chairperson  
19 of the Commission may procure temporary and intermit-  
20 tent services under section 3109(b) of title 5, United  
21 States Code, at a rate that does not exceed the daily equiv-  
22 alent of the annual rate of basic pay payable under level  
23 V of the Executive Schedule under section 5316 of such  
24 title.

25 (f) ADMINISTRATIVE SUPPORT SERVICES.—

1           (1) REIMBURSABLE SERVICES.—The Secretary  
2           of the Smithsonian Institution may provide to the  
3           Commission on a reimbursable basis any administra-  
4           tive support services that are necessary to enable the  
5           Commission to carry out this title.

6           (2) NONREIMBURSABLE SERVICES.—The Sec-  
7           retary may provide administrative support services  
8           to the Commission on a nonreimbursable basis when,  
9           in the opinion of the Secretary, the value of such  
10          services is insignificant or not practical to determine.

11          (g) COOPERATIVE AGREEMENTS.—The Commission  
12          may enter into cooperative agreements or grant agree-  
13          ments with other Federal agencies, State and local govern-  
14          ments, and private interests and organizations that will  
15          contribute to public awareness of and interest in the cen-  
16          tennial of powered flight and toward furthering the goals  
17          and purposes of this title.

18          (h) PROGRAM SUPPORT.—The Commission may re-  
19          ceive program support from the non-profit sector.

20   **SEC. 708. CONTRIBUTIONS.**

21          (a) DONATIONS.—

22               (1) IN GENERAL.—The Commission may accept  
23               donations of money, personal service, and historic  
24               materials relating to the implementation of its re-  
25               sponsibilities under the provisions of this title.

1           (2) DONATED FUNDS AND SALES.—Any funds  
2       donated to the Commission or revenues from direct  
3       sales shall be used by the Commission to carry out  
4       this title. Funds donated to and accepted by the  
5       Commission under this section shall not be consid-  
6       ered to be appropriated funds and shall not be sub-  
7       ject to any requirements or restrictions applicable to  
8       appropriated funds.

9           (3) FUNDRAISING.—Any fundraising under-  
10      taken by the Commission shall be coordinated with  
11      fundraising undertaken at the State level, and co-  
12      ordinated with the First Flight Centennial Commis-  
13      sion, the First Flight Centennial Foundation of  
14      North Carolina, and the 2003 Committee of Ohio.

15      (b) VOLUNTEER SERVICES.—Notwithstanding sec-  
16      tion 1342 of title 31, United States Code, the Commission  
17      may accept and use voluntary and uncompensated services  
18      as the Commission determines necessary.

19      (c) REMAINING FUNDS.—Any donated funds remain-  
20      ing with the Commission on the date of the termination  
21      of the Commission may be used to ensure proper disposi-  
22      tion, as specified in the final report required under section  
23      710(b), of historically significant property which was do-  
24      nated to or acquired by the Commission. Any donated  
25      funds remaining after such disposition shall be transferred

1 to the Secretary of the Treasury for deposit into the gen-  
2 eral fund of the Treasury of the United States.

3 (d) SENSE OF CONGRESS.—It is the sense of Con-  
4 gress that, in raising or accepting funds from the private  
5 sector, the Commission should not compete against fund-  
6 raising efforts by non-profit organizations that were initi-  
7 ated before the date of enactment of this Act and that  
8 are attempting to raise funds for nationally-significant  
9 commemorative projects related to the Wright brothers.

10 **SEC. 709. EXCLUSIVE RIGHT TO NAME, LOGOS, EMBLEMS,**  
11 **SEALS, AND MARKS.**

12 (a) IN GENERAL.—The Commission may devise any  
13 logo, emblem, seal, or descriptive or designating mark that  
14 is required to carry out its duties or that it determines  
15 is appropriate for use in connection with the commemora-  
16 tion of the centennial of powered flight.

17 (b) LICENSING.—The Commission shall have the sole  
18 and exclusive right to use, or to allow or refuse the use  
19 of, the name “Centennial of Flight Commission” on any  
20 logo, emblem, seal, or descriptive or designating mark that  
21 the Commission lawfully adopts.

22 (c) EFFECT ON OTHER RIGHTS.—No provision of  
23 this section may be construed to conflict or interfere with  
24 established or vested rights.

1       (d) USE OF FUNDS.—Funds donated to, or raised by,  
2 the Commission under section 708 and licensing royalties  
3 received pursuant to section 709 shall be used by the Com-  
4 mission to carry out the duties of the Commission speci-  
5 fied by this title. If the Commission determines that such  
6 funds are in excess of the amount needed to carry out  
7 these duties, funds may be made available to State and  
8 local governments and private interests and organizations  
9 to contribute to public awareness of and interest in the  
10 centennial of powered flight. Funds disbursed under this  
11 section shall be required to be disbursed in accordance  
12 with a plan adopted unanimously by the voting members  
13 of the Commission.

14       (e) LIMITATION ON FUNDS COLLECTED.—Except as  
15 approved by a unanimous vote of the voting members of  
16 the Commission, funds donated to, or raised by, the Com-  
17 mission under section 708 and licensing royalties received  
18 pursuant to section 709 may not exceed \$1,750,000 in a  
19 fiscal year.

20 **SEC. 710. REPORTS.**

21       (a) ANNUAL REPORT.—In each fiscal year in which  
22 the Commission is in existence, the Commission shall pre-  
23 pare and submit to Congress a report describing the ac-  
24 tivities of the Commission during the fiscal year. Each an-  
25 nual report shall also include—



1           (1) recommendations regarding appropriate ac-  
2           tivities to commemorate the centennial of powered  
3           flight, including—

4                   (A) the production, publication, and dis-  
5                   tribution of books, pamphlets, films, and other  
6                   educational materials;

7                   (B) bibliographical and documentary  
8                   projects and publications;

9                   (C) conferences, convocations, lectures,  
10                  seminars, and other similar programs;

11                  (D) the development of exhibits for librar-  
12                  ies, museums, and other appropriate institu-  
13                  tions;

14                  (E) ceremonies and celebrations commemo-  
15                  rating specific events that relate to the history  
16                  of aviation;

17                  (F) programs focusing on the history of  
18                  aviation and its benefits to the United States  
19                  and humankind; and

20                  (G) competitions, commissions, and awards  
21                  regarding historical, scholarly, artistic, literary,  
22                  musical, and other works, programs, and  
23                  projects related to the centennial of powered  
24                  flight;

1           (2) recommendations to appropriate agencies or  
2       advisory bodies regarding the issuance of commemo-  
3       rative coins, medals, and stamps by the United  
4       States relating to aviation or the centennial of pow-  
5       ered flight;

6           (3) recommendations for any legislation or ad-  
7       ministrative action that the Commission determines  
8       to be appropriate regarding the commemoration of  
9       the centennial of powered flight; and

10          (4) an accounting of funds received and ex-  
11       pended by the Commission in the fiscal year that the  
12       report concerns, including a detailed description of  
13       the source and amount of any funds donated to the  
14       Commission in the fiscal year.

15       (b) FINAL REPORT.—Not later than June 30, 2004,  
16   the Commission shall submit to the President and Con-  
17   gress a final report. The final report shall contain—

18          (1) a summary of the activities of the Commis-  
19       sion;

20          (2) a final accounting of funds received and ex-  
21       pended by the Commission;

22          (3) any findings and conclusions of the Com-  
23       mission; and

24          (4) specific recommendations concerning the  
25       final disposition of any historically significant items

1       acquired by the Commission, including items do-  
2       nated to the Commission under section 708(a)(1).

3   **SEC. 711. AUDIT OF FINANCIAL TRANSACTIONS.**

4       (a) IN GENERAL.—

5           (1) AUDIT.—The Comptroller General of the  
6       United States shall audit the financial transactions  
7       of the Commission, including financial transactions  
8       involving donated funds, in accordance with gen-  
9       erally accepted auditing standards.

10          (2) ACCESS.—In conducting an audit under  
11       this section, the Comptroller General—

12           (A) shall have access to all books, ac-  
13       counts, financial records, reports, files, and  
14       other papers, items, or property in use by the  
15       Commission, as necessary to facilitate the audit;  
16       and

17           (B) shall be afforded full facilities for veri-  
18       fying the financial transactions of the Commis-  
19       sion, including access to any financial records  
20       or securities held for the Commission by deposi-  
21       tories, fiscal agents, or custodians.

22       (b) REPORT.—Not later than September 30, 2004,  
23       the Comptroller General of the United States shall submit  
24       to the President and to Congress a report detailing the

1 results of any audit of the financial transactions of the  
2 Commission conducted by the Comptroller General.

3 **SEC. 712. ADVISORY BOARD.**

4 (a) ESTABLISHMENT.—There is established a First  
5 Flight Centennial Federal Advisory Board.

6 (b) NUMBER AND APPOINTMENT.—The Board shall  
7 be composed of 19 members as follows:

8 (1) The Secretary of the Interior, or the des-  
9 ignee of the Secretary.

10 (2) The Librarian of Congress, or the designee  
11 of the Librarian.

12 (3) The Secretary of the Air Force, or the des-  
13 ignee of the Secretary.

14 (4) The Secretary of the Navy, or the designee  
15 of the Secretary.

16 (5) The Secretary of Transportation, or the  
17 designee of the Secretary.

18 (6) Six citizens of the United States, appointed  
19 by the President, who—

20 (A) are not officers or employees of any  
21 government (except membership on the Board  
22 shall not be construed to apply to the limitation  
23 under this clause); and

24 (B) shall be selected based on their experi-  
25 ence in the fields of aerospace history, science,

1 or education, or their ability to represent the  
2 entities enumerated under section 705(2).

3 (7) Four citizens of the United States, ap-  
4 pointed by the majority leader of the Senate in con-  
5 sultation with the minority leader of the Senate.

6 (8) Four citizens of the United States, ap-  
7 pointed by the Speaker of the House of Representa-  
8 tives in consultation with the minority leader of the  
9 House of Representatives. Of the individuals ap-  
10 pointed under this subparagraph—

11 (A) one shall be selected from among indi-  
12 viduals recommended by the representative  
13 whose district encompasses the Wright Brothers  
14 National Memorial; and

15 (B) one shall be selected from among indi-  
16 viduals recommended by the representatives  
17 whose districts encompass any part of the Day-  
18 ton Aviation Heritage National Historical Park.

19 (c) VACANCIES.—Any vacancy in the Advisory Board  
20 shall be filled in the same manner in which the original  
21 designation was made.

22 (d) MEETINGS.—Seven members of the Advisory  
23 Board shall constitute a quorum for a meeting. All meet-  
24 ings shall be open to the public.

1 (e) CHAIRPERSON.—The President shall designate 1  
2 member appointed under subsection (b)(1)(F) as chair-  
3 person of the Advisory Board.

4 (f) MAILS.—The Advisory Board may use the United  
5 States mails in the same manner and under the same con-  
6 ditions as a Federal agency.

7 (g) DUTIES.—The Advisory Board shall advise the  
8 Commission on matters related to this title.

9 (h) PROHIBITION OF COMPENSATION OTHER THAN  
10 TRAVEL EXPENSES.—Members of the Advisory Board  
11 shall not receive pay, but may receive travel expenses pur-  
12 suant to the policy adopted by the Commission under sec-  
13 tion 704(c)(2).

14 (i) TERMINATION.—The Advisory Board shall termi-  
15 nate upon the termination of the Commission.

16 **SEC. 713. DEFINITIONS.**

17 In this title, the following definitions apply:

18 (1) COMMISSION.—The term “Commission”  
19 means the Centennial of Flight Commission.

20 (2) FIRST FLIGHT.—The term “First Flight”  
21 means the first four successful manned, free, con-  
22 trolled, and sustained flights by a power-driven,  
23 heavier-than-air machine, which were accomplished  
24 by Orville and Wilbur Wright on December 17,  
25 1903.

1           (3) CENTENNIAL OF POWERED FLIGHT.—The  
2           term “centennial of powered flight” means the anni-  
3           versary year, from December 2002 to December  
4           2003, commemorating the 100-year history of avia-  
5           tion beginning with the First Flight and highlighting  
6           the achievements of the Wright brothers in develop-  
7           ing the technologies which have led to the develop-  
8           ment of aviation as it is known today.

9           (4) ADVISORY BOARD.—The term “Advisory  
10          Board” means the Centennial of Flight Federal Ad-  
11          visory Board.

12 **SEC. 714. TERMINATION.**

13          The Commission shall terminate not later than 60  
14          days after the submission of the final report required by  
15          section 710(b).

16 **SEC. 715. AUTHORIZATION OF APPROPRIATIONS.**

17          There is authorized to be appropriated to carry out  
18          this title \$250,000 for each of the fiscal years 1999  
19          through 2004.

20               **TITLE VIII—MISCELLANEOUS**  
21               **PROVISIONS**

22 **SEC. 801. CLARIFICATION OF REGULATORY APPROVAL**  
23               **PROCESS.**

24          Section 106(f)(3)(B) is amended by adding at the  
25          end the following:

1                   “(v) Not later than 10 days after the date  
2                   of the determination of the Administrator under  
3                   clause (i), the Administrator shall transmit to  
4                   the Committee on Commerce, Science, and  
5                   Transportation of the Senate and the Commit-  
6                   tee on Transportation and Infrastructure of the  
7                   House of Representatives a written justification  
8                   of the reasons for the determination. The jus-  
9                   tification shall include a citation to the item or  
10                  items listed in clause (i) that is the authority on  
11                  which the Administrator is relying for making  
12                  the determination.”.

13 **SEC. 802. DUTIES AND POWERS OF ADMINISTRATOR.**

14       Section 106(g)(1)(A) is amended by striking  
15 “40113(a), (c), and (d),” and all that follows through  
16 “45302–45304,” and inserting “40113(a), 40113(c),  
17 40113(d), 40113(e), 40114(a), and 40119, chapter 445  
18 (except sections 44501(b), 44502(a)(2), 44502(a)(3),  
19 44502(a)(4), 44503, 44506, 44509, 44510, 44514, and  
20 44515), chapter 447 (except sections 44717, 44718(a),  
21 44718(b), 44719, 44720, 44721(b), 44722, and 44723),  
22 chapter 449 (except sections 44903(d), 44904, 44905,  
23 44907–44911, 44913, 44915, and 44931–44934), chapter  
24 451, chapter 453, sections”.



1 **SEC. 803. PROHIBITION ON RELEASE OF OFFEROR**  
2 **PROPOSALS.**

3 Section 40110 is amended by adding at the end the  
4 following:

5 “(d) PROHIBITION ON RELEASE OF OFFEROR PRO-  
6 POSALS.—

7 “(1) GENERAL RULE.—Except as provided in  
8 paragraph (2), a proposal in the possession or con-  
9 trol of the Administrator may not be made available  
10 to any person under section 552 of title 5, United  
11 States Code.

12 “(2) EXCEPTION.—Paragraph (1) shall not  
13 apply to any portion of a proposal of an offeror the  
14 disclosure of which is authorized by the Adminis-  
15 trator pursuant to procedures published in the Fed-  
16 eral Register. The Administrator shall provide an  
17 opportunity for public comment on the procedures  
18 for a period of not less than 30 days beginning on  
19 the date of such publication in order to receive and  
20 consider the views of all interested parties on the  
21 procedures. The procedures shall not take effect be-  
22 fore the 60th day following the date of such publica-  
23 tion.

24 “(3) PROPOSAL DEFINED.—In this subsection,  
25 the term ‘proposal’ means information contained in  
26 or originating from any proposal, including a tech-

1 nical, management, or cost proposal, submitted by  
2 an offeror in response to the requirements of a solie-  
3 itation for a competitive proposal.”.

4 **SEC. 804. MULTIYEAR PROCUREMENT CONTRACTS.**

5 Section 40111 is amended—

6 (1) by redesignating subsections (b) through (d)  
7 as subsections (c) through (e), respectively; and

8 (2) by inserting after subsection (a) the follow-  
9 ing:

10 “(b) TELECOMMUNICATIONS SERVICES.—Notwith-  
11 standing section 1341(a)(1)(B) of title 31, the Adminis-  
12 trator may make a contract of not more than 10 years  
13 for telecommunication services that are provided through  
14 the use of a satellite if the Administrator finds that the  
15 longer contract period would be cost beneficial.”.

16 **SEC. 805. FEDERAL AVIATION ADMINISTRATION PERSON-**  
17 **NEL MANAGEMENT SYSTEM.**

18 (a) MEDIATION.—Section 40122(a)(2) is amended by  
19 adding at the end the following: “The 60-day period shall  
20 not include any period during which Congress has ad-  
21 journed sine die.”.

22 (b) RIGHT TO CONTEST ADVERSE PERSONNEL AC-  
23 TIONS.—Section 40122 is amended by adding at the end  
24 the following:

1       “(g) RIGHT TO CONTEST ADVERSE PERSONNEL AC-  
2 TIONS.—An employee of the Administration who is the  
3 subject of a major adverse personnel action may contest  
4 the action either through any contractual grievance proce-  
5 dure that is applicable to the employee as a member of  
6 the collective bargaining unit or through the Administra-  
7 tion’s internal process relating to review of major adverse  
8 personnel actions of the Administration, known as Guar-  
9 anteed Fair Treatment.”.

10       (c) APPLICABILITY OF MERIT SYSTEMS PROTECTION  
11 BOARD PROVISIONS.—Section 347(b) of the Department  
12 of Transportation and Related Agencies Appropriations  
13 Act, 1996 (109 Stat. 460) is amended—

14               (1) by striking “and” at the end of paragraph  
15       (6);

16               (2) by striking the period at the end of para-  
17       graph (7) and inserting “; and”; and

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

19               “(8) sections 1204, 1211–1218, 1221, and  
20       7701–7703, relating to the Merit Systems Protec-  
21       tion Board.”.

22       (d) APPEALS TO MERIT SYSTEMS PROTECTION  
23 BOARD.—Section 347(c) of the Department of Transpor-  
24 tation and Related Agencies Appropriations Act, 1996 is  
25 amended to read as follows:

1       “(c) APPEALS TO MERIT SYSTEMS PROTECTION  
2 BOARD.—Under the new personnel management system  
3 developed and implemented under subsection (a), an em-  
4 ployee of the Federal Aviation Administration may submit  
5 an appeal to the Merit Systems Protection Board and may  
6 seek judicial review of any resulting final orders or deci-  
7 sions of the Board from any action that was appealable  
8 to the Board under any law, rule, or regulation as of  
9 March 31, 1996.”.

10       (e) COSTS AND BENEFITS OF MERIT SYSTEMS PRO-  
11 TECTION BOARD PROCEDURE.—

12           (1) STUDY.—The Inspector General of the De-  
13 partment of Transportation shall conduct a study of  
14 the costs and benefits to employees and the Federal  
15 Aviation Administration of the procedures of the  
16 Merit Systems Protection Board as compared to the  
17 guaranteed fair treatment procedures of the Federal  
18 Aviation Administration.

19           (2) SURVEY.—In conducting the study, the In-  
20 spector General shall conduct a survey of the em-  
21 ployees of the Federal Aviation Administration who  
22 are not members of the union to determine which  
23 procedures such employees prefer.

24           (3) REPORT.—Not later than May 15, 1999,  
25 the Inspector General shall transmit to Congress a

1 report on the results of the study conducted under  
2 paragraph (1), including the results of a survey con-  
3 ducted under paragraph (2).

4 **SEC. 806. GENERAL FACILITIES AND PERSONNEL AUTHOR-**  
5 **ITY.**

6 Section 44502(a) (as amended by section 114 of this  
7 Act) is further amended by adding at the end the follow-  
8 ing:

9 “(6) IMPROVEMENTS ON LEASED PROP-  
10 ERTIES.—The Administrator may make improve-  
11 ments to real property leased for an air navigation  
12 facility, regardless of whether the cost of making the  
13 improvements exceeds the cost of leasing the real  
14 property, if—

15 “(A) the property is leased for free or  
16 nominal rent;

17 “(B) the improvements primarily benefit  
18 the Government;

19 “(C) the improvements are essential for ac-  
20 complishment of the mission of the Federal  
21 Aviation Administration; and

22 “(D) the interest of the Government in the  
23 improvements is protected.”.

1 **SEC. 807. IMPLEMENTATION OF ARTICLE 83 BIS OF THE**  
2 **CHICAGO CONVENTION.**

3 Section 44701 is amended by—

4 (1) redesignating subsection (e) as subsection  
5 (f); and

6 (2) by inserting after subsection (d) the follow-  
7 ing:

8 “(e) **BILATERAL EXCHANGES OF SAFETY OVER-**  
9 **SIGHT RESPONSIBILITIES.—**

10 “(1) **IN GENERAL.—**Notwithstanding the provi-  
11 sions of this chapter, the Administrator, pursuant to  
12 Article 83 bis of the Convention on International  
13 Civil Aviation and by a bilateral agreement with the  
14 aeronautical authorities of another country, may ex-  
15 change with that country all or part of their respec-  
16 tive functions and duties with respect to registered  
17 aircraft under the following articles of the Conven-  
18 tion: Article 12 (Rules of the Air); Article 31 (Cer-  
19 tificates of Airworthiness); or Article 32a (Licenses  
20 of Personnel).

21 “(2) **RELINQUISHMENT AND ACCEPTANCE OF**  
22 **RESPONSIBILITY.—**The Administrator relinquishes  
23 responsibility with respect to the functions and du-  
24 ties transferred by the Administrator as specified in  
25 the bilateral agreement, under the Articles listed in  
26 paragraph (1) for United States-registered aircraft

1 described in paragraph (4)(A) transferred abroad  
2 and accepts responsibility with respect to the func-  
3 tions and duties under those Articles for aircraft  
4 registered abroad and described in paragraph (4)(B)  
5 that are transferred to the United States.

6 “(3) CONDITIONS.—The Administrator may  
7 predicate, in the agreement, the transfer of func-  
8 tions and duties under this subsection on any condi-  
9 tions the Administrator deems necessary and pru-  
10 dent, except that the Administrator may not transfer  
11 responsibilities for United States registered aircraft  
12 described in paragraph (4)(A) to a country that the  
13 Administrator determines is not in compliance with  
14 its obligations under international law for the safety  
15 oversight of civil aviation.

16 “(4) REGISTERED AIRCRAFT DEFINED.—In this  
17 subsection, the term ‘registered aircraft’ means—

18 “(A) aircraft registered in the United  
19 States and operated pursuant to an agreement  
20 for the lease, charter, or interchange of the air-  
21 craft or any similar arrangement by an opera-  
22 tor that has its principal place of business or,  
23 if it has no such place of business, its perma-  
24 nent residence in another country; or

1           “(B) aircraft registered in a foreign coun-  
2           try and operated under an agreement for the  
3           lease, charter, or interchange of the aircraft or  
4           any similar arrangement by an operator that  
5           has its principal place of business or, if it has  
6           no such place of business, its permanent resi-  
7           dence in the United States.”.

8   **SEC. 808. PUBLIC AVAILABILITY OF AIRMEN RECORDS.**

9           Section 44703 is amended—

10           (1) by redesignating subsections (c) through (f)  
11           as subsections (d) through (g), respectively; and

12           (2) by inserting after subsection (b) the follow-  
13           ing:

14           “(c) PUBLIC INFORMATION.—

15           “(1) IN GENERAL.—Subject to paragraph (2)  
16           and notwithstanding any other provision of law, the  
17           records of the contents (as prescribed in subsection  
18           (b)) of any airman certificate issued under this sec-  
19           tion shall be made available to the public after the  
20           60th day following the date of enactment of the Air-  
21           port Improvement Program Reauthorization Act of  
22           1998.

23           “(2) ADDRESSES OF AIRMEN.—Before making  
24           the address of an airman available to the public  
25           under paragraph (1), the airman shall be given an



1 opportunity to elect that the airman’s address not be  
2 made available to the public.

3 “(3) DEVELOPMENT AND IMPLEMENTATION OF  
4 PROGRAM.—Not later than 30 days after the date of  
5 enactment of the Airport Improvement Program Re-  
6 authorization Act of 1998, the Administrator shall  
7 develop and implement, in cooperation with rep-  
8 resentatives of the aviation industry, a one-time  
9 written notification to airmen to set forth the impli-  
10 cations of making the address of an airman available  
11 to the public under paragraph (1) and to carry out  
12 paragraph (2).”.

13 **SEC. 809. GOVERNMENT AND INDUSTRY CONSORTIA.**

14 Section 44903 is amended by adding at the end the  
15 following:

16 “(f) GOVERNMENT AND INDUSTRY CONSORTIA.—  
17 The Administrator may establish at individual airports  
18 such consortia of government and aviation industry rep-  
19 resentatives as the Administrator may designate to pro-  
20 vide advice on matters related to aviation security and  
21 safety. Such consortia shall not be considered Federal ad-  
22 visory committees.”.

23 **SEC. 810. PASSENGER MANIFEST.**

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

1 **SEC. 811. COST RECOVERY FOR FOREIGN AVIATION SERV-**  
2 **ICES.**

3 Section 45301 is amended—

4 (1) in subsection (a)(2) by inserting before the  
5 period “or to any entity obtaining inspection, test-  
6 ing, authorization, permit, rating, approval, review,  
7 or certification services outside the United States”;  
8 and

9 (2) in subsection (b)(1)(B) by moving the sen-  
10 tence beginning “Services” down 1 line and flush 2  
11 ems to the left.

12 **SEC. 812. TECHNICAL CORRECTIONS TO CIVIL PENALTY**  
13 **PROVISIONS.**

14 Section 46301 is amended—

15 (1) in subsection (a)(1)(A) by striking “46302,  
16 46303, or”;

17 (2) in subsection (d)(7)(A) by striking “an indi-  
18 vidual” the first place it appears and inserting “a  
19 person”; and

20 (3) in subsection (g) by inserting “or the Ad-  
21 ministrator” after “Secretary”.

22 **SEC. 813. ENHANCED VISION TECHNOLOGIES.**

23 (a) STUDY.—The Administrator shall conduct a  
24 study of the feasibility of requiring United States airports  
25 to install enhanced vision technologies to replace or en-

1 enhance conventional landing light systems over the 10-year  
2 period following the date of completion of such study.

3 (b) REPORT.—Not later than 180 days after the date  
4 of enactment of this Act, the Administrator shall transmit  
5 to Congress a report on the results of the study conducted  
6 under subsection (a) with such recommendations as the  
7 Administrator considers appropriate.

8 (c) INCLUSION OF INSTALLATION AS AIRPORT DE-  
9 VELOPMENT.—Section 47102 of title 49, United States  
10 Code, is amended—

11 (1) in paragraph (3)(B)—

12 (A) by striking “and” at the end of clause  
13 (v);

14 (B) by striking the period at the end of  
15 clause (vi) and inserting “; and”; and

16 (C) by inserting after clause (vi) the fol-  
17 lowing:

18 “(vii) enhanced visual technologies to  
19 replace or enhance conventional landing  
20 light systems.”; and

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

22 “(21) ENHANCED VISION TECHNOLOGIES.—The  
23 term ‘enhanced vision technologies’ means laser  
24 guidance, ultraviolet guidance, infrared, and cold  
25 cathode technologies.”.

1 (d) CERTIFICATION.—Not later than 180 days after  
 2 the date of enactment of this Act, the Administrator shall  
 3 transmit to Congress a schedule for certification of laser  
 4 guidance equipment for use as approach lighting at United  
 5 States airports and of cold cathode lighting equipment for  
 6 use as runway and taxiway lighting at United States air-  
 7 ports and as lighting at United States heliports.

8 **SEC. 814. FOREIGN CARRIERS ELIGIBLE FOR WAIVER**  
 9 **UNDER AIRPORT NOISE AND CAPACITY ACT.**

10 Section 47528(b)(1) is amended in the first sentence  
 11 by inserting “or foreign air carrier” after “air carrier”.

12 **SEC. 815. TYPOGRAPHICAL ERRORS.**

13 (a) IN TITLE 49, UNITED STATES CODE.—Title 49  
 14 is amended—

15 (1) in section 5108(f) by striking “section  
 16 552(f)” and inserting “section 552(b)”.

17 (2) in section 15904(c)(1) by inserting “sec-  
 18 tion” before “15901(b)”.

19 (3) in section 49106(b)(1)(F) by striking  
 20 “1996” and inserting “1986”;

21 (4) in section 49106(c)(3) by striking “by the  
 22 board” and inserting “to the board”;

23 (5) in section 49107(b) by striking “subchapter  
 24 II” and inserting “subchapter III”; and

1           (6) in section 49111(b) by striking “retention  
2       of” and inserting “retention by”.

3       (b) CODIFICATION REPEAL TABLE.—The Schedule  
4 of Laws Repealed in section 5(b) the Act of November  
5 20, 1997 (Public Law 105–102; 111 Stat. 2217), is  
6 amended by striking “1996” the first place it appears and  
7 inserting “1986”.

8       (c) CODIFICATION REFERENCES.—Effective October  
9 11, 1996, section 5(45)(A) of the Act of October 11, 1996  
10 (Public Law 104–287, 110 Stat. 3393), is amended by  
11 striking “ENFORCEMENT;” and inserting “EN-  
12 FORCEMENT:”.

13 **SEC. 816. ACQUISITION MANAGEMENT SYSTEM.**

14       Section 348 of the Department of Transportation and  
15 Related Agencies Appropriations Act, 1996 (49 U.S.C.  
16 106 note; 109 Stat. 460) is amended by striking sub-  
17 section (c) and inserting the following:

18       “(c) CONTRACTS EXTENDING INTO A SUBSEQUENT  
19 FISCAL YEAR.—Notwithstanding subsection (b)(3), the  
20 Administrator may enter into contracts for procurement  
21 of severable services that begin in one fiscal year and end  
22 in another if (without regard to any option to extend the  
23 period of the contract) the contract period does not exceed  
24 1 year.”.

1 **SEC. 817. INDEPENDENT STUDY OF FAA COSTS AND ALLO-**  
2 **CATIONS.**

3 (a) INDEPENDENT ASSESSMENT.—

4 (1) IN GENERAL.—The Inspector General of  
5 the Department of Transportation shall conduct the  
6 assessments described in this section. To conduct  
7 the assessments, the Inspector General may use the  
8 staff and resources of the Inspector General or con-  
9 tract with 1 or more independent entities.

10 (2) ASSESSMENT OF ADEQUACY AND ACCURACY  
11 OF FAA COST DATA AND ATTRIBUTIONS.—

12 (A) IN GENERAL.—The Inspector General  
13 shall conduct an assessment to ensure that the  
14 method for calculating the overall costs of the  
15 Federal Aviation Administration and attrib-  
16 uting such costs to specific users is appropriate,  
17 reasonable, and understandable to the users.

18 (B) COMPONENTS.—In conducting the as-  
19 sessment under this paragraph, the Inspector  
20 General shall assess the following:

21 (i) The Federal Aviation Administra-  
22 tion's cost input data, including the reli-  
23 ability of the Federal Aviation Administra-  
24 tion's source documents and the integrity  
25 and reliability of the Federal Aviation Ad-  
26 ministration's data collection process.

1 (ii) The Federal Aviation Administra-  
2 tion's system for tracking assets.

3 (iii) The Federal Aviation Administra-  
4 tion's bases for establishing asset values  
5 and depreciation rates.

6 (iv) The Federal Aviation Administra-  
7 tion's system of internal controls for ensur-  
8 ing the consistency and reliability of re-  
9 ported data.

10 (v) The Federal Aviation Administra-  
11 tion's definition of the services to which  
12 the Federal Aviation Administration ulti-  
13 mately attributes its costs.

14 (vi) The cost pools used by the Fed-  
15 eral Aviation Administration and the ra-  
16 tionale for and reliability of the bases  
17 which the Federal Aviation Administration  
18 proposes to use in allocating costs of serv-  
19 ices to users.

20 (C) REQUIREMENTS FOR ASSESSMENT OF  
21 COST POOLS.—In carrying out subparagraph  
22 (B)(vi), the Inspector General shall—

23 (i) review costs that cannot reliably be  
24 attributed to specific Federal Aviation Ad-  
25 ministration services or activities (called

1 “common and fixed costs” in the Federal  
2 Aviation Administration Cost Allocation  
3 Study) and consider alternative methods  
4 for allocating such costs; and

5 (ii) perform appropriate tests to as-  
6 sess relationships between costs in the var-  
7 ious cost pools and activities and services  
8 to which the costs are attributed by the  
9 Federal Aviation Administration.

10 (D) REPORTS.—The Inspector General  
11 shall transmit to Congress an interim report  
12 containing the results of the assessment con-  
13 ducted under this paragraph not later than  
14 March 31, 1999, and a final report containing  
15 such results not later than December 31, 1999.

16 (3) COST EFFECTIVENESS.—

17 (A) IN GENERAL.—The Inspector General  
18 shall assess the progress of the Federal Avia-  
19 tion Administration in cost and performance  
20 management, including use of internal and ex-  
21 ternal benchmarking in improving the perform-  
22 ance and productivity of the Federal Aviation  
23 Administration.

24 (B) ANNUAL REPORTS.—Not later than  
25 December 31, 1999, and annually thereafter



1           until December 31, 2003, the Inspector General  
2           shall transmit to Congress an updated report  
3           containing the results of the assessment con-  
4           ducted under this paragraph.

5           (C) INFORMATION TO BE INCLUDED IN  
6           FAA FINANCIAL REPORT.—The Administrator  
7           shall include in the annual financial report of  
8           the Federal Aviation Administration informa-  
9           tion on the performance of the Administration  
10          sufficient to permit users and others to make  
11          an informed evaluation of the progress of the  
12          Administration in increasing productivity.

13          (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
14          authorized to be appropriated to carry out this section  
15          \$1,600,000 for fiscal year 1999.

16   **SEC. 818. ELIMINATION OF BACKLOG OF EQUAL EMPLOY-**  
17                           **MENT OPPORTUNITY COMPLAINTS.**

18          (a) HIRING OF ADDITIONAL PERSONNEL.—For fiscal  
19          year 1999, the Secretary of Transportation may hire or  
20          contract for such additional personnel as may be necessary  
21          to eliminate the backlog of pending equal employment op-  
22          portunity complaints to the Department of Transportation  
23          and to ensure that investigations of complaints are com-  
24          pleted not later than 180 days after the date of initiation  
25          of the investigation.

1 (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
2 authorized to be appropriated to carry out this section  
3 \$2,000,000 for fiscal year 1999. Such sums shall remain  
4 available until expended.

5 **SEC. 819. NEWPORT NEWS, VIRGINIA.**

6 (a) AUTHORITY TO GRANT WAIVERS.—Notwith-  
7 standing section 16 of the Federal Airport Act (as in ef-  
8 fect on May 14, 1947), the Secretary shall, subject to sec-  
9 tion 47153 of title 49, United States Code (as in effect  
10 on June 1, 1998), and subsection (b) of this section, waive  
11 with respect to airport property parcels that, according to  
12 the airport layout plan for Newport News/Williamsburg  
13 International Airport, are no longer required for airport  
14 purposes from any term contained in the deed of convey-  
15 ance dated May 14, 1947, under which the United States  
16 conveyed such property to the Peninsula Airport Commis-  
17 sion for airport purposes of the Commission.

18 (b) CONDITIONS.—Any waiver granted by the Sec-  
19 retary under subsection (a) shall be subject to the follow-  
20 ing conditions:

21 (1) The Peninsula Airport Commission shall  
22 agree that, in leasing or conveying any interest in  
23 the property with respect to which waivers are  
24 granted under subsection (a), the Commission will  
25 receive an amount that is equal to the fair lease

1 value or the fair market value, as the case may be  
2 (as determined pursuant to regulations issued by the  
3 Secretary).

4 (2) Peninsula Airport Commission shall use any  
5 amount so received only for the development, im-  
6 provement, operation, or maintenance of Newport  
7 News/Williamsburg International Airport.

8 **SEC. 820. GRANT OF EASEMENT, LOS ANGELES, CALIFOR-**  
9 **NIA.**

10 The City of Los Angeles Department of Airports may  
11 grant an easement to the California Department of Trans-  
12 portation to lands required to provide sufficient right-of-  
13 way to facilitate the construction of the California State  
14 Route 138 bypass, as proposed by the California Depart-  
15 ment of Transportation.

16 **SEC. 821. REGULATION OF ALASKA AIR GUIDES.**

17 The Administrator shall reissue the notice to opera-  
18 tors originally published in the Federal Register on Janu-  
19 ary 2, 1998, which advised Alaska guide pilots of the ap-  
20 plicability of part 135 of title 14, Code of Federal Regula-  
21 tions, to guide pilot operations. In reissuing the notice,  
22 the Administrator shall provide for not less than 60 days  
23 of public comment on the Federal Aviation Administration  
24 action. If, notwithstanding the public comments, the Ad-  
25 ministrator decides to proceed with the action, the Admin-

1   istrator shall publish in the Federal Register a notice jus-  
2   tifying the Administrator’s decision and providing at least  
3   90 days for compliance.

4   **SEC. 822. PUBLIC AIRCRAFT DEFINED.**

5       Section 40102(a)(37)(B)(ii) is amended—

6           (1) in subclause (I) by striking “or” at the end;

7           (2) in subclause (II) by striking the period at  
8       the end and inserting “; or”; and

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

10                   “(III) transporting (for other  
11                   than commercial purposes) govern-  
12                   ment officials whose presence is re-  
13                   quired to inspect the scene of a major  
14                   disaster or emergency.”.

15   **TITLE IX—NATIONAL PARKS AIR**  
16       **TOUR MANAGEMENT**

17   **SEC. 901. SHORT TITLE.**

18       This title may be cited as the “National Parks Air  
19   Tour Management Act of 1998”.

20   **SEC. 902. FINDINGS.**

21       Congress finds that—

22           (1) the Federal Aviation Administration has  
23       sole authority to control airspace over the United  
24       States;

1           (2) the Federal Aviation Administration has the  
2           authority to preserve, protect, and enhance the envi-  
3           ronment by minimizing, mitigating, or preventing  
4           the adverse effects of aircraft overflights of public  
5           and tribal lands;

6           (3) the National Park Service has the respon-  
7           sibility of conserving the scenery and natural and  
8           historic objects and wildlife in national parks and of  
9           providing for the enjoyment of the national parks in  
10          ways that leave the national parks unimpaired for  
11          future generations;

12          (4) the protection of tribal lands from aircraft  
13          overflights is consistent with protecting the public  
14          health and welfare and is essential to the mainte-  
15          nance of the natural and cultural resources of In-  
16          dian tribes;

17          (5) the National Parks Overflights Working  
18          Group, composed of general aviation, commercial air  
19          tour, environmental, and Native American represent-  
20          atives, recommended that the Congress enact legisla-  
21          tion based on the Group's consensus work product;  
22          and

23          (6) this title reflects the recommendations made  
24          by that Group.

1 **SEC. 903. AIR TOUR MANAGEMENT PLANS FOR NATIONAL**  
2 **PARKS.**

3 (a) IN GENERAL.—Chapter 401 of title 49, United  
4 States Code, is amended by adding at the end the follow-  
5 ing:

6 **“§ 40125. Overflights of national parks**

7 “(a) IN GENERAL.—

8 “(1) GENERAL REQUIREMENTS.—A commercial  
9 air tour operator may not conduct commercial air  
10 tour operations over a national park (including tribal  
11 lands) except—

12 “(A) in accordance with this section;

13 “(B) in accordance with conditions and  
14 limitations prescribed for that operator by the  
15 Administrator; and

16 “(C) in accordance with any applicable air  
17 tour management plan for the park.

18 “(2) APPLICATION FOR OPERATING AUTHOR-  
19 ITY.—

20 “(A) APPLICATION REQUIRED.—Before  
21 commencing commercial air tour operations  
22 over a national park (including tribal lands), a  
23 commercial air tour operator shall apply to the  
24 Administrator for authority to conduct the op-  
25 erations over the park.

1           “(B) COMPETITIVE BIDDING FOR LIMITED  
2           CAPACITY PARKS.—Whenever an air tour man-  
3           agement plan limits the number of commercial  
4           air tour operations over a national park during  
5           a specified time frame, the Administrator, in  
6           cooperation with the Director, shall issue oper-  
7           ation specifications to commercial air tour oper-  
8           ators that conduct such operations. The oper-  
9           ation specifications shall include such terms and  
10          conditions as the Administrator and the Direc-  
11          tor find necessary for management of commer-  
12          cial air tour operations over the park. The Ad-  
13          ministrator, in cooperation with the Director,  
14          shall develop an open competitive process for  
15          evaluating proposals from persons interested in  
16          providing commercial air tour operations over  
17          the park. In making a selection from among  
18          various proposals submitted, the Administrator,  
19          in cooperation with the Director, shall consider  
20          relevant factors, including—

21                   “(i) the safety record of the person  
22                   submitting the proposal or pilots employed  
23                   by the person;

1 “(ii) any quiet aircraft technology pro-  
2 posed to be used by the person submitting  
3 the proposal;

4 “(iii) the experience of the person sub-  
5 mitting the proposal with commercial air  
6 tour operations over other national parks  
7 or scenic areas;

8 “(iv) the financial capability of the  
9 company;

10 “(v) any training programs for pilots  
11 provided by the person submitting the pro-  
12 posal; and

13 “(vi) responsiveness of the person  
14 submitting the proposal to any relevant  
15 criteria developed by the National Park  
16 Service for the affected park.

17 “(C) NUMBER OF OPERATIONS AUTHOR-  
18 IZED.—In determining the number of author-  
19 izations to issue to provide commercial air tour  
20 operations over a national park, the Adminis-  
21 trator, in cooperation with the Director, shall  
22 take into consideration the provisions of the air  
23 tour management plan, the number of existing  
24 commercial air tour operators and current level  
25 of service and equipment provided by any such



1 operators, and the financial viability of each  
2 commercial air tour operation.

3 “(D) COOPERATION WITH NPS.—Before  
4 granting an application under this paragraph,  
5 the Administrator, in cooperation with the Di-  
6 rector, shall develop an air tour management  
7 plan in accordance with subsection (b) and im-  
8 plement such plan.

9 “(3) EXCEPTION.—

10 “(A) IN GENERAL.—If a commercial air  
11 tour operator secures a letter of agreement  
12 from the Administrator and the superintendent  
13 for the national park that describes the condi-  
14 tions under which the commercial air tour oper-  
15 ation will be conducted, then notwithstanding  
16 paragraph (1), the commercial air tour operator  
17 may conduct such operations over the national  
18 park under part 91 of title 14, Code of Federal  
19 Regulaions, if such activity is permitted under  
20 part 119 of such title.

21 “(B) LIMIT ON EXCEPTIONS.—Not more  
22 than 5 flights in any 30-day period over a sin-  
23 gle national park may be conducted under this  
24 paragraph.

1           “(4) SPECIAL RULE FOR SAFETY REQUIRE-  
2           MENTS.—Notwithstanding subsection (c), an exist-  
3           ing commercial air tour operator shall apply, not  
4           later than 90 days after the date of enactment of  
5           this section, for operating authority under part 119,  
6           121, or 135 of title 14, Code of Federal Regulations.  
7           A new entrant commercial air tour operator shall  
8           apply for such authority before conducting commer-  
9           cial air tour operations over a national park (includ-  
10          ing tribal lands). The Administrator shall act on any  
11          such application for a new entrant and issue a deci-  
12          sion on the application not later than 24 months  
13          after it is received or amended.

14          “(b) AIR TOUR MANAGEMENT PLANS.—

15               “(1) ESTABLISHMENT.—

16                   “(A) IN GENERAL.—The Administrator, in  
17                   cooperation with the Director, shall establish an  
18                   air tour management plan for any national park  
19                   (including tribal lands) for which such a plan is  
20                   not in effect whenever a person applies for au-  
21                   thority to conduct a commercial air tour oper-  
22                   ation over the park. The air tour management  
23                   plan shall be developed by means of a public  
24                   process in accordance with paragraph (4).

1           “(B) OBJECTIVE.—The objective of any  
2           air tour management plan shall be to develop  
3           acceptable and effective measures to mitigate or  
4           prevent the significant adverse impacts, if any,  
5           of commercial air tours upon the natural and  
6           cultural resources, visitor experiences, and trib-  
7           al lands.

8           “(2) ENVIRONMENTAL DETERMINATION.—In  
9           establishing an air tour management plan under this  
10          subsection, the Administrator and the Director shall  
11          each sign the environmental decision document re-  
12          quired by section 102 of the National Environmental  
13          Policy Act of 1969 (42 U.S.C. 4332) (including a  
14          finding of no significant impact, an environmental  
15          assessment, and an environmental impact statement)  
16          and the record of decision for the air tour manage-  
17          ment plan.

18          “(3) CONTENTS.—An air tour management  
19          plan for a national park—

20               “(A) may limit or prohibit commercial air  
21               tour operations;

22               “(B) may establish conditions for the con-  
23               duct of commercial air tour operations, includ-  
24               ing commercial air tour operation routes, maxi-  
25               mum or minimum altitudes, time-of-day restric-

1           tions, restrictions for particular events, maxi-  
2           mum number of flights per unit of time, intru-  
3           sions on privacy on tribal lands, and mitigation  
4           of adverse noise, visual, or other impacts;

5           “(C) may apply to all commercial air tour  
6           operations;

7           “(D) shall include incentives (such as pre-  
8           ferred commercial air tour operation routes and  
9           altitudes and relief from flight caps and cur-  
10          fews) for the adoption of quiet aircraft tech-  
11          nology by commercial air tour operators con-  
12          ducting commercial air tour operations over the  
13          park;

14          “(E) shall provide a system for allocating  
15          opportunities to conduct commercial air tours if  
16          the air tour management plan includes a limita-  
17          tion on the number of commercial air tour oper-  
18          ations for any time period; and

19          “(F) shall justify and document the need  
20          for measures taken pursuant to subparagraphs  
21          (A) through (E) and include such justifications  
22          in the record of decision.

23          “(4) PROCEDURE.—In establishing an air tour  
24          management plan for a national park (including

1 tribal lands), the Administrator and the Director  
2 shall—

3 “(A) hold at least one public meeting with  
4 interested parties to develop the air tour man-  
5 agement plan;

6 “(B) publish the proposed plan in the Fed-  
7 eral Register for notice and comment and make  
8 copies of the proposed plan available to the  
9 public;

10 “(C) comply with the regulations set forth  
11 in sections 1501.3 and 1501.5 through 1501.8  
12 of title 40, Code of Federal Regulations (for  
13 purposes of complying with the regulations, the  
14 Federal Aviation Administration shall be the  
15 lead agency and the National Park Service is a  
16 cooperating agency); and

17 “(D) solicit the participation of any Indian  
18 tribe whose tribal lands are, or may be,  
19 overflowed by aircraft involved in a commercial  
20 air tour operation over the park, as a cooperat-  
21 ing agency under the regulations referred to in  
22 subparagraph (C).

23 “(5) JUDICIAL REVIEW.—An air tour manage-  
24 ment plan developed under this subsection shall be  
25 subject to judicial review.

1           “(6) AMENDMENTS.—The Administrator, in co-  
2           operation with the Director, may make amendments  
3           to an air tour management plan. Any such amend-  
4           ments shall be published in the Federal Register for  
5           notice and comment. A request for amendment of an  
6           air tour management plan shall be made in such  
7           form and manner as the Administrator may pre-  
8           scribe.

9           “(c) DETERMINATION OF COMMERCIAL AIR TOUR  
10          OPERATION STATUS.—In making a determination of  
11          whether a flight is a commercial air tour operation, the  
12          Administrator may consider—

13               “(1) whether there was a holding out to the  
14               public of willingness to conduct a sightseeing flight  
15               for compensation or hire;

16               “(2) whether a narrative that referred to areas  
17               or points of interest on the surface below the route  
18               of the flight was provided by the person offering the  
19               flight;

20               “(3) the area of operation;

21               “(4) the frequency of flights conducted by the  
22               person offering the flight;

23               “(5) the route of flight;

1           “(6) the inclusion of sightseeing flights as part  
2           of any travel arrangement package offered by the  
3           person offering the flight;

4           “(7) whether the flight would have been can-  
5           celed based on poor visibility of the surface below  
6           the route of the flight; and

7           “(8) any other factors that the Administrator  
8           considers appropriate.

9           “(d) INTERIM OPERATING AUTHORITY.—

10           “(1) IN GENERAL.—Upon application for oper-  
11           ating authority, the Administrator shall grant in-  
12           terim operating authority under this subsection to a  
13           commercial air tour operator for commercial air tour  
14           operations over a national park (including tribal  
15           lands) for which the operator is an existing commer-  
16           cial air tour operator.

17           “(2) REQUIREMENTS AND LIMITATIONS.—In-  
18           terim operating authority granted under this sub-  
19           section—

20           “(A) shall provide annual authorization  
21           only for the greater of—

22           “(i) the number of flights used by the  
23           operator to provide such tours within the  
24           12-month period prior to the date of enact-  
25           ment of this section; or

1           “(ii) the average number of flights per  
2           12-month period used by the operator to  
3           provide such tours within the 36-month pe-  
4           riod prior to such date of enactment, and,  
5           for seasonal operations, the number of  
6           flights so used during the season or sea-  
7           sons covered by that 12-month period;

8           “(B) may not provide for an increase in  
9           the number of commercial air tour operations  
10          conducted during any time period by the com-  
11          mercial air tour operator above the number that  
12          the air tour operator was originally granted un-  
13          less such an increase is agreed to by the Ad-  
14          ministrator and the Director;

15          “(C) shall be published in the Federal Reg-  
16          ister to provide notice and opportunity for com-  
17          ment;

18          “(D) may be revoked by the Administrator  
19          for cause;

20          “(E) shall terminate 180 days after the  
21          date on which an air tour management plan is  
22          established for the park or the tribal lands;

23          “(F) shall promote protection of national  
24          park resources, visitor experiences, and tribal  
25          lands;



1           “(G) shall promote safe operations of the  
2 commercial air tour;

3           “(H) shall promote the adoption of quiet  
4 technology, as appropriate; and

5           “(I) shall allow for modifications of the op-  
6 eration based on experience if the modification  
7 improves protection of national park resources  
8 and values and of tribal lands.

9       “(e) EXEMPTIONS.—

10           “(1) IN GENERAL.—Except as provided by  
11 paragraph (2), this section shall not apply to—

12           “(A) the Grand Canyon National Park;

13           “(B) tribal lands within or abutting the  
14 Grand Canyon National Park; or

15           “(C) any unit of the National Park System  
16 located in Alaska or any other land or water lo-  
17 cated in Alaska.

18           “(2) EXCEPTION.—This section shall apply to  
19 the Grand Canyon National Park if section 3 of  
20 Public Law 100–91 (16 U.S.C. 1a-1 note; 101 Stat.  
21 674–678) is no longer in effect.

22       “(f) DEFINITIONS.—In this section, the following  
23 definitions apply:

1           “(1) COMMERCIAL AIR TOUR OPERATOR.—The  
2           term ‘commercial air tour operator’ means any per-  
3           son who conducts a commercial air tour operation.

4           “(2) EXISTING COMMERCIAL AIR TOUR OPERA-  
5           TOR.—The term ‘existing commercial air tour opera-  
6           tor’ means a commercial air tour operator that was  
7           actively engaged in the business of providing com-  
8           mercial air tour operations over a national park at  
9           any time during the 12-month period ending on the  
10          date of enactment of this section.

11          “(3) NEW ENTRANT COMMERCIAL AIR TOUR  
12          OPERATOR.—The term ‘new entrant commercial air  
13          tour operator’ means a commercial air tour operator  
14          that—

15                 “(A) applies for operating authority as a  
16                 commercial air tour operator for a national  
17                 park; and

18                 “(B) has not engaged in the business of  
19                 providing commercial air tour operations over  
20                 the national park (including tribal lands) in the  
21                 12-month period preceding the application.

22          “(4) COMMERCIAL AIR TOUR OPERATION.—The  
23          term ‘commercial air tour operation’ means any  
24          flight, conducted for compensation or hire in a pow-  
25          ered aircraft where a purpose of the flight is sight-

1       seeing over a national park, within ½ mile outside  
2       the boundary of any national park, or over tribal  
3       lands, during which the aircraft flies—

4               “(A) below a minimum altitude, deter-  
5               mined by the Administrator in cooperation with  
6               the Director, above ground level (except solely  
7               for purposes of takeoff or landing, or necessary  
8               for safe operation of an aircraft as determined  
9               under the rules and regulations of the Federal  
10              Aviation Administration requiring the pilot-in-  
11              command to take action to ensure the safe op-  
12              eration of the aircraft); or

13              “(B) less than 1 mile laterally from any  
14              geographic feature within the park (unless more  
15              than ½ mile outside the boundary).

16              “(5) NATIONAL PARK.—The term ‘national  
17              park’ means any unit of the National Park System.

18              “(6) TRIBAL LANDS.—The term ‘tribal lands’  
19              means Indian country (as that term is defined in  
20              section 1151 of title 18, United States Code) that is  
21              within or abutting a national park.

22              “(7) ADMINISTRATOR.—The term ‘Adminis-  
23              trator’ means the Administrator of the Federal Avia-  
24              tion Administration.

1           “(8) DIRECTOR.—The term ‘Director’ means  
2           the Director of the National Park Service.”.

3           (b) CLERICAL AMENDMENT.—The table of sections  
4           for chapter 401 of title 49, United States Code, is amend-  
5           ed by adding at the end the following:

          “40125. Overflights of national parks.”.

6   **SEC. 904. ADVISORY GROUP.**

7           (a) ESTABLISHMENT.—Not later than 1 year after  
8           the date of enactment of this Act, the Administrator and  
9           the Director shall jointly establish an advisory group to  
10          provide continuing advice and counsel with respect to com-  
11          mercial air tour operations over and near national 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 Avia-  
23                       tion Administration; and

24                       (C) a representative of the National Park  
25                       Service.

1           (2) EX-OFFICIO MEMBERS.—The Administrator  
2           (or the designee of the Administrator) and the Di-  
3           rector (or the designee of the Director) shall serve  
4           as ex-officio members.

5           (3) CHAIRPERSON.—The representative of the  
6           Federal Aviation Administration and the representa-  
7           tive of the National Park Service shall serve alter-  
8           nating 1-year terms as chairman of the advisory  
9           group, with the representative of the Federal Avia-  
10          tion Administration serving initially until the end of  
11          the calendar year following the year in which the ad-  
12          visory group is first appointed.

13          (c) DUTIES.—The advisory group shall provide ad-  
14          vice, information, and recommendations to the Adminis-  
15          trator and the Director—

16                (1) on the implementation of this title and the  
17                amendments made by this title;

18                (2) on commonly accepted quiet aircraft tech-  
19                nology for use in commercial air tour operations over  
20                national parks (including tribal lands), which will re-  
21                ceive preferential treatment in a given air tour man-  
22                agement plan;

23                (3) on other measures that might be taken to  
24                accommodate the interests of visitors to national  
25                parks; and

1 (4) at request of the Administrator and the Di-  
2 rector, safety, environmental, and other issues relat-  
3 ed to commercial air tour operations over a national  
4 park (including tribal lands).

5 (d) COMPENSATION; SUPPORT; FACA.—

6 (1) COMPENSATION AND TRAVEL.—Members of  
7 the advisory group who are not officers or employees  
8 of the United States, while attending conferences or  
9 meetings of the group or otherwise engaged in its  
10 business, or while serving away from their homes or  
11 regular places of business, may be allowed travel ex-  
12 penses, including per diem in lieu of subsistence, as  
13 authorized by section 5703 of title 5, United States  
14 Code, for persons in the Government service em-  
15 ployed intermittently.

16 (2) ADMINISTRATIVE SUPPORT.—The Federal  
17 Aviation Administration and the National Park  
18 Service shall jointly furnish to the advisory group  
19 clerical and other assistance.

20 (3) NONAPPLICATION OF FACA.—Section 14 of  
21 the Federal Advisory Committee Act (5 U.S.C.  
22 App.) does not apply to the advisory group.

23 **SEC. 905. REPORTS.**

24 (a) OVERFLIGHT FEE REPORT.—Not later than 180  
25 days after the date of enactment of this Act, the Adminis-

1 trator shall transmit to Congress a report on the effects  
2 overflight fees are likely to have on the commercial air  
3 tour operation industry. The report shall include, but shall  
4 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 any  
7 overflight fees charged by the National Park Service;  
8 and

9           (2) the financial effects proposed offsets are  
10 likely to have on Federal Aviation Administration  
11 budgets and appropriations.

12       (b) QUIET AIRCRAFT TECHNOLOGY REPORT.—Not  
13 later than 2 years after the date of enactment of this Act,  
14 the Administrator and the Director shall jointly transmit  
15 a report to Congress on the effectiveness of this title in  
16 providing incentives for the development and use of quiet  
17 aircraft technology.

18 **SEC. 906. EXEMPTIONS.**

19       This title shall not apply to—

20           (1) any unit of the National Park System lo-  
21 cated in Alaska; or

22           (2) any other land or water located in Alaska.

23 **SEC. 907. DEFINITIONS.**

24       In this title, the following definitions apply:

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

4           (2) DIRECTOR.—The term “Director” means  
5           the Director of the National Park Service.

6   **TITLE X—EXTENSION OF AIR-**  
7   **PORT AND AIRWAY TRUST**  
8   **FUND EXPENDITURE AU-**  
9   **THORITY**

10 **SEC. 1001. EXTENSION OF EXPENDITURE AUTHORITY.**

11       (a) IN GENERAL.—Paragraph (1) of section 9502(d)  
12 of the Internal Revenue Code of 1986 (relating to expendi-  
13 tures from Airport and Airway Trust Fund) is amended—

14           (1) by striking “October 1, 1998” and inserting  
15           “October 1, 1999”; and

16           (2) by inserting before the semicolon at the end  
17 of subparagraph (A) the following “or the Airport  
18 Improvement Program Reauthorization Act of  
19 1998”.

20       (b) LIMITATION ON EXPENDITURE AUTHORITY.—  
21 Section 9502 of such Code is amended by adding at the  
22 end the following new subsection:

23       “(f) LIMITATION ON TRANSFERS TO TRUST FUND.—

24           “(1) IN GENERAL.—Except as provided in para-  
25 graph (2), no amount may be appropriated or cred-



1       ited to the Airport and Airway Trust Fund on and  
2       after the date of any expenditure from the Airport  
3       and Airway Trust Fund which is not permitted by  
4       this section. The determination of whether an ex-  
5       penditure is so permitted shall be made without re-  
6       gard to—

7               “(A) any provision of law which is not con-  
8               tained or referenced in this title or in a revenue  
9               Act; and

10              “(B) whether such provision of law is a  
11              subsequently enacted provision or directly or in-  
12              directly seeks to waive the application of this  
13              subsection.

14              “(2) EXCEPTION FOR PRIOR OBLIGATIONS.—  
15       Paragraph (1) shall not apply to any expenditure to  
16       liquidate any contract entered into (or for any  
17       amount otherwise obligated) before October 1, 1999,  
18       in accordance with the provisions of this section.”.

      Passed the House of Representatives August 4,  
1998.

Attest:

*Clerk.*