

105TH CONGRESS
2D SESSION

H. R. 4057

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 16, 1998

Mr. SHUSTER (for himself and Mr. DUNCAN) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Airport Improvement
5 Program Reauthorization Act of 1998”.

6 **SEC. 2. GENERAL PROVISIONS.**

7 (a) AMENDMENTS TO TITLE 49, UNITED STATES
8 CODE.—Except as otherwise specifically provided, when-
9 ever in this Act an amendment or repeal is expressed in
10 terms of an amendment to, or repeal of, a section or other

1 provision of law, the reference shall be considered to be
2 made to a section or other provision of title 49, United
3 States Code.

4 (b) APPLICABILITY.—

5 (1) IN GENERAL.—Except as otherwise specifi-
6 cally provided, this Act and the amendments made
7 by this Act apply only to fiscal years beginning after
8 September 30, 1998.

9 (2) LIMITATION ON STATUTORY CONSTRUC-
10 TION.—Nothing in this Act or any amendment made
11 by this Act shall be construed as affecting funds
12 made available for a fiscal year ending before Octo-
13 ber 1, 1998.

14 (c) ADMINISTRATOR DEFINED.—In this Act, the
15 term “Administrator” means the Administrator of the
16 Federal Aviation Administration.

17 **SEC. 3. AIRPORT IMPROVEMENT PROGRAM.**

18 (a) AUTHORIZATION OF APPROPRIATIONS.—Section
19 48103 is amended—

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

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

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

3 **SEC. 4. AIRWAY FACILITIES IMPROVEMENT PROGRAM.**

4 Section 48101(a) is amended by adding at the end
5 the following:

6 “(3) \$2,131,000,000 for fiscal year 1999.”.

7 **SEC. 5. FAA OPERATIONS.**

8 (a) AUTHORIZATION OF APPROPRIATIONS FROM
9 GENERAL FUND.—Section 106(k) is amended by striking
10 “\$5,158,000,000” and all that follows through the period
11 at the end and inserting the following: “\$5,632,000,000
12 for fiscal year 1999.”.

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. 6. 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);

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)—

6 (A) by striking “31 percent” each place it
7 appears and inserting “33 percent”; and

8 (B) by striking “47504(c)(1)” and insert-
9 ing “47504(c)”; and

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

14 (g) SET-ASIDE FOR AIRPORT SECURITY.—Section
15 47117(e)(1) is further amended by adding at the end the
16 following:

17 “(C) 3 percent for airport security, giving high-
18 est priority to the testing and evaluation of explosive
19 detection equipment for airports.”.

20 (h) SUPPLEMENTAL APPORTIONMENT FOR ALAS-

21 KA.—Section 47114(e) is amended—

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

24 (2) in paragraph (1)—

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

4 (B) by striking “those airports” and in-
5 serting “airports in Alaska”;

6 (3) in paragraph (2) by inserting “AUTHORITY
7 FOR DISCRETIONARY GRANTS.—” before “This sub-
8 section”;

9 (4) by striking paragraph (3) and inserting the
10 following:

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

14 (5) by indenting paragraph (1) and aligning it
15 and paragraph (2) with paragraph (3), as amended
16 by paragraph (4) of this subsection; and

17 (6) by aligning subparagraphs (A) and (B) of
18 paragraph (1) with subparagraph (C) of paragraph
19 (1), as added by subsection (f).

20 (i) REPEAL OF APPORTIONMENT LIMITATION ON
21 COMMERCIAL SERVICE AIRPORTS IN ALASKA.—Section
22 47117 is amended by striking subsection (f) and by redес-
23 ignating subsections (g) and (h) as subsections (f) and (g),
24 respectively.

1 (j) DESIGNATING CURRENT AND FORMER MILITARY
2 AIRPORTS.—Section 47118(a) is amended by striking
3 “12” and inserting “14”.

4 (k) ELIGIBILITY OF RUNWAY INCURSION PREVEN-
5 TION DEVICES.—

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

11 (2) MAXIMUM USE OF SAFETY FACILITIES.—
12 Section 47101(f) is amended—

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

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

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

18 “(11) runway and taxiway incursion prevention
19 devices, including integrated in-pavement lighting
20 systems for runways and taxiways, in accordance
21 with an applicable runway incursion prevention
22 plan.”.

23 (3) AIRPORT DEVELOPMENT DEFINED.—Sec-
24 tion 47102(3)(B)(ii) is amended by inserting “and
25 including integrated in-pavement lighting systems

1 for runways and taxiways and other runway and
2 taxiway incursion prevention devices” before the
3 semicolon at the end.

4 **SEC. 7. GRANTS FROM SMALL AIRPORT FUND.**

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

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

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

24 “(f) NOTIFICATION OF SOURCE OF GRANT.—When-
25 ever the Secretary makes a grant under this section, the

1 Secretary shall notify the recipient of the grant, in writing,
2 that the source of the grant is from the small airport
3 fund.”.

4 **SEC. 8. INNOVATIVE USE OF AIRPORT GRANT FUNDS.**

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

7 **“§ 47135. Innovative financing techniques**

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

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

17 “(c) LIMITATION.—In no case shall the implementa-
18 tion of an innovative financing technique under this sec-
19 tion result in a direct or indirect guarantee of any airport
20 debt instrument by the United States Government.

21 “(d) INNOVATIVE FINANCING TECHNIQUE DE-
22 FINED.—In this section, the term ‘innovative financing
23 technique’ is limited to the following:

24 “(1) payment of interest;

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

4 “(3) flexible non-Federal matching require-
 5 ments.”.

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

 “47135. Innovative financing techniques.”.

9 **SEC. 9. MATCHING SHARE FOR STATE BLOCK GRANT PRO-**
 10 **GRAM.**

11 Section 47109(a) is amended—

12 (1) by redesignating paragraphs (2) and (3) as
 13 paragraphs (3) and (4), respectively;

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

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

20 (3) by striking “and” at the end of paragraph
 21 (3), as so redesignated;

22 (4) by striking the period at the end of para-
 23 graph (4), as so redesignated, and inserting “; and”;
 24 and

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

1 August 1, 1986, and September 30, 1990, or
2 between June 1, 1991, and October 31, 1992,”;
3 and

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

9 **SEC. 12. CONVEYANCES OF SURPLUS PROPERTY FOR PUB-**
10 **LIC AIRPORTS.**

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

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

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

23 (1) by inserting “, after providing notice and an
24 opportunity for public comment,” after “if the Sec-
25 retary decides”; and

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

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

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

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

13 (d) REFERENCES TO GIFTS.—Chapter 471 is amend-
14 ed—

15 (1) in section 47151—

16 (A) in subsection (a)—

17 (i) in the matter preceding paragraph
18 (1) by striking “give” and inserting “con-
19 vey to”; and

20 (ii) in paragraph (2) by striking
21 “gift” and inserting “conveyance”;

22 (B) in subsection (b)—

23 (i) by striking “giving” and inserting
24 “conveying”; and

1 (ii) by striking “gift” and inserting
2 “conveyance”; and

3 (C) in subsection (c)—

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

7 (ii) by striking “given” and inserting
8 “conveyed”;

9 (2) in section 47152—

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

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

14 (3) in section 47153(a)(1)—

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

17 (B) by striking “given” and inserting
18 “conveyed”; and

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

“47152. Terms of conveyances.”.

22 **SEC. 13. CONSTRUCTION OF RUNWAYS.**

23 Notwithstanding any provision of law that specifically
24 restricts the number of runways at a single international
25 airport, the Secretary of Transportation may obligate

1 funds made available under chapters 471 and 481 of title
2 49, United States Code, for any project to construct a new
3 runway at such airport, unless this section is expressly re-
4 pealed.

5 **SEC. 14. POTOMAC METROPLEX TERMINAL RADAR AP-**
6 **PROACH CONTROL FACILITY.**

7 (a) **SITE SELECTION.**—The Administrator may not
8 select a site for, or begin construction of, the Potomac
9 Metroplex terminal radar approach control facility in the
10 State of Virginia before the 90th day after the Adminis-
11 trator transmits to Congress a report on the relative costs
12 and benefits of constructing the facility on land already
13 owned by the United States, including land located outside
14 the Washington, D.C., metropolitan area.

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

17 (1) a justification for the current construction
18 plan, including the size and cost of the consolidated
19 facility; and

20 (2) a complete risk analysis of the possibility
21 that the redesigned airspace may not be completed,
22 or may be only partially completed, including an ex-
23 planation of whether or not the consolidation will be
24 cost beneficial if the airspace is only partially rede-
25 signed.

1 **SEC. 15. 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. 16. 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.”.

○