

Union Calendar No. 359

105TH CONGRESS
2^D SESSION

H. R. 4057

[Report No. 105-639]

A BILL

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

JULY 20, 1998

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

Union Calendar No. 359

105TH CONGRESS
2^D SESSION

H. R. 4057

[Report No. 105-639]

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

JULY 20, 1998

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on June 16, 1998]

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,*

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

2 (a) *SHORT TITLE.*—*This Act may be cited as the “Air-*
 3 *port Improvement Program Reauthorization Act of 1998”.*

4 (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.

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 of*

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

4 **SEC. 3. APPLICABILITY.**

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

9 (b) *LIMITATION ON STATUTORY CONSTRUCTION.*—
10 *Nothing in this Act or any amendment made by this Act*
11 *shall be construed as affecting funds made available for a*
12 *fiscal year ending before October 1, 1998.*

13 **SEC. 4. ADMINISTRATOR DEFINED.**

14 *In this Act, the term “Administrator” means the Ad-*
15 *ministrator of the Federal Aviation Administration.*

16 **TITLE I—AIRPORT AND AIRWAY**
17 **IMPROVEMENTS**

18 **SEC. 101. AIRPORT IMPROVEMENT PROGRAM.**

19 (a) *AUTHORIZATION OF APPROPRIATIONS.*—*Section*
20 *48103 is amended—*

21 (1) *by striking “September 30, 1996” and insert-*
22 *ing “September 30, 1998”; and*

23 (2) *by striking “\$2,280,000,000” and all that fol-*
24 *lows through the period at the end and inserting the*

1 s following: “\$2,347,000,000 for fiscal years ending
2 before October 1, 1999.”.

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

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

6 (a) *GENERAL AUTHORIZATION AND APPROPRIA-*
7 *TIONS*.—Section 48101(a) is amended by adding at the end
8 the following:

9 “(3) \$2,131,000,000 for fiscal year 1999.”.

10 (b) *UNIVERSAL ACCESS SYSTEMS*.—Section 48101 is
11 amended by adding at the end the following:

12 “(d) *UNIVERSAL ACCESS SYSTEMS*.—Of the amounts
13 appropriated under subsection (a) for fiscal year 1999,
14 \$8,000,000 may be used for the voluntary purchase and in-
15 stallation of universal access systems.”.

16 **SEC. 103. FAA OPERATIONS.**

17 (a) *AUTHORIZATION OF APPROPRIATIONS FROM GEN-*
18 *ERAL FUND*.—Section 106(k) is amended—

19 (1) by inserting “(1) *IN GENERAL*.—” before
20 “*There*”;

21 (2) in paragraph (1) (as so designated) by strik-
22 ing “\$5,158,000,000” and all that follows through the
23 period at the end and inserting the following:

24 “\$5,632,000,000 for fiscal year 1999.”;

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

1 “(2) *AUTHORIZED EXPENDITURES.*—Of the
2 *amounts appropriated under paragraph (1) for fiscal*
3 *year 1999—*

4 “(A) \$450,000 may be used for wildlife haz-
5 *ard mitigation measures and management of the*
6 *wildlife strike database of the Federal Aviation*
7 *Administration;*

8 “(B) *such sums as may be necessary may be*
9 *used to fund an office within the Federal Avia-*
10 *tion Administration dedicated to supporting in-*
11 *frastructure systems development for both general*
12 *aviation and the vertical flight industry; and*

13 “(C) *such sums as may be necessary may be*
14 *used to revise existing terminal and en route*
15 *procedures and instrument flight rules to facili-*
16 *tate the takeoff, flight, and landing of tiltrotor*
17 *aircraft and to improve the national airspace*
18 *system by separating such aircraft from con-*
19 *gested flight paths of fixed-wing aircraft.”; and*

20 (4) *by indenting paragraph (1) (as designated*
21 *by paragraph (1) of this subsection) and aligning*
22 *such paragraph (1) with paragraph (2) (as added by*
23 *paragraph (2) of this subsection).*

24 (b) *AUTHORIZATION OF APPROPRIATIONS FROM*
25 *TRUST FUND.*—Section 48104 is amended—

1 (1) *by striking subsection (b) and redesignating*
2 *subsection (c) as subsection (b);*

3 (2) *in subsection (b), as so redesignated—*

4 (A) *in the subsection heading by striking*
5 *“FISCAL YEARS 1994–1998” and inserting “FIS-*
6 *CAL YEAR 1999”; and*

7 (B) *in the matter preceding paragraph (1)*
8 *by striking “each of fiscal years 1994 through*
9 *1998” and inserting “fiscal year 1999”.*

10 (c) *LIMITATION ON OBLIGATING OR EXPENDING*
11 *AMOUNTS.—Section 48108(c) is amended by striking*
12 *“1998” and inserting “1999”.*

13 **SEC. 104. AIP FORMULA CHANGES.**

14 (a) *DISCRETIONARY FUND.—Section 47115 is amend-*
15 *ed—*

16 (1) *by striking subsection (g);*

17 (2) *by redesignating subsection (h) as subsection*
18 *(g); and*

19 (3) *by inserting before the period at the end of*
20 *subsection (g) (as so redesignated) the following:*
21 *“with funds made available under this section and, if*
22 *such funds are not sufficient, with funds made avail-*
23 *able under sections 47114(c)(1)(A), 47114(c)(2),*
24 *47114(d), and 47117(e) on a pro rata basis”.*

1 (b) *AMOUNTS APPORTIONED TO SPONSORS.*—Section
2 47114(c)(1) is amended—

3 (1) in subparagraph (A)(v) by inserting “subject
4 to subparagraph (C),” before “\$.50”; and

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

6 “(C) The amount to be apportioned for a fiscal year
7 for a passenger described in subparagraph (A)(v) shall be
8 reduced to \$.40 if the total amount made available under
9 section 48103 for such fiscal year is less than
10 \$1,350,000,000.”.

11 (c) *ENTITLEMENT FOR GENERAL AVIATION AIR-*
12 *PORTS.*—Section 47114(d)(2) is amended—

13 (1) in the matter preceding subparagraph (A) by
14 striking “18.5 percent” and inserting “20 percent”;

15 (2) in subparagraph (A) by striking “0.66” and
16 inserting “0.62; and

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

19 (d) *USE OF APPORTIONMENTS FOR ALASKA, PUERTO*
20 *RICO, AND HAWAII.*—Section 47114(d)(3) is amended to
21 read as follows:

22 “(3) *SPECIAL RULE.*—An amount apportioned
23 under paragraph (2) of this subsection for airports in
24 Alaska, Puerto Rico, or Hawaii may be made avail-

1 *able by the Secretary for any public airport in those*
2 *respective jurisdictions.”.*

3 *(e) USE OF STATE-APPORTIONED FUNDS FOR SYSTEM*
4 *PLANNING.—Section 47114(d) is further amended by add-*
5 *ing at the end the following:*

6 *“(4) INTEGRATED AIRPORT SYSTEM PLANNING.—*
7 *Notwithstanding paragraph (2), funds made available*
8 *under this subsection may be used for integrated air-*
9 *port system planning that encompasses 1 or more pri-*
10 *mary airports.”.*

11 *(f) GRANTS FOR AIRPORT NOISE COMPATIBILITY*
12 *PLANNING.—Section 47117(e)(1) is amended—*

13 *(1) in subparagraph (A) by striking “31 per-*
14 *cent” each place it appears and inserting “33 per-*
15 *cent”; and*

16 *(2) in subparagraph (B) by striking “At least”*
17 *and all that follows through “sponsors of current”*
18 *and inserting “At least 4 percent to sponsors of cur-*
19 *rent”.*

20 *(g) SUPPLEMENTAL APPORTIONMENT FOR ALASKA.—*
21 *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 insert-
5 ing “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).

17 (h) REPEAL OF APPORTIONMENT LIMITATION ON COM-
18 Mercial Service Airports in Alaska.—Section 47117
19 is amended by striking subsection (f) and by redesignating
20 subsections (g) and (h) as subsections (f) and (g), respec-
21 tively.

22 (i) DESIGNATING CURRENT AND FORMER MILITARY
23 AIRPORTS.—Section 47118 is amended—

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

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

2 “(g) *DESIGNATION OF GENERAL AVIATION AIRPORT.—*
3 *Notwithstanding any other provision of this section, at least*
4 *1 of the airports designated under subsection (a) shall be*
5 *a general aviation airport that is a former military instal-*
6 *lation closed or realigned under a law described in sub-*
7 *section (a)(1).”.*

8 (j) *ELIGIBILITY OF RUNWAY INCURSION PREVENTION*
9 *DEVICES.—*

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

15 (2) *MAXIMUM USE OF SAFETY FACILITIES.—Sec-*
16 *tion 47101(f) is amended—*

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

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

21 (C) *by adding at the end the following:*

22 “(11) *runway and taxiway incursion prevention*
23 *devices, including integrated in-pavement lighting*
24 *systems for runways and taxiways, in accordance*

1 with an applicable runway incursion prevention
2 plan.”.

3 (3) *AIRPORT DEVELOPMENT DEFINED.*—Section
4 47102(3)(B)(ii) is amended by inserting “and includ-
5 ing integrated in-pavement lighting systems for run-
6 ways and taxiways and other runway and taxiway
7 incursion prevention devices” before the semicolon at
8 the end.

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

10 (a) *SET-ASIDE FOR MEETING SAFETY TERMS IN AIR-*
11 *PORT OPERATING CERTIFICATES.*—Section 47116 is
12 amended by adding at the end the following:

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

1 (b) *NOTIFICATION OF SOURCE OF GRANT.*—Section
2 47116 is further amended by adding at the end the follow-
3 ing:

4 “(f) *NOTIFICATION OF SOURCE OF GRANT.*—Whenever
5 the Secretary makes a grant under this section, the Sec-
6 retary shall notify the recipient of the grant, in writing,
7 that the source of the grant is from the small airport fund.”.

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

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

11 **“§47135. Innovative financing techniques**

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

17 “(b) *PURPOSE.*—The purpose of implementing innova-
18 tive financing techniques under this section shall be to pro-
19 vide information on the benefits and difficulties of using
20 such techniques for airport development projects.

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

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

4 “(1) *payment of interest;*

5 “(2) *commercial bond insurance and other credit*
6 *enhancement associated with airport bonds for eligible*
7 *airport development; and*

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

10 “(b) *CONFORMING AMENDMENT.*—*The analysis for sub-*
11 *chapter 1 of chapter 471 is amended by adding at the end*
12 *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 1 project to*
21 *test and evaluate innovative airport security systems and*
22 *related technology.*

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

1 “(1) evaluates and tests the benefits of innovative
2 airport security systems or related technology, includ-
3 ing explosives detection systems, for the purpose of
4 improving airport and aircraft physical security and
5 access control; and

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

9 “(c) *MATCHING SHARE*.—Notwithstanding section
10 47109, the United States Government’s share of allowable
11 project costs for a project under this section is 100 percent.

12 “(d) *TERMS AND CONDITIONS*.—The Secretary may es-
13 tablish such terms and conditions as the Secretary deter-
14 mines appropriate for carrying out a project under this sec-
15 tion, including terms and conditions relating to the form
16 and content of a proposal for a project, project assurances,
17 and schedule of payments.

18 “(e) *ELIGIBLE SPONSOR DEFINED*.—In this section,
19 the term ‘eligible sponsor’ means a nonprofit corporation
20 composed of a consortium of public and private persons,
21 including a sponsor of a primary airport, with the nec-
22 essary engineering and technical expertise to successfully
23 conduct the testing and evaluation of airport and aircraft
24 related security systems.

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

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

“47136. Airport security program.”.

9 **SEC. 108. 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 fund-*
17 *ed by a grant issued to and administered by a State*
18 *under section 47128, relating to the State block grant*
19 *program;”;*

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

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

1 **SEC. 109. TREATMENT OF CERTAIN FACILITIES AS AIRPORT-**
2 **RELATED PROJECTS.**

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

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

13 **SEC. 110. TERMINAL DEVELOPMENT COSTS.**

14 (a) *REPAYING BORROWED MONEY.*—*Section 47119(a)*
15 *is amended—*

16 (1) *in the matter preceding paragraph (1)—*

17 (A) *by striking “0.05” and inserting*
18 *“0.25”; and*

19 (B) *by striking “between January 1, 1992,*
20 *and October 31, 1992,” and inserting “between*
21 *August 1, 1986, and September 30, 1990, or be-*
22 *tween June 1, 1991, and October 31, 1992,”; and*

23 (2) *in paragraph (1)(B) by striking “an airport*
24 *development project outside the terminal area at that*
25 *airport” and inserting “any needed airport develop-*
26 *ment project affecting safety, security, or capacity”.*

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

3 **SEC. 111. CONVEYANCES OF SURPLUS PROPERTY FOR PUB-**
4 **LIC AIRPORTS.**

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

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

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

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

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

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

1 (c) *CONSIDERATIONS.*—Section 47153 is amended by
2 adding at the end the following:

3 “(c) *CONSIDERATIONS.*—In deciding whether to waive
4 a term required under section 47152 or add another term,
5 the Secretary shall consider the current and future needs
6 of the users of the airport and the interests of the owner
7 of the property.”.

8 (d) *REFERENCES TO GIFTS.*—Chapter 471 is amend-
9 ed—

10 (1) in section 47151—

11 (A) in subsection (a)—

12 (i) in the matter preceding paragraph
13 (1) by striking “give” and inserting “con-
14 vey to”; and

15 (ii) in paragraph (2) by striking “gift”
16 and inserting “conveyance”;

17 (B) in subsection (b)—

18 (i) by striking “giving” and inserting
19 “conveying”; and

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

22 (C) in subsection (c)—

23 (i) in the subsection heading by strik-
24 ing “GIVEN” and inserting “CONVEYED”;
25 and

- 1 (ii) by striking “given” and inserting
2 “conveyed”;
3 (2) in section 47152—
4 (A) in the section heading by striking
5 “**gifts**” and inserting “**conveyances**”; and
6 (B) in the matter preceding paragraph (1)
7 by striking “gift” and inserting “conveyance”;
8 (3) in section 47153(a)(1)—
9 (A) by striking “gift” each place it appears
10 and inserting “conveyance”; and
11 (B) by striking “given” and inserting “con-
12 veyed”; and
13 (4) in the analysis for such chapter by striking
14 the item relating to section 47152 and inserting the
15 following:

“47152. Terms of conveyances.”.

16 **SEC. 112. CONSTRUCTION OF RUNWAYS.**

17 Notwithstanding any provision of law that specifically
18 restricts the number of runways at a single international
19 airport, the Secretary of Transportation may obligate funds
20 made available under chapters 471 and 481 of title 49,
21 United States Code, for any project to construct a new run-
22 way at such airport, unless this section is expressly re-
23 pealed.

1 **SEC. 113. POTOMAC METROPLEX TERMINAL RADAR AP-**
2 **PROACH CONTROL FACILITY.**

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

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

13 (1) *a justification for the current construction*
14 *plan, including the size and cost of the consolidated*
15 *facility; and*

16 (2) *a complete risk analysis of the possibility*
17 *that the redesigned airspace may not be completed, or*
18 *may be only partially completed, including an expla-*
19 *nation of whether or not the consolidation will be cost*
20 *beneficial if the airspace is only partially redesigned.*

21 **SEC. 114. GENERAL FACILITIES AUTHORITY.**

22 (a) *CONTINUATION OF ILS INVENTORY PROGRAM.*—
23 *Section 44502(a)(4)(B) is amended—*

24 (1) *by striking “fiscal years 1995 and 1996” and*
25 *inserting “fiscal year 1999”; and*

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

3 (b) *LORAN-C NAVIGATION FACILITIES.*—Section
4 44502(a) is amended by adding at the end the following:

5 “(5) *MAINTENANCE AND UPGRADE OF LORAN-C*
6 *NAVIGATION FACILITIES.*—The Secretary shall main-
7 tain and upgrade Loran-C navigation facilities
8 throughout the transition period to satellite-based
9 navigation.”.

10 **SEC. 115. TRANSPORTATION ASSISTANCE FOR OLYMPIC**
11 **CITIES.**

12 (a) *PURPOSE.*—The purpose of this section is to pro-
13 vide assistance and support to State and local efforts on
14 aviation-related transportation issues necessary to obtain
15 the national recognition and economic benefits of participa-
16 tion in the International Olympic movement and the Inter-
17 national Paralympic movement by hosting international
18 quadrennial Olympic and Paralympic events in the United
19 States.

20 (b) *AIRPORT DEVELOPMENT PROJECTS.*—

21 (1) *AIRPORT DEVELOPMENT DEFINED.*—Section
22 47102(3) is amended by adding at the end the follow-
23 ing:

24 “(H) *Developing, in coordination with*
25 *State and local transportation agencies, inter-*

1 *modal transportation plans necessary for Olym-*
 2 *pic-related projects at an airport.”.*

3 (2) *DISCRETIONARY GRANTS.*—*Section 47115(d)*
 4 *is amended—*

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

7 (B) *by striking the period at the end of*
 8 *paragraph (6) and inserting “; and”; and*

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

10 “(7) *the need for the project in order to meet the*
 11 *unique demands of hosting international quadrennial*
 12 *Olympic events.”.*

13 **SEC. 116. DENIAL OF AIRPORT ACCESS TO CERTAIN AIR**
 14 **CARRIERS.**

15 (a) *IN GENERAL.*—*It shall not be considered unreason-*
 16 *able or unjust discrimination or a violation of section*
 17 *47107 of title 49, United States Code, for the owner or oper-*
 18 *ator of an airport described in (b) to deny access to any*
 19 *air carrier that is conducting operations as a public charter*
 20 *under part 380 of title 14, Code of Federal Regulations,*
 21 *with aircraft designed to carry more than 9 passengers per*
 22 *flight.*

23 (b) *COVERED AIRPORTS.*—*This section shall only*
 24 *apply to an airport that—*

1 (1) *is designated as a reliever airport by the Ad-*
2 *ministrator;*

3 (2) *does not have an operating certificate issued*
4 *under part 139 of title 14, Code of Federal Regula-*
5 *tions; and*

6 (3) *is located within 25 miles of an airport that*
7 *has at least 0.05 percent of the total annual boardings*
8 *in the United States and has current gate capacity*
9 *to handle the demands of the public charter operation.*

10 (c) *PUBLIC CHARTER DEFINED.*—*In this section, the*
11 *term ‘public charter’ means charter air transportation for*
12 *which the general public is provided in advance a schedule*
13 *containing the departure location, departure time, and ar-*
14 *rival location of the flights.*

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

16 *Effective September 29, 1998, section 125 of the Fed-*
17 *eral Aviation Reauthorization Act of 1996 (49 U.S.C.*
18 *47114 note; 110 Stat. 3220) is repealed.*

19 **SEC. 118. TECHNICAL AMENDMENTS.**

20 (a) *DISCRETIONARY FUND DEFINITION.*—

21 (1) *AMOUNTS IN FUND AND AVAILABILITY.*—*Sec-*
22 *tion 47115 is amended—*

23 (A) *in subsection (a)(2) by striking “25”*
24 *and inserting “12.5”; and*

1 (B) by striking the second sentence of sub-
2 section (b).

3 (2) *SMALL AIRPORT FUND.*—Section 47116 is
4 amended—

5 (A) in subsection (a) by striking “75” and
6 inserting “87.5”; and

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

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

11 “(2) The remaining amounts as follows:

12 “(A) $\frac{1}{3}$ for grants to sponsors of public-use
13 airports (except commercial service airports).

14 “(B) $\frac{2}{3}$ for grants to sponsors of each com-
15 mercial service airport that each year has less
16 than .05 percent of the total boardings in the
17 United States in that year.”.

18 (b) *CONTINUATION OF PROJECT FUNDING.*—Section
19 47108 is amended by adding at the end the following:

20 “(e) *CHANGE IN AIRPORT STATUS.*—In the event that
21 the status of a primary airport changes to a nonprimary
22 airport at a time when a terminal development project
23 under a multiyear agreement under subsection (a) is not
24 yet completed, the project shall remain eligible for funding
25 from discretionary funds under section 47115 at the fund-

1 *ing level and under the terms provided by the agreement,*
2 *subject to the availability of funds.”.*

3 **TITLE II—CONTRACT TOWER**
4 **PROGRAM**

5 **SEC. 201. CONTRACT TOWERS.**

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

8 “(3) *NONQUALIFYING AIR TRAFFIC CONTROL*
9 *TOWERS.—*

10 “(A) *IN GENERAL.—The Secretary shall es-*
11 *tablish a program to contract for air traffic con-*
12 *trol services at not more than 20 level I air traf-*
13 *fic control towers, as defined by the Adminis-*
14 *trator of the Federal Aviation Administration,*
15 *that do not qualify for the program established*
16 *under subsection (a) and continued under para-*
17 *graph (1).*

18 “(B) *PRIORITY.—In selecting facilities to*
19 *participate in the program under this para-*
20 *graph, the Administrator shall give priority to*
21 *the following:*

22 “(i) *Air traffic control towers that are*
23 *participating in the program continued*
24 *under paragraph (1) but have been notified*
25 *that they will be terminated from such pro-*

1 *gram because the Administrator has deter-*
2 *mined that the benefit-to-cost ratio for their*
3 *continuation in such program is less than*
4 *1.*

5 *“(ii) Level I air traffic control towers*
6 *of the Federal Aviation Administration that*
7 *are closed as a result of the air traffic con-*
8 *trollers strike in 1981.*

9 *“(iii) Air traffic control towers that*
10 *are located at airports that receive air serv-*
11 *ice from an air carrier that is receiving*
12 *compensation under the essential air service*
13 *program of subchapter II of chapter 417.*

14 *“(iv) Air traffic control towers located*
15 *at airports that are prepared to assume re-*
16 *sponsibility for tower construction and*
17 *maintenance costs.*

18 *“(v) Air traffic control towers that are*
19 *located at airports with safety or oper-*
20 *ational problems related to topography,*
21 *weather, runway configuration, or mix of*
22 *aircraft.*

23 *“(C) COSTS EXCEEDING BENEFITS.—If the*
24 *costs of operating a control tower under the pro-*
25 *gram established under this paragraph exceed the*

1 *benefits, the airport sponsor or State or local*
 2 *government having jurisdiction over the airport*
 3 *shall pay the portion of the costs that exceed such*
 4 *benefits.*

5 “(D) *AUTHORIZATION OF APPROPRIA-*
 6 *TIONS.—There is authorized to be appropriated*
 7 *\$6,000,000 per fiscal year to carry out this para-*
 8 *graph.*”.

9 ***TITLE III—FAMILY ASSISTANCE***

10 ***SEC. 301. RESPONSIBILITIES OF NATIONAL TRANSPOR-*** 11 ***TATION SAFETY BOARD.***

12 (a) *PROHIBITION ON UNSOLICITED COMMUNICA-*
 13 *TIONS.—*

14 (1) *IN GENERAL.—Section 1136(g)(2) is amend-*
 15 *ed—*

16 (A) *by inserting after “transportation,” the*
 17 *following: “and in a case involving a foreign air*
 18 *carrier and an accident that occurs within the*
 19 *United States,”;*

20 (B) *by inserting after “attorney” the follow-*
 21 *ing: “(including any associate, agent, employee,*
 22 *or other representative of the attorney)”;* and

23 (C) *by striking “30th day” and inserting*
 24 *“45th day”.*

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

4 (b) *PROHIBITION ON ACTIONS TO PREVENT MENTAL*
5 *HEALTH AND COUNSELING SERVICES.*—Section 1136(g) is
6 amended by adding at the end the following:

7 “(3) *PROHIBITION ON ACTIONS TO PREVENT*
8 *MENTAL HEALTH AND COUNSELING SERVICES.*—No
9 State or political subdivision may prevent the em-
10 ployees, agents, or volunteers of an organization des-
11 ignated for an accident under subsection (a)(2) from
12 providing mental health and counseling services
13 under subsection (c)(1) in the 30-day period begin-
14 ning on the date of the accident. The director of fam-
15 ily support services designated for the accident under
16 subsection (a)(1) may extend such period for not to
17 exceed an additional 30 days if the director deter-
18 mines that the extension is necessary to meet the
19 needs of the families and if State and local authori-
20 ties are notified of the determination.”.

21 (c) *INCLUSION OF NON-REVENUE PASSENGERS IN*
22 *FAMILY ASSISTANCE COVERAGE.*—Section 1136(h)(2) is
23 amended to read as follows:

24 “(2) *PASSENGER.*—The term ‘passenger’ in-
25 cludes—

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

3 “(B) any other person aboard the aircraft
4 without regard to whether the person paid for the
5 transportation, occupied a seat, or held a res-
6 ervation for the flight.”.

7 (d) *LIMITATION ON STATUTORY CONSTRUCTION.*—Sec-
8 tion 1136 is amended by adding at the end the following:

9 “(i) *LIMITATION ON STATUTORY CONSTRUCTION.*—
10 Nothing in this section may be construed as limiting the
11 actions that an air carrier may take, or the obligations that
12 an air carrier may have, in providing assistance to the
13 families of passengers involved in an aircraft accident.”.

14 **SEC. 302. AIR CARRIER PLANS.**

15 (a) *CONTENTS OF PLANS.*—

16 (1) *FLIGHT RESERVATION INFORMATION.*—Sec-
17 tion 41113(b) is amended by adding at the end the
18 following:

19 “(14) An assurance that, upon request of the
20 family of a passenger, the air carrier will inform the
21 family of whether the passenger’s name appeared on
22 a preliminary passenger manifest for the flight in-
23 volved in the accident.”.

1 (2) *TRAINING OF EMPLOYEES AND AGENTS.*—
2 *Section 41113(b) is further amended by adding at the*
3 *end the following:*

4 “(15) *An assurance that the air carrier will pro-*
5 *vide adequate training to the employees and agents of*
6 *the carrier to meet the needs of survivors and family*
7 *members following an accident.”.*

8 (3) *SUBMISSION OF UPDATED PLANS.*—*The*
9 *amendments made by paragraphs (1) and (2) shall*
10 *take effect on the 180th day following the date of en-*
11 *actment of this Act. On or before such 180th day, each*
12 *air carrier holding a certificate of public convenience*
13 *and necessity under section 41102 of title 49, United*
14 *States Code, shall submit to the Secretary of Trans-*
15 *portation and the Chairman of the National Trans-*
16 *portation Safety Board an updated plan under sec-*
17 *tion 41113 of such title that meets the requirement of*
18 *the amendments made by paragraphs (1) and (2).*

19 (4) *CONFORMING AMENDMENTS.*—*Section 41113*
20 *is amended—*

21 (A) *in subsection (a) by striking “Not later*
22 *than 6 months after the date of the enactment of*
23 *this section, each air carrier” and inserting*
24 *“Each air carrier”; and*

1 (B) in subsection (c) by striking “After the
2 date that is 6 months after the date of the enact-
3 ment of this section, the Secretary” and insert-
4 ing “The Secretary”.

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

8 (c) *LIMITATION ON STATUTORY CONSTRUCTION.*—Sec-
9 tion 41113 is amended by adding at the end the following:

10 “(f) *LIMITATION ON STATUTORY CONSTRUCTION.*—
11 Nothing in this section may be construed as limiting the
12 actions that an air carrier may take, or the obligations that
13 an air carrier may have, in providing assistance to the
14 families of passengers involved in an aircraft accident.”.

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

16 (a) *INCLUSION OF NON-REVENUE PASSENGERS IN*
17 *FAMILY ASSISTANCE COVERAGE.*—Section 41313(a)(2) is
18 amended to read as follows:

19 “(2) *PASSENGER.*—The term ‘passenger’ has the
20 meaning given such term by section 1136 of this
21 title.”.

22 (b) *ACCIDENTS FOR WHICH PLAN IS REQUIRED.*—
23 Section 41313(b) is amended by striking “significant” and
24 inserting “major”.

25 (c) *CONTENTS OF PLANS.*—

1 (1) *IN GENERAL.*—Section 41313(c) is amended
2 by adding at the end the following:

3 “(15) An assurance that the foreign air carrier
4 will provide adequate training to the employees and
5 agents of the carrier to meet the needs of survivors
6 and family members following an accident.”.

7 (2) *SUBMISSION OF UPDATED PLANS.*—The
8 amendment made by paragraph (1) shall take effect
9 on the 180th day following the date of enactment of
10 this Act. On or before such 180th day, each foreign
11 air carrier providing foreign air transportation
12 under chapter 413 of title 49, United States Code,
13 shall submit to the Secretary of Transportation and
14 the Chairman of the National Transportation Safety
15 Board an updated plan under section 41313 of such
16 title that meets the requirement of the amendment
17 made by paragraph (1).

18 **SEC. 304. APPLICABILITY OF DEATH ON THE HIGH SEAS**

19 **ACT.**

20 (a) *IN GENERAL.*—Section 40120(a) is amended by in-
21 serting “(including the Act entitled ‘An Act relating to the
22 maintenance of actions for death on the high seas and other
23 navigable waters’, approved March 30, 1920, commonly
24 known as the Death on the High Seas Act (46 U.S.C. App.
25 761–767; 41 Stat. 537–538))” after “United States”.

1 (b) *APPLICABILITY.*—*The amendment made by sub-*
 2 *section (a) applies to civil actions commenced after the date*
 3 *of enactment of this Act and to civil actions that are not*
 4 *adjudicated by a court of original jurisdiction or settled on*
 5 *or before such date of enactment.*

6 ***TITLE IV—WAR RISK INSURANCE***
 7 ***PROGRAM***

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

9 (a) *REIMBURSEMENT OF INSURED PARTY’S*
 10 *SUBROGEE.*—*Section 44309(a) is amended to read as fol-*
 11 *lows:*

12 “(a) *LOSSES.*—

13 “(1) *ACTIONS AGAINST UNITED STATES.*—*A per-*
 14 *son may bring a civil action in a district court of the*
 15 *United States or in the United States Court of Fed-*
 16 *eral Claims against the United States Government*
 17 *when—*

18 “(A) *a loss insured under this chapter is in*
 19 *dispute; or*

20 “(B)(i) *the person is subrogated under a*
 21 *contract between the person and a party insured*
 22 *under this chapter (other than section 44305(b))*
 23 *to the rights of the insured party against the*
 24 *United States Government; and*

1 “(i) the person has paid to the insured
2 party, with the approval of the Secretary of
3 Transportation, an amount for a physical dam-
4 age loss that the Secretary has determined is a
5 loss covered by insurance issued under this chap-
6 ter (other than section 44305(b)).

7 “(2) *LIMITATION.*—A civil action involving the
8 same matter (except the action authorized by this sub-
9 section) may not be brought against an agent, officer,
10 or employee of the Government carrying out this
11 chapter.

12 “(3) *PROCEDURE.*—To the extent applicable, the
13 procedure in an action brought under section
14 1346(a)(2) of title 28 applies to an action under this
15 subsection.”.

16 (b) *EXTENSION OF AVIATION INSURANCE PROGRAM.*—
17 Section 44310 of such title is amended by striking “1998”
18 and inserting “2003”.

19 **TITLE V—SAFETY**

20 **SEC. 501. CARGO COLLISION AVOIDANCE SYSTEMS DEAD-** 21 **LINE.**

22 (a) *IN GENERAL.*—The Administrator shall require by
23 regulation that, not later than December 31, 2002, equip-
24 ment be installed, on each cargo aircraft with a payload
25 capacity of 15,000 kilograms or more, that provides protec-

1 *tion from mid-air collisions and resolution advisory capa-*
2 *bility that is at least as good as is provided by the collision*
3 *avoidance system known as TCAS–II.*

4 (b) *EXTENSION OF DEADLINE.—The Administrator*
5 *may extend the deadline established by subsection (a) by*
6 *not more than 1 year if the Administrator finds that the*
7 *extension would promote safety.*

8 **SEC. 502. RECORDS OF EMPLOYMENT OF PILOT APPLI-**
9 **CANTS.**

10 *Section 44936 is amended—*

11 (1) *in subsection (f)(1)(B) by inserting “(except*
12 *a branch of the United States Armed Forces, the Na-*
13 *tional Guard, or a reserve component of the United*
14 *States Armed Forces)” after “person” the first place*
15 *it appears;*

16 (2) *in subsection (f)(1)(B)(ii) by striking “indi-*
17 *vidual” and inserting “individual’s performance as a*
18 *pilot”; and*

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

22 **SEC. 503. WHISTLEBLOWER PROTECTION FOR FAA EMPLOY-**
23 **EES.**

24 *Section 347(b)(1) of the Department of Transportation*
25 *and Related Agencies Appropriations Act, 1996 (49 U.S.C.*

1 106 note; 109 Stat. 460) is amended by inserting before the
2 semicolon at the end the following: “, including the provi-
3 sions for investigation and enforcement as provided in
4 chapter 12 of title 5, United States Code”.

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

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

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

13 **SEC. 505. FLIGHT OPERATIONS QUALITY ASSURANCE**
14 **RULES.**

15 Not later than 30 days after the date of enactment of
16 this Act, the Administrator shall issue a notice of proposed
17 rulemaking to develop procedures to protect air carriers and
18 their employees from civil enforcement actions under the
19 program known as Flight Operations Quality Assurance.
20 Not later than 1 year after the last day of the period for
21 public comment provided for in the notice of proposed rule-
22 making, the Administrator shall issue a final rule establish-
23 ing such procedures.

1 **SEC. 506. SMALL AIRPORT CERTIFICATION.**

2 *Not later than 180 days after the date of enactment*
3 *of this Act, the Administrator shall issue a notice of pro-*
4 *posed rulemaking on implementing section 44706(a)(2) of*
5 *title 49, United States Code, relating to issuance of airport*
6 *operating certificates for small scheduled passenger air car-*
7 *rier operations. Not later than 1 year after the last day*
8 *of the period for public comment provided for in the notice*
9 *of proposed rulemaking, the Administrator shall issue a*
10 *final rule on implementing such program.*

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

12 *(a) MARKING AUTHORITY.—Chapter 447 is amended*
13 *by adding the following new section:*

14 **“§ 44725. Marking of life limited aircraft parts**

15 *“(a) IN GENERAL.—The Administrator of the Federal*
16 *Aviation Administration shall conduct a rulemaking pro-*
17 *ceeding to determine the most effective way to permanently*
18 *mark all life limited civil aviation parts. In accordance*
19 *with that determination, the Administrator shall issue a*
20 *rule to require the mandatory marking of all such parts*
21 *that exceed their useful life.*

22 *“(b) DEADLINES.—In conducting the rulemaking pro-*
23 *ceeding under subsection (a), the Administrator shall—*

24 *“(1) not later than 180 days after the date of en-*
25 *actment of this section, issue a notice of proposed*
26 *rulemaking; and*

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

4 **(b) CIVIL PENALTY.**—Section 46301(a) is amended—

5 (1) in paragraph (1)(A) by striking “and
6 44719–44723” and inserting “, 44719–44723, and
7 44725”; and

8 (2) in paragraph (3)—

9 (A) in subparagraph (A) by striking “or”
10 at the end;

11 (B) in subparagraph (B) by striking the pe-
12 riod at the end and inserting “; or”; and

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

14 “(C) the failure to mark life limited aircraft
15 parts in accordance of section 44725.”.

16 **(c) CONFORMING AMENDMENT.**—The analysis for
17 chapter 447 is amended by adding at the end the following:

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

18 **TITLE VI—WHISTLEBLOWER**
19 **PROTECTION**

20 **SEC. 601. PROTECTION OF EMPLOYEES PROVIDING AIR**
21 **SAFETY INFORMATION.**

22 **(a) GENERAL RULE.**—Chapter 421 is amended by
23 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 because*
10 *the employee (or any person acting pursuant to a request*
11 *of the employee)—*

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

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

20 “(3) *testified or is about to testify in such a pro-*
21 *ceeding; or*

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

24 “(b) *DEPARTMENT OF LABOR COMPLAINT PROCE-*
25 *DURE.—*

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

16 “(2) *INVESTIGATION; PRELIMINARY ORDER.*—Not
17 later than 60 days after the date of receipt of a com-
18 plaint filed under paragraph (1) and after affording
19 the person named in the complaint of an opportunity
20 to submit to the Secretary of Labor a written response
21 to the complaint and an opportunity to meet with a
22 representative of the Secretary to present statements
23 from witnesses, the Secretary of Labor shall conduct
24 an investigation and determine whether there is rea-
25 sonable cause to believe that the complaint has merit

1 *and notify the complainant and the person alleged to*
2 *have committed a violation of subsection (a) of the*
3 *Secretary’s findings. If the Secretary of Labor con-*
4 *cludes that there is a reasonable cause to believe that*
5 *a violation of subsection (a) has occurred, the Sec-*
6 *retary shall accompany the Secretary’s findings with*
7 *a preliminary order providing the relief prescribed by*
8 *paragraph (3)(B). Not later than 30 days after the*
9 *date of notification of findings under this paragraph,*
10 *either the person alleged to have committed the viola-*
11 *tion or the complainant may file objections to the*
12 *findings or preliminary order, or both, and request a*
13 *hearing on the record. The filing of such objections*
14 *shall not operate to stay any reinstatement remedy*
15 *contained in the preliminary order. Such hearings*
16 *shall be conducted expeditiously. If a hearing is not*
17 *requested in such 30-day period, the preliminary*
18 *order shall be deemed a final order that is not subject*
19 *to judicial review.*

20 *“(3) FINAL ORDER.—*

21 *“(A) DEADLINE FOR ISSUANCE; SETTLE-*
22 *MENT AGREEMENTS.—Not later than 120 days*
23 *after the date of conclusion of a hearing under*
24 *paragraph (2), the Secretary of Labor shall issue*
25 *a final order providing the relief prescribed by*

1 *this paragraph or denying the complaint. At any*
2 *time before issuance of a final order, a proceed-*
3 *ing under this subsection may be terminated on*
4 *the basis of a settlement agreement entered into*
5 *by the Secretary of Labor, the complainant, and*
6 *the person alleged to have committed the viola-*
7 *tion.*

8 “(B) *REMEDY.*—*If, in response to a com-*
9 *plaint filed under paragraph (1), the Secretary*
10 *of Labor determines that a violation of sub-*
11 *section (a) has occurred, the Secretary of Labor*
12 *shall order the person who committed such viola-*
13 *tion to—*

14 “(i) *take affirmative action to abate*
15 *the violation;*

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

21 “(iii) *provide compensatory damages*
22 *to the complainant.*

23 *If such an order is issued under this paragraph,*
24 *the Secretary of Labor, at the request of the com-*
25 *plainant, shall assess against the person against*

1 whom the order is issued a sum equal to the ag-
2 gregate amount of all costs and expenses (includ-
3 ing attorneys' and expert witness fees) reason-
4 ably incurred, as determined by the Secretary of
5 Labor, by the complainant for, or in connection
6 with, the bringing of the complaint upon which
7 the order was issued.

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

14 “(4) *REVIEW.*—

15 “(A) *APPEAL TO COURT OF APPEALS.*—Any
16 person adversely affected or aggrieved by an
17 order issued under paragraph (3) may obtain re-
18 view of the order in the United States Court of
19 Appeals for the circuit in which the violation,
20 with respect to which the order was issued, alleg-
21 edly occurred or the circuit in which the com-
22 plainant resided on the date of such violation.
23 The petition for review must be filed not later
24 than 60 days after the date of the issuance of the
25 order of the Secretary of Labor. Review shall

1 *conform to chapter 7 of title 5, United States*
2 *Code. The commencement of proceedings under*
3 *this subparagraph shall not, unless ordered by*
4 *the court, operate as a stay of the order.*

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

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

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

22 “(A) *COMMENCEMENT OF ACTION.—A per-*
23 *son on whose behalf an order was issued under*
24 *paragraph (3) may commence a civil action*
25 *against the person to whom such order was*

1 *issued to require compliance with such order.*
2 *The appropriate United States district court*
3 *shall have jurisdiction, without regard to the*
4 *amount in controversy or the citizenship of the*
5 *parties, to enforce such order.*

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

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

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

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

1 (b) *CONFORMING AMENDMENT.*—*The analysis for such*
2 *chapter is amended by adding at the end the following:*

 “*SUBCHAPTER III—WHISTLEBLOWER PROTECTION PROGRAM*

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

3 **SEC. 602. CIVIL PENALTY.**

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

7 **TITLE VII—CENTENNIAL OF**
8 **FLIGHT COMMISSION**

9 **SEC. 701. SHORT TITLE.**

10 This title may be cited as the “Centennial of Flight
11 Commemoration Act”.

12 **SEC. 702. FINDINGS.**

13 Congress finds that—

14 (1) December 17, 2003, is the 100th anniversary
15 of the first successful manned, free, controlled, and
16 sustained flight by a power-driven, heavier-than-air
17 machine;

18 (2) the first flight by Orville and Wilbur Wright
19 represents the fulfillment of the age-old dream of fly-
20 ing;

21 (3) the airplane has dramatically changed the
22 course of transportation, commerce, communication,
23 and warfare throughout the world;

1 (4) *the achievement by the Wright brothers*
2 *stands as a triumph of American ingenuity, inven-*
3 *tiveness, and diligence in developing new technologies,*
4 *and remains an inspiration for all Americans;*

5 (5) *it is appropriate to remember and renew the*
6 *legacy of the Wright brothers at a time when the val-*
7 *ues of creativity and daring represented by the*
8 *Wright brothers are critical to the future of the Na-*
9 *tion; and*

10 (6) *as the Nation approaches the 100th anniver-*
11 *sary of powered flight, it is appropriate to celebrate*
12 *and commemorate the centennial year through local,*
13 *national, and international observances and activi-*
14 *ties.*

15 **SEC. 703. ESTABLISHMENT.**

16 *There is established a commission to be known as the*
17 *Centennial of Flight Commission.*

18 **SEC. 704. MEMBERSHIP.**

19 (a) **NUMBER AND APPOINTMENT.**—*The Commission*
20 *shall be composed of 7 members as follows:*

21 (1) *The Administrator of the Federal Aviation*
22 *Administration (or the designee of the Adminis-*
23 *trator).*

24 (2) *The Director of the National Air and Space*
25 *Museum (or the designee of the Director).*

1 (3) *The Administrator of the National Aero-*
2 *navics and Space Administration (or the designee of*
3 *the Administrator).*

4 (4) *The chairman of the First Flight Centennial*
5 *Foundation of North Carolina (or the designee of the*
6 *chairman).*

7 (5) *The chairman of the 2003 Committee of Ohio*
8 *(or the designee of the chairman).*

9 (6) *The president of the American Institute of*
10 *Aeronautics and Astronautics Foundation of Reston,*
11 *Virginia (or the designee of the president).*

12 (7) *An individual of national stature who shall*
13 *be selected by the members of the Commission des-*
14 *ignated under paragraphs (1) through (6).*

15 (b) *VACANCIES.—Any vacancy in the Commission*
16 *shall be filled in the same manner in which the original*
17 *designation was made.*

18 (c) *COMPENSATION.—*

19 (1) *PROHIBITION OF PAY.—Except as provided*
20 *in paragraph (2), members of the Commission shall*
21 *serve without pay or compensation.*

22 (2) *TRAVEL EXPENSES.—The Commission may*
23 *adopt a policy for members of the Commission and*
24 *related advisory panels to receive travel expenses, in-*
25 *cluding per diem in lieu of subsistence. The policy*

1 *may not exceed the levels established under sections*
2 *5702 and 5703 of title 5, United States Code. Mem-*
3 *bers who are Federal employees shall not receive trav-*
4 *el expenses if otherwise reimbursed by the Federal*
5 *Government.*

6 *(d) QUORUM.—Three members of the Commission shall*
7 *constitute a quorum.*

8 *(e) CHAIRPERSON.—The Commission member selected*
9 *under subsection (a)(7) shall serve as Chairperson of the*
10 *Commission. The Chairperson may not vote on matters be-*
11 *fore the Commission except in the case of a tie vote.*

12 *(f) ORGANIZATION.—Not later than 90 days after the*
13 *date of enactment of this Act, the Commission shall meet*
14 *and select a Chairperson, Vice Chairperson, and Executive*
15 *Director.*

16 **SEC. 705. DUTIES.**

17 *(a) IN GENERAL.—The Commission shall—*

18 *(1) represent the United States and take a lead-*
19 *ership role with other nations in recognizing the im-*
20 *portance of aviation history in general and the cen-*
21 *tennial of powered flight in particular, and promote*
22 *participation by the United States in such activities;*

23 *(2) encourage and promote national and inter-*
24 *national participation and sponsorships in com-*

1 *memoration of the centennial of powered flight by*
2 *persons and entities such as—*

3 *(A) aerospace manufacturing companies;*

4 *(B) aerospace-related military organiza-*
5 *tions;*

6 *(C) workers employed in aerospace-related*
7 *industries;*

8 *(D) commercial aviation companies;*

9 *(E) general aviation owners and pilots;*

10 *(F) aerospace researchers, instructors, and*
11 *enthusiasts;*

12 *(G) elementary, secondary, and higher edu-*
13 *cational institutions;*

14 *(H) civil, patriotic, educational, sporting,*
15 *arts, cultural, and historical organizations and*
16 *technical societies;*

17 *(I) aerospace-related museums; and*

18 *(J) State and local governments;*

19 *(3) plan and develop, in coordination with the*
20 *First Flight Centennial Commission, the First Flight*
21 *Centennial Foundation of North Carolina, and the*
22 *2003 Committee of Ohio, programs and activities that*
23 *are appropriate to commemorate the 100th anniver-*
24 *sary of powered flight;*

1 (4) *maintain, publish, and distribute a calendar*
2 *or register of national and international programs*
3 *and projects concerning, and provide a central clear-*
4 *inghouse for, information and coordination regarding,*
5 *dates, events, and places of historical and commemo-*
6 *rative significance regarding aviation history in gen-*
7 *eral and the centennial of powered flight in particu-*
8 *lar;*

9 (5) *provide national coordination for celebration*
10 *dates to take place throughout the United States dur-*
11 *ing the centennial year;*

12 (6) *assist in conducting educational, civic, and*
13 *commemorative activities relating to the centennial of*
14 *powered flight throughout the United States, espe-*
15 *cially activities that occur in the States of North*
16 *Carolina and Ohio and that highlight the activities of*
17 *the Wright brothers in such States; and*

18 (7) *publish popular and scholarly works related*
19 *to the history of aviation or the anniversary of the*
20 *centennial of powered flight.*

21 (b) *NONDUPLICATION OF ACTIVITIES.—The Commis-*
22 *sion shall attempt to plan and conduct its activities in such*
23 *a manner that activities conducted pursuant to this title*
24 *enhance, but do not duplicate, traditional and established*
25 *activities of Ohio’s 2003 Committee, North Carolina’s First*

1 *Flight Centennial Commission, and the First Flight Cen-*
2 *tennial Foundation.*

3 **SEC. 706. POWERS.**

4 (a) *ADVISORY COMMITTEES AND TASK FORCES.—*

5 (1) *IN GENERAL.—The Commission may appoint*
6 *any advisory committee or task force that it deter-*
7 *mines to be necessary to carry out this title.*

8 (2) *FEDERAL COOPERATION.—To ensure the*
9 *overall success of the Commission's efforts, the Com-*
10 *mission may call upon various Federal departments*
11 *and agencies to assist in and give support to pro-*
12 *grams of the Commission. Where appropriate, all*
13 *Federal departments and agencies shall provide any*
14 *assistance possible.*

15 (3) *PROHIBITION OF PAY OTHER THAN TRAVEL*
16 *EXPENSES.—Members of an advisory committee or*
17 *task force authorized by paragraph (1) shall not re-*
18 *ceive pay, but may receive travel expenses pursuant*
19 *to the policy adopted by the Commission under sec-*
20 *tion 704(c)(2).*

21 (b) *POWERS OF MEMBERS AND AGENTS.—Any mem-*
22 *ber or agent of the Commission may, if authorized by the*
23 *Commission, take any action that the Commission is au-*
24 *thorized to take under this title.*

1 (c) *AUTHORITY TO PROCURE AND TO MAKE LEGAL*
2 *AGREEMENTS.*—

3 (1) *IN GENERAL.*—*The Commission may procure*
4 *supplies, services, and property, and make or enter*
5 *into leases and other legal agreements in order to*
6 *carry out this title.*

7 (2) *RESTRICTION.*—*A contract, lease, or other*
8 *legal agreement made or entered into by the Commis-*
9 *sion may not extend beyond the date of the termi-*
10 *nation of the Commission.*

11 (3) *SUPPLIES AND PROPERTY POSSESSED BY*
12 *COMMISSION AT TERMINATION.*—*Any supplies and*
13 *property, except historically significant items, that*
14 *are acquired by the Commission under this title and*
15 *remain in the possession of the Commission on the*
16 *date of the termination of the Commission shall be-*
17 *come the property of the General Services Adminis-*
18 *tration upon the date of termination.*

19 (d) *REQUESTS FOR OFFICIAL INFORMATION.*—*The*
20 *Commission may request from any Federal department or*
21 *agency information necessary to enable the Commission to*
22 *carry out this title. The head of the Federal department or*
23 *agency shall furnish the information to the Commission un-*
24 *less the release of the information by the department or*
25 *agency to the public is prohibited by law.*

1 (e) *MAILS.*—*The Commission may use the United*
2 *States mails in the same manner and under the same condi-*
3 *tions as any other Federal agency.*

4 (f) *APPLICABILITY OF CERTAIN LAWS.*—*Except as oth-*
5 *erwise expressly provided by this title, laws relating to the*
6 *general operation and management of Federal agencies*
7 *shall apply to the Commission only to the extent such laws*
8 *apply to the Smithsonian Institution.*

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

10 (a) *EXECUTIVE DIRECTOR.*—*There shall be an Execu-*
11 *tive Director appointed by the Commission. The Executive*
12 *Director may be paid at a rate not to exceed the maximum*
13 *rate of basic pay payable for the Senior Executive Service.*

14 (b) *STAFF.*—*The Commission may appoint and fix the*
15 *pay of any additional personnel that it considers appro-*
16 *priate, except that an individual appointed under this sub-*
17 *section may not receive pay in excess of the maximum rate*
18 *of basic pay payable for GS-14 of the General Schedule.*

19 (c) *INAPPLICABILITY OF CERTAIN CIVIL SERVICE*
20 *LAWS.*—*The Executive Director and staff of the Commis-*
21 *sion may be appointed without regard to the provisions of*
22 *title 5, United States Code, governing appointments in the*
23 *competitive service, and may be paid without regard to the*
24 *provisions of chapter 51 and subchapter III of chapter 53*

1 *of such title, relating to classification and General Schedule*
2 *pay rates, except as provided under subsections (a) and (b).*

3 (d) *STAFF OF FEDERAL AGENCIES.*—*Upon request by*
4 *the Chairperson of the Commission, the head of any Federal*
5 *department or agency may detail, on a nonreimbursable*
6 *basis, any of the personnel of the department or agency to*
7 *the Commission to assist the Commission to carry out its*
8 *duties under this title.*

9 (e) *EXPERTS AND CONSULTANTS.*—*The Chairperson of*
10 *the Commission may procure temporary and intermittent*
11 *services under section 3109(b) of title 5, United States Code,*
12 *at a rate that does not exceed the daily equivalent of the*
13 *annual rate of basic pay payable under level V of the Execu-*
14 *tive Schedule under section 5316 of such title.*

15 (f) *ADMINISTRATIVE SUPPORT SERVICES.*—

16 (1) *REIMBURSABLE SERVICES.*—*The Secretary of*
17 *the Smithsonian Institution may provide to the Com-*
18 *mission on a reimbursable basis any administrative*
19 *support services that are necessary to enable the Com-*
20 *mission to carry out this title.*

21 (2) *NONREIMBURSABLE SERVICES.*—*The Sec-*
22 *retary may provide administrative support services to*
23 *the Commission on a nonreimbursable basis when, in*
24 *the opinion of the Secretary, the value of such services*
25 *is insignificant or not practical to determine.*

1 (g) *COOPERATIVE AGREEMENTS.*—*The Commission*
2 *may enter into cooperative agreements or grant agreements*
3 *with other Federal agencies, State and local governments,*
4 *and private interests and organizations that will contribute*
5 *to public awareness of and interest in the centennial of pow-*
6 *ered flight and toward furthering the goals and purposes*
7 *of this title.*

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

10 **SEC. 708. CONTRIBUTIONS.**

11 (a) *DONATIONS.*—

12 (1) *IN GENERAL.*—*The Commission may accept*
13 *donations of money, personal service, and historic*
14 *materials relating to the implementation of its re-*
15 *sponsibilities under the provisions of this title.*

16 (2) *DONATED FUNDS AND SALES.*—*Any funds*
17 *donated to the Commission or revenues from direct*
18 *sales shall be used by the Commission to carry out*
19 *this title. Funds donated to and accepted by the Com-*
20 *mission under this section shall not be considered to*
21 *be appropriated funds and shall not be subject to any*
22 *requirements or restrictions applicable to appro-*
23 *priated funds.*

24 (3) *FUNDRAISING.*—*Any fundraising undertaken*
25 *by the Commission shall be coordinated with fund-*

1 *raising undertaken at the State level, and coordinated*
2 *with the First Flight Centennial Commission, the*
3 *First Flight Centennial Foundation of North Caro-*
4 *lina, and the 2003 Committee of Ohio.*

5 *(b) VOLUNTEER SERVICES.—Notwithstanding section*
6 *1342 of title 31, United States Code, the Commission may*
7 *accept and use voluntary and uncompensated services as*
8 *the Commission determines necessary.*

9 *(c) REMAINING FUNDS.—Any donated funds remain-*
10 *ing with the Commission on the date of the termination*
11 *of the Commission may be used to ensure proper disposi-*
12 *tion, as specified in the final report required under section*
13 *710(b), of historically significant property which was do-*
14 *nated to or acquired by the Commission. Any donated funds*
15 *remaining after such disposition shall be transferred to the*
16 *Secretary of the Treasury for deposit into the general fund*
17 *of the Treasury of the United States.*

18 *(d) SENSE OF CONGRESS.—It is the sense of Congress*
19 *that, in raising or accepting funds from the private sector,*
20 *the Commission should not compete against fundraising ef-*
21 *forts by non-profit organizations that were initiated before*
22 *the date of enactment of this Act and that are attempting*
23 *to raise funds for nationally-significant commemorative*
24 *projects related to the Wright brothers.*

1 **SEC. 709. EXCLUSIVE RIGHT TO NAME, LOGOS, EMBLEMS,**
2 **SEALS, AND MARKS.**

3 (a) *IN GENERAL.*—*The Commission may devise any*
4 *logo, emblem, seal, or descriptive or designating mark that*
5 *is required to carry out its duties or that it determines is*
6 *appropriate for use in connection with the commemoration*
7 *of the centennial of powered flight.*

8 (b) *LICENSING.*—*The Commission shall have the sole*
9 *and exclusive right to use, or to allow or refuse the use of,*
10 *the name “Centennial of Flight Commission” on any logo,*
11 *emblem, seal, or descriptive or designating mark that the*
12 *Commission lawfully adopts.*

13 (c) *EFFECT ON OTHER RIGHTS.*—*No provision of this*
14 *section may be construed to conflict or interfere with estab-*
15 *lished or vested rights.*

16 (d) *USE OF FUNDS.*—*Funds donated to, or raised by,*
17 *the Commission under section 708 and licensing royalties*
18 *received pursuant to section 709 shall be used by the Com-*
19 *mission to carry out the duties of the Commission specified*
20 *by this title. If the Commission determines that such funds*
21 *are in excess of the amount needed to carry out these duties,*
22 *funds may be made available to State and local govern-*
23 *ments and private interests and organizations to contribute*
24 *to public awareness of and interest in the centennial of pow-*
25 *ered flight. Funds disbursed under this section shall be re-*

1 *quired to be disbursed in accordance with a plan adopted*
2 *unanimously by the voting members of the Commission.*

3 (e) *LIMITATION ON FUNDS COLLECTED.—Except as*
4 *approved by a unanimous vote of the voting members of*
5 *the Commission, funds donated to, or raised by, the Com-*
6 *mission under section 708 and licensing royalties received*
7 *pursuant to section 709 may not exceed \$1,750,000 in a*
8 *fiscal year.*

9 **SEC. 710. REPORTS.**

10 (a) *ANNUAL REPORT.—In each fiscal year in which*
11 *the Commission is in existence, the Commission shall pre-*
12 *pare and submit to Congress a report describing the activi-*
13 *ties of the Commission during the fiscal year. Each annual*
14 *report shall also include—*

15 (1) *recommendations regarding appropriate ac-*
16 *tivities to commemorate the centennial of powered*
17 *flight, including—*

18 (A) *the production, publication, and dis-*
19 *tribution of books, pamphlets, films, and other*
20 *educational materials;*

21 (B) *bibliographical and documentary*
22 *projects and publications;*

23 (C) *conferences, convocations, lectures, semi-*
24 *nars, and other similar programs;*

1 (D) the development of exhibits for libraries,
2 museums, and other appropriate institutions;

3 (E) ceremonies and celebrations commemo-
4 rating specific events that relate to the history of
5 aviation;

6 (F) programs focusing on the history of
7 aviation and its benefits to the United States
8 and humankind; and

9 (G) competitions, commissions, and awards
10 regarding historical, scholarly, artistic, literary,
11 musical, and other works, programs, and projects
12 related to the centennial of powered flight;

13 (2) recommendations to appropriate agencies or
14 advisory bodies regarding the issuance of commemo-
15 rative coins, medals, and stamps by the United States
16 relating to aviation or the centennial of powered
17 flight;

18 (3) recommendations for any legislation or ad-
19 ministrative action that the Commission determines
20 to be appropriate regarding the commemoration of the
21 centennial of powered flight; and

22 (4) an accounting of funds received and ex-
23 pended by the Commission in the fiscal year that the
24 report concerns, including a detailed description of

1 *the source and amount of any funds donated to the*
2 *Commission in the fiscal year.*

3 *(b) FINAL REPORT.—Not later than June 30, 2004,*
4 *the Commission shall submit to the President and Congress*
5 *a final report. The final report shall contain—*

6 *(1) a summary of the activities of the Commis-*
7 *sion;*

8 *(2) a final accounting of funds received and ex-*
9 *pended by the Commission;*

10 *(3) any findings and conclusions of the Commis-*
11 *sion; and*

12 *(4) specific recommendations concerning the*
13 *final disposition of any historically significant items*
14 *acquired by the Commission, including items donated*
15 *to the Commission under section 708(a)(1).*

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

17 *(a) IN GENERAL.—*

18 *(1) AUDIT.—The Comptroller General of the*
19 *United States shall audit the financial transactions of*
20 *the Commission, including financial transactions in-*
21 *volving donated funds, in accordance with generally*
22 *accepted auditing standards.*

23 *(2) ACCESS.—In conducting an audit under this*
24 *section, the Comptroller General—*

1 (A) shall have access to all books, accounts,
2 financial records, reports, files, and other papers,
3 items, or property in use by the Commission, as
4 necessary to facilitate the audit; and

5 (B) shall be afforded full facilities for veri-
6 fying the financial transactions of the Commis-
7 sion, including access to any financial records or
8 securities held for the Commission by deposi-
9 tories, fiscal agents, or custodians.

10 (b) *REPORT.*—Not later than September 30, 2004, the
11 Comptroller General of the United States shall submit to
12 the President and to Congress a report detailing the results
13 of any audit of the financial transactions of the Commis-
14 sion conducted by the Comptroller General.

15 **SEC. 712. ADVISORY BOARD.**

16 (a) *ESTABLISHMENT.*—There is established a First
17 Flight Centennial Federal Advisory Board.

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

20 (1) The Secretary of the Interior, or the designee
21 of the Secretary.

22 (2) The Librarian of Congress, or the designee of
23 the Librarian.

24 (3) The Secretary of the Air Force, or the des-
25 ignee of the Secretary.

1 (4) *The Secretary of the Navy, or the designee of*
2 *the Secretary.*

3 (5) *The Secretary of Transportation, or the des-*
4 *ignee of the Secretary.*

5 (6) *Six citizens of the United States, appointed*
6 *by the President, who—*

7 (A) *are not officers or employees of any gov-*
8 *ernment (except membership on the Board shall*
9 *not be construed to apply to the limitation under*
10 *this clause); and*

11 (B) *shall be selected based on their experi-*
12 *ence in the fields of aerospace history, science, or*
13 *education, or their ability to represent the enti-*
14 *ties enumerated under section 705(2).*

15 (7) *Four citizens of the United States, appointed*
16 *by the majority leader of the Senate in consultation*
17 *with the minority leader of the Senate.*

18 (8) *Four citizens of the United States, appointed*
19 *by the Speaker of the House of Representatives in*
20 *consultation with the minority leader of the House of*
21 *Representatives. Of the individuals appointed under*
22 *this subparagraph—*

23 (A) *one shall be selected from among indi-*
24 *viduals recommended by the representative whose*

1 *district encompasses the Wright Brothers Na-*
2 *tional Memorial; and*

3 *(B) one shall be selected from among indi-*
4 *viduals recommended by the representatives*
5 *whose districts encompass any part of the Day-*
6 *ton Aviation Heritage National Historical Park.*

7 *(c) VACANCIES.—Any vacancy in the Advisory Board*
8 *shall be filled in the same manner in which the original*
9 *designation was made.*

10 *(d) MEETINGS.—Seven members of the Advisory Board*
11 *shall constitute a quorum for a meeting. All meetings shall*
12 *be open to the public.*

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

16 *(f) MAILS.—The Advisory Board may use the United*
17 *States mails in the same manner and under the same condi-*
18 *tions as a Federal agency.*

19 *(g) DUTIES.—The Advisory Board shall advise the*
20 *Commission on matters related to this title.*

21 *(h) PROHIBITION OF COMPENSATION OTHER THAN*
22 *TRAVEL EXPENSES.—Members of the Advisory Board shall*
23 *not receive pay, but may receive travel expenses pursuant*
24 *to the policy adopted by the Commission under section*
25 *704(c)(2).*

1 (i) *TERMINATION.*—*The Advisory Board shall termi-*
2 *nate upon the termination of the Commission.*

3 **SEC. 713. DEFINITIONS.**

4 *In this title, the following definitions apply:*

5 (1) *COMMISSION.*—*The term “Commission”*
6 *means the Centennial of Flight Commission.*

7 (2) *FIRST FLIGHT.*—*The term “First Flight”*
8 *means the first four successful manned, free, con-*
9 *trolled, and sustained flights by a power-driven, heav-*
10 *ier-than-air machine, which were accomplished by*
11 *Orville and Wilbur Wright on December 17, 1903.*

12 (3) *CENTENNIAL OF POWERED FLIGHT.*—*The*
13 *term “centennial of powered flight” means the anni-*
14 *versary year, from December 2002 to December 2003,*
15 *commemorating the 100-year history of aviation be-*
16 *ginning with the First Flight and highlighting the*
17 *achievements of the Wright brothers in developing the*
18 *technologies which have led to the development of*
19 *aviation as it is known today.*

20 (4) *ADVISORY BOARD.*—*The term “Advisory*
21 *Board” means the Centennial of Flight Federal Advi-*
22 *sory Board.*

1 **SEC. 714. TERMINATION.**

2 *The Commission shall terminate not later than 60*
3 *days after the submission of the final report required by*
4 *section 710(b).*

5 **SEC. 715. AUTHORIZATION OF APPROPRIATIONS.**

6 *There is authorized to be appropriated to carry out*
7 *this title \$250,000 for each of the fiscal years 1999 through*
8 *2004.*

9 **TITLE VIII—MISCELLANEOUS**
10 **PROVISIONS**

11 **SEC. 801. CLARIFICATION OF REGULATORY APPROVAL**
12 **PROCESS.**

13 *Section 106(f)(3)(B) is amended by adding at the end*
14 *the following:*

15 *“(v) Not later than 10 days after the date*
16 *of the determination of the Administrator under*
17 *clause (i), the Administrator shall transmit to*
18 *the Committee on Commerce, Science, and*
19 *Transportation of the Senate and the Committee*
20 *on Transportation and Infrastructure of the*
21 *House of Representatives a written justification*
22 *of the reasons for the determination. The jus-*
23 *tification shall include a citation to the item or*
24 *items listed in clause (i) that is the authority on*
25 *which the Administrator is relying for making*
26 *the determination.”.*

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

2 *Section 106(g)(1)(A) is amended by striking*
 3 *“40113(a), (c), and (d),” and all that follows through*
 4 *“45302–45304,” and inserting “40113(a), 40113(c),*
 5 *40113(d), 40113(e), 40114(a), and 40119, chapter 445 (ex-*
 6 *cept sections 44501(b), 44502(a)(2), 44502(a)(3),*
 7 *44502(a)(4), 44503, 44506, 44509, 44510, 44514, and*
 8 *44515), chapter 447 (except sections 44717, 44718(a),*
 9 *44718(b), 44719, 44720, 44721(b), 44722, and 44723),*
 10 *chapter 449 (except sections 44903(d), 44904, 44905,*
 11 *44907–44911, 44913, 44915, and 44931–44934), chapter*
 12 *451, chapter 453, sections”.*

13 **SEC. 803. PROHIBITION ON RELEASE OF OFFEROR**
 14 **PROPOSALS.**

15 *Section 40110 is amended by adding at the end the*
 16 *following:*

17 *“(d) PROHIBITION ON RELEASE OF OFFEROR PROPOS-*
 18 *ALS.—*

19 *“(1) GENERAL RULE.—Except as provided in*
 20 *paragraph (2), a proposal in the possession or control*
 21 *of the Administrator may not be made available to*
 22 *any person under section 552 of title 5, United States*
 23 *Code.*

24 *“(2) EXCEPTION.—Paragraph (1) shall not*
 25 *apply to any portion of a proposal of an offeror the*
 26 *disclosure of which is authorized by the Administrator*

1 *pursuant to procedures published in the Federal Reg-*
2 *ister. The Administrator shall provide an opportunity*
3 *for public comment on the procedures for a period*
4 *of not less than 30 days beginning on the date of such*
5 *publication in order to receive and consider the views*
6 *of all interested parties on the procedures. The proce-*
7 *dures shall not take effect before the 60th day follow-*
8 *ing the date of such publication.*

9 “(3) *PROPOSAL DEFINED.*—*In this subsection,*
10 *the term ‘proposal’ means information contained in*
11 *or originating from any proposal, including a tech-*
12 *nical, management, or cost proposal, submitted by an*
13 *offeror in response to the requirements of a sollicita-*
14 *tion for a competitive proposal.”.*

15 **SEC. 804. MULTIYEAR PROCUREMENT CONTRACTS.**

16 *Section 40111 is amended—*

17 (1) *by redesignating subsections (b) through (d)*
18 *as subsections (c) through (e), respectively; and*

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

21 “(b) *TELECOMMUNICATIONS SERVICES.*—*Notwith-*
22 *standing section 1341(a)(1)(B) of title 31, the Adminis-*
23 *trator may make a contract of not more than 10 years for*
24 *telecommunication services that are provided through the*

1 *use of a satellite if the Administrator finds that the longer*
2 *contract period would be cost beneficial.”.*

3 **SEC. 805. FEDERAL AVIATION ADMINISTRATION PERSON-**
4 **NEL MANAGEMENT SYSTEM.**

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

9 (b) *RIGHT TO CONTEST ADVERSE PERSONNEL AC-*
10 *TIONS.*—Section 40122 is amended by adding at the end
11 the following:

12 “(g) *RIGHT TO CONTEST ADVERSE PERSONNEL AC-*
13 *TIONS.*—An employee of the Administration who is the sub-
14 ject of a major adverse personnel action may contest the
15 action either through any contractual grievance procedure
16 that is applicable to the employee as a member of the collec-
17 tive bargaining unit or through the Administration’s inter-
18 nal process relating to review of major adverse personnel
19 actions of the Administration, known as *Guaranteed Fair*
20 *Treatment.*”.

21 (c) *APPLICABILITY OF MERIT SYSTEMS PROTECTION*
22 *BOARD PROVISIONS.*—Section 347(b) of the Department of
23 *Transportation and Related Agencies Appropriations Act,*
24 *1996 (109 Stat. 460) is amended—*

1 (1) *by striking “and” at the end of paragraph*
2 (6);

3 (2) *by striking the period at the end of para-*
4 *graph (7) and inserting “; and”; and*

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

6 “(8) *sections 1204, 1211–1218, 1221, and 7701–*
7 *7703, relating to the Merit Systems Protection*
8 *Board.”.*

9 (d) *APPEALS TO MERIT SYSTEMS PROTECTION*
10 *BOARD.—Section 347(c) of the Department of Transpor-*
11 *tation and Related Agencies Appropriations Act, 1996 is*
12 *amended to read as follows:*

13 “(c) *APPEALS TO MERIT SYSTEMS PROTECTION*
14 *BOARD.—Under the new personnel management system de-*
15 *veloped and implemented under subsection (a), an employee*
16 *of the Federal Aviation Administration may submit an ap-*
17 *peal to the Merit Systems Protection Board and may seek*
18 *judicial review of any resulting final orders or decisions*
19 *of the Board from any action that was appealable to the*
20 *Board under any law, rule, or regulation as of March 31,*
21 *1996.”.*

22 (e) *COSTS AND BENEFITS OF MERIT SYSTEMS PRO-*
23 *TECTION BOARD PROCEDURE.—*

24 (1) *STUDY.—The Inspector General of the De-*
25 *partment of Transportation shall conduct a study of*

1 *the costs and benefits to employees and the Federal*
2 *Aviation Administration of the procedures of the*
3 *Merit Systems Protection Board as compared to the*
4 *guaranteed fair treatment procedures of the Federal*
5 *Aviation Administration.*

6 (2) *SURVEY.—In conducting the study, the In-*
7 *pector General shall conduct a survey of the employ-*
8 *ees of the Federal Aviation Administration who are*
9 *not members of the union to determine which proce-*
10 *dures such employees prefer.*

11 (3) *REPORT.—Not later than May 15, 1999, the*
12 *Inspector General shall transmit to Congress a report*
13 *on the results of the study conducted under paragraph*
14 *(1), including the results of a survey conducted under*
15 *paragraph (2).*

16 **SEC. 806. GENERAL FACILITIES AND PERSONNEL AUTHOR-**
17 **ITY.**

18 *Section 44502(a) (as amended by section 114 of this*
19 *Act) is further amended by adding at the end the following:*

20 “(6) *IMPROVEMENTS ON LEASED PROPERTIES.—*
21 *The Administrator may make improvements to real*
22 *property leased for an air navigation facility, regard-*
23 *less of whether the cost of making the improvements*
24 *exceeds the cost of leasing the real property, if—*

1 “(A) *the property is leased for free or nomi-*
2 *nal rent;*

3 “(B) *the improvements primarily benefit*
4 *the Government;*

5 “(C) *the improvements are essential for ac-*
6 *complishment of the mission of the Federal Avia-*
7 *tion Administration; and*

8 “(D) *the interest of the Government in the*
9 *improvements is protected.*”.

10 **SEC. 807. IMPLEMENTATION OF ARTICLE 83 BIS OF THE**
11 **CHICAGO CONVENTION.**

12 *Section 44701 is amended by—*

13 (1) *redesignating subsection (e) as subsection (f);*
14 *and*

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

17 “(e) **BILATERAL EXCHANGES OF SAFETY OVERSIGHT**
18 **RESPONSIBILITIES.—**

19 “(1) **IN GENERAL.—***Notwithstanding the provi-*
20 *sions of this chapter, the Administrator, pursuant to*
21 *Article 83 bis of the Convention on International*
22 *Civil Aviation and by a bilateral agreement with the*
23 *aeronautical authorities of another country, may ex-*
24 *change with that country all or part of their respec-*
25 *tive functions and duties with respect to registered*

1 *aircraft under the following articles of the Conven-*
2 *tion: Article 12 (Rules of the Air); Article 31 (Certifi-*
3 *cates of Airworthiness); or Article 32a (Licenses of*
4 *Personnel).*

5 “(2) *RELINQUISHMENT AND ACCEPTANCE OF RE-*
6 *SPONSIBILITY.—The Administrator relinquishes re-*
7 *sponsibility with respect to the functions and duties*
8 *transferred by the Administrator as specified in the*
9 *bilateral agreement, under the Articles listed in para-*
10 *graph (1) for United States-registered aircraft de-*
11 *scribed in paragraph (4)(A) transferred abroad and*
12 *accepts responsibility with respect to the functions*
13 *and duties under those Articles for aircraft registered*
14 *abroad and described in paragraph (4)(B) that are*
15 *transferred to the United States.*

16 “(3) *CONDITIONS.—The Administrator may*
17 *predicate, in the agreement, the transfer of functions*
18 *and duties under this subsection on any conditions*
19 *the Administrator deems necessary and prudent, ex-*
20 *cept that the Administrator may not transfer respon-*
21 *sibilities for United States registered aircraft de-*
22 *scribed in paragraph (4)(A) to a country that the Ad-*
23 *ministrator determines is not in compliance with its*
24 *obligations under international law for the safety*
25 *oversight of civil aviation.*

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

3 “(A) *aircraft registered in the United States*
4 *and operated pursuant to an agreement for the*
5 *lease, charter, or interchange of the aircraft or*
6 *any similar arrangement by an operator that*
7 *has its principal place of business or, if it has*
8 *no such place of business, its permanent resi-*
9 *dence in another country; or*

10 “(B) *aircraft registered in a foreign country*
11 *and operated under an agreement for the lease,*
12 *charter, or interchange of the aircraft or any*
13 *similar arrangement by an operator that has its*
14 *principal place of business or, if it has no such*
15 *place of business, its permanent residence in the*
16 *United States.”.*

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

18 *Section 44703 is amended—*

19 (1) *by redesignating subsections (c) through (f)*
20 *as subsections (d) through (g), respectively; and*

21 (2) *by inserting after subsection (b) the follow-*
22 *ing:*

23 “(c) *PUBLIC INFORMATION.*—

24 “(1) *IN GENERAL.*—*Subject to paragraph (2)*
25 *and notwithstanding any other provision of law, the*

1 records of the contents (as prescribed in subsection
2 (b)) of any airman certificate issued under this sec-
3 tion shall be made available to the public after the
4 60th day following the date of enactment of the Air-
5 port Improvement Program Reauthorization Act of
6 1998.

7 “(2) ADDRESSES OF AIRMEN.—Before making
8 the address of an airman available to the public
9 under paragraph (1), the airman shall be given an
10 opportunity to elect that the airman’s address not be
11 made available to the public.

12 “(3) DEVELOPMENT AND IMPLEMENTATION OF
13 PROGRAM.—Not later than 30 days after the date of
14 enactment of the Airport Improvement Program Re-
15 authorization Act of 1998, the Administrator shall de-
16 velop and implement, in cooperation with representa-
17 tives of the aviation industry, a one-time written no-
18 tification to airmen to set forth the implications of
19 making the address of an airman available to the
20 public under paragraph (1) and to carry out para-
21 graph (2).”.

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

23 Section 44903 is amended by adding at the end the
24 following:

1 “(f) *GOVERNMENT AND INDUSTRY CONSORTIA.*—The
 2 Administrator may establish at individual airports such
 3 consortia of government and aviation industry representa-
 4 tives as the Administrator may designate to provide advice
 5 on matters related to aviation security and safety. Such
 6 consortia shall not be considered Federal advisory commit-
 7 tees.”.

8 **SEC. 810. PASSENGER MANIFEST.**

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

11 **SEC. 811. COST RECOVERY FOR FOREIGN AVIATION SERV-
 12 ICES.**

13 Section 45301 is amended—

14 (1) in subsection (a)(2) by inserting before the
 15 period “or to any entity obtaining inspection, testing,
 16 authorization, permit, rating, approval, review, or
 17 certification services outside the United States”; and

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

21 **SEC. 812. TECHNICAL CORRECTIONS TO CIVIL PENALTY
 22 PROVISIONS.**

23 Section 46301 is amended—

24 (1) in subsection (a)(1)(A) by striking “46302,
 25 46303, or”;

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

4 (3) *in subsection (g) by inserting “or the Admin-*
5 *istrator” after “Secretary”.*

6 **SEC. 813. ENHANCED VISION TECHNOLOGIES.**

7 (a) *STUDY.*—*The Administrator shall conduct a study*
8 *of the feasibility of requiring United States airports to in-*
9 *stall enhanced vision technologies to replace or enhance con-*
10 *ventional landing light systems over the 10-year period fol-*
11 *lowing the date of completion of such study.*

12 (b) *REPORT.*—*Not later than 180 days after the date*
13 *of enactment of this Act, the Administrator shall transmit*
14 *to Congress a report on the results of the study conducted*
15 *under subsection (a) with such recommendations as the Ad-*
16 *ministrator considers appropriate.*

17 (c) *INCLUSION OF INSTALLATION AS AIRPORT DEVEL-*
18 *OPMENT.*—*Section 47102 of title 49, United States Code,*
19 *is amended—*

20 (1) *in paragraph (3)(B)—*

21 (A) *by striking “and” at the end of clause*
22 (i);

23 (B) *by striking the period at the end of*
24 *clause (vi) and inserting “; and”;* and

1 (C) by inserting after clause (vi) the follow-
2 ing:

3 “(vii) enhanced visual technologies to
4 replace or enhance conventional landing
5 light systems.”; and

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

7 “(21) *ENHANCED VISION TECHNOLOGIES*.—The
8 term ‘enhanced vision technologies’ means laser guid-
9 ance, ultraviolet guidance, infrared, and cold cathode
10 technologies.”.

11 (d) *CERTIFICATION*.—Not later than 180 days after the
12 date of enactment of this Act, the Administrator shall trans-
13 mit to Congress a schedule for certification of laser guidance
14 equipment for use as approach lighting at United States
15 airports and of cold cathode lighting equipment for use as
16 runway and taxiway lighting at United States airports and
17 as lighting at United States heliports.

18 **SEC. 814. FOREIGN CARRIERS ELIGIBLE FOR WAIVER**
19 **UNDER AIRPORT NOISE AND CAPACITY ACT.**

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

22 **SEC. 815. TYPOGRAPHICAL ERRORS.**

23 (a) *IN TITLE 49*.—Title 49 is amended—

24 (1) in section 5108(f) by striking “section
25 552(f)” and inserting “section 552(b)”.

1 (2) *in section 15904(c)(1) by inserting “section”*
2 *before “15901(b)”.*

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

5 (4) *in section 49106(c)(3) by striking “by the*
6 *board” and inserting “to the board”;*

7 (5) *in section 49107(b) by striking “subchapter*
8 *II” and inserting “subchapter III”; and*

9 (6) *in section 49111(b) by striking “retention of”*
10 *and inserting “retention by”.*

11 (b) *CODIFICATION REPEAL TABLE.—The Schedule of*
12 *Laws Repealed in section 5(b) the Act of November 20, 1997*
13 *(Public Law 105–102; 111 Stat. 2217), is amended by strik-*
14 *ing “1996” the first place it appears and inserting “1986”.*

15 (c) *CODIFICATION REFERENCES.—Effective October*
16 *11, 1996, section 5(45)(A) of the Act of October 11, 1996*
17 *(Public Law 104–287, 110 Stat. 3393), is amended by strik-*
18 *ing “ENFORCEMENT;” and inserting “ENFORCE-*
19 *MENT:”.*

20 **SEC. 816. ACQUISITION MANAGEMENT SYSTEM.**

21 *Section 348 of the Department of Transportation and*
22 *Related Agencies Appropriations Act, 1996 (49 U.S.C. 106*
23 *note; 109 Stat. 460) is amended by striking subsection (c)*
24 *and inserting the following:*

1 “(c) *CONTRACTS EXTENDING INTO A SUBSEQUENT*
2 *FISCAL YEAR.*—*Notwithstanding subsection (b)(3), the Ad-*
3 *ministrators may enter into contracts for procurement of*
4 *severable services that begin in one fiscal year and end in*
5 *another if (without regard to any option to extend the pe-*
6 *riod of the contract) the contract period does not exceed 1*
7 *year.*”.

8 **SEC. 817. INDEPENDENT VALIDATION OF FAA COSTS AND**
9 **ALLOCATIONS.**

10 (a) *INDEPENDENT ASSESSMENT.*—

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

23 (2) *ASSESSMENT OF ADEQUACY AND ACCURACY*
24 *OF FAA COST DATA AND ATTRIBUTIONS.*—*To ensure*
25 *that the method for calculating overall costs of the*

1 *Federal Aviation Administration and attributing*
2 *such costs to specific users is appropriate, reasonable,*
3 *and understandable to the users, the Inspector Gen-*
4 *eral shall conduct an assessment that includes the fol-*
5 *lowing:*

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

12 *(ii) An assessment of the reliability of the*
13 *Federal Aviation Administration's system for*
14 *tracking assets.*

15 *(iii) An assessment of the reasonableness of*
16 *the Federal Aviation Administration's bases for*
17 *establishing asset values and depreciation rates.*

18 *(iv) An audit of the Federal Aviation Ad-*
19 *ministration's system of internal controls for en-*
20 *sureing the consistency and reliability of reported*
21 *data.*

22 *(B) A review and validation (including the*
23 *opportunity for public and user comments) of the*
24 *Federal Aviation Administration's definition of*

1 *the services to which the Federal Aviation Ad-*
2 *ministration ultimately attributes its costs.*

3 *(C) An assessment and validation of the*
4 *cost pools used by the Federal Aviation Adminis-*
5 *tration, including the rationale for and reliabil-*
6 *ity of the bases on which the Federal Aviation*
7 *Administration proposes to allocate costs of serv-*
8 *ices to users and the integrity of the cost pools*
9 *as well as any other factors considered important*
10 *by the Inspector General. Appropriate statistical*
11 *tests shall be performed to assess relationships be-*
12 *tween costs in the various cost pools and activi-*
13 *ties and services to which the costs are attributed*
14 *by the Federal Aviation Administration.*

15 *(D) For costs that cannot reliably be attrib-*
16 *uted to specific Federal Aviation Administration*
17 *services or activities (called “common and fixed*
18 *costs” in the Federal Aviation Administration*
19 *Cost Allocation Study), the Inspector General*
20 *shall contract with an entity that is independent*
21 *of the Federal Aviation Administration to apply*
22 *and show the results from at least 3 generally ac-*
23 *cepted methodologies for allocating such costs.*

24 *(3) COST EFFECTIVENESS.—To assist the Ad-*
25 *ministrator, Congress, and users in evaluating and*

1 *improving the cost effectiveness of the Federal Avia-*
2 *tion Administration in providing and delivering its*
3 *services to the public, the Inspector General shall con-*
4 *tract with an entity independent of the Federal Avia-*
5 *tion Administration to assess or benchmark the Fed-*
6 *eral Aviation Administration's efficiency and effec-*
7 *tiveness based on certain internal and external com-*
8 *parisons. The assessment shall include the following:*

9 (A) *INTERNAL BENCHMARKING STUDIES.—*

10 *Detailed, activity-based studies of work process*
11 *throughout the Federal Aviation Administration*
12 *to assess the most efficient and effective units, to*
13 *identify the reasons for superior performance or*
14 *“best practices”, and to consider how such prac-*
15 *tices can be used by other units of the Federal*
16 *Aviation Administration to improve their per-*
17 *formance and efficiency.*

18 (B) *EXTERNAL BENCHMARKING STUDIES.—*

19 *An evaluation of the efficiency of the Federal*
20 *Aviation Administration in comparison to at*
21 *least 3 other providers of air traffic control serv-*
22 *ices in terms of their efficiency and effectiveness*
23 *in the key activities and functions required to*
24 *provide air traffic control services. The Inspector*
25 *General shall identify the activities and func-*

1 *tions to be included in such analysis. There shall*
2 *also be conducted an assessment of the cost effec-*
3 *tiveness of the Federal Aviation Administration*
4 *in the procurement and management of critical*
5 *functions and activities, including telecommuni-*
6 *cations, real estate, maintenance, and other*
7 *areas to be specified by the Inspector General*
8 *based on comparisons of how these functions are*
9 *handled by other large, complex organizations in*
10 *the public and private sectors.*

11 *(b) DEADLINE.—The independent analyses described*
12 *in this section shall be completed not later than 270 days*
13 *after the contracts are awarded to the outside independent*
14 *contractors. The Inspector General shall submit a final re-*
15 *port combining the analyses done by its staff with those*
16 *of the outside independent contractors to the Secretary of*
17 *Transportation, the Administrator, the Committee on Com-*
18 *merce, Science, and Transportation of the Senate, and the*
19 *Committee on Transportation and Infrastructure of the*
20 *House of Representatives. The final report shall be submit-*
21 *ted by the Inspector General not later than 300 days after*
22 *the award of contracts. Until the final report is completed*
23 *and submitted, the Federal Aviation Administration shall*
24 *not implement a user fee structure, except for the overflight*

1 *fees authorized by section 45301 of title 49, United States*
2 *Code.*

3 **SEC. 818. ELIMINATION OF BACKLOG OF EQUAL EMPLOY-**
4 **MENT OPPORTUNITY COMPLAINTS.**

5 (a) *HIRING OF ADDITIONAL PERSONNEL.*—*For fiscal*
6 *year 1999, the Secretary of Transportation may hire or*
7 *contract for such additional personnel as may be necessary*
8 *to eliminate the backlog of pending equal employment op-*
9 *portunity complaints to the Department of Transportation*
10 *and to ensure that investigations of complaints are com-*
11 *pleted not later than 180 days after the date of initiation*
12 *of the investigation.*

13 (b) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
14 *authorized to be appropriated to carry out this section*
15 *\$2,000,000 for fiscal year 1999. Such sums shall remain*
16 *available until expended.*

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

18 (a) *AUTHORITY TO GRANT WAIVERS.*—*Notwithstand-*
19 *ing section 16 of the Federal Airport Act (as in effect on*
20 *May 14, 1947), the Secretary shall, subject to section 47153*
21 *of title 49, United States Code (as in effect on June 1,*
22 *1998), and subsection (b) of this section, waive with respect*
23 *to airport property parcels that, according to the airport*
24 *layout plan for Newport News/Williamsburg International*
25 *Airport, are no longer required for airport purposes from*

1 *any term contained in the deed of conveyance dated May*
2 *14, 1947, under which the United States conveyed such*
3 *property to the Peninsula Airport Commission for airport*
4 *purposes of the Commission.*

5 (b) *CONDITIONS.—Any waiver granted by the Sec-*
6 *retary under subsection (a) shall be subject to the following*
7 *conditions:*

8 (1) *The Peninsula Airport Commission shall*
9 *agree that, in leasing or conveying any interest in the*
10 *property with respect to which waivers are granted*
11 *under subsection (a), the Commission will receive an*
12 *amount that is equal to the fair lease value or the fair*
13 *market value, as the case may be (as determined pur-*
14 *suant to regulations issued by the Secretary).*

15 (2) *Peninsula Airport Commission shall use any*
16 *amount so received only for the development, improve-*
17 *ment, operation, or maintenance of Newport News/*
18 *Williamsburg International Airport.*

19 **SEC. 820. GRANT OF EASEMENT, LOS ANGELES, CALIFOR-**
20 **NIA.**

21 *The City of Los Angeles Department of Airports may*
22 *grant an easement to the California Department of Trans-*
23 *portation to lands required to provide sufficient right-of-*
24 *way to facilitate the construction of the California State*

1 *Route 138 bypass, as proposed by the California Depart-*
2 *ment of Transportation.*

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

4 *The Administrator shall reissue the notice to operators*
5 *originally published in the Federal Register on January 2,*
6 *1998, which advised Alaska guide pilots of the applicability*
7 *of part 135 of title 14, Code of Federal Regulations, to guide*
8 *pilot operations. In reissuing the notice, the Administrator*
9 *shall provide for not less than 60 days of public comment*
10 *on the Federal Aviation Administration action. If, notwith-*
11 *standing the public comments, the Administrator decides to*
12 *proceed with the action, the Administrator shall publish in*
13 *the Federal Register a notice justifying the Administrator's*
14 *decision and providing at least 90 days for compliance.*