appreciate your offer to waive consideration of the bill.

Traditionally, the Transportation Committee has authorized the equipment deployment functions from the Federal Aviation Administration Facilities and Equipment (F&E) account. I recognize that in certain years functions under the jurisdiction of the Science Committee were moved from the FAA Research, Engineering and Development (RED) account to the F&E account through the annual appropriations process. While I believe that these unauthorized appropriations do not have any bearing on committee jurisdiction, I prefer that the Appropriations Committee adhere to the authorizing language and refrain from moving functions from the RED account to the F&E account in order to benefit from a slower spend-out rate. For example, I would prefer that the Advanced Technology Development and Prototyping program remain in the RED account.

Historically, the Science Committee has had oversight and authorization responsibility over the RED account while the Transportation Committee has had exclusive jurisdiction over the F&E account. I believe that continuing this practice is the best way to preserve the jurisdiction of both committees.

I thank you for your attention to this matter and look forward to working with you and your staff. As you request, a copy of your letter and my response will be placed in the RECORD.

Sincerely,

DON YOUNG,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC, June 11, 2003.

Hon. DON YOUNG,
Chairman, Committee on transportation and Infrastructure, House of Representatives, Washington, DC.

DEAR MR. YOUNG: I am writing regarding H.R. 2115, ''the Flight 100—Century of Aviation Reauthorization Act.'' As you know, the bill includes provisions within the jurisdiction of the Committee on Government Reform. Section 404, Clarifications to procurement authority and Section 438 Definition of air traffic each contain provisions within the jurisdiction of the Committee on Government Reform.

In the interests of moving this important legislation forward, I have not asked for a sequential referral of this bill. However, the Committee does hold an interest in preserving its future jurisdiction with respect to issues raised in the aforementioned provisions, and its jurisdictional prerogatives should the provisions of this bill or any Senate amendments thereto be considered in a conference with the Senate. I respectfully request your support for the appropriate appointment of Members of the Committee should such a conference arise.

Finally, I would ask that you include a copy of our exchange of letters on this matter in the Congressional Record during floor consideration. Thank you for your assistance and cooperation in this matter.

Sincerely,

TOM DAVIS,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, June 11, 2003.

Hon. TOM DAVIS,
Chairman, Committee on Government Reform, Rayburn Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of June 11, 2003 regarding H.R. 2115, the Flight 100—Century of Aviation Act, and for your willingness to waive consideration of provisions in the bill that falls within your Committee's jurisdiction under House Rules.

I agree that your waiving consideration of these provisions of H.R. 2115 does not waive your Committee's jurisdiction over the bill. I also acknowledge your right to seek conferees on any provisions that are under your Committee's jurisdiction during any House-Senate conference on H.R. 2115 or similar legislation, and will support your request for conferees on such provisions.

As you request, your letter and this response will be in the CONGRESSIONAL RECORD.

Thank you for your cooperation in moving this important legislation to the House Floor.

Sincerely,

DON YOUNG,
Chairman.

FLIGHT 100—CENTURY OF AVIATION REAUTHORIZATION ACT OF 2003

The SPEAKER pro tempore. Pursuant to House Resolution 265 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2115.

□ 1339

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2115) to amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes, with Mr. BASS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 30 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, on the occasion of the 100 years of powered flight, I rise in support of H.R. 2115, Flight 100—Century of Aviation Reauthorization Act of 2003.

H.R. 2115 addresses the needs of the national aviation system today and in turn provides for its future. The Federal Aviation Administration oversees and ensures the safe and efficient use of our Nation's air space. The bill before us now supports this important work.

It reauthorizes FAA for 4 years and allows for modest increases in funding levels for fiscal years 2003 through 2007. H.R. 2115 also ensures that the Aviation Trust Fund is used to finance airport capacity and safety projects. It also continues to provide general funds to pay for FAA safety functions that are in the public interest.

Additionally, the bill makes a number of important legislative changes, such as:

Funding the Small Community Air Service Program and the Essential Air Service Program;

Increasing the number of slots at Reagan National Airport;

Streamlining airport project reviews as passed by the House twice last year; and

Prohibiting the privatization of functions performed by air traffic controllers.

It goes without saying that the aviation industry is vital to the U.S. economy. H.R. 2115 provides for its stability and, more importantly, for its continued growth.

I want to thank the full committee ranking member, the gentleman from Minnesota (Mr. OBERSTAR), for working with me to draft H.R. 2115. As a result of this cooperative effort, we have bipartisan legislation that everyone in this House can fully support.

I especially want to thank the subcommittee chairman, the gentleman from Florida (Mr. MICA), and the ranking member, the gentleman from Oregon (Mr. DEFAZIO). H.R. 2115 clearly represents the hard work and the long hours they and their staff put into this effort. I appreciate their dedication in ensuring that the United States continues to have the safest and most efficient aviation system in the world.

For that reason, I join with the full committee ranking member, the gentleman from Minnesota (Mr. OBERSTAR); the subcommittee chairman, the gentleman from Florida (Mr. MICA); and the ranking member, the gentleman from Oregon (Mr. DEFAZIO), in urging the immediate passage of this bipartisan bill.

Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield myself 7 minutes.

Mr. Chairman, I, too, of course rise in support of H.R. 2115, Flight 100—Century of Aviation Reauthorization Act. It is appropriate that we apply that title to the bill in this year; it is the 100th anniversary of flight. When you think how far the world has come in aviation in just 100 years, it is really extraordinary. No other technology in the field of transportation can match the speed with which we have advanced the cause of aviation in this 100 years.

We have worked in a very diligent and bipartisan manner over many weeks and months; and I want to thank the chairman, the gentleman from Alaska, for the frequent and thorough and intensive conversations we have had to shape this legislation, come together in agreement on the many sticky issues that we had to confront in shaping this bill, and the chairman of the subcommittee, the gentleman from Florida (Mr. MICA), who has always been available and readily available to discuss and iron out the many complex issues.

I want to compliment the ranking member on our side, the gentleman from Oregon (Mr. DEFAZIO), whose 18-plus years, 20 years of intensive work

in the field of aviation have paid off in his current position as the leader on our side on aviation issues. He has done a splendid job in shaping this legislation, which will put America on the course it needs to be to continue investment in our aviation airside infrastructure, in the modernization of the air traffic control system, and in ensuring we have the finest professionals in the world to manage that air traffic control system in the form of our air traffic controllers and those who support and maintain the technology of aviation.

□ 1345

Though emplanements dipped after September 11, they are on the rebound. We are seeing flights return to something approaching pre-September 11 numbers. Something like 71 percent load factors are returning, but yields are down. On average, they are down 4 cents to 5 cents per revenue passenger mile from what they ought to be to sustain the level of revenue we saw in the pre-September 11 era. But that, too, will come back. That will return as our economy gains in strength.

I know that the FAA is projecting over the next 6 years a return to 600-plus million passengers a year, and 696 million was the level we had prior to September 11. Now, when we think that in a world that emplaned 1 billion passengers in 2001, and 696 million of those were in the United States, it means that this Nation boards two-thirds of all the people who travel by air in the entire world.

So if we are to position ourselves to accommodate that growth in the future, then we have to make the investments now in the air side capacity of our airports. We have to prepare the taxiways, runways, and the air side improvements to accommodate that future growth so we will not be left behind, struggling, trying to catch up when it is too late and flights have rebounded.

In that respect, this bill provides $14.8 billion for the Airport Improvement Program funding. That is $1.2 billion more than the FAA's request. We have $12.3 billion for facilities and equipment over the life of this legislation, $200 million of which is specifically designated for the Standard Terminal Automation Replacement System, STARS, that handles 70 million airport operations a year throughout this country. That is a staggering amount and requires a vast capacity that this new system will provide.

We also maintain a level of funding to accommodate the air traffic controllers, $31.3 billion for FAA operations over the life of this legislation. We have done a good deal to accommodate the needs of small airports with essential air service improvements in this bill.

I recall so very vividly in 1978 sitting on this committee when we considered the deregulation of aviation. The question was raised whether we would have service to small communities. I offered the amendment for essential air service, with the concluding remark to the chairman of the Committee, that if we do not pass this amendment, there are towns in my district where the only way to get there will be to be born there, and I do not want to see that happen again. So we have done a good job with those issues.

Before concluding, I want to engage the chairman in a discussion. But I want to thank on our side the staff, Stacie Soumbeniotis, Giles Giovanazzi, Ward McCarragher, and, on the Republican side, David Schaffer, who have done superb professional work in crafting these extremely complicated provisions of this bill.

Mr. Chairman, I am disappointed that the bill does not go as far as I would have liked it to do in guaranteeing that our air traffic control system remains the safest in the world dealing with the privatization of air traffic controllers. It does not deal with the certification and related maintenance of equipment used by air traffic controllers.

So I think that we did not address this issue in the bill. I think we will come to that point in conference. I know the chairman is amenable to working towards a solution on this issue, and will work with us in conference to ensure that both controllers and air systems specialists are protected in the bill Congress sends to the President.

Mr. YOUNG of Alaska. Mr. Chairman, if the gentleman will yield further, I would say that that is correct. I am well aware of the proposal the gentleman has suggested. Frankly, I support it myself. But as the gentleman knows, we were threatened with a veto if it was amended in the committee, so the gentleman and I had a lot of work to do in conference, and, of course, the administration.

I do think that we have to have the safest air system. I believe, Mr. Chairman, we do have the safest air system in the world. Some of the other countries have changed their systems, but I actually think we are doing a better job. It does not mean we cannot improve upon it, but we are doing a better job.

The way we do a better job is keep the professional people in line and by making sure they are doing the job correctly, as they have been doing, and as the control tower people have done so far. I am well aware of it and I will be working with the gentleman.

As the gentleman knows, this bill will pass today overwhelmingly, I believe, and we will have an opportunity to address this issue as time goes by.

I thank the gentleman. I must say for the record, I don't believe anybody knows the air business better than the gentleman does. The gentleman has been a long time as subcommittee chairman when he was in the majority, and he knows this issue. We appreciate working with the gentleman, because this is a great value to our country, this transportation system we have. I do thank the gentleman.

Mr. OBERSTAR. Mr. Chairman, I appreciate the chairman's remarks. I am delighted that we will be able to work in conference to assure that both controllers and systems specialists remain Federal employees.

Mr. Chairman, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Chairman, I yield the balance of my debate time to the gentleman from Florida (Mr. MICA), and I ask unanimous consent that the gentleman be permitted to control that time.

The CHAIRMAN. Is there objection to the request of the gentleman from Alaska?

There was no objection.

Mr. MICA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I particularly want to thank the chairman of the full committee, the gentleman from Alaska (Mr. YOUNG), the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), and our ranking member of the Subcommittee on Aviation, the gentleman from Oregon (Mr. DEFAZIO), for their leadership in trying to bring this measure together and to the floor.

This is a 4-year reauthorization, and it is very difficult. We have over 70 members on the full committee and over 40 members on the Subcommittee on Aviation, and the White House and all the various and sundry interests that want specific provisions in a reauthorization bill such as we have before us. But we have come together, and I am real proud of the work that the Members have done and the staff.

I will have a manager's amendment that incorporates some of the issues that we have agreed to on a bipartisan basis, and also pledge to work with all interests and sides on various issues as we hopefully bring this measure to conference.

Mr. Chairman, this legislation is critical to the future of aviation in our country. It is also fitting and I think very appropriate that on the 100th anniversary of manned flight by the Wright brothers that we bring this rewrite of our Federal aviation policy before the Congress. No nation in the world relies more on the safe and efficient operation of aircraft than the United States.

Just think about it: Two-thirds of all the air passengers in the world take off from the United States each year and each day, from U.S. soil. Without a reliable air transportation system, communities would become stranded, families would be separated, time-sensitive cargo lost, and countless jobs and opportunities forsaken.

This bill, H.R. 2115, also referred to as Flight 100, addresses the many pressing needs of our aviation system. We know it has been through a great deal of turmoil since September 11. I believe it also provides good elements for its future.

This legislation keeps our promise to the flying public and builds on the landmark successes of its predecessor legislation, known as AIR–21. This legislation continues the guarantee that all the taxes and revenues paid into the Aviation Trust Fund are fully spent, and that airport improvements and air traffic control modernization that is so important is fully funded.

H.R. 2115 provides the funding necessary for the administration to operate air traffic control systems to the very highest standards of safety, and also allows us to modernize our outdated air traffic control system. It also increases the funding to airports to help build the capacity we need for future economic growth. This bill also makes much needed reforms to FAA's management structure by redefining the role of the chief operating officer.

I am pleased to see the administration within the last 24 hours has named that chief operating officer, and this legislation will clearly define the responsibilities of that position as it relates to the administrator of FAA.

It makes also, I think, a greater success of our Small Community Air Service Pilot Program, and it reforms the Essential Air Service Program to ensure that communities that need this service will continue to receive air service.

The bill streamlines the environmental review process for urgent airport capacity projects, and it does so without weakening any of the underlying environmental statutes or requirements. It also authorizes compensation to general aviation entities for losses resulting from security mandates. Again, they have not been reimbursed like the airlines or other entities that the Congress has previously provided for.

A lot of hard work has gone into this legislation, and I think we have worked diligently with the other side of the aisle to craft careful and meaningful compromises. The aviation industry in the United States is still the strongest in the world, and we must keep it that way. This legislation provides the stability and funding to ensure that we will continue to lead the aviation industry of the world.

This is a good, bipartisan piece of legislation, and I urge all of the Members to join in support of this legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I ask unanimous consent that the gentleman from Oregon (Mr. DEFAZIO) manage the balance of the bill in general debate on our side, including authority to yield time.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. DEFAZIO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of this legislation, and want to thank all the members of the committee and also particularly the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), the chairman, the gentleman from Alaska (Mr. YOUNG), and the gentleman from Florida (Mr. MICA), the subcommittee chairman, for the effort they and all our staff have put into this bill.

This is a good piece of work. It is a potential foundation for the second 100 years of the aviation industry in this country, an industry that contributes well in excess of 10 percent to our gross domestic product on an annual basis. It will begin to anticipate and invest in meeting the needs of the future.

There are a lot of folks that have seen the fall-off in air traffic, and they have forgotten the delays of 2 years ago and the capacity constraints of 2 years ago. But I have not and the members of the committee have not. It is going to require more investment, and there is significant investment in this bill over and above what was requested by the administration to begin to meet those capacity needs, in partnership with local communities and local airport authorities.

It also does include some environmental streamlining provisions which will not do violence to the National Environmental Policy Act, but will help move some of the bureaucratic impediments and sequential referrals and things that have gone on that have delayed unnecessarily projects that ultimately were found to have merit and to meet the environmental constraints and laws of the United States. We need to move some of these projects ahead more quickly, and this, I believe, will help facilitate that.

I am particularly happy with the air service section of the bill.

□ 1400

I represent what has become an underserved community because of the dominance of one major carrier who has chosen, despite the profitability of that market, to divest itself of service and substitute a substandard so-called express service.

There are many of us across the Midwest and the western United States and even in the East struggling with these sorts of issues. There are many communities that have no service whatsoever. So the improvements we are making in the essential air service authorization here are essential. The new pilot program that would allow other than the traditional essential air service program, which can sometimes be kind of lame, is to be undertaken by the Secretary. And, finally, the new section which I think is going to be the great benefit to airports like mine and other airports across the country that have seen a diminution in service is the Small Community Air Service Development program, which would, with language we have put in the bill, require and give preference to communities that are willing to partner with the government in terms of a contribution and also can demonstrate the potential sustainability of their plan. Not just a potential pilot program which essentially becomes another name for an EAS program, but something to encourage innovation, to attract in new carriers that could provide a permanent presence and a new competition and improvement in service to those communities. There are many of us that desire to facilitate that.

Also, being a west coast Member, the issue of Washington National Airport and the sort of outmoded restrictions we see there is also accommodated to some extent in the bill.

Flight attendants will get at least some small recognition for the vital service they provide the traveling public on a daily basis, where they are going to get a certificate when they have completed their training, which hopefully with the uncertainties in the industry, the bankruptcies and the layoffs, will give them some portability and viability perhaps to move to new jobs if they lose theirs or there are other problems.

We begin to anticipate the huge looming retirement of air traffic controllers with this bill and to require or authorize the hiring of replacements who have quite a long training window, and we need to move ahead with that so we do not have a crisis.

The cabin air-quality hearings which we had last week revealed that we are basically not monitoring cabin air quality; and where we do not monitor, we do not have a problem. But the few monitoring samples that have been done do show problems, and we are going to require studies that were called for by the National Academy of Sciences to be undertaken by the FAA.

Finally, the air traffic control system, there is no more successful model in the world of an efficient, well-operating, privatized air traffic control system. Those that do exist have had to be dramatically subsidized, reinvested in by the governments that went down that route. And when I recently met with the Chair of the committee of jurisdiction from the Parliament, she said, Do not go there. Look at the mistakes we made in Great Britain. And I am pleased to see the provisions in the bill that relate to that. All in all, Flight 100 is a great foundation over the next 4 years for the next 100 years of flight in the United States.

Mr. MICA. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Tennessee (Mr. DUNCAN), a senior member of the Subcommittee on Aviation and immediate past Chair of the subcommittee.

Mr. DUNCAN. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise in very strong support of this legislation, which has been entitled Flight 100. It is a very important bill for our entire Nation. It is important even for those who never fly because a strong aviation system is so vital to our entire economy.

I want to commend the gentleman from Florida (Mr. MICA) and the ranking member, the gentleman from Oregon (Mr. DEFAZIO), and the ranking member of the full committee, the gentleman from Minnesota (Mr. OBERSTAR), whose knowledge of the aviation system we all admire so much, and our great chairman, the gentleman from Alaska (Mr. YOUNG), for this bill.

As the gentleman from Florida (Mr. MICA) mentioned, I had the privilege of chairing the Subcommittee on Aviation for 6 years; but I cannot tell you how much I admire and respect the work that the gentleman from Florida (Mr. MICA) has done. No one could have done a better job as chairman of that subcommittee. And I certainly appreciate all the work he has done because that subcommittee has to deal with some very difficult and contentious issues at times, and that has been particularly so over the last couple of years.

This bill continues what I think was very good work that we did in the AIR 21 legislation that I had the privilege to work on while I was chairman of the subcommittee. I especially want to mention, as the gentleman from Oregon (Mr. DEFAZIO) did, the environmental streamlining provisions, because we have had so many hearings that said projects were costing three times as much as they should and taking an average of 10 years to complete because of convoluted and confusing environmental rules.

I know the main runway at the Atlanta airport took 14 years from conception to completion, but only 99 days of actual construction.

I appreciate the provisions in regard to general aviation which is so important to this Nation's economy, and small and medium-sized airports, because that is vital to areas like mine.

I want to thank the gentleman from Florida (Mr. MICA) for the provisions concerning Midway Island and making that eligible for AIP funding because that is something that means so much to so many veterans.

Finally, to the National Safe Skies Alliance, which has done so much work on aviation safety and security. I urge support for this bill.

Mr. DEFAZIO. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-MCDONALD. Mr. Chairman, I rise to engage the gentleman from Minnesota (Mr. OBERSTAR) in a colloquy.

As the senior member on the Subcommittee on Aviation from California, I wish to bring to the attention of this body the rapidly developing public air travel access and passenger capacity needs at certain airports across the country.

With national growing capacity needs and growth issues, airports must address attendant safety factors. In 2002, Long Beach Airport was the fastest-growing commercial airport in the country at an annual growth rate of 300 percent. Therefore, I respectfully request that the Federal Aviation Administration and Congress take under advisement such capacity and growth issues and give appropriate consideration in awarding grants under the Airport Improvement Program for airports that are experiencing major growth. Specifically, I ask the FAA to take under strong consideration the needs for runway rehabilitation in these airports across the country that are impacted by rapid growth.

I ask the gentleman from Minnesota (Mr. OBERSTAR), the ranking member, we as members of the Subcommittee on Aviation and the full committee have worked hard to produce an aviation reauthorization bill that will sustain growth and enhance capacity as well as address ongoing safety needs. Providing much-needed resources to these growing airports across the country is within the principle and spirit of this aviation reauthorization bill.

Mr. OBERSTAR. Mr. Chairman, will the gentlewoman yield?

Ms. MILLENDER-MCDONALD. I yield to the gentleman from Minnesota.

(Mr. OBERSTAR asked and was given permission to revise and extend his remarks.)

Mr. OBERSTAR. Mr. Chairman, I commend the gentlewoman from California (Ms. MILLENDER-MCDONALD) for her persistence and continuous leadership on this capacity issue, as well as many other transportation matters within the jurisdiction of our committee.

Resources for airport growth is an essential feature of this legislation. The gentlewoman has worked very hard and reminded the committee of these capacity requirements over the coming years. The bill specifically improves those funding measures substantially over even AIR 21 and previous legislation.

Five years ago, Congress provided only $1.9 billion for the airport improvement program (AIP). In AIR 21, we substantially increased AIP funding. Flight 100 builds upon the success of AIR 21 and continues to grow the program to meet anticipated capacity issues. In total, the bill provides $14.8 billion for AIR over 4 years, $1.2 billion more than the Administration's request. Airport development funding will grow from the current level of $3.4 billion to $4 billion in FY 2007. Moreover, these funds are guaranteed under flight 100.

With Flight 100, we will continue to make headway toward addressing our enormous airport development needs.

Mr. MICA. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. KELLY), who is also a senior member of our Subcommittee on Aviation.

Mrs. KELLY. Mr. Chairman, my purpose in rising is to express my strong support for the passage of H.R. 2115, Flight 100.

Three years ago, we passed landmark legislation under the chairmanship of Chairman SHUSTER, which increased dramatically Federal investment in our aviation system.

As we all know, the country has undergone fundamental changes since the enactment of AIR 21; and few, if any, industries have been so directly affected by our new circumstances. The legislation we have on the floor today is important because it builds on the accomplishments of AIR 21 and helps our aviation system adapt to new changes. Air transport is a large and very important part of the U.S. economy, and safety is a focus of not only the industry itself but of this bill.

The central feature of this bill is that it continues protections for the aviation trust fund that we achieved with AIR 21. These procedural protections which ensure the revenue generated by aviation taxes will be dedicated solely to aviation improvements have had a substantial and positive effect on Federal investment levels in aviation. In the first year of AIR 21 alone, funding for the Airport Improvement Program increased by $1.3 billion. Funding for the Facilities and Equipment Program increased by $700 million in the first year.

This bill maintains a strong focus on safety. It sets us on a path that will allow us to accommodate the continued growth of the system that we expect and we desire.

So I thank the gentleman from Alaska (Mr. YOUNG) and the gentleman from Florida (Mr. MICA) for their efforts in getting this bill to the floor. And I would like to take note of my appreciation for their inclusion of a provision affecting our air traffic controllers and flight attendants. Once again, I urge a positive vote on this measure.

Mr. DEFAZIO. Mr. Chairman, I yield 2 minutes to the gentlewoman from Indiana (Ms. CARSON).

Ms. CARSON of Indiana. Mr. Chairman, I would like to first and foremost commend the leadership of the Committee on Transportation and Infrastructure, the gentleman from Alaska (Mr. YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR), and those who are ranking here representing this Flight 100, in recognition of the flight of the Wright brothers' incredible and ingenious invention, an item that seeks to annihilate space and circumscribe time.

I am particularly pleased that the protection for the air traffic controllers has been contained in this major piece of legislation. Individuals who lowered 4,000 flights without incident on 9–11 certainly need to be protected for their good work and their expertise.

Mr. Chairman, I had wanted very badly to have an amendment in here, a sense of Congress that would encourage the Department of Transportation to give preference to new entrants into the aviation market in terms of different routes that will eventually culminate in this particular legislation. While I support the major airline industry in this country, and use them twice a week, I think it would be beneficial to be very consumer friendly to

allow some of your lesser-known carriers to be new entrants into this market to enable them to fly to, say, Washington Reagan National Airport at a more consumer-friendly cost than what we are having to pay at present. And we would trust that the Department of Transportation would look at that as a possibility as this measure goes forward.

Mr. Chairman, I commend those who worked laboriously to ensure the passage, and I support the passage of Flight 100.

Mr. MICA. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. BURGESS), a member of the full committee.

Mr. BURGESS. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I am pleased to join my colleagues in support of H.R. 2115. A vibrant and strong aviation industry is critical to our Nation's long-term economic growth. Over 10 million people are employed directly in the aviation industry. For every job in the aviation industry, 15 related jobs are produced.

The aviation industry accounts for over $800 billion of the country's gross domestic product. Just as the aviation industry is a catalyst for growth in the national economy, airports are a catalyst of growth for their local communities. Airports create over $500 billion in economic activity and directly employ 1.9 million people. Almost 2 million people a day and 38,000 tons of cargo pass through our Nation's airports each day.

The aviation industry is important to me and my constituents in the 26th district of Texas. The Dallas-Fort Worth Airport and American Airlines are headquartered in my congressional district. In my district alone, the aviation industry directly and indirectly employs over 50,000 people.

Aviation also links our Nation's citizens and communities to the national and world marketplace. Without access to integrated air transportation networks, communities cannot attract the investment necessary to grow or allow homegrown businesses to expand. A modern and fully funded aviation network is fundamental to making sure that all Americans can participate fully in the economy.

Airports are economic development engines. Airport development is a real economic stimulus that creates both immediate jobs and long-term economic development. Once this bill is enacted, my constituents will have the tools and resources necessary to attract even more air service-related economic development, and most importantly, further expand their connections to the national and global economy.

Mr. Chairman, the FAA reauthorization bill meets the challenges facing our Nation's aviation system: increasing security, expanding airport safety and capacity, and making sure all of our Nation's communities have access to the network. I strongly support H.R. 2115 and look forward to its passage today.

□ 1415

Mr. DEFAZIO. Mr. Chairman, I yield 2¼ minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Chairman, I rise today in strong support of the Century of Aviation Reauthorization Act, and I want to commend the gentleman from Florida (Mr. MICA) and the gentleman from Oregon (Mr. DEFAZIO) because they have stressed so specifically the need for security in our airports, and they have worked diligently on that subject in terms of their leadership.

Working in a bipartisan manner, the committee has done an admirable job forging reasonable compromises on many issues. In the past 18 months, the Congress and the American people have made airport security and airline stabilization the primary focuses of aviation policy, and it is fitting to focus on our aviation capacity and safety needs again.

The Airport Improvement Program funding authorized in this bill will have the added benefit of putting people to work in a time of 6.1 percent unemployment. One issue that remains a top priority for me is funding for the national airspace redesign in the operations and maintenance account.

With a national airspace that looks as if it was designed in the time of the Wright brothers, AIR 21 did a good job of providing funds to stop the comprehensive design. H.R. 2115 allows that work to continue.

In 1998, FAA administrator Jane Garvey came to Newark airport and announced that the National Airspace Redesign would begin in the New York/New Jersey/Philadelphia region. I know that the FAA is still working on that segment of the design, and they hope to have a draft environmental impact statement next year.

The completion of the redesign will benefit Newark Liberty International Airport immensely by reducing delays, and it could potentially benefit New Jersey residents with air noise reduction.

Let me reiterate a point included in the committee report, if I may, that reminds the FAA that environmental streamlining provisions in the legislation have not been drafted to undermine the National Environmental Policy Act and we also worked that out. I urge the House to improve this important legislation.

Mr. MICA. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Indiana (Mr. CHOCOLA), an outstanding new Member and also the vice chair of our subcommittee who is doing a great job.

Mr. CHOCOLA. Mr. Chairman, I want to thank the gentleman for yielding me the time. I also want to commend the distinguished chairman for his good work on this bill.

Mr. Chairman, I rise today in support of this bill. In December of 1903, on the sands of Kitty Hawk, North Carolina, the Wright brothers achieved the milestone of manned, controlled, powered flight, and with that historic first flight, the aviation age was born. Since that time, the Federal Aviation Administration has developed alongside the aviation industry. We are here today obviously working on a 4-year reauthorization of that government agency.

The FAA does a lot of good things, but like every government agency, the FAA needs to be a good steward of taxpayer dollars. While the Subcommittee on Aviation was considering this bill, we heard from the General Accounting Office about $5.4 million in government credit card, also known as purchase cards, abuses by the employees of the FAA. Some examples of that abuse include purchase of Palm Pilots and accessories such as keyboards and leather cases from Coach costing almost $67,000. They also uncovered individual subscriptions to Internet service providers totaling $17,000; store gift cards to places like Home Depot, WalMart, and there are several other examples.

In their report, the GAO made a number of recommendations to strengthen FAA's internal controls of this purchase card program and decrease wasteful spending and improve accountability. I offered an amendment during consideration of this bill to direct the FAA administrator to implement the GAO's recommendations and then report back to Congress in 1 year and tell us how they are doing, and I am happy to report that the amendment was adopted.

Mr. Chairman, I believe we need to be better stewards of taxpayer dollars, and this small step will lead us in the right direction. The FAA is committed to a sound purchase card program and is taking action to strengthen controls, but we have an obligation to ensure that the FAA takes the necessary steps to manage their purchase card program responsibly.

Mr. Chairman, I think this is a good bill, and I urge my colleagues to support it today.

Mr. DEFAZIO. Mr. Chairman, could I inquire of the Chair as to the time available on each side?

The CHAIRMAN. The gentleman from Oregon (Mr. DEFAZIO) has 10¼ minutes remaining, and the gentleman from Florida (Mr. MICA) has 15 minutes remaining.

Mr. DEFAZIO. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, let me express my appreciation for the extraordinary leadership of this Committee on Transportation and Infrastructure and this subcommittee in general in working together to formulate this bill, and I especially would like to voice my support for section 420 of the bill which has important implications for the aviation safety.

Over the last several weeks, I have heard from aviation repair stations in the Dallas/Fort Worth area that have told horror stories about the manufacturers refusing to make critical maintenance data available. I was contacted by one repair facility located in the Fort Worth area that has had firsthand experience with the problem that section 420 seeks to remedy.

In 1999, one of the manufacturers whose products the facility is authorized to maintain was charging just under $5,000 to keep three maintenance manuals current for 3 years. Now that same manufacturer is charging more than $20,000 to keep those manuals current for just 1 year. That price increase is outrageous and unwarranted, and this is just one example of aviation manufacturers taking advantage of the small businesses, and small businesses hire more people in Texas than any other type of business.

Mr. Chairman, we cannot sit by and allow manufacturers to deny access to critical maintenance information, so that we can keep our planes safe for the skies. We cannot sit by as the FAA fails to enforce its own regulations. Section 420 will remedy this situation if it is allowed, and, in turn, we will improve aviation safety and security.

Mr. MICA. Mr. Chairman, I am pleased to yield 2¼ minutes to the gentleman from Arkansas (Mr. BOOZMAN), one of our most active members on our subcommittee.

Mr. BOOZMAN. Mr. Chairman, I rise today in support of H.R. 2115, and I commend the gentleman from Alaska (Mr. YOUNG), the gentleman from Florida (Mr. MICA), the gentleman from Minnesota (Mr. OBERSTAR), and the gentleman from Oregon (Mr. DEFAZIO) for their efforts to bring this legislation to the floor.

H.R. 2115 protects the needed investment in our aviation system, and while doing so, it addresses the needs of our small communities. Most of us here in Congress represent small community airports. There are only a few airports the size of Chicago, Atlanta, or Los Angeles. In fact, over 60 percent of our airports are small airports.

That is why it is so important that H.R. 2115 continues the Small Community Air Service Development Pilot Program. This program is devoted to developing air service to smaller communities. Fort Smith, Arkansas Regional Airport, from my District, was fortunate enough to be one of the 40 airports selected to participate in this program. I am pleased to report that the program has been instrumental in enhancing air service in Fort Smith. They are truly a success story. The continuation of the Small Community Air Service Pilot Program is very important to small airports.

Another feature of this bill that works to support needs of small communities is the continuation of Essential Air Service. I commend the entire Committee on Transportation and Infrastructure for working together to improve the EAS program. The gentleman from Kansas (Mr. MORAN) worked very hard on this program, and I thank him for his efforts.

EAS provides air service to rural airports that would normally not be able to support a commercial air carrier in their community. In my District, Boone County Airport in rural Harrison, Arkansas depends on the EAS program for commercial service. The continuation and full funding of EAS is necessary for these rural communities. They simply cannot afford to pay a high-cost share to sustain service, and above all, they cannot afford to lose service.

H.R. 2115 adequately funds the EAS program and creates a community choice program that will allow communities to take ownership.

I ask support for the legislation.

Mr. DEFAZIO. Mr. Chairman, I yield 2 minutes to the other gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I thank the other gentleman from Oregon for his courtesy.

Mr. Chairman, the modern airport is a building block of a livable community. Air transportation is essential to cities being competitive in a global economy and being integrated into the national transportation framework.

It is time for us to start making plans for what the role of airports should be in the future so that they do not pose a threat to livability and are truly integrated with other modes of transportation.

The manager's amendment contains two items I think can help point the way towards better, long-term integration among aviation, rail, and surface modes. First, there is an effort to clarify and publicize how passenger facility charges can be used to assist in the development of ground access projects. For too many people, the worst part of the trip is trying to get to and from the airport.

Second, there is a provision that requires plans for airport and runway construction and expansion to be shared between the airports and the metropolitan planning organizations. Currently, there is no guarantee that the aviation and surface transportation agencies are even talking to each other, let alone actually planning together.

A sound transportation process includes all the players and respects their obligations and responsibilities, and it will work to the benefit of all.

Twelve years ago, with the ISTEA legislation, Congress started a revolution in how our communities' transportation services are provided. It gave local communities more flexibility and provided strong signals that it made sense to plan comprehensively and to work intermodally. It is time for us to think about the next step of the transportation revolution as it relates to aviation, and extend these concepts to the other interrelated modes of rail, aviation and surface transportation.

I appreciate the courtesy of the subcommittee in including these provisions in the bill to at least start some cooperation between the modes, and hopefully in the future we can break down those barriers further and make more progress to truly having an integrated, seamless transportation system with airplanes, the critical role that we know that it needs for tomorrow's future.

Mr. MICA. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Kansas (Mr. MORAN), who is a member of our subcommittee who represents probably the largest aviation manufacturing facility, and does it so well, in the United States.

Mr. MORAN of Kansas. Mr. Chairman, I thank the gentleman from Florida (Mr. MICA) and the committee staff for the opportunity to be here today and for the quality piece of legislation that addresses many important concerns back home to the State of Kansas.

I am grateful for the opportunity that we have had to work together, particularly in regard to Essential Air Service reform. This is maybe the most significant reform we have had since this program was created 25 years ago.

The EAS provisions included in this bill give small and rural communities a greater role in the EAS process. Besides preserving its funding, it will also allow small communities to better tailor their local air service to their unique individual needs. It is vital small communities across the country remain connected to the national air network.

This legislation also provides increased funding for the AIP, Airport Improvement Program, that is essential in maintaining our Nation's airports, both large and small, and continues funding for our Nation's contract tower program, a vital program that improves the safety for small community airports.

Mr. Chairman, one section of the bill that remains a concern to me is section 420 that addresses the availability of maintenance information. This provision has some economic ramifications for aviation manufacturers. We discussed this issue in the full committee markup, and I appreciate my colleague's continued involvement and his responsiveness to the issue I have raised. The manager's amendment that the gentleman has offered will address some of the concerns. However, a couple of key safety and liability issues remain to be resolved.

Mr. Chairman, as my colleagues know, I drafted an amendment that I think would be a satisfactory compromise on this issue, which I will not offer, but would ask for the gentleman's continued support and discussion as we try to find satisfactory resolution to this issue that is very important to the aviation manufacturing industry.

I again thank the gentleman for all the efforts that he has put into this legislation.

□ 1430

Mr. MICA. Mr. Chairman, will the gentleman yield?

Mr. MORAN of Kansas. I yield to the gentleman from Florida.

Mr. MICA. Mr. Chairman, I do appreciate the serious concerns that the gentleman from Kansas has raised relating to the repair manuals and other information that should be made available, and we will work with the gentleman to make sure that the concerns raised are addressed.

Mr. MORAN of Kansas. Mr. Chairman, I thank the gentleman from Florida.

Mr. Chairman, let me begin by thanking you for your efforts in drafting H.R. 2115, the Flight 100—Century of Aviation Reauthorization Act. This legislation is vital for the continuation of our nation's aviation system.

I would like to thank you, Aviation Subcommittee Chairman MICA, and the Committee staff for your assistance in creating a quality piece of legislation that addresses many important concerns for state of Kansas.

I am grateful for the opportunity to work with you in crafting the most significant Essential Air Service (EAS) reform since the program's inception twenty-five years ago. The EAS provisions included in this bill give small and rural communities a greater role in the EAS process. Besides preserving funding, it will allow small communities to better tailor their local air service to their unique individual needs. It is vital that small communities across the country remain connected to the national air network.

Their legislation provides increased funding for the Airport Improvement Program (AIP)—essential in maintaining our nation's airports—both large and small. Also, this bill provides continued funding for our nation's contract tower program—a vital program that dramatically improves the safety of small community airports.

Mr. Chairman, one section remains that still concerns me—Section 420—the section that addresses the availability of maintenance information. As you know, this is a controversial provision because of its dramatic economic ramifications for aviation manufacturers—many of whom, I might add, are laying off workers and temporarily closing their production lines. Aviation manufacturing is vital to the Kansas economy. It is our second largest industry behind agriculture. Also, more than 60 percent of the general aviation aircraft produced in the United States originates in Kansas. We discussed this issue during the Full Committee markup and I am appreciative of your continue involvement and your responsiveness to the issues I raised. The manager's amendment does address my concerns with the bill's language addressing the cost of maintenance manuals.

I continue to have concerns with Section 420 because we have not held a hearing on the issue, we have not heard from the FAA or the NTSB on the issue, and no one has shown me evidence that this provision will address a safety problem, if one in fact exists. Also, I have yet to see evidence that manufacturers are over-charging for these manuals.

If the case has not been made that such an immediate safety issue exists, why is Congress getting involved in the economic regulation of the aviation industry? Mr. Chairman, unless it an urgent and significant safety issue, I think we should be reluctant to intervene in the marketplace. I still believe we should first ask the FAA to study this issue in order to define the key terms of this legislation. Why pull the trigger without asking questions first?

Mr. Chairman, I drafted an amendment that I believe is an amenable compromise on this issue. However, rather than offer an amendment on a little-known and complex issue, I ask that you continue to work with me, the aircraft manufacturers, and the repair station industry, so a mutually agreed upon compromise—one that satisfies all parties—can be crafted during conference. I specifically ask for you commitment to address the following issues:

(1) For safety purposes, language to protect manufacturer oversight;

(2) Manufacturer liability concerns;

(3) In keeping with the current scope of the regulation, to include in section (a) the terms ''type certificate holder,'' ''supplemental type certificate holder,'' and ''amended type certificate holder''; and

(4) The definition of ''design approval holder.''

Again, I sincerely thank you and your staff for adopting the language contained in the manager's amendment—this is definitely a step in the right direction. Mr. Chairman, again, thank you for your consideration and your assistance.

Mr. DEFAZIO. Mr. Chairman, I yield 2 minutes to the gentleman from Hawaii (Mr. CASE).

Mr. CASE. Mr. Chairman, I thank the committee for what I think is a good bill. My purpose in rising today as this bill goes forward is simply to highlight the absolute dependence on some parts of our country on air service, and thus the absolute importance of the essential air services portion of the law and of this bill, and also the necessity as we go forward of avoiding one-size-fits-all thinking when we deal with the problems of our rural communities in addressing EAS.

In fact, imagine a district in which air service is truly indispensable to providing the basic necessities, to transporting residents, to providing emergency medical service, and to the survival and prosperity of our number one industry, tourism, and several other important industries based on, for example, agricultural exports.

That is Hawaii today, and that is my second district, a district that has all of Hawaii other than urban Honolulu and is composed of seven inhabited islands. It is absolutely unique.

Let me give an example of how this fits into one-size-fits-all thinking. A great deal of discussion is given in essential air services to how far airports are apart from each other, and both the gentleman from Pennsylvania (Mr. PETERSON) and the gentleman from Pennsylvania (Mr. PITTS) are offering amendments which I fully support which deal with how far is an airport. Well, the airport on Molokai is somewhere around 40 miles from Honolulu International Airport. Not too far, but there is no road. No road. It is on another island, so we have to think about unique circumstances. The options are nonexistent, no driving, no highways, no rail, no trains, no Amtrak subsidies, no ferries, cannot do that. It is airplane, period.

We are also in a very difficult period of adjustment in our interisland air travel. One airline is now in bankruptcy so we face the possibility of a monopoly with fees increasing and capacity reducing. We do have EAS designation for three extremely rural airports in Hawaii, and that is very appropriate; but I could easily make the argument that all Hawaii airports, big or small, rural or urban, are essentially EAS airports.

In conclusion, I simply want to highlight the absolute necessity of EAS to States like Hawaii.

Mr. MICA. Mr. Chairman, I yield 2 minutes to the gentleman from Montana (Mr. REHBERG), the former lieutenant governor of the State of Montana.

Mr. REHBERG. Mr. Chairman, I thank the gentleman for recognizing the differences between districts. The gentleman from New York (Mr. CROWLEY) is going to be speaking, and I want to highlight why essential air service is important to the State of Montana.

The gentleman from New York had to come all of the way to the State of Montana to find his future wife, but our districts could not be more dissimilar. He represents 75 square miles with LaGuardia in the middle. My district spans the distance from Washington, D.C. to Chicago. Washington, D.C. to Chicago. We have eight communities. When I travel back to my district, it takes me 7 hours to get to my district by air. I jump in a car, and just to get to one of the communities to have a listening session on an Indian reservation, it takes me another 6 hours to drive. We need essential air.

This country made a commitment in rail many years ago. It made a commitment in our interstate system many years ago, and it made a commitment to essential air service. I cannot think of a more appropriate name than essential air service.

When I came to Congress, I said I want to know about other people's districts so I know what kinds of things they are confronted with. I can see the problem between islands that the gentleman from Hawaii spoke about. People cannot swim necessarily between islands. Do you want grandmother and grandpa driving 324 miles to get to the hospital? They have no alternatives. They cannot get on Amtrak; they cannot call a cab and ride 324 miles to see their doctor. We need essential air service. This committee and this Congress has made that recognition through this bill, and I hope Members will look favorably upon the bill; and I thank the gentleman from Florida (Mr. MICA) for his hard work on this bill, and I thank the gentleman from New York (Mr. CROWLEY) for taking his wife and moving her to New York.

Mr. DEFAZIO. Mr. Chairman, may I inquire as to the time remaining.

The CHAIRMAN. The gentleman from Oregon (Mr. DEFAZIO) has 4½ minutes remaining, and the gentleman from Florida (Mr. MICA) has 9 minutes remaining.

Mr. DEFAZIO. Mr. Chairman, I yield 2½ minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Chairman, I would like to respond to the gentleman from Montana (Mr. REHBERG), but I do not have the time to do it right now.

I rise to engage in a colloquy with the gentleman from Oregon (Mr. DEFAZIO) and the gentleman from Florida (Mr. MICA) and call attention to the serious issue of noise pollution and the effects of airport noise in the communities surrounding LaGuardia Airport in Queens and the Bronx, New York, as well as the other communities surrounding the four airports of the Port Authority of New York and New Jersey.

To date, the Port Authority of New York and New Jersey has continually refused to provide for residential soundproofing for these homes or to undertake a part 150 noise compatibility study, which would allow the Port Authority to tap into tens of millions of Federal noise abatement dollars for residential soundproofing.

If one looks at the 10 largest airports in America, all of them spend money on residential soundproofing except the Port Authority of New York and New Jersey, which governs LaGuardia Airport, Kennedy Airport, Teterboro Airport, and Newark Airport.

While the Port Authority has contacted me to state they would be willing to work with my office and our congressional delegation, including the gentleman from New York (Mr. ACKERMAN), the gentlewoman from New York (Mrs. LOWEY), and the gentleman from New York (Mr. WEINER), to address these noise problems, it is my hope and the hope of the communities surrounding LaGuardia Airport that they will begin residential soundproofing of homes.

That is why I would like to address this issue and request assistance to work with me on crafting report language to make the Port Authority of New York and New Jersey a better and more responsible neighbor, so they will address noise problems created at their airports, especially as they affect residents living near these airports.

Mr. DEFAZIO. Mr. Chairman, will the gentleman yield?

Mr. CROWLEY. I yield to the gentleman from Oregon.

Mr. DEFAZIO. Mr. Chairman, I commend the gentleman from New York (Mr. CROWLEY) on his fierce advocacy on this issue and the fact that we are beginning to see some movement on the part of the Port Authority. It is astounding they have not undertaken such a study. I want to continue to work with the gentleman and the Chair and others to see that we begin to move ahead on this issue.

Mr. MICA. Mr. Chairman, will the gentleman yield?

Mr. CROWLEY. I yield to the gentleman from Florida.

Mr. MICA. Mr. Chairman, I thank the gentleman for raising this important issue before the House, and I look forward to working with him to come to a fair solution to the problem raised by him.

Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska (Mr. TERRY), a former member of the Committee on Transportation and the Infrastructure.

Mr. TERRY. Mr. Chairman, I rise in support of this important bill. It continues the philosophy embraced in AIR 21, which accomplished two significant things. First of all, it recognized the importance of the infrastructure of our airports and the necessity to modernize and expand. I am proud that this bill embraces that philosophy. The Omaha Epplay Airport at one time was one of the fastest growing airports in the Midwest and certainly requires additional infrastructure.

Also in regard to safety, once you are in the air with the capacity that is necessary to move people back and forth in today's economy, it is necessary that we modernize in that area; and I am proud that this bill continues to modernize and make air travel even safer.

I do, however, have concerns about what I call the ''front end security'' in our airports. That is a variety of different issues that, I think while the gentleman is helping air travel with this bill, I worry that with the convoluted, confusing airport security in our airports today that we are not chasing passengers away. The number of airports that I have walked through since we have adopted airport security, I see the number of screeners and baggage handlers more than double, but what I see is longer lines. From my view, just as efficient, if not less efficient, airport screening. I see different rules from one airport to another in regard to how they handle baggage and requirement of IDs.

I have heard from many of my constituents complaints about the arrogance of those people now checking the bags and the difficulties that they have had. We did not hear those types of stories before. Maybe some of that comes from the fact that the Federal security directors in these airports are mostly retired military.

Mr. Chairman, are these issues going to be addressed by the committee?

Mr. MICA. Mr. Chairman, I yield myself 30 seconds to answer the gentleman's question.

Mr. Chairman, I want to assure the gentleman from Nebraska that while we do not address in this particular legislative measure before us today security issues raised by the gentleman, they will be addressed in a separate piece of legislation that is now pending, consideration by leadership and homeland security. Certainly all of the issues that the gentleman raised have been raised by other Members, and we will try to right-size and correct some of the problems with TSA and aviation security.

Mr. DEFAZIO. Mr. Chairman, I yield 2½ minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chairman, I thank the gentleman for yielding me this time, and I thank the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from Florida (Mr. MICA), and the chairman of the full committee for the bipartisan way in which they have put together a very good bill.

Mr. Chairman, I ask Members to imagine their own district if general aviation or charters had been closed down since 9–11. Whether Members are from a small or large area, there would have been a demonstrable effect on the economy, and, indeed, on your way of life. And the last place one would expect that to happen is in the Nation's capital; but that is what has happened at Reagan National Airport, even though this area is a huge economic engine for the country because of the high-tech and other employers located here. And, of course, this is where the Nation's capital is located.

I want to thank the gentleman from Alaska (Mr. YOUNG) and the gentleman from Florida (Mr. MICA) for having supported the reopening of general aviation at Reagan National after listening to all of the security concerns, including secured briefings. General aviation is up and operating everywhere else in the United States. Yes, at Dulles from whence the Pentagon plane came, at New York where the Twin Towers were struck, and at BWI. Why is it not up here, especially when the Reagan contractors have said they will submit to any plan imposed by the Transportation and Safety Agency? None has been forthcoming.

Mr. Chairman, there is a plan. We know there is a plan, and we know that the TSA was about to offer a plan more than a year ago; but no plan has been published. I had an amendment that said publish a plan and let us speak on it. No one would compel them to put a plan in operation. General aviation is not closed. It must be kept open for the convenience of the government. Therefore, there are two employees there for the convenience of Federal and State and local takeoffs and landings.

The lesson from 9–11 is that security takes place on the ground or else it does not take place at all. We have some fail-safes for planes. But general aviation or charters, it would be easy enough to impose absolute measures: special screening, limited takeoffs and landings. I could go on and on. We cannot allow 9–11 to shut down any part of the national economy. They have already done so here. It is a notch in their belts; let us take that notch away.

Mr. MICA. Mr. Chairman, I yield 2 minutes to the gentleman from North

Carolina (Mr. HAYES), a very knowledgeable member and a pilot who serves on our subcommittee.

□ 1445

Mr. HAYES. Mr. Chairman, as a person with an experienced perspective on aviation and the role of aviation in promoting economic investment, I want to thank the gentleman from Florida (Mr. MICA), the gentleman from Alaska (Mr. YOUNG), the gentleman from Minnesota (Mr. OBERSTAR), and the gentleman from Oregon (Mr. DEFAZIO) for their leadership in working with Members to craft this excellent current legislation which I strongly support.

Modernization of the air traffic control system through an innovative financing program that they have included in this bill is very helpful to provide the kind of safety that we seek in our air traffic control. Keeping air traffic control from being privatized is very important. We have done that in this bill. Funding. Providing significant increases in the AIP, Airport Improvement Fund, is important. We have done that. Streamlining provisions which allow for runways and expansion to be accelerated without compromising any of our environmental concerns is in this bill and vitally important to helping alleviate future congestion in the system.

All of these and many other provisions included in the bill will strengthen the aviation industry, our transportation system, and will grow our economy for future generations.

Mr. Chairman, I appreciate the efforts, I appreciate the attention that was paid to the fine personnel who operate the finest and safest air traffic control system in the world, and I appreciate Members' support for this bill.

Mr. MICA. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. Mr. Chairman, I would like to engage the gentleman from Florida in a colloquy concerning section 521 of H.R. 2115.

Section 521 concerns what is known as ''general conformity'' under the Clean Air Act. As reported from the Committee on Transportation and Infrastructure, the provision would require joint action by the Department of Transportation and the Environmental Protection Agency regarding appropriate emission credits for airport projects. The section would also authorize a pilot program to retrofit airport ground equipment at airports located in nonattainment or maintenance areas, as defined in the Clean Air Act.

This provision is within the jurisdiction of the Committee on Energy and Commerce and the Subcommittee on Energy and Air Quality that I am chairman of. I share the broad goals of this provision, but I have some concerns regarding the current legislative language, including the requirement for joint action. While the language indicates provision of the credits should be ''consistent'' with the Clean Air Act, the current construction may be subject to misinterpretation. It may also be in conflict with the present statutory role of the Environmental Protection Agency under the Clean Air Act. Therefore, I would seek the gentleman's assurances that the Energy and Commerce Committee's interests will be protected in conference and that any final legislative language regarding section 521 be subject to the review and concurrence of the committee that I serve on.

Mr. MICA. Mr. Chairman, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Florida.

Mr. MICA. The gentleman has my assurances that this will be the case and that I will work with the gentleman to see that the appropriate changes are made in conference.

Mr. BARTON of Texas. I want to thank the gentleman from Florida for his assurances and look forward to working with him during the upcoming conference.

Mr. MICA. Mr. Chairman, I am pleased in the spirit of bipartisanship, the good spirit in which the legislation has been crafted together with both sides of the aisle, to yield 1 minute to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I thank the very distinguished subcommittee chairman not just for yielding me this time but for the fact that this committee, I understand, has really been pretty fair to the Washington area, because I know the pressure that is on the committee with regard to National Airport, to expand the slots not just incrementally but exponentially because everyone would like the convenience of National Airport and a lot of the airlines would like transcontinental flights.

But we have a very serious concern. I know the chairman knows that, I know the gentleman from Minnesota (Mr. OBERSTAR) is aware of that and the gentleman from Alaska (Mr. YOUNG), all of the people that have been involved in this know that there was an agreement signed back in 1986 where the Washington area took over the financing and operational responsibility for National and Dulles airports. The deal was that the Congress would not micromanage. Yet we do have 20 additional slots here and we have 12 slots that go beyond the 1,250-mile perimeter rule which was a very basic part of that agreement. The gentlewoman from the District of Columbia (Ms. NORTON) and I have a very serious concern with expanding those slots. What we would like at least is an agreement that we will take out the so-called ''come see me'' provision so this would be the end of the slot expansion and we would like to get general aviation opened. I know that the gentleman from Florida (Mr. MICA) has been working on general aviation. It is very important to our economy but important to so many economies throughout the country. It does not make sense to keep general aviation closed.

Mr. MICA. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I want to thank again the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from Oregon (Mr. DEFAZIO), and particularly the gentleman from Alaska (Mr. YOUNG) for their leadership in putting this legislation together. There are a number of difficult issues. I particularly again want to reiterate thanks to the staff who have worked long and hard to bring this measure in rapid order before the House of Representatives.

Mr. Chairman, this is a vital piece of legislation. I think all we have to do is look back on the events of September 11. If you took American aviation for granted, certainly that day was an awakening. Every day since September 11, we have struggled to get back on our feet. We have seen the hundreds of thousands of jobs that have been lost in our economy as a result of damage done not only by the events of September 11 but the struggling difficulties of our major air carriers. We take aviation for granted in this United States. It has provided a magic carpet, a way of life unknown by any people who have ever walked the face of this Earth, but it has become a part of the very fabric of our society. This legislation will set our policy for the next 4 years as far as aviation, so it is very important.

We heard from the gentleman from Virginia and the gentlewoman from the District of Columbia how a closedown in just general aviation has affected the Nation's capital and the areas they represent. We cannot have that anywhere. We are willing to work with them and work with all to make certain that we restore this vital industry, that we restore jobs and that we protect a way of life for the American people. That is, to travel again in a manner in which only we can think about today and only 100 years ago the Wright brothers could dream about.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I rise to voice my concerns over this legislation.

Every few year, we return to the issue of adding slots at Reagan National. Every few years we tinker around with the Washington area airports in ways that congress shouldn't be tinkering.

It might be more convenient for some people to have the flights they want on airlines they want to favor, but these actions have real effects on the economy of my district in ways that I believe are not fully appreciated.

Three airports—Reagan National, Dulles, and Baltimore/Washington, serve Washington, D.C. region. Our region—my district—has developed around the services these airports provide. Along the Reston corridor one can see all the tech firms that have established themselves over recent years. One of the main reasons—one of the main selling points—for these companies to locate in

Northern Virginia was the fact that Dulles airport provided an accessible, convenient transportation hub for flights all over the globe.

It is not a secret that the airline industry is in deep financial trouble. United Airlines, which operates 60 percent of the flights at Dulles, is struggling to emerge from bankruptcy. They are struggling to deal with the fallout from the War in Iraq, SARS, terrorism—and they are facing increased pressure form the bankruptcy court to abandon their Dulles hub. Understand that continuing to divert traffic away from Dulles, especially long-haul traffic, gives more fuel to those who would have United leave Dulles.

I hope you understand why this is so important to me. This isn't solely a debate about noise and increased air traffic, although those are important issues to my constituents as well. It is a debate about continuing to erode the cornerstone of the Northern Virginia high-tech corridor.

That said, it seems a little unfair that if we must continue to add outside-the-perimeter slots at National, that we do not allow U.S. Airways—the airline that has put so many resources into making Reagan National a world-class airport—the opportunity get any of them. U.S. Airways is also an important part of our economy in Northern Virginia. They have done an outstanding job to re-emerge from bankruptcy, and I think it is time we started recognizing the contributions they have made for the National Capital Region.

To close, I would love to see an end to Congressional micromanagement in MWAA affairs. I am hopeful this will eventually happen. Until then, understand the true nature of my opposition to adding more long-haul flights to National.

Mr. COSTELLO. Mr. Chairman, I rise today in support of H.R. 2115, Flight 100, the Century of Aviation Reauthorization Act. This is a good bill and I urge my colleagues to join me in supporting this legislation.

When this Congress passed AIR–21 in 2000, we significantly increased funding for aviation programs, especially the Airport Improvement Program (AIP), in order to increase capacity to help cope with record high aviation traffic and unprecedented delays.

While air traffic has declined in the last three years due to a variety of factors, including the attacks of September 11th, the slumping economy and the SARS outbreak, no one expects these declines to be permanent, and the FAA is forecasting a return to record levels in 2006. Our Nation's aviation infrastructure needs to be prepared for this growth in traffic, and this bill keeps us on track to do so.

Flight 100 authorizes $58.9 billion over four years for the programs and activities of the FAA, including $14.3 billion for FY04. It continues the budgetary protections that allowed us to increase funding in AIR–21, and continues to provide slightly increased annual funding for the AIP program.

In addition, the bill increases the entitlement for cargo airports, prohibits the privatization of air traffic controllers, allows airports to use some of their AIP money to modify terminals to install explosive detection systems, extends the government's ability to offer war-risk insurance until 2007 for domestic flights and increases the amount that airports in the military airport program may use for terminal development, parking lots, fuel farms or hanger construction.

Mr. Chairman, which this bill does not do everything that I would like it to do, overall it continues good aviation policies and will serve to strengthen our aviation infrastructure over the next four years. I urge my colleagues to join me in voting yes for this bill.

Mr. CASE. Mr. Chairman, my purpose in rising today is to highlight the absolute dependence of some parts of our country on air service and thus the absolute importance of the Essential Air Services (EAS) portions of the law and of this bill, and also the necessity as we go forward of avoiding one-size-fits-all thinking when we deal with the problems of our rural communities in providing EAS.

Imagine a district in which air service is truly indispensable to providing the basic necessities, to transporting residents, to providing emergency medical service, and to the survival and prosperity of its number one industry, tourism, and several other important industries like agriculture which are based on exports.

That's Hawaii today, and that's my Second District—a district that has all of Hawaii other than urban Honolulu, and is composed of seven inhabited islands—it's absolutely unique. And let me give an example of how this uniqueness doesn't work with one-size-fits-all thinking. A great deal of EAS discussion concerns how far airports are apart from each other. And both Mr. Peterson and Mr. Pitts are offering amendments today, which I fully support, that deal with ''How far apart are airports?'' Well, the airport on Molokai is somewhere around 40 miles from Honolulu International Airport as the crow flies. Not too far. But guess what—no road. No road, it's on another island. So we've got to think about unique circumstances in designing legislation.

The options are nonexistent for air service on these islands. No driving, no highways, no rail, no trains, no Amtrak subsidies, no ferries—can't do that. It's air, period!

We are also in a very difficult period of adjustment in our interisland air travel. Essentially we've had a duopoly—and one airline is now in bankruptcy so we face the possibility of a monopoly. And fees are increasing rapidly while capacity is decreasing.

We do have EAS designation for three extremely rural airports in Hawaii, and that is very appropriate. But I could easily make the argument that all Hawaii airports—big or small, rural or urban—are essentially EAS airports.

So in conclusion, I simply want to highlight, as this bill goes forward, the absolute necessity of EAS for states like Hawaii, and to say: think about unique circumstances.

Mr. MICA. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill, modified by the amendment printed in part A of House Report 108–146, shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute, as modified, is as follows:

H.R. 2115

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Flight 100—Century of Aviation Reauthorization Act''.

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Amendments to title 49, United States Code.
Sec. 3. Effective date.

TITLE I—AUTHORIZATIONS

Sec. 101. Federal Aviation Administration operations.
Sec. 102. Air navigation facilities and equipment.
Sec. 103. Airport planning and development and noise compatibility planning and programs.
Sec. 104. Additional reauthorizations.
Sec. 105. Insurance.
Sec. 106. Pilot program for innovative financing for terminal automation replacement systems.

TITLE II—AIRPORT PROJECT STREAMLINING

Sec. 201. Short title.
Sec. 202. Findings.
Sec. 203. Promotion of new runways.
Sec. 204. Airport project streamlining.
Sec. 205. Governor's certificate.
Sec. 206. Construction of certain airport capacity projects.
Sec. 207. Limitations.
Sec. 208. Relationship to other requirements.

TITLE III—FEDERAL AVIATION REFORM

Sec. 301. Management advisory committee members.
Sec. 302. Reorganization of the Air Traffic Services Subcommittee.
Sec. 303. Clarification of the responsibilities of the Chief Operating Officer.
Sec. 304. Small Business Ombudsman.
Sec. 305. FAA purchase cards.

TITLE IV—AIRLINE SERVICE IMPROVEMENTS

Sec. 401. Improvement of aviation information collection.
Sec. 402. Data on incidents and complaints involving passenger and baggage security screening.
Sec. 403. Definitions.
Sec. 404. Clarifications to procurement authority.
Sec. 405. Low-emission airport vehicles and ground support equipment.
Sec. 406. Streamlining of the passenger facility fee program.
Sec. 407. Financial management of passenger facility fees.
Sec. 408. Government contracting for air transportation.
Sec. 409. Overflights of national parks.
Sec. 410. Collaborative decisionmaking pilot program.
Sec. 411. Availability of aircraft accident site information.
Sec. 412. Slot exemptions at Ronald Reagan Washington National Airport.
Sec. 413. Notice concerning aircraft assembly.
Sec. 414. Special rule to promote air service to small communities.
Sec. 415. Small community air service.
Sec. 416. Type certificates.
Sec. 417. Design organization certificates.
Sec. 418. Counterfeit or fraudulently represented parts violations.
Sec. 419. Runway safety standards.
Sec. 420. Availability of maintenance information.
Sec. 421. Certificate actions in response to a security threat.
Sec. 422. Flight attendant certification.
Sec. 423. Civil penalty for closure of an airport without providing sufficient notice.
Sec. 424. Noise exposure maps.

Sec. 425. Amendment of general fee schedule provision.
Sec. 426. Improvement of curriculum standards for aviation maintenance technicians.
Sec. 427. Task force on future of air transportation system.
Sec. 428. Air quality in aircraft cabins.
Sec. 429. Recommendations concerning travel agents.
Sec. 430. Task force on enhanced transfer of applications of technology for military aircraft to civilian aircraft.
Sec. 431. Reimbursement for losses incurred by general aviation entities.
Sec. 432. Impasse procedures for National Association of Air Traffic Specialists.
Sec. 433. FAA inspector training.
Sec. 434. Prohibition on air traffic control privatization.
Sec. 435. Airfares for members of the Armed Forces.
Sec. 436. Air carriers required to honor tickets for suspended air service.
Sec. 437. International air show.
Sec. 438. Definition of air traffic controller.
Sec. 439. Justification for air defense identification zone.
Sec. 440. International air transportation.
Sec. 441. Reimbursement of air carriers for certain screening and related activities.
Sec. 442. General aviation flights at Ronald Reagan Washington National Airport.

TITLE V—AIRPORT DEVELOPMENT

Sec. 501. Definitions.
Sec. 502. Replacement of baggage conveyor systems.
Sec. 503. Security costs at small airports.
Sec. 504. Withholding of program application approval.
Sec. 505. Runway safety areas.
Sec. 506. Disposition of land acquired for noise compatibility purposes.
Sec. 507. Grant assurances.
Sec. 508. Allowable project costs.
Sec. 509. Apportionments to primary airports.
Sec. 510. Cargo airports.
Sec. 511. Considerations in making discretionary grants.
Sec. 512. Flexible funding for nonprimary airport apportionments.
Sec. 513. Use of apportioned amounts.
Sec. 514. Military airport program.
Sec. 515. Terminal development costs.
Sec. 516. Contract towers.
Sec. 517. Airport safety data collection.
Sec. 518. Airport privatization pilot program.
Sec. 519. Innovative financing techniques.
Sec. 520. Airport security program.
Sec. 521. Low-emission airport vehicles and infrastructure.
Sec. 522. Compatible land use planning and projects by State and local governments.
Sec. 523. Prohibition on requiring airports to provide rent-free space for Federal Aviation Administration.
Sec. 524. Midway Island Airport.

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

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3. EFFECTIVE DATE.

Except as otherwise expressly provided, this Act and the amendments made by this Act shall be effective on the date of enactment of this Act.

TITLE I—AUTHORIZATIONS

SEC. 101. FEDERAL AVIATION ADMINISTRATION OPERATIONS.

(a) IN GENERAL.—Section 106(k) is amended to read as follows:

''(k) AUTHORIZATION OF APPROPRIATIONS.—

''(1) SALARIES, OPERATIONS, AND MAINTENANCE.—There is authorized to be appropriated to the Secretary of Transportation for salaries, operations, and maintenance of the Administration—

''(A) $7,591,000,000 for fiscal year 2004;
''(B) $7,732,000,000 for fiscal year 2005;
''(C) $7,889,000,000 for fiscal year 2006; and
''(D) $8,064,000,000 for fiscal year 2007.

Such sums shall remain available until expended.

''(2) OPERATION OF CENTER FOR MANAGEMENT AND DEVELOPMENT.—Out of amounts appropriated under paragraph (1), such sums as may be necessary may be expended by the Center for Management Development of the Federal Aviation Administration to operate at least 200 courses each year and to support associated student travel for both residential and field courses.

''(3) AIR TRAFFIC MANAGEMENT SYSTEM.—Out of amounts appropriated under paragraph (1), such sums as may be necessary may be expended by the Federal Aviation Administration for the establishment and operation of a new office to develop, in coordination with the Department of Defense, the National Aeronautics and Space Administration, and the Department of Homeland Security, the next generation air traffic management system and a transition plan for the implementation of that system. The office shall be known as the 'Next Generation Air Transportation System Joint Program Office'.

''(4) HELICOPTER AND TILTROTOR PROCEDURES.—Out of amounts appropriated under paragraph (1), such sums as may be necessary may be expended by the Federal Aviation Administration for the establishment of helicopter and tiltrotor approach and departure procedures using advanced technologies, such as the Global Positioning System and automatic dependent surveillance, to permit operations in adverse weather conditions to meet the needs of air ambulance services.

''(5) ADDITIONAL AIR TRAFFIC CONTROLLERS.—Out of amounts appropriated under paragraph (1), such sums as may be necessary may be expended to hire additional air traffic controllers in order to meet increasing air traffic demands and to address the anticipated increase in the retirement of experienced air traffic controllers.

''(6) COMPLETION OF ALASKA AVIATION SAFETY PROJECT.—Out of amounts appropriated under paragraph (1), $6,000,000 may be expended for the completion of the Alaska aviation safety project with respect to the 3 dimensional mapping of Alaska's main aviation corridors.

''(7) AVIATION SAFETY REPORTING SYSTEM.—Out of amounts appropriated under paragraph (1), $3,400,000 may be expended on the Aviation Safety Reporting System.''.

(b) AIRLINE DATA AND ANALYSIS.—There is authorized to be appropriated to the Secretary of Transportation, out of the Airport and Airway Trust Fund established by section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502), $3,971,000 for fiscal year 2004, $4,045,000 for fiscal year 2005, $4,127,000 for fiscal year 2006, and $4,219,000 for fiscal year 2007 to gather airline data and conduct analyses of such data in the Bureau of Transportation Statistics of the Department of Transportation.

(c) HUMAN CAPITAL WORKFORCE STRATEGY.—

(1) DEVELOPMENT.—The Administrator of the Federal Aviation Administration shall develop a comprehensive human capital workforce strategy to determine the most effective method for addressing the need for more air traffic controllers that is called for in the June 2002 report of the General Accounting Office.

(2) COMPLETION DATE.—The Administrator shall complete development of the strategy not later than 1 year after the date of enactment of this Act.

(3) REPORT.—Not later than 30 days after the date on which the strategy is completed, the Administrator shall transmit to Congress a report describing the strategy.

(d) GOALS AND OBJECTIVES OF AVIATION SAFETY REPORTING SYSTEM.—Not later than 90 days after the date of enactment of this Act, the Administrator shall transmit to Congress a report on the long-term goals and objectives of the Aviation Safety Reporting System and how such system interrelates with other safety reporting systems of the Federal Government.

SEC. 102. AIR NAVIGATION FACILITIES AND EQUIPMENT.

Section 48101 is amended—

(1) in subsection (a) by striking paragraphs (1) through (5) and inserting the following:

''(1) $3,138,000,000 for fiscal year 2004;
''(2) $2,993,000,000 for fiscal year 2005;
''(3) $3,053,000,000 for fiscal year 2006; and
''(4) $3,110,000,000 for fiscal year 2007.'';

(2) by striking subsection (b);

(3) by redesignating (c) as subsection (b);

(4) by striking subsections (d) and (e) and inserting the following:

''(c) ENHANCED SAFETY AND SECURITY FOR AIRCRAFT OPERATIONS IN THE GULF OF MEXICO.—Of amounts appropriated under subsection (a), such sums as may be necessary for fiscal years 2004 through 2007 may be used to expand and improve the safety, efficiency, and security of air traffic control, navigation, low altitude communications and surveillance, and weather services in the Gulf of Mexico.

''(d) OPERATIONAL BENEFITS OF WAKE VORTEX ADVISORY SYSTEM.—Of amounts appropriated under subsection (a), $20,000,000 for each of fiscal years 2004 through 2007 may be used to document and demonstrate the operational benefits of a wake vortex advisory system.

''(e) GROUND-BASED PRECISION NAVIGATIONAL AIDS.—Of amounts appropriated under subsection (a), $20,000,000 for each of fiscal years 2004 to 2007 may be used to establish a program for the installation, operation, and maintenance of a closed-loop precision approach aid designed to improve aircraft accessibility at mountainous airports with limited land if the approach aid is able to provide curved and segmented approach guidance for noise abatement purposes and has been certified or approved by the Administrator.''; and

(5) in subsection (f)—

(A) by striking ''for fiscal years beginning after September 30, 2000''; and

(B) by inserting ''may be used'' after ''necessary''.

SEC. 103. AIRPORT PLANNING AND DEVELOPMENT AND NOISE COMPATIBILITY PLANNING AND PROGRAMS.

(a) AUTHORIZATION.—Section 48103 is amended—

(1) by striking ''September 30, 1998'' and inserting ''September 30, 2003''; and

(2) by striking paragraphs (1) through (5) and inserting:

''(1) $3,400,000,000 for fiscal year 2004;
''(2) $3,600,000,000 for fiscal year 2005;
''(3) $3,800,000,000 for fiscal year 2006; and
''(4) $4,000,000,000 for fiscal year 2007.''.

(b) OBLIGATIONAL AUTHORITY.—Section 47104(c) is amended by striking ''September 30, 2003'' and inserting ''September 30, 2007''.

SEC. 104. ADDITIONAL REAUTHORIZATIONS.

(a) CONTRACT AIR TRAFFIC CONTROL TOWER PILOT PROGRAM.—Section 47124(b)(3)(E) is amended by striking ''$6,000,000 per fiscal year'' and inserting ''$6,500,000 for fiscal year 2004, $7,000,000 for fiscal year 2005, $7,500,000 for fiscal year 2006, and $8,000,000 for fiscal year 2007''.

(b) SMALL COMMUNITY AIR SERVICE.—Section 41743(e)(2) is amended—

(1) by striking ''and'' the first place it appears and inserting a comma; and

(2) by inserting after ''2003'' the following '', and $35,000,000 for each of fiscal years 2004 through 2008''.

(c) REGIONAL AIR SERVICE INCENTIVE PROGRAM.—Section 41766 is amended by striking ''2003'' and inserting ''2007''.

(d) FUNDING FOR AVIATION PROGRAMS.—Section 106 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (49 U.S.C. 48101 note) is amended by striking ''2003'' each place it appears and inserting ''2007''.

(e) DESIGN-BUILD CONTRACTING.—Section 139(e) of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (49 U.S.C. 47104 note) is amended by striking ''2003'' and inserting ''2007''.

(f) METROPOLITAN WASHINGTON AIRPORTS AUTHORITY.—Section 49108 is amended by striking ''2004'' and inserting ''2007''.

SEC. 105. INSURANCE.

(a) TERMINATION.—Section 44310 is amended to read as follows:

''§ 44310. Termination date

''Effective December 31, 2007, the authority of the Secretary of Transportation to provide insurance and reinsurance under this chapter shall be limited to—

''(1) the operation of an aircraft by an air carrier or foreign air carrier in foreign air commerce or between at least 2 points, all of which are outside the United States; and

''(2) insurance obtained by a department, agency, or instrumentality of the United States under section 44305.''.

(b) EXTENSION OF POLICIES.—Section 44302(f)(1) is amended by striking ''through December 31, 2004,'' and inserting ''thereafter''.

(c) AIRCRAFT MANUFACTURER LIABILITY FOR THIRD PARTY CLAIMS ARISING OUT OF ACTS OF TERRORISM.—Section 44303(b) is amended by adding at the end the following: ''The Secretary may extend the provisions of this subsection to the United States manufacturer (as defined in section 44310) of the aircraft of the air carrier involved.''.

(d) VENDORS, AGENTS, SUBCONTRACTORS, AND MANUFACTURERS.—

(1) IN GENERAL.—Chapter 443 is amended—

(A) by redesignating section 44310 (as amended by subsection (a) of this section) as section 44311; and

(B) by inserting after section 44309 the following:

''§ 44310. Vendors, agents, subcontractors, and manufacturers

''(a) IN GENERAL.—The Secretary of Transportation may extend the application of any provision of this chapter to a loss by a vendor, agent, and subcontractor of an air carrier and a United States manufacturer of an aircraft used by an air carrier but only to the extent that the loss involved an aircraft of an air carrier.

''(b) UNITED STATES MANUFACTURER DEFINED.—In this section, the term 'United States manufacturer' means a manufacturer incorporated under the laws of a State of the United States and having its principal place of business in the United States.''.

(2) CONFORMING AMENDMENT.—The analysis for chapter 443 is amended by striking the item relating to section 44310 and inserting the following:

''44310. Vendors, agents, subcontractors, and manufacturers.
''44311. Termination date.''.

(e) TECHNICAL CORRECTIONS.—Effective November 19, 2001, section 124(b) of the Aviation and Transportation Security Act (115 Stat. 631) is amended by striking ''to carry out foreign policy'' and inserting ''to carry out the foreign policy''.

SEC. 106. PILOT PROGRAM FOR INNOVATIVE FINANCING FOR TERMINAL AUTOMATION REPLACEMENT SYSTEMS.

(a) IN GENERAL.—In order to test the cost-effectiveness and feasibility of long-term financing of modernization of major air traffic control systems, the Administrator of the Federal Aviation Administration may establish a pilot program to test innovative financing techniques through amending a contract, subject to section 1341 of title 31, United States Code, of more than one, but not more than 20, fiscal years to purchase and install terminal automation replacement systems for the Administration. Such amendments may be for more than one, but not more than 10 fiscal years.

(b) CANCELLATION.—A contract described in subsection (a) may include a cancellation provision if the Administrator determines that such a provision is necessary and in the best interest of the United States. Any such provision shall include a cancellation liability schedule that covers reasonable and allocable costs incurred by the contractor through the date of cancellation plus reasonable profit, if any, on those costs. Any such provision shall not apply if the contract is terminated by default of the contractor.

(c) CONTRACT PROVISIONS.—If feasible and practicable for the pilot program, the Administrator may make an advance contract provision to achieve economic-lot purchases and more efficient production rates.

(d) LIMITATION.—The Administrator may not amend a contract under this section until the program for the terminal automation replacement systems has been rebaselined in accordance with the acquisition management system of the Administration.

(e) ANNUAL REPORTS.—At the end of each fiscal year during the term of the pilot program, the Administrator shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on how the Administrator has implemented in such fiscal year the pilot program, the number and types of contracts or contract amendments that are entered into under the program, and the program's cost-effectiveness.

(f) FUNDING.—Out of amounts appropriated under section 48101 for fiscal year 2004, $200,000,000 shall be used to carry out this section.

TITLE II—AIRPORT PROJECT STREAMLINING

SEC. 201. SHORT TITLE.

This title may be cited as the ''Airport Streamlining Approval Process Act of 2003''.

SEC. 202. FINDINGS.

Congress finds that—

(1) airports play a major role in interstate and foreign commerce;

(2) congestion and delays at our Nation's major airports have a significant negative impact on our Nation's economy;

(3) airport capacity enhancement projects at congested airports are a national priority and should be constructed on an expedited basis;

(4) airport capacity enhancement projects must include an environmental review process that provides local citizenry an opportunity for consideration of and appropriate action to address environmental concerns; and

(5) the Federal Aviation Administration, airport authorities, communities, and other Federal, State, and local government agencies must work together to develop a plan, set and honor milestones and deadlines, and work to protect the environment while sustaining the economic vitality that will result from the continued growth of aviation.

SEC. 203. PROMOTION OF NEW RUNWAYS.

Section 40104 is amended by adding at the end the following:

''(c) AIRPORT CAPACITY ENHANCEMENT PROJECTS AT CONGESTED AIRPORTS.—In carrying out subsection (a), the Administrator shall take action to encourage the construction of airport capacity enhancement projects at congested airports as those terms are defined in section 47178.''.

SEC. 204. AIRPORT PROJECT STREAMLINING.

(a) IN GENERAL.—Chapter 471 is amended by inserting after section 47153 the following:

''SUBCHAPTER III—AIRPORT PROJECT STREAMLINING

''§ 47171. DOT as lead agency

''(a) AIRPORT PROJECT REVIEW PROCESS.—The Secretary of Transportation shall develop and implement a coordinated review process for airport capacity enhancement projects at congested airports.

''(b) COORDINATED REVIEWS.—

''(1) IN GENERAL.—The coordinated review process under this section shall provide that all environmental reviews, analyses, opinions, permits, licenses, and approvals that must be issued or made by a Federal agency or airport sponsor for an airport capacity enhancement project at a congested airport will be conducted concurrently, to the maximum extent practicable, and completed within a time period established by the Secretary, in cooperation with the agencies identified under subsection (c) with respect to the project.

''(2) AGENCY PARTICIPATION.—Each Federal agency identified under subsection (c) shall formulate and implement administrative, policy, and procedural mechanisms to enable the agency to ensure completion of environmental reviews, analyses, opinions, permits, licenses, and approvals described in paragraph (1) in a timely and environmentally responsible manner.

''(c) IDENTIFICATION OF JURISDICTIONAL AGENCIES.—With respect to each airport capacity enhancement project at a congested airport, the Secretary shall identify, as soon as practicable, all Federal and State agencies that may have jurisdiction over environmental-related matters that may be affected by the project or may be required by law to conduct an environmental-related review or analysis of the project or determine whether to issue an environmental-related permit, license, or approval for the project.

''(d) STATE AUTHORITY.—If a coordinated review process is being implemented under this section by the Secretary with respect to a project at an airport within the boundaries of a State, the State, consistent with State law, may choose to participate in such process and provide that all State agencies that have jurisdiction over environmental-related matters that may be affected by the project or may be required by law to conduct an environmental-related review or analysis of the project or determine whether to issue an environmental-related permit, license, or approval for the project, be subject to the process.

''(e) MEMORANDUM OF UNDERSTANDING.—The coordinated review process developed under this section may be incorporated into a memorandum of understanding for a project between the Secretary and the heads of other Federal and State agencies identified under subsection (c) with respect to the project and the airport sponsor.

''(f) EFFECT OF FAILURE TO MEET DEADLINE.—

''(1) NOTIFICATION OF CONGRESS AND CEQ.—If the Secretary determines that a Federal agency, State agency, or airport sponsor that is participating in a coordinated review process under this section with respect to a project has not met a deadline established under subsection (b) for the project, the Secretary shall notify, within 30 days of the date of such determination, the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, the Council on Environmental Quality, and the agency or sponsor involved about the failure to meet the deadline.

''(2) AGENCY REPORT.—Not later than 30 days after date of receipt of a notice under paragraph (1), the agency or sponsor involved shall submit a report to the Secretary, the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Council on Environmental Quality explaining why the agency or sponsor did not meet the deadline and what actions it intends to take to

complete or issue the required review, analysis, opinion, permit, license, or approval.

''(g) PURPOSE AND NEED.—For any environmental review, analysis, opinion, permit, license, or approval that must be issued or made by a Federal or State agency that is participating in a coordinated review process under this section with respect to an airport capacity enhancement project at a congested airport and that requires an analysis of purpose and need for the project, the agency, notwithstanding any other provision of law, shall be bound by the project purpose and need as defined by the Secretary.

''(h) ALTERNATIVES ANALYSIS.—The Secretary shall determine the reasonable alternatives to an airport capacity enhancement project at a congested airport. Any other Federal or State agency that is participating in a coordinated review process under this section with respect to the project shall consider only those alternatives to the project that the Secretary has determined are reasonable.

''(i) SOLICITATION AND CONSIDERATION OF COMMENTS.—In applying subsections (g) and (h), the Secretary shall solicit and consider comments from interested persons and governmental entities.

''(j) MONITORING BY TASK FORCE.—The Transportation Infrastructure Streamlining Task Force, established by Executive Order 13274 (67 Fed. Reg. 59449; relating to environmental stewardship and transportation infrastructure project reviews), may monitor airport projects that are subject to the coordinated review process under this section.

''§ 47172. Categorical exclusions

''Not later than 120 days after the date of enactment of this section, the Secretary of Transportation shall develop and publish a list of categorical exclusions from the requirement that an environmental assessment or an environmental impact statement be prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for projects at airports.

''§ 47173. Access restrictions to ease construction

''At the request of an airport sponsor for a congested airport, the Secretary of Transportation may approve a restriction on use of a runway to be constructed at the airport to minimize potentially significant adverse noise impacts from the runway only if the Secretary determines that imposition of the restriction—

''(1) is necessary to mitigate those impacts and expedite construction of the runway;

''(2) is the most appropriate and a cost-effective measure to mitigate those impacts, taking into consideration any environmental tradeoffs associated with the restriction; and

''(3) would not adversely affect service to small communities, adversely affect safety or efficiency of the national airspace system, unjustly discriminate against any class of user of the airport, or impose an undue burden on interstate or foreign commerce.

''§ 47174. Airport revenue to pay for mitigation

''(a) IN GENERAL.—Notwithstanding section 47107(b), section 47133, or any other provision of this title, the Secretary of Transportation may allow an airport sponsor carrying out an airport capacity enhancement project at a congested airport to make payments, out of revenues generated at the airport (including local taxes on aviation fuel), for measures to mitigate the environmental impacts of the project if the Secretary finds that—

''(1) the mitigation measures are included as part of, or support, the preferred alternative for the project in the documentation prepared pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

''(2) the use of such revenues will provide a significant incentive for, or remove an impediment to, approval of the project by a State or local government; and

''(3) the cost of the mitigation measures is reasonable in relation to the mitigation that will be achieved.

''(b) MITIGATION OF AIRCRAFT NOISE.—Mitigation measures described in subsection (a) may include the insulation of residential buildings and buildings used primarily for educational or medical purposes to mitigate the effects of aircraft noise and the improvement of such buildings as required for the insulation of the buildings under local building codes.

''§ 47175. Airport funding of FAA staff

''(a) ACCEPTANCE OF SPONSOR-PROVIDED FUNDS.—Notwithstanding any other provision of law, the Administrator of the Federal Aviation Administration may accept funds from an airport sponsor, including funds provided to the sponsor under section 47114(c), to hire additional staff or obtain the services of consultants in order to facilitate the timely processing, review, and completion of environmental activities associated with an airport development project.

''(b) ADMINISTRATIVE PROVISION.—Instead of payment from an airport sponsor from funds apportioned to the sponsor under section 47114, the Administrator, with agreement of the sponsor, may transfer funds that would otherwise be apportioned to the sponsor under section 47114 to the account used by the Administrator for activities described in subsection (a).

''(c) RECEIPTS CREDITED AS OFFSETTING COLLECTIONS.—Notwithstanding section 3302 of title 31, any funds accepted under this section, except funds transferred pursuant to subsection (b)—

''(1) shall be credited as offsetting collections to the account that finances the activities and services for which the funds are accepted;

''(2) shall be available for expenditure only to pay the costs of activities and services for which the funds are accepted; and

''(3) shall remain available until expended.

''(d) MAINTENANCE OF EFFORT.—No funds may be accepted pursuant to subsection (a), or transferred pursuant to subsection (b), in any fiscal year in which the Federal Aviation Administration does not allocate at least the amount it expended in fiscal year 2002, excluding amounts accepted pursuant to section 337 of the Department of Transportation and Related Agencies Appropriations Act, 2002 (115 Stat. 862), for the activities described in subsection (a).

''§ 47176. Authorization of appropriations

''In addition to the amounts authorized to be appropriated under section 106(k), there is authorized to be appropriated to the Secretary of Transportation, out of the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502), $4,200,000 for fiscal year 2004 and for each fiscal year thereafter to facilitate the timely processing, review, and completion of environmental activities associated with airport capacity enhancement projects at congested airports.

''§ 47177. Designation of aviation safety and aviation security projects for priority environmental review

''(a) IN GENERAL.—The Administrator of the Federal Aviation Administration may designate an aviation safety or aviation security project for priority environmental review. The Administrator may not delegate this designation authority.

''(b) PROJECT DESIGNATION CRITERIA.—The Administrator shall establish guidelines for the designation of an aviation safety or aviation security project for priority environmental review. Such guidelines shall include consideration of—

''(1) the importance or urgency of the project;

''(2) the potential for undertaking the environmental review under existing emergency procedures under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

''(3) the need for cooperation and concurrent reviews by other Federal or State agencies; and

''(4) the prospect for undue delay if the project is not designated for priority review.

''(c) COORDINATED ENVIRONMENTAL REVIEWS.—

''(1) TIMELINES AND HIGH PRIORITY FOR COORDINATED ENVIRONMENTAL REVIEWS.—The Administrator, in consultation with the heads of affected agencies, shall establish specific timelines for the coordinated environmental review of an aviation safety or aviation security project designated under subsection (a). Such timelines shall be consistent with the timelines established in existing laws and regulations. Each Federal agency with responsibility for project environmental reviews, analyses, opinions, permits, licenses, and approvals shall accord any such review a high priority and shall conduct the review expeditiously and, to the maximum extent possible, concurrently with other such reviews.

''(2) AGENCY PARTICIPATION.—Each Federal agency identified under subsection (c) shall formulate and implement administrative, policy, and procedural mechanisms to enable the agency to ensure completion of environmental reviews, analyses, opinions, permits, licenses, and approvals described in paragraph (1) in a timely and environmentally responsible manner.

''(d) STATE PARTICIPATION.—

''(1) INVITATION TO PARTICIPATE.—If a priority environmental review process is being implemented under this section with respect to a project within the boundaries of a State with applicable State environmental requirements and approvals, the Administrator shall invite the State to participate in the process.

''(2) STATE CHOICE.—A State invited to participate in a priority environmental review process, consistent with State law, may choose to participate in such process and direct that all State agencies, which have jurisdiction by law to conduct an environmental review or analysis of the project to determine whether to issue an environmentally related permit, license, or approval for the project, be subject to the process.

''(e) FAILURE TO GIVE PRIORITY REVIEW.—

''(1) NOTICE.—If the Secretary of Transportation determines that a Federal agency or a participating State is not complying with the requirements of this section and that such noncompliance is undermining the environmental review process, the Secretary shall notify, within 30 days of such determination, the head of the Federal agency or, with respect to a State agency, the Governor of the State.

''(2) REPORT TO SECRETARY.—A Federal agency that receives a copy of a notification relating to that agency made by the Secretary under paragraph (1) shall submit, within 30 days after receiving such copy, a written report to the Secretary explaining the reasons for the situation described in the notification and what remedial actions the agency intends to take.

''(3) NOTIFICATION OF CEQ AND COMMITTEES.—If the Secretary determines that a Federal agency has not satisfactorily addressed the problems within a reasonable period of time following a notification under paragraph (1), the Secretary shall notify the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science and Transportation of the Senate, and the Council on Environmental Quality.

''(f) PROCEDURAL PROVISIONS.—The procedures set forth in subsections (c), (e), (g), (h), and (i) of section 47171 shall apply with respect to an aviation safety or aviation security project under this section in the same manner and to the same extent as such procedures apply to an airport capacity enhancement project at a congested airport under section 47171.

''(g) DEFINITIONS.—In this section, the following definitions apply:

''(1) AVIATION SAFETY PROJECT.—The term 'aviation safety project' means an aviation project that—

''(A) has as its primary purpose reducing the risk of injury to persons or damage to aircraft

and property, as determined by the Administrator; and

''(B)(i) is needed to respond to a recommendation from the National Transportation Safety Board; or

''(ii) is necessary for an airport to comply with part 139 of title 14, Code of Federal Regulations (relating to airport certification).

''(2) AVIATION SECURITY PROJECT.—The term 'aviation security project' means a security project at an airport required by the Department of Homeland Security.

''(3) FEDERAL AGENCY.—The term 'Federal agency' means a department or agency of the United States Government.

''§ 47178. Definitions

''In this subchapter, the following definitions apply:

''(1) AIRPORT SPONSOR.—The term 'airport sponsor' has the meaning given the term 'sponsor' under section 47102.

''(2) CONGESTED AIRPORT.—The term 'congested airport' means an airport that accounted for at least 1 percent of all delayed aircraft operations in the United States in the most recent year for which such data is available and an airport listed in table 1 of the Federal Aviation Administration's Airport Capacity Benchmark Report 2001.

''(3) AIRPORT CAPACITY ENHANCEMENT PROJECT.—The term 'airport capacity enhancement project' means—

''(A) a project for construction or extension of a runway, including any land acquisition, taxiway, or safety area associated with the runway or runway extension; and

''(B) such other airport development projects as the Secretary may designate as facilitating a reduction in air traffic congestion and delays.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 471 of such title is amended by adding at the end the following:

''SUBCHAPTER III—AIRPORT PROJECT STREAMLINING

''47171. DOT as lead agency.
''47172. Categorical exclusions.
''47173. Access restrictions to ease construction.
''47174. Airport revenue to pay for mitigation.
''47175. Airport funding of FAA staff.
''47176. Authorization of appropriations.
''47177. Designation of aviation safety and aviation security projects for priority environmental review.
''47178. Definitions.''.

SEC. 205. GOVERNOR'S CERTIFICATE.

Section 47106(c) of title 49, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting ''and'' after the semicolon at the end of subparagraph (A)(ii);

(B) by striking subparagraph (B); and

(C) by redesignating subparagraph (C) as subparagraph (B);

(2) in paragraph (2)(A) by striking ''stage 2'' and inserting ''stage 3'';

(3) by striking paragraph (4); and

(4) by redesignating paragraph (5) as paragraph (4).

SEC. 206. CONSTRUCTION OF CERTAIN AIRPORT CAPACITY PROJECTS.

Section 47504(c)(2) of title 49, United States Code, is amended—

(1) by moving subparagraphs (C) and (D) 2 ems to the right;

(2) by striking ''and'' at the end of subparagraph (C);

(3) by striking the period at the end of subparagraph (D) and inserting ''; and''; and

(4) by adding at the end the following:

''(E) to an airport operator of a congested airport (as defined in section 47178) and a unit of local government referred to in paragraph (1)(B) of this subsection to carry out a project to mitigate noise in the area surrounding the airport if the project is included as a commitment in a record of decision of the Federal Aviation Administration for an airport capacity enhancement project (as defined in section 47178) even if that airport has not met the requirements of part 150 of title 14, Code of Federal Regulations.''.

SEC. 207. LIMITATIONS.

Nothing in this title, including any amendment made by this title, shall preempt or interfere with—

(1) any practice of seeking public comment;

(2) any power, jurisdiction, or authority that a State agency or an airport sponsor has with respect to carrying out an airport capacity enhancement project; and

(3) any obligation to comply with the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4371 et seq.) and the regulations issued by the Council on Environmental Quality to carry out such Act.

SEC. 208. RELATIONSHIP TO OTHER REQUIREMENTS.

The coordinated review process required under the amendments made by this title shall apply to an airport capacity enhancement project at a congested airport whether or not the project is designated by the Secretary of Transportation as a high-priority transportation infrastructure project under Executive Order 13274 (67 Fed. Reg. 59449; relating to environmental stewardship and transportation infrastructure project reviews).

TITLE III—FEDERAL AVIATION REFORM

SEC. 301. MANAGEMENT ADVISORY COMMITTEE MEMBERS.

Section 106(p) is amended—

(1) in the subsection heading by inserting ''AND AIR TRAFFIC SERVICES BOARD'' after ''COUNCIL''; and

(2) in paragraph (2)—

(A) by striking ''consist of'' and all that follows through ''members, who'' and inserting ''consist of 13 members, who'';

(B) by inserting after ''Senate'' in subparagraph (C)(i) '', except that initial appointments made after May 1, 2003, shall be made by the Secretary of Transportation'';

(C) by striking the semicolon at the end of subparagraph (C)(ii) and inserting ''; and''; and

(D) by striking ''employees, by—'' in subparagraph (D) and all that follows through the period at the end of subparagraph (E) and inserting ''employees, by the Secretary of Transportation.''.

SEC. 302. REORGANIZATION OF THE AIR TRAFFIC SERVICES SUBCOMMITTEE.

Section 106(p) is amended—

(1) in paragraph (3)—

(A) by striking ''(A) NO FEDERAL OFFICER OR EMPLOYEE.—'';

(B) by striking ''or (2)(E)'' and inserting ''or to the Air Traffic Services Board''; and

(C) by striking subparagraphs (B) and (C);

(2) in paragraph (4)(C) by inserting ''or Air Traffic Services Board'' after ''Council'' each place it appears;

(3) in paragraph (5) by inserting '', the Air Traffic Services Board,'' after ''Council'';

(4) in paragraph (6)(C)—

(A) by striking ''SUBCOMMITTEE'' in the subparagraph heading and inserting ''BOARD'';

(B) by striking ''member'' and inserting ''members'';

(C) by striking ''under paragraph (2)(E)'' the first place it appears and inserting ''to the Air Traffic Services Board''; and

(D) by striking ''of the members first'' and all that follows through the period at the end and inserting ''the first members of the Board shall be the members of the Air Traffic Services Subcommittee of the Council on the day before the date of enactment of the Flight 100—Century of Aviation Reauthorization Act who shall serve as members of the Board until their respective terms as members of the Subcommittee would have ended under this subparagraph, as in effect on such day.'';

(5) in paragraph (6)(D) by striking ''under paragraph (2)(E)'' and inserting ''to the Board'';

(6) in paragraph (6)(E) by inserting ''or Board'' after ''Council'';

(7) in paragraph (6)(F) by inserting ''of the Council or Board'' after ''member'';

(8) in the second sentence of subparagraph (6)(G)—

(A) by striking ''Council'' and inserting ''Board''; and

(B) by striking ''appointed under paragraph (2)(E)'';

(9) in paragraph (6)(H)—

(A) by striking ''SUBCOMMITTEE'' in the subparagraph heading and inserting ''BOARD'';

(B) by striking ''under paragraph (2)(E)'' in clause (i) and inserting ''to the Board''; and

(C) by striking ''Air Traffic Services Subcommittee'' and inserting ''Board'';

(10) in paragraph (6)(I)(i)—

(A) by striking ''appointed under paragraph (2)(E) is'' and inserting ''is serving as''; and

(B) by striking ''Subcommittee'' and inserting ''Board'';

(11) in paragraph (6)(I)(ii)—

(A) by striking ''appointed under paragraph (2)(E)'' and inserting ''who is a member of the Board''; and

(B) by striking ''Subcommittee'' and inserting ''Board'';

(12) in paragraph (6)(K) by inserting ''or Board'' after ''Council'';

(13) in paragraph (6)(L) by inserting ''or Board'' after ''Council'' each place it appears; and

(14) in paragraph (7)—

(A) by striking ''SUBCOMMITTEE'' in the paragraph heading and inserting ''BOARD'';

(B) by striking subparagraph (A) and inserting the following:

''(A) ESTABLISHMENT.—The Administrator shall establish a board that is independent of the Council by converting the Air Traffic Services Subcommittee of the Council, as in effect on the day before the date of enactment of the Flight 100—Century of Aviation Reauthorization Act, into such board. The board shall be known as the Air Traffic Services Board (in this subsection referred to as the 'Board').'';

(C) by redesignating subparagraphs (B) through (F) as subparagraphs (D) through (H), respectively;

(D) by inserting after subparagraph (A) the following:

''(B) MEMBERSHIP AND QUALIFICATIONS.—Subject to paragraph (6)(C), the Board shall consist of 5 members, one of whom shall be the Administrator and shall serve as chairperson. The remaining members shall be appointed by the President with the advice and consent of the Senate and—

''(i) shall have a fiduciary responsibility to represent the public interest;

''(ii) shall be citizens of the United States; and

''(iii) shall be appointed without regard to political affiliation and solely on the basis of their professional experience and expertise in one or more of the following areas and, in the aggregate, should collectively bring to bear expertise in all of the following areas:

''(I) Management of large service organizations.

''(II) Customer service.

''(III) Management of large procurements.

''(IV) Information and communications technology.

''(V) Organizational development.

''(VI) Labor relations.

''(C) PROHIBITIONS ON MEMBERS OF BOARD.—No member of the Board may—

''(i) have a pecuniary interest in, or own stock in or bonds of, an aviation or aeronautical enterprise, except an interest in a diversified mutual fund or an interest that is exempt from the application of section 208 of title 18;

''(ii) engage in another business related to aviation or aeronautics; or

''(iii) be a member of any organization that engages, as a substantial part of its activities, in activities to influence aviation-related legislation.'';

(E) by striking ''Subcommittee'' each place it appears in subparagraphs (D) and (E) (as redesignated by subparagraph (C) of this paragraph) and inserting ''Board'';

(F) by striking ''approve'' in subparagraph (E)(v)(I) (as so redesignated) and inserting ''make recommendations on'';

(G) by striking ''request'' in subparagraph (E)(v)(II) (as so redesignated) and inserting ''recommendations'';

(H) by striking ''ensure that the budget request supports'' in subparagraph (E)(v)(III) (as so redesignated) and inserting ''base such budget recommendations on'';

(I) by striking ''The Secretary shall submit'' in subparagraph (E) (as so redesignated) and all that follows through the period at the end of such subparagraph (E) and inserting ''The Secretary shall submit the budget recommendations referred to in clause (v) to the President who shall transmit such recommendations to the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate together with the annual budget request of the Federal Aviation Administration.'';

(J) by striking subparagraph (F) (as so redesignated) and inserting the following:

''(F) BOARD PERSONNEL MATTERS.—The Board may appoint and terminate any personnel that may be necessary to enable the Board to perform its duties, and may procure temporary and intermittent services under section 40122.'';

(K) in subparagraph (G) (as so redesignated)—

(i) by striking clause (i);

(ii) by redesignating clauses (ii), (iii), and (iv) as clauses (i), (ii), and (iii), respectively; and

(iii) by striking ''Subcommittee'' each place it appears in clauses (i), (ii), and (iii) (as so redesignated) and inserting ''Board'';

(L) in subparagraph (H) (as so redesignated)—

(i) by striking ''Subcommittee'' each place it appears and inserting ''Board'';

(ii) by striking ''Administrator, the Council'' each place it appears in clauses (i) and (ii) and inserting ''Secretary''; and

(iii) in clause (ii) by striking ''(B)(i)'' and inserting ''(D)(i)''; and

(M) by adding at the end the following:

''(I) AUTHORIZATION.—There are authorized to be appropriated to the Board such sums as may be necessary for the Board to carry out its activities.''.

SEC. 303. CLARIFICATION OF THE RESPONSIBILITIES OF THE CHIEF OPERATING OFFICER.

Section 106(r) is amended—

(1) in each of paragraphs (1)(A) and (2)(A) by striking ''Air Traffic Services Subcommittee of the Aviation Management Advisory Council'' and inserting ''Air Traffic Services Board'';

(2) in paragraph (2)(B) by inserting ''in'' before ''paragraph (3).'';

(3) in paragraph (3) by striking ''Air Traffic Control Subcommittee of the Aviation Management Advisory Committee'' and inserting ''Air Traffic Services Board'';

(4) in paragraph (4) by striking ''Transportation and Congress'' and inserting ''Transportation, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate'';

(5) in paragraph (5)(A)—

(A) by striking ''develop a'' and inserting ''implement the''; and

(B) by striking '', including the establishment of'' and inserting ''in order to further'';

(6) in paragraph (5)(B)—

(A) by striking ''review'' and all that follows through ''Administration,'' and inserting ''oversee the day-to-day operational functions of the Administration for air traffic control,'';

(B) by striking ''and'' at the end of clause (ii);

(C) by striking the period at the end of clause (iii) and inserting ''; and''; and

(D) by adding at the end the following:

''(iv) the management of cost-reimbursable contracts.'';

(7) in paragraph (5)(C)(i) by striking ''prepared by the Administrator'';

(8) in paragraph (5)(C)(ii) by striking ''and the Secretary of Transportation'' and inserting ''and the Board''; and

(9) in paragraph (5)(C)(iii)—

(A) by inserting ''agency's'' before ''annual''; and

(B) by striking ''developed under subparagraph (A) of this subsection.'' and inserting ''for air traffic control services.''.

SEC. 304. SMALL BUSINESS OMBUDSMAN.

Section 106 is amended by adding at the end the following:

''(s) SMALL BUSINESS OMBUDSMAN.—

''(1) ESTABLISHMENT.—There shall be in the Administration a Small Business Ombudsman.

''(2) GENERAL DUTIES AND RESPONSIBILITIES.—The Ombudsman shall—

''(A) be appointed by the Administrator;

''(B) serve as a liaison with small businesses in the aviation industry;

''(C) be consulted when the Administrator proposes regulations that may affect small businesses in the aviation industry;

''(D) provide assistance to small businesses in resolving disputes with the Administration; and

''(E) report directly to the Administrator.''.

SEC. 305. FAA PURCHASE CARDS.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall take appropriate actions to implement the recommendations contained in the report of the General Accounting Office entitled ''FAA Purchase Cards: Weak Controls Resulted in Instances of Improper and Wasteful Purchases and Missing Assets'', numbered GAO–03–405 and dated March 21, 2003.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall transmit to Congress a report containing a description of the actions taken by the Administrator under this section.

TITLE IV—AIRLINE SERVICE IMPROVEMENTS

SEC. 401. IMPROVEMENT OF AVIATION INFORMATION COLLECTION.

(a) IN GENERAL.—Section 329(b)(1) is amended by striking ''except that in no case'' and all that follows through the semicolon at the end.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the issuance of a final rule to modernize the Origin and Destination Survey of Airline Passenger Traffic, pursuant to the Advance Notice of Proposed Rulemaking published July 15, 1998 (Regulation Identifier Number 2105–AC71), that reduces the reporting burden for air carriers through electronic filing of the survey data collected under section 329(b)(1) of title 49, United States Code.

SEC. 402. DATA ON INCIDENTS AND COMPLAINTS INVOLVING PASSENGER AND BAGGAGE SECURITY SCREENING.

Section 329 is amended by adding at the end the following:

''(e) INCIDENTS AND COMPLAINTS INVOLVING PASSENGER AND BAGGAGE SECURITY SCREENING.—

''(1) PUBLICATION OF DATA.—The Secretary of Transportation shall publish data on incidents and complaints involving passenger and baggage security screening in a manner comparable to other consumer complaint and incident data.

''(2) MONTHLY REPORTS FROM SECRETARY OF HOMELAND SECURITY.—To assist the Secretary of Transportation in the publication of data under paragraph (1), the Secretary of Homeland Security shall submit monthly to the Secretary of Transportation a report on the number of complaints about security screening received by the Secretary of Homeland Security.''.

SEC. 403. DEFINITIONS.

(a) IN GENERAL.—Section 40102(a) is amended—

(1) by redesignating paragraphs (38) through (42) as paragraphs (43) through (47), respectively;

(2) by inserting after paragraph (37) the following:

''(42) 'small hub airport' means a commercial service airport (as defined in section 47102) that has at least 0.05 percent but less than 0.25 percent of the passenger boardings.'';

(3) by redesignating paragraphs (33) through (37) as paragraphs (37) through (41) respectively;

(4) by inserting after paragraph (32) the following:

''(36) 'passenger boardings'—

''(A) means, unless the context indicates otherwise, revenue passenger boardings in the United States in the prior calendar year on an aircraft in service in air commerce, as the Secretary determines under regulations the Secretary prescribes; and

''(B) includes passengers who continue on an aircraft in international flight that stops at an airport in the 48 contiguous States, Alaska, or Hawaii for a nontraffic purpose.'';

(5) by redesignating paragraph (32) as paragraph (35);

(6) by inserting after paragraph (31) the following:

''(34) 'nonhub airport' means a commercial service airport (as defined in section 47102) that has less than 0.05 percent of the passenger boardings.'';

(7) by redesignating paragraphs (30) and (31) as paragraphs (32) and (33), respectively;

(8) by inserting after paragraph (29) the following:

''(31) 'medium hub airport' means a commercial service airport (as defined in section 47102) that has at least 0.25 percent but less than 1.0 percent of the passenger boardings.'';

(9) by redesignating paragraph (29) as paragraph (30); and

(10) by inserting after paragraph (28) the following:

''(29) 'large hub airport' means a commercial service airport (as defined in section 47102) that has at least 1.0 percent of the passenger boardings.''.

(b) CONFORMING AMENDMENTS.—

(1) AIR SERVICE TERMINATION NOTICE.—Section 41719(d) is amended—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively.

(2) SMALL COMMUNITY AIR SERVICE.—Section 41731(a) is amended by striking paragraphs (3) through (5).

(3) AIRPORTS NOT RECEIVING SUFFICIENT SERVICE.—Section 41743 is amended—

(A) in subsection (c)(1) by striking ''(as that term is defined in section 41731(a)(5))''; and

(B) in subsection (f) by striking ''(as defined in section 41731(a)(3))''.

(4) PRESERVATION OF BASIC ESSENTIAL AIR SERVICE AT SINGLE CARRIER DOMINATED HUB AIRPORTS.—Section 41744(b) is amended by striking ''(as defined in section 41731)''.

(5) REGIONAL AIR SERVICE INCENTIVE PROGRAM.—Section 41762 is amended—

(A) by striking paragraphs (11) and (15); and

(B) by redesignating paragraphs (12), (13), (14), and (16) as paragraphs (11), (12), (13), and (14), respectively.

SEC. 404. CLARIFICATIONS TO PROCUREMENT AUTHORITY.

(a) DUTIES AND POWERS.—Section 40110(c) is amended—

(1) by striking ''Administration—'' and all that follows through ''(2) may—'' and inserting ''Administration may—'';

(2) by striking subparagraph (D);

(3) by redesignating subparagraphs (A), (B), (C), (E), and (F) as paragraphs (1), (2), (3), (4), and (5) respectively; and

(4) by moving such paragraphs (1) through (5) 2 ems to the left.

(b) ACQUISITION MANAGEMENT SYSTEM.—Section 40110(d) is amended—

(1) in paragraph (1)—

(A) by striking '', not later than January 1, 1996,''; and

(B) by striking ''provides for more timely and cost-effective acquisitions of equipment and materials.'' and inserting the following:

''provides for—

''(A) more timely and cost-effective acquisitions of equipment, services, property, and materials; and

''(B) the resolution of bid protests and contract disputes related thereto, using consensual alternative dispute resolution techniques to the maximum extent practicable.''; and

(2) by striking paragraph (4), relating to the effective date, and inserting the following:

''(4) ADJUDICATION OF CERTAIN BID PROTESTS AND CONTRACT DISPUTES.—A bid protest or contract dispute that is not addressed or resolved through alternative dispute resolution shall be adjudicated by the Administrator through Dispute Resolution Officers or Special Masters of the Federal Aviation Administration Office of Dispute Resolution for Acquisition, acting pursuant to sections 46102, 46104, 46105, 46106 and 46107.''.

(c) AUTHORITY OF ADMINISTRATOR TO ACQUIRE SERVICES.—Section 106(f)(2)(A)(ii) is amended by inserting '', services,'' after ''property''.

SEC. 405. LOW-EMISSION AIRPORT VEHICLES AND GROUND SUPPORT EQUIPMENT.

(a) IN GENERAL.—Section 40117(a)(3) is amended by inserting at the end the following:

''(G) A project for the acquisition or conversion of ground support equipment or airport-owned vehicles used at a commercial service airport with, or to, low-emission technology (as defined in section 47102) or cleaner burning conventional fuels, or the retrofitting of such equipment or vehicles that are powered by a diesel or gasoline engine with emission control technologies certified or verified by the Environmental Protection Agency to reduce emissions, if the airport is located in an air quality nonattainment area (as defined in section 171(2) of the Clean Air Act (42 U.S.C. 7501(2)) or a maintenance area referred to in section 175A of such Act (42 U.S.C. 7505a), and if such project will result in an airport receiving appropriate emission credits as described in section 47138.''.

(b) MAXIMUM COST FOR CERTAIN LOW-EMISSION TECHNOLOGY PROJECTS.—Section 40117(b) is amended by adding at the end the following:

''(5) MAXIMUM COST FOR CERTAIN LOW-EMISSION TECHNOLOGY PROJECTS.—The maximum cost that may be financed by imposition of a passenger facility fee under this section for a project described in subsection (a)(3)(G) with respect to vehicle or ground support equipment may not exceed the incremental amount of the project cost that is greater than the cost of acquiring a vehicle or equipment that is not low-emission and would be used for the same purpose, or the cost of low-emission retrofitting, as determined by the Secretary.''.

(c) GROUND SUPPORT EQUIPMENT DEFINED.—Section 40117(a) is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively;

(2) by inserting after paragraph (3) the following:

''(4) GROUND SUPPORT EQUIPMENT.—The term 'ground support equipment' means service and maintenance equipment used at an airport to support aeronautical operations and related activities.''.

SEC. 406. STREAMLINING OF THE PASSENGER FACILITY FEE PROGRAM.

(a) APPLICATION REQUIREMENTS.—Section 40117(c) is amended—

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

''(E) The agency will include in its application or notice submitted under subparagraph (A) copies of all certifications of agreement or disagreement received under subparagraph (D).

''(F) For the purpose of this section, an eligible agency providing notice and an opportunity for consultation to an air carrier or foreign air carrier is deemed to have satisfied the requirements of this paragraph if the eligible agency limits such notices and consultations to air carriers and foreign air carriers that have a significant business interest at the airport. In the subparagraph, the term 'significant business interest' means an air carrier or foreign air carrier that had no less than 1.0 percent of passenger boardings at the airport in the prior calendar year, had at least 25,000 passenger boardings at the airport in the prior calendar year, or provides scheduled service at the airport.'';

(2) by redesignating paragraph (3) as paragraph (4);

(3) by inserting after paragraph (2) the following:

''(3) Before submitting an application, the eligible agency must provide reasonable notice and an opportunity for public comment. The Secretary shall prescribe regulations that define reasonable notice and provide for at least the following under this paragraph:

''(A) A requirement that the eligible agency provide public notice of intent to collect a passenger facility fee so as to inform those interested persons and agencies who may be affected, which public notice may include—

''(i) publication in local newspapers of general circulation;

''(ii) publication in other local media; and

''(iii) posting the notice on the agency's Web site.

''(B) A requirement for submission of public comments no sooner than 30 days, and no later than 45 days, after the date of the publication of the notice.

''(C) A requirement that the agency include in its application or notice submitted under subparagraph (A) copies of all comments received under subparagraph (B).''; and

(4) in the first sentence of paragraph (4) (as redesignated by paragraph (2) of this subsection) by striking ''shall'' and inserting ''may''.

(b) PILOT PROGRAM FOR PASSENGER FACILITY FEE AUTHORIZATIONS AT NONHUB AIRPORTS.—Section 40117 is amended by adding at the end the following:

''(l) PILOT PROGRAM FOR PASSENGER FACILITY FEE AUTHORIZATIONS AT NONHUB AIRPORTS.—

''(1) IN GENERAL.—The Secretary shall establish a pilot program to test alternative procedures for authorizing eligible agencies for nonhub airports to impose passenger facility fees. An eligible agency may impose in accordance with the provisions of this subsection a passenger facility fee under this section. For purposes of the pilot program, the procedures in this subsection shall apply instead of the procedures otherwise provided in this section.

''(2) NOTICE AND OPPORTUNITY FOR CONSULTATION.—The eligible agency must provide reasonable notice and an opportunity for consultation to air carriers and foreign air carriers in accordance with subsection (c)(2) and must provide reasonable notice and opportunity for public comment in accordance with subsection (c)(3).

''(3) NOTICE OF INTENTION.—The eligible agency must submit to the Secretary a notice of intention to impose a passenger facility fee under this subsection. This shall include—

''(A) information that the Secretary may require by regulation on each project for which authority to impose a passenger facility fee is sought;

''(B) the amount of revenue from passenger facility fees that is proposed to be collected for each project; and

''(C) the level of the passenger facility fee that is proposed.

''(4) ACKNOWLEDGEMENT OF RECEIPT AND INDICATION OF OBJECTION.—The Secretary shall acknowledge receipt of the notice and indicate any objection to the imposition of a passenger facility fee under this subsection for any project identified in the notice within 30 days after receipt of the eligible agency's notice.

''(5) AUTHORITY TO IMPOSE FEE.—Unless the Secretary objects within 30 days after receipt of the eligible agency's notice, the eligible agency is authorized to impose a passenger facility fee in accordance with the terms of its notice under this subsection.

''(6) DEADLINE.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall propose such regulations as may be necessary to carry out this subsection.

''(7) SUNSET.—This subsection shall not be in effect 3 years after the date of issuance of regulations to carry out this subsection.

''(8) ACKNOWLEDGEMENT NOT AN ORDER.—An acknowledgement issued under paragraph (4) shall not be considered an order of the Secretary issued under section 46110.''.

(c) CLARIFICATION OF APPLICABILITY OF PFCS TO MILITARY CHARTERS.—Section 40117(e)(2) is amended—

(1) by striking the period at the end of subparagraph (C) and inserting a semicolon;

(2) by striking ''and'' at the end of subparagraph (D);

(3) by striking the period at the end of subparagraph (E) and inserting ''; and''; and

(4) by inserting after subparagraph (E) the following:

''(F) enplaning at an airport if the passenger did not pay for the air transportation which resulted in such enplanement due to charter arrangements and payment by the Department of Defense.''.

(d) TECHNICAL AMENDMENTS.—Section 40117(a)(3)(C) is amended—

(1) by striking ''for costs'' and inserting ''A project''; and

(2) by striking the semicolon and inserting a period.

SEC. 407. FINANCIAL MANAGEMENT OF PASSENGER FACILITY FEES.

(a) IN GENERAL.—Section 40117 is further amended by adding at the end the following:

''(m) FINANCIAL MANAGEMENT OF FEES.—

''(1) HANDLING OF FEES.—

''(A) PLACEMENT OF FEES IN ESCROW ACCOUNT.—Subject to subparagraph (B), passenger facility revenue held by an air carrier or any of its agents shall be segregated from the carrier's cash and other assets and placed in an escrow account for the benefit of the eligible agencies entitled to such revenue.

''(B) ALTERNATIVE METHOD OF COMPLIANCE.—Instead of placing amounts in an escrow account under subparagraph (A), an air carrier may provide to the eligible agency a letter of credit, bond, or other form of adequate and immediately available security in an amount equal to estimated remittable passenger facility fees for 180 days, to be assessed against later audit, upon which security the eligible agency shall be entitled to draw automatically, without necessity of any further legal or judicial action to effectuate foreclosure.

''(2) TRUST FUND STATUS.—If an air carrier or its agent commingles passenger facility revenue in violation of the subsection, the trust fund status of such revenue shall not be defeated by an inability of any party to identify and trace the precise funds in the accounts of the air carrier.

''(3) PROHIBITION.—An air carrier and its agents may not grant to any third party any security or other interest in passenger facility revenue.

''(4) COMPENSATION TO ELIGIBLE ENTITIES.—An air carrier that fails to comply with any requirement of this subsection, or otherwise unnecessarily causes an eligible entity to expend funds, through litigation or otherwise, to recover or retain payment of passenger facility revenue to which the eligible entity is otherwise entitled shall be required to compensate the eligible agency for the costs so incurred.

''(5) INTEREST ON AMOUNTS.—An air carrier that collects passenger facility fees is entitled to receive the interest on passenger facility fee accounts, if the accounts are established and maintained in compliance with this subsection.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall take effect 60 days after the date of enactment of this Act.

(2) EXISTING REGULATIONS.—Beginning 60 days after the date of enactment of this Act, the provisions of section 158.49 of title 14, Code of Federal Regulations, that permit the commingling of passenger facility fees with other air carrier revenue shall have no force or effect.

SEC. 408. GOVERNMENT CONTRACTING FOR AIR TRANSPORTATION.

(a) GOVERNMENT-FINANCED AIR TRANSPORTATION.—Section 40118(f)(2) is amended by inserting before the period at the end the following: '', except that it shall not include a contract for the transportation by air of passengers''.

(b) AIRLIFT SERVICE.—Section 41106(b) is amended by inserting after ''military department'' the following: '', or by a person that has contracted with the Secretary of Defense or the Secretary of a military department,''.

SEC. 409. OVERFLIGHTS OF NATIONAL PARKS.

(a) AIR TOUR MANAGEMENT ACT CLARIFICATIONS.—Section 40128 is amended—

(1) in subsection (a)(1) by inserting '', as defined by this section,'' after ''lands'' the first place it appears;

(2) in subsections (b)(3)(A), (b)(3)(B), and (b)(3)(C) by inserting ''over a national park'' after ''operations'';

(3) in subsection (b)(3)(D) by striking ''at the park'' and inserting ''over a national park'';

(4) in subsection (b)(3)(E) by inserting ''over a national park'' after ''operations'' the first place it appears;

(5) in subsections (c)(2)(A)(i) and (c)(2)(B) by inserting ''over a national park'' after ''operations'';

(6) in subsection (f)(1) by inserting ''over a national park'' after ''operation'';

(7) in subsection (f)(4)(A)—

(A) by striking ''commercial air tour operation'' and inserting ''commercial air tour operation over a national park''; and

(B) by striking ''park, or over tribal lands,'' and inserting ''park (except the Grand Canyon National Park), or over tribal lands (except those within or abutting the Grand Canyon National Park),'';

(8) in subsection (f)(4)(B) by inserting ''over a national park'' after ''operation''; and

(9) in the heading for paragraph (4) of subsection (f) by inserting ''OVER A NATIONAL PARK'' after ''OPERATION''.

(b) GRAND CANYON NATIONAL PARK SPECIAL FLIGHT RULES AREA OPERATION CURFEW.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration may not restrict commercial Special Flight Rules Area operations in the Dragon and Zuni Point corridors of the Grand Canyon National Park during the period beginning 1 hour after sunrise and ending 1 hour before sunset, unless required for aviation safety purposes.

(2) EFFECT ON EXISTING REGULATIONS.—Beginning on the date of enactment of this Act, section 93.317 of title 14, Code of Federal Regulations, shall not be in effect.

SEC. 410. COLLABORATIVE DECISIONMAKING PILOT PROGRAM.

(a) IN GENERAL.—Chapter 401 is amended by adding at the end the following:

''§ 40129. Collaborative decisionmaking pilot program

''(a) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this section, the Administrator of the Federal Aviation Administration shall establish a collaborative decisionmaking pilot program in accordance with this section.

''(b) DURATION.—Except as provided in subsection (k), the pilot program shall be in effect for a period of 2 years.

''(c) GUIDELINES.—

''(1) ISSUANCE.—The Administrator shall issue guidelines concerning the pilot program. Such guidelines, at a minimum, shall define the criteria and process for determining when a capacity reduction event exists that warrants the use of collaborative decisionmaking among carriers at airports participating in the pilot program and that prescribe the methods of communication to be implemented among carriers during such an event.

''(2) VIEWS.—The Administrator may obtain the views of interested parties in issuing the guidelines.

''(d) EFFECT OF DETERMINATION OF EXISTENCE OF CAPACITY REDUCTION EVENT.—Upon a determination by the Administrator that a capacity reduction event exists, the Administrator may authorize air carriers and foreign air carriers operating at an airport participating in the pilot program to communicate for a period of time not to exceed 24 hours with each other concerning changes in their respective flight schedules in order to use air traffic capacity most effectively. The Administration shall facilitate and monitor such communication.

''(e) SELECTION OF PARTICIPATING AIRPORTS.—Not later than 30 days after the date on which the Administrator establishes the pilot program, the Administrator shall select 3 airports to participate in the pilot program from among the most capacity-constrained airports in the country based on the Administration's Airport Capacity Benchmark Report 2001 or more recent data on airport capacity that is available to the Administrator. The Administrator shall select an airport for participation in the pilot program if the Administrator determines that collaborative decisionmaking among air carriers and foreign air carriers would reduce delays at the airport and have beneficial effects on reducing delays in the national airspace system as a whole.

''(f) ELIGIBILITY OF AIR CARRIERS.—An air carrier or foreign air carrier operating at an airport selected to participate in the pilot program is eligible to participate in the pilot program if the Administrator determines that the carrier has the operational and communications capability to participate in the pilot program.

''(g) MODIFICATION OR TERMINATION OF PILOT PROGRAM AT AN AIRPORT.—The Administrator may modify or end the pilot program at an airport before the term of the pilot program has expired, or may ban an air carrier or foreign air carrier from participating in the program, if the Administrator determines that the purpose of the pilot program is not being furthered by participation of the airport or air carrier or if the Secretary of Transportation finds that the pilot program or the participation of an air carrier or foreign air carrier in the pilot program has had, or is having, an adverse effect on competition among carriers.

''(h) EVALUATION.—

''(1) IN GENERAL.—Before the expiration of the 2-year period for which the pilot program is authorized under subsection (b), the Administrator shall determine whether the pilot program has facilitated more effective use of air traffic capacity and the Secretary shall determine whether the pilot program has had an adverse effect on airline competition or the availability of air services to communities. The Administrator shall also examine whether capacity benefits resulting from the participation in the pilot program of an airport resulted in capacity benefits to other parts of the national airspace system.

''(2) OBTAINING NECESSARY DATA.—The Administrator may require participating air carriers and airports to provide data necessary to evaluate the pilot program's impact.

''(i) EXTENSION OF PILOT PROGRAM.—At the end of the 2-year period for which the pilot program is authorized, the Administrator may continue the pilot program for an additional 2 years and expand participation in the program to up to 7 additional airports if the Administrator determines pursuant to subsection (h) that the pilot program has facilitated more effective use of air traffic capacity and if the Secretary determines that the pilot program has had no adverse effect on airline competition or the availability of air services to communities. The Administrator shall select the additional airports to participate in the extended pilot program in the same manner in which airports were initially selected to participate.''.

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

''40129. Collaborative decisionmaking pilot program.''.

SEC. 411. AVAILABILITY OF AIRCRAFT ACCIDENT SITE INFORMATION.

(a) DOMESTIC AIR TRANSPORTATION.—Section 41113(b) is amended—

(1) in paragraph (16) by striking ''the air carrier'' the third place it appears; and

(2) by adding at the end the following:

''(17)(A) An assurance that, in the case of an accident that results in significant damage to a man-made structure or other property on the ground that is not government-owned, the air carrier will promptly provide notice, in writing, to the extent practicable, directly to the owner of the structure or other property about liability for any property damage and means for obtaining compensation.

''(B) At a minimum, the written notice shall advise an owner (i) to contact the insurer of the property as the authoritative source for information about coverage and compensation; (ii) to not rely on unofficial information offered by air carrier representatives about compensation by the air carrier for accident-site property damage; and (iii) to obtain photographic or other detailed evidence of property damage as soon as possible after the accident, consistent with restrictions on access to the accident site.

''(18) An assurance that, in the case of an accident in which the National Transportation Safety Board conducts a public hearing or comparable proceeding at a location greater than 80 miles from the accident site, the air carrier will ensure that the proceeding is made available simultaneously by electronic means at a location open to the public at both the origin city and destination city of the air carrier's flight if that city is located in the United States.''.

(b) FOREIGN AIR TRANSPORTATION.—Section 41313(c) is amended by adding at the end the following:

''(17) NOTICE CONCERNING LIABILITY FOR MAN-MADE STRUCTURES.—

''(A) IN GENERAL.—An assurance that, in the case of an accident that results in significant damage to a man-made structure or other property on the ground that is not government-owned, the foreign air carrier will promptly provide notice, in writing, to the extent practicable, directly to the owner of the structure or other property about liability for any property damage and means for obtaining compensation.

''(B) MINIMUM CONTENTS.—At a minimum, the written notice shall advise an owner (i) to contact the insurer of the property as the authoritative source for information about coverage and compensation; (ii) to not rely on unofficial information offered by foreign air carrier representatives about compensation by the foreign air carrier for accident-site property damage; and (iii) to obtain photographic or other detailed evidence of property damage as soon as possible after the accident, consistent with restrictions on access to the accident site.

''(18) SIMULTANEOUS ELECTRONIC TRANSMISSION OF NTSB HEARING.—An assurance that, in the case of an accident in which the National Transportation Safety Board conducts a public hearing or comparable proceeding at a location greater than 80 miles from the accident site, the

foreign air carrier will ensure that the proceeding is made available simultaneously by electronic means at a location open to the public at both the origin city and destination city of the foreign air carrier's flight if that city is located in the United States.''.

(c) UPDATE PLANS.—Air carriers and foreign air carriers shall update their plans under sections 41113 and 41313 of title 49, United States Code, respectively, to reflect the amendments made by subsections (a) and (b) of this section not later than 90 days after the date of enactment of this Act.

SEC. 412. SLOT EXEMPTIONS AT RONALD REAGAN WASHINGTON NATIONAL AIRPORT.

(a) BEYOND-PERIMETER EXEMPTIONS.—Section 41718(a) is amended by striking ''12'' and inserting ''24''.

(b) WITHIN-PERIMETER EXEMPTIONS.—Section 41718(b) is amended—

(1) by striking ''12'' and inserting ''20''; and

(2) by striking ''that were designated as medium hub or smaller airports''.

(c) LIMITATIONS.—

(1) GENERAL EXEMPTIONS.—Section 41718(c)(2) is amended by striking ''two'' and inserting ''3''.

(2) ALLOCATION OF WITHIN-PERIMETER EXEMPTIONS.—Section 41718(c)(3) is amended—

(A) in subparagraph (A)—

(i) by striking ''four'' and inserting ''six''; and

(ii) by striking ''and'' at the end;

(B) in subparagraph (B)—

(i) by striking ''eight'' and inserting ''ten''; and

(ii) by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(C) four shall be for air transportation to airports without regard to their size.''.

(d) APPLICATION PROCEDURES.—Section 41718(d) is amended to read as follows:

''(d) APPLICATION PROCEDURES.—The Secretary shall establish procedures to ensure that all requests for exemptions under this section are granted or denied within 90 days after the date on which the request is made.''.

(e) EFFECT OF PERIMETER RULES ON COMPETITION AND AIR SERVICE.—

(1) IDENTIFICATION OF OTHER AIRPORTS.—The Secretary of Transportation shall identify airports (other than Ronald Reagan Washington National Airport) that have imposed perimeter rules like those in effect with respect to Ronald Reagan Washington National Airport.

(2) LIMITATION ON APPLICABILITY.—This subsection does not apply to perimeter rules imposed by Federal law.

(3) STUDY.—The Secretary shall conduct a study of the effect that perimeter rules for airports identified under paragraph (1) have on competition and on air service to communities outside the perimeter.

(4) REPORT.—Not later than 120 days after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study.

(f) EFFECT OF CHANGING DEFINITION OF COMMUTER AIR CARRIER.—

(1) STUDY.—The Secretary shall study the effects of changing the definition of commuter air carrier in regulations of the Federal Aviation Administration to increase the maximum size of aircraft of such carriers to 76 seats or less on air service to small communities and on commuter air carriers operating aircraft with 56 seats or less.

(2) REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study.

SEC. 413. NOTICE CONCERNING AIRCRAFT ASSEMBLY.

(a) IN GENERAL.—Subchapter I of chapter 417 is amended by adding at the end the following:

''§ 41722. Notice concerning aircraft assembly

''The Secretary of Transportation shall require, beginning after the last day of the 1-year period following the date of enactment of this section, an air carrier using an aircraft to provide scheduled passenger air transportation to display a notice, on an information placard available to each passenger on the aircraft, that informs the passengers of the nation in which the aircraft was finally assembled.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 417 is amended by striking the item relating to section 41721 and inserting the following:

''41721. Reports by carriers on incidents involving animals during air transport.
''41722. Notice concerning aircraft assembly.''.

SEC. 414. SPECIAL RULE TO PROMOTE AIR SERVICE TO SMALL COMMUNITIES.

(a) IN GENERAL.—Subchapter I of chapter 417 is further amended by adding at the end the following:

''§ 41723. Special rule to promote air service to small communities

''In order to promote air service to small communities, the Secretary of Transportation shall permit an operator of a turbine powered or multiengine piston powered aircraft with 10 passenger seats or less (1) to provide air transportation between an airport that is a nonhub airport and another airport or between an airport that is not a commercial service airport and another airport, and (2) to sell individual seats on that aircraft at a negotiated price, if the aircraft is otherwise operated in accordance with parts 119 and 135 of title 14, Code of Federal Regulations, and the air transportation is otherwise provided in accordance with part 298 of such title 14.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 417 is further amended by adding at the end the following:

''41723. Special rule to promote air service to small communities.''.

SEC. 415. SMALL COMMUNITY AIR SERVICE.

(a) COMPENSATION GUIDELINES, LIMITATION, AND CLAIMS.—

(1) PAYMENT OF PROMOTIONAL AMOUNTS.—Section 41737(a)(2) is amended by inserting before the period at the end ''or may be paid directly to the unit of local government having jurisdiction over the eligible place served by the air carrier''.

(2) LOCAL SHARE.—Section 41737(a) is amended by adding at the end the following:

''(3) PAYMENT OF COST BY LOCAL GOVERNMENT.—

''(A) GENERAL REQUIREMENT.—The guidelines may require a unit of local government having jurisdiction over an eligible place that is less than 170 miles from a medium or large hub or less than 75 miles from a small hub or a State within the boundaries of which the eligible place is located to pay 2.5 percent in fiscal year 2005, 5 percent in fiscal year 2006, 7.5 percent in fiscal year 2007, and 10 percent in fiscal year 2008 of the amount of compensation payable under this subchapter for air transportation with respect to the eligible place to ensure the continuation of that air transportation.

''(B) WAIVER.—The Secretary may waive the requirement, or reduce the amount, of a payment from a unit of local government under subparagraph (A) if the Secretary finds that—

''(i) the unit of local government lacks the ability to pay; and

''(ii) the loss of essential air service to the eligible place would have an adverse effect on the eligible place's access to the national air transportation system.

''(C) DETERMINATION OF MILEAGE.—In determining the mileage between the eligible place and a hub under this paragraph, the Secretary shall use the most commonly used highway route between the eligible place and the hub.''.

(3) AUTHORITY TO MAKE AGREEMENTS AND INCUR OBLIGATIONS.—Section 41737(d) is amended—

(A) by striking ''(1) The Secretary'' and inserting the ''The Secretary''; and

(B) by striking paragraph (2).

(b) AIRPORTS NOT RECEIVING SUFFICIENT SERVICE.—Section 41743 is amended—

(1) in the heading of subsection (a) by striking ''PILOT'';

(2) in subsection (a) by striking ''pilot'';

(3) in subsection (c)—

(A) by striking paragraph (3);

(B) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively; and

(C) in paragraph (4) (as so redesignated)—

(i) by striking ''and'' at the end of subparagraph (C);

(ii) by striking the period at the end of subparagraph (D) and inserting ''; and''; and

(iii) by adding at the end the following:

''(E) the assistance can be used in the fiscal year in which it is received.''; and

(4) in subsection (f) by striking ''pilot''.

(c) ESSENTIAL AIR SERVICE AUTHORIZATION.—Section 41742 is amended—

(1) in subsection (a)(2) by striking ''$15,000,000'' and inserting ''$65,000,000'';

(2) by adding at the end of subsection (a) the following:

''(3) AUTHORIZATION FOR ADDITIONAL EMPLOYEES.—In addition to amounts authorized under paragraphs (1) and (2), there are authorized to be appropriated such sums as may be necessary for the Secretary of Transportation to hire and employ 4 additional employees for the office responsible for carrying out the essential air service program.''; and

(3) by striking subsection (c).

(d) PROCESS FOR DISCONTINUING CERTAIN SUBSIDIES.—Section 41734 is amended by adding at the end the following:

''(i) PROCESS FOR DISCONTINUING CERTAIN SUBSIDIES.—If the Secretary determines that no subsidy will be provided to a carrier to provide essential air service to an eligible place because the eligible place does not meet the requirements of section 332 of the Department of Transportation and Related Agencies Appropriations Act, 2000 (49 U.S.C. 41731 note; 113 Stat. 1022), the Secretary shall notify the affected community that the subsidy will cease but shall continue to provide the subsidy for 90 days after providing the notice to the community.''.

(e) JOINT PROPOSALS.—Section 41740 is amended by inserting '', including joint fares,'' after ''joint proposals''.

(f) COMMUNITY AND REGIONAL CHOICE PROGRAM.—

(1) IN GENERAL.—Subchapter II of chapter 417 is amended by adding at the end the following:

''§ 41745. Community and regional choice program

''(a) ESTABLISHMENT.—The Secretary of Transportation shall establish an alternate essential air service pilot program in accordance with the requirements of this section.

''(b) COMPENSATION TO ELIGIBLE PLACES.—In carrying out the program, the Secretary, instead of paying compensation to an air carrier to provide essential air service to an eligible place, may pay compensation directly to a unit of local government having jurisdiction over the eligible place or a State within the boundaries of which the eligible place is located.

''(c) USE OF COMPENSATION.—A unit of local government or State receiving compensation for an eligible place under the program shall use the compensation for any of the following purposes:

''(1) To provide assistance to an air carrier to provide scheduled air service to and from the eligible place, without being subject to the requirements of 41732(b).

''(2) To provide assistance to an air carrier to provide on-demand air taxi service to and from the eligible place.

''(3) To provide assistance to a person to provide scheduled or on-demand surface transportation to and from the eligible place and an airport in another place.

''(4) In combination with other units of local government in the same region, to provide transportation services to and from all the eligible

places in that region at an airport or other transportation center that can serve all the eligible places in that region.

''(5) To purchase aircraft, or a fractional share in aircraft, to provide transportation to and from the eligible place.

''(6) To pay for other transportation or related services that the Secretary may permit.

''(d) FRACTIONALLY OWNED AIRCRAFT.—Notwithstanding any other provision of law, only those operating rules that relate to an aircraft that is fractionally owned apply when an aircraft described in subsection (c)(5) is used to provide transportation described in subsection (c)(5).

''(e) APPLICATIONS.—

''(1) IN GENERAL.—A unit of local government or State seeking to participate in the program for an eligible place shall submit to the Secretary an application in such form and containing such information as the Secretary may require.

''(2) REQUIRED INFORMATION.—At a minimum, the application shall include—

''(A) a statement of the amount of compensation required; and

''(B) a description of how the compensation will be used.

''(f) PARTICIPATION REQUIREMENTS.—

''(1) ELIGIBLE PLACES.—An eligible place for which compensation is received under the program in a fiscal year shall not be eligible to receive in that fiscal year the essential air service that it would otherwise be entitled to under this subchapter.

''(2) GOVERNMENTAL ENTITIES.—A unit of local government or State receiving compensation for an eligible place under the program in a fiscal year shall not be required to pay the local share described in 41737(a)(3) in such fiscal year.

''(g) SUBSEQUENT PARTICIPATION.—A unit of local government participating in the program under this section in a fiscal year shall not be prohibited from participating in the basic essential air service program under this chapter in a subsequent fiscal year if such unit is otherwise eligible to participate in such program.

''(h) FUNDING.—Amounts appropriated or otherwise made available to carry out the essential air service program under this subchapter shall be available to carry out this section.''.

(2) CONFORMING AMENDMENT.—The analysis for chapter 417 is amended by inserting after the item relating to section 41744 the following:

''41745. Community and regional choice program.''.

SEC. 416. TYPE CERTIFICATES.

(a) AGREEMENTS TO PERMIT USE OF CERTIFICATES BY OTHER PERSONS.—Section 44704(a) is amended by adding at the end the following:

''(3) If the holder of a type certificate agrees to permit another person to use the certificate to manufacture a new aircraft, aircraft engine, propeller, or appliance, the holder shall provide the other person with written evidence, in a form acceptable to the Administrator, of that agreement. A person may manufacture a new aircraft, aircraft engine, propeller, or appliance based on a type certificate only if the person is the holder of the type certificate or has permission from the holder.''.

(b) CERTIFICATION OF PRODUCTS MANUFACTURED IN FOREIGN NATIONS.—Section 44704 is further amended by adding at the end the following:

''(e) CERTIFICATION OF PRODUCTS MANUFACTURED IN FOREIGN NATIONS.—In order to ensure safety, the Administrator shall spend at least the same amount of time and perform a no-less-thorough review in certifying, or validating the certification of, an aircraft, aircraft engine, propeller, or appliance manufactured in a foreign nation as the regulatory authorities of that nation employ when the authorities certify, or validate the certification of, an aircraft, aircraft engine, propeller, or appliance manufactured in the United States.''.

SEC. 417. DESIGN ORGANIZATION CERTIFICATES.

(a) GENERAL AUTHORITY TO ISSUE CERTIFICATES.—Effective on the last day of the 7-year period beginning on the date of enactment of this Act, section 44702(a) is amended by inserting ''design organization certificates,'' after ''airman certificates,''.

(b) DESIGN ORGANIZATION CERTIFICATES.—

(1) PLAN.—Not later than 3 years after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan for the development and oversight of a system for certification of design organizations to certify compliance with the requirements and minimum standards prescribed under section 44701(a) of title 49, United States Code, for the type certification of aircraft, aircraft engines, propellers, or appliances.

(2) ISSUANCE OF CERTIFICATES.—Section 44704 is further amended by adding at the end the following:

''(f) DESIGN ORGANIZATION CERTIFICATES.—

''(1) ISSUANCE.—Beginning 7 years after the date of enactment of this subsection, the Administrator may issue a design organization certificate to a design organization to authorize the organization to certify compliance with the requirements and minimum standards prescribed under section 44701(a) for the type certification of aircraft, aircraft engines, propellers, or appliances.

''(2) APPLICATIONS.—On receiving an application for a design organization certificate, the Administrator shall examine and rate the design organization submitting the application, in accordance with regulations to be prescribed by the Administrator, to determine whether the design organization has adequate engineering, design, and testing capabilities, standards, and safeguards to ensure that the product being certificated is properly designed and manufactured, performs properly, and meets the regulations and minimum standards prescribed under section 44701(a).

''(3) ISSUANCE OF TYPE CERTIFICATES BASED ON DESIGN ORGANIZATION CERTIFICATION.—On receiving an application for a type certificate under subsection (a) that is accompanied by a certification of compliance by a design organization certificated under this subsection, instead of conducting an independent investigation under subsection (a), the Administrator may issue the type certificate based on the certification of compliance.

''(4) PUBLIC SAFETY.—The Administrator shall include in a design organization certificate issued under this subsection terms required in the interest of safety.''.

(c) REINSPECTION AND REEXAMINATION.—Section 44709(a) is amended by inserting ''design organization, production certificate holder,'' after ''appliance,''.

(d) PROHIBITIONS.—Section 44711(a)(7) is amended by striking ''agency'' and inserting ''agency, design organization certificate, ''.

(e) CONFORMING AMENDMENTS.—

(1) SECTION HEADING.—Section 44704 is amended by striking the section designation and heading and inserting the following:

''§ 44704. Type certificates, production certificates, airworthiness certificates, and design organization certificates''.

(2) CHAPTER ANALYSIS.—The analysis for chapter 447 is amended by striking the item relating to section 44704 and inserting the following:

''44704. Type certificates, production certificates, airworthiness certificates, and design organization certificates.''.

SEC. 418. COUNTERFEIT OR FRAUDULENTLY REPRESENTED PARTS VIOLATIONS.

Section 44726(a)(1) is amended—

(1) by striking ''or'' at the end of subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (C);

(3) by inserting after subparagraph (A) the following:

''(B) whose certificate is revoked under subsection (b); or''; and

(4) in subparagraph (C) (as redesignated by paragraph (2) of this section) by striking ''convicted of such a violation.'' and inserting ''described in subparagraph (A) or (B).''.

SEC. 419. RUNWAY SAFETY STANDARDS.

(a) IN GENERAL.—Chapter 447 is amended by adding at the end the following:

''§ 44727. Runway safety areas

''An airport owner or operator shall not be required to reduce the length of a runway or declare the length of a runway to be less than the actual pavement length in order to meet standards of the Federal Aviation Administration applicable to runway safety areas.''.

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

''44727. Runway safety areas.''.

SEC. 420. AVAILABILITY OF MAINTENANCE INFORMATION.

(a) IN GENERAL.—Chapter 447 is further amended by adding at the end the following:

''§ 44728. Availability of maintenance information

''(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall continue in effect the requirement of section 21.50(b) of title 14, Code of Federal Regulations, that the holder of a design approval—

''(1) shall prepare and furnish at least one set of complete instructions for continued airworthiness as prescribed in such section to the owner of each type of aircraft, aircraft engine, or propeller upon its delivery or upon the issuance of the first standard airworthiness certificate for the affected aircraft, whichever occurs later; and

''(2) thereafter shall make the instructions, and any changes thereto, available to any other person required by parts 1 through 199 of title 14, Code of Federal Regulations, to comply with any of the terms of the instructions.

''(b) DEFINITIONS.—In this section, the following definitions apply:

''(1) MAKE AVAILABLE.—The term 'make available' means providing at a cost not to exceed the cost of preparation and distribution.

''(2) DESIGN APPROVAL.—The term 'design approval' means a type certificate, supplemental type certificate, amended type certificate, parts manufacturer approval, technical standard order authorization, and any other action as determined by the Administrator pursuant to subsection (c)(2).

''(3) INSTRUCTIONS FOR CONTINUED AIRWORTHINESS.—The term 'instructions for continued airworthiness' means any information (and any changes to such information) considered essential to continued airworthiness that sets forth the methods, techniques, and practices for performing maintenance and alteration on civil aircraft, aircraft engines, propellers, appliances or any part installed thereon. Such information may include maintenance, repair, and overhaul manuals, standard practice manuals, service bulletins, service letters, or similar documents issued by a design approval holder.

''(c) RULEMAKING.—The Administrator shall conduct a rulemaking proceeding for the following purposes:

''(1) To determine the meaning of the phrase 'essential to continued airworthiness' of the applicable aircraft, aircraft engine, and propeller as that term is used in parts 23 through 35 of title 14, Code of Federal Regulations.

''(2) To determine if a design approval should include, in addition to those approvals specified in subsection (b)(2), any other activity in which

persons are required to have technical data approved by the Administrator.

''(3) To revise existing rules to reflect the definition of design approval holder in subsections (b)(2) and (c)(2).

''(4) To determine if design approval holders that prepared instructions for continued airworthiness or maintenance manuals before January 29, 1981, should be required to make the manuals available (including any changes thereto) to any person required by parts 1 through 199 of title 14, Code of Federal Regulations, to comply with any of the terms of those manuals.

''(5) To require design approval holders that—

''(A) are operating an ongoing business concern;

''(B) were required to produce maintenance manuals or instructions for continued airworthiness under section 21.50(b) of title 14, Code of Federal Regulations; and

''(C) have not done so,

to prepare those documents and make them available as required by this section not later than 1 year after date on which the regulations are published.

''(6) To revise its rules to reflect the changes made by this section.

''(d) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing is this section shall be construed as requiring the holder of a design approval to make available proprietary information unless it is deemed essential to continued airworthiness.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 447 is further amended by adding at the end the following:

''44728. Availability of maintenance information.''.

SEC. 421. CERTIFICATE ACTIONS IN RESPONSE TO A SECURITY THREAT.

(a) IN GENERAL.—Chapter 461 is amended by adding at the end the following:

''§ 46111. Certificate actions in response to a security threat

''(a) ORDERS.—The Administrator of Federal Aviation Administration shall issue an order amending, modifying, suspending, or revoking any part of a certificate issued under this title if the Administrator is notified by the Under Secretary for Border and Transportation Security of the Department of Homeland Security that the holder of the certificate poses, or is suspected of posing, a risk of air piracy or terrorism or a threat to airline or passenger safety. If requested by the Under Secretary, the order shall be effective immediately.

''(b) HEARINGS FOR CITIZENS.—An individual who is a citizen of the United States who is adversely affected by an order of the Administrator under subsection (a) is entitled to a hearing on the record.

''(c) HEARINGS.—When conducting a hearing under this section, the administrative law judge shall not be bound by findings of fact or interpretations of laws and regulations of the Administrator or the Under Secretary.

''(d) APPEALS.—An appeal from a decision of an administrative law judge as the result of a hearing under subsection (b) shall be made to the Transportation Security Oversight Board established by section 115. The Board shall establish a panel to review the decision. The members of this panel (1) shall not be employees of the Transportation Security Administration, (2) shall have the level of security clearance needed to review the determination made under this section, and (3) shall be given access to all relevant documents that support that determination. The panel may affirm, modify, or reverse the decision.

''(e) REVIEW.—A person substantially affected by an action of a panel under subsection (d), or the Under Secretary when the Under Secretary decides that the action of the panel under this section will have a significant adverse impact on carrying out this part, may obtain review of the order under section 46110. The Under Secretary and the Administrator shall be made a party to the review proceedings. Findings of fact of the panel are conclusive if supported by substantial evidence.

''(f) EXPLANATION OF DECISIONS.—An individual who commences an appeal under this section shall receive a written explanation of the basis for the determination or decision and all relevant documents that support that determination to the maximum extent that the national security interests of the United States and other applicable laws permit.

''(g) CLASSIFIED EVIDENCE.—

''(1) IN GENERAL.—The Under Secretary, in consultation with the Administrator, shall issue regulations to establish procedures by which the Under Secretary, as part of a hearing conducting under this section, may substitute an unclassified summary of classified evidence upon the approval of the administrative law judge.

''(2) APPROVAL AND DISAPPROVAL OF SUMMARIES.—Under the procedures, an administrative law judge shall—

''(A) approve a summary if the judge finds that it is sufficient to enable the certificate holder to appeal an order issued under subsection (a); or

''(B) disapprove a summary if the judge finds that it is not sufficient to enable the certificate holder to appeal such an order.

''(3) MODIFICATIONS.—If an administrative law judge disapproves a summary under paragraph (2)(B), the judge shall direct the Under Secretary to modify the summary and resubmit the summary for approval.

''(4) INSUFFICIENT MODIFICATIONS.—If an administrative law judge is unable to approve a modified summary, the order issued under subsection (a) that is the subject of the hearing shall be set aside unless the judge finds that such a result—

''(A) would likely cause serious and irreparable harm to the national security; or

''(B) would likely cause death or serious bodily injury to any person.

''(5) SPECIAL PROCEDURES.—If an administrative law judge makes a finding under subparagraph (A) or (B) of paragraph (4), the hearing shall proceed without an unclassified summary provided to the certificate holder. In such a case, subject to procedures established by regulation by the Under Secretary in consultation with the Administrator, the administrative law judge shall appoint a special attorney to assist the accused by—

''(A) reviewing in camera the classified evidence; and

''(B) challenging, through an in camera proceeding, the veracity of the evidence contained in the classified information.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 461 is amended by adding at the end the following:

''46111. Certificate actions in response to a security threat.''.

SEC. 422. FLIGHT ATTENDANT CERTIFICATION.

(a) IN GENERAL.—Chapter 447 is further amended by adding at the end the following:

''§ 44729. Flight attendant certification

''(a) CERTIFICATE REQUIRED.—

''(1) IN GENERAL.—No person may serve as a flight attendant aboard an aircraft of an air carrier unless that person holds a certificate of demonstrated proficiency from the Administrator of the Federal Aviation Administration. Upon the request of the Administrator or an authorized representative of the National Transportation Safety Board or another Federal agency, a person who holds such a certificate shall present the certificate for inspection within a reasonable period of time after the date of the request.

''(2) SPECIAL RULE FOR CURRENT FLIGHT ATTENDANTS.—An individual serving as a flight attendant on the effective date of this section may continue to serve aboard an aircraft as a flight attendant until completion by that individual of the required recurrent or requalification training and subsequent certification under this section.

''(3) TREATMENT OF FLIGHT ATTENDANT AFTER NOTIFICATION.—On the date that the Administrator is notified by an air carrier that an individual has the demonstrated proficiency to be a flight attendant, the individual shall be treated for purposes of this section as holding a certificate issued under the section.

''(b) ISSUANCE OF CERTIFICATE.—The Administrator shall issue a certificate of demonstrated proficiency under this section to an individual after the Administrator is notified by the air carrier that the individual has successfully completed all the training requirements for flight attendants approved by the Administrator.

''(c) DESIGNATION OF PERSON TO DETERMINE SUCCESSFUL COMPLETION OF TRAINING.—In accordance with part 183 of chapter 14, Code of Federal Regulation, the director of operations of an air carrier is designated to determine that an individual has successfully completed the training requirements approved by the Administrator for such individual to serve as a flight attendant.

''(d) SPECIFICATIONS RELATING TO CERTIFICATES.—Each certificate issued under this section shall—

''(1) be numbered and recorded by the Administrator;

''(2) contain the name, address, and description of the individual to whom the certificate is issued;

''(3) contain the name of the air carrier that employs or will employ the certificate holder on the date that the certificate is issued;

''(4) is similar in size and appearance to certificates issued to airmen;

''(5) contain the airplane group for which the certificate is issued; and

''(6) be issued not later than 30 days after the Administrator receives notification from the air carrier of demonstrated proficiency and, in the case of an individual serving as flight attendant on the effective date of this section, not later than 1 year after such effective date.

''(e) APPROVAL OF TRAINING PROGRAMS.—Air carrier flight attendant training programs shall be subject to approval by the Administrator. All flight attendant training programs approved by the Administrator in the 1-year period ending on the date of enactment of this section shall be treated as providing a demonstrated proficiency for purposes of meeting the certification requirements of this section.

''(f) FLIGHT ATTENDANT DEFINED.—In this section, the term 'flight attendant' means an individual working as a flight attendant in the cabin of an aircraft that has 20 or more seats and is being used by an air carrier to provide air transportation.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 447 is further amended by adding at the end the following:

''44729. Flight attendant certification.''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on the 365th day following the date of enactment of this Act.

SEC. 423. CIVIL PENALTY FOR CLOSURE OF AN AIRPORT WITHOUT PROVIDING SUFFICIENT NOTICE.

(a) IN GENERAL.—Chapter 463 is amended by adding at the end the following:

''§ 46319. Closure of an airport without providing sufficient notice

''(a) PROHIBITION.—A public agency (as defined in section 47102) may not close an airport listed in the national plan of integrated airport systems under section 47103 without providing written notice to the Administrator of the Federal Aviation Administration at least 30 days before the date of the closure.

''(b) PUBLICATION OF NOTICE.—The Administrator shall publish each notice received under subsection (a) in the Federal Register.

''(c) CIVIL PENALTY.—A public agency violating subsection (a) shall be liable for a civil penalty of $10,000 for each day that the airport remains closed without having given the notice required by this section.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 463 is amended by adding at the end the following:

''46319. Closure of an airport without providing sufficient notice.''.

SEC. 424. NOISE EXPOSURE MAPS.

Section 47503 is amended—

(1) in subsection (a) by striking ''1985,'' and inserting ''a forecast period that is at least 5 years in the future''; and

(2) by striking subsection (b) and inserting the following:

''(b) REVISED MAPS.—If, in an area surrounding an airport, a change in the operation of the airport would establish a substantial new noncompatible use, or would significantly reduce noise over existing noncompatible uses, that is not reflected in either the existing conditions map or forecast map currently on file with the Federal Aviation Administration, the airport operator shall submit a revised noise exposure map to the Secretary showing the new noncompatible use or noise reduction.''.

SEC. 425. AMENDMENT OF GENERAL FEE SCHEDULE PROVISION.

The amendment made by section 119(d) of the Aviation and Transportation Security Act (115 Stat. 629) shall not be affected by the savings provisions contained in section 141 of that Act (115 Stat. 643).

SEC. 426. IMPROVEMENT OF CURRICULUM STANDARDS FOR AVIATION MAINTENANCE TECHNICIANS.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall ensure that the training standards for airframe and powerplant mechanics under part 65 of title 14, Code of Federal Regulations, are updated and revised in accordance with this section. The Administrator may update and revise the training standards through the initiation of a formal rulemaking or by issuing an advisory circular or other agency guidance.

(b) ELEMENTS FOR CONSIDERATION.—The updated and revised standards required under subsection (a) shall include those curriculum adjustments that are necessary to more accurately reflect current technology and maintenance practices.

(c) MINIMUM TRAINING HOURS.—In making adjustments to the maintenance curriculum requirements pursuant to this section, the current requirement of 1900 minimum training hours shall be maintained.

(d) CERTIFICATION.—Any adjustment or modification of current curriculum standards made pursuant to this section shall be reflected in the certification examinations of airframe and powerplant mechanics.

(e) COMPLETION.—The revised and updated training standards required by subsection (a) shall be completed not later than 12 months after the date of enactment of this Act.

(f) PERIODIC REVIEWS AND UPDATES.—The Administrator shall review the content of the curriculum standards for training airframe and powerplant mechanics referred to in subsection (a) every 3 years after completion of the revised and updated training standards required under subsection (a) as necessary to reflect current technology and maintenance practices.

SEC. 427. TASK FORCE ON FUTURE OF AIR TRANSPORTATION SYSTEM.

(a) IN GENERAL.—The President shall establish a task force to work with the Next Generation Air Transportation System Joint Program Office authorized under section 106(k)(3).

(b) MEMBERSHIP.—The task force shall be composed of representatives, appointed by the President, from air carriers, general aviation, pilots, and air traffic controllers and the following government organizations:

(1) The Federal Aviation Administration.

(2) The National Aeronautics and Space Administration.

(3) The Department of Defense.

(4) The Department of Homeland Security.

(5) The National Oceanic and Atmospheric Administration.

(6) Other government organizations designated by the President.

(c) FUNCTION.—The function of the task force shall be to develop an integrated plan to transform the Nation's air traffic control system and air transportation system to meet its future needs.

(d) PLAN.—Not later than 1 year after the date of establishment of the task force, the task force shall transmit to the President and Congress a plan outlining the overall strategy, schedule, and resources needed to develop and deploy the Nation's next generation air traffic control system and air transportation system.

SEC. 428. AIR QUALITY IN AIRCRAFT CABINS.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall undertake the studies and analysis called for in the report of the National Research Council entitled ''The Airliner Cabin Environment and the Health of Passengers and Crew''.

(b) REQUIRED ACTIVITIES.—In carrying out this section, the Administrator, at a minimum, shall—

(1) conduct surveillance to monitor ozone in the cabin on a representative number of flights and aircraft to determine compliance with existing Federal Aviation Regulations for ozone;

(2) collect pesticide exposure data to determine exposures of passengers and crew; and

(3) analyze samples of residue from aircraft ventilation ducts and filters after air quality incidents to identify the allergens, diseases, and other contaminants to which passengers and crew were exposed.

(c) REPORT.—Not later than 30 months after the date of enactment of this Act, the Administrator shall transmit to Congress a report on the findings of the Administrator under this section.

SEC. 429. RECOMMENDATIONS CONCERNING TRAVEL AGENTS.

(a) REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation shall transmit to Congress a report on any actions that should be taken with respect to recommendations made by the National Commission to Ensure Consumer Information and Choice in the Airline Industry on—

(1) the travel agent arbiter program; and

(2) the special box on tickets for agents to include their service fee charges.

(b) CONSULTATION.—In preparing this report, the Secretary shall consult with representatives from the airline and travel agent industry.

SEC. 430. TASK FORCE ON ENHANCED TRANSFER OF APPLICATIONS OF TECHNOLOGY FOR MILITARY AIRCRAFT TO CIVILIAN AIRCRAFT.

(a) IN GENERAL.—The President shall establish a task force to look for better methods for ensuring that technology developed for military aircraft is more quickly and easily transferred to applications for improving and modernizing the fleet of civilian aircraft.

(b) MEMBERSHIP.—The task force shall be composed of the Secretary of Transportation who shall be the chair of the task force and representatives, appointed by the President, from the following:

(1) The Department of Transportation.

(2) The Federal Aviation Administration.

(3) The Department of Defense.

(4) The National Aeronautics and Space Administration.

(5) The aircraft manufacturing industry.

(6) Such other organizations as the President may designate.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the task force shall report to Congress on the methods looked at by the task force for ensuring the transfer of applications described in subsection (a).

SEC. 431. REIMBURSEMENT FOR LOSSES INCURRED BY GENERAL AVIATION ENTITIES.

(a) IN GENERAL.—The Secretary of Transportation may make grants to reimburse the following general aviation entities for the security costs incurred and revenue foregone as a result of the restrictions imposed by the Federal Government following the terrorist attacks on the United States that occurred on September 11, 2001, or the military action to free the people of Iraq that commenced in March 2003:

(1) General aviation entities that operate at Ronald Reagan Washington National Airport.

(2) Airports that are located within 15 miles of Ronald Reagan Washington National Airport and were operating under security restrictions on the date of enactment of this Act and general aviation entities operating at those airports.

(3) General aviation entities that were affected by Federal Aviation Administration Notices to Airmen FDC 2/0199 and 3/1862 and section 352 of the Department of Transportation and Related Agencies Appropriations Act, 2003 (P.L. 108–7, Division I).

(4) General aviation entities affected by implementation of section 44939 of title 49, United States Code.

(5) Any other general aviation entity that is prevented from doing business or operating by an action of the Federal Government prohibiting access to airspace by that entity.

(b) DOCUMENTATION.—Reimbursement under this section shall be made in accordance with sworn financial statements or other appropriate data submitted by each general aviation entity demonstrating the costs incurred and revenue foregone to the satisfaction of the Secretary.

(c) GENERAL AVIATION ENTITY DEFINED.—In this section, the term ''general aviation entity'' means any person (other than a scheduled air carrier or foreign air carrier, as such terms are defined in section 40102 of title 49, United States Code) that—

(1) operates nonmilitary aircraft under part 91 of title 14, Code of Federal Regulations, for the purpose of conducting its primary business;

(2) manufactures nonmilitary aircraft with a maximum seating capacity of fewer than 20 passengers or aircraft parts to be used in such aircraft;

(3) provides services necessary for nonmilitary operations under such part 91; or

(4) operates an airport, other than a primary airport (as such terms are defined in such section 40102), that—

(A) is listed in the national plan of integrated airport systems developed by the Federal Aviation Administration under section 47103 of such title; or

(B) is normally open to the public, is located within the confines of enhanced class B airspace (as defined by the Federal Aviation Administration in Notice to Airmen FDC 1/0618), and was closed as a result of an order issued by the Federal Aviation Administration in the period beginning September 11, 2001, and ending January 1, 2002, and remained closed as a result of that order on January 1, 2002.

Such term includes fixed based operators, flight schools, manufacturers of general aviation aircraft and products, persons engaged in nonscheduled aviation enterprises, and general aviation independent contractors.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $100,000,000. Such sums shall remain available until expended.

SEC. 432. IMPASSE PROCEDURES FOR NATIONAL ASSOCIATION OF AIR TRAFFIC SPECIALISTS.

(a) FAILURE OF CURRENT NEGOTIATIONS.—If, within 30 days after the date of enactment of this Act, the Federal Aviation Administration and the exclusive bargaining representative of

the National Association of Air Traffic Specialists have failed to achieve agreement through a mediation process of the Federal Mediation and Conciliation Service, the current labor negotiation shall be treated for purposes of this section to have failed.

(b) SUBMISSION TO IMPASSE PANEL.—Not later than 30 days after the negotiation has failed under subsection (a), the parties to the negotiation shall submit unresolved issues to the Federal Service Impasses Panel described in section 7119(c) of title 5, United States Code, for final and binding resolution.

(c) ASSISTANCE.—The Panel shall render assistance to the parties in resolving their dispute in accordance with section 7119 of title 5, United States Code, and parts 2470 and 2471 of title 5, Code of Federal Regulations.

(d) DETERMINATION.—The Panel shall make a just and reasonable determination of the matters in dispute. In arriving at such determination, the Panel shall specify the basis for its findings, taking into consideration such relevant factors as are normally and customarily considered in the determination of wages or impasse Panel proceedings. The Panel shall also take into consideration the financial ability of the Administration to pay.

(e) EFFECT OF PANEL DETERMINATION.—The determination of the Panel shall be final and binding upon the parties for the period prescribed by the Panel or a period otherwise agreed to by the parties.

(f) REVIEW.—The determination of the Panel shall be subject to review in the manner prescribed in chapter 71 of title 5, United States Code.

SEC. 433. FAA INSPECTOR TRAINING.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General shall conduct a study of the training of the aviation safety inspectors of the Federal Aviation Administration (in this section referred to as ''FAA inspectors'').

(2) CONTENTS.—The study shall include—

(A) an analysis of the type of training provided to FAA inspectors;

(B) actions that the Federal Aviation Administration has undertaken to ensure that FAA inspectors receive up-to-date training on the latest technologies;

(C) the extent of FAA inspector training provided by the aviation industry and whether such training is provided without charge or on a quid-pro-quo basis; and

(D) the amount of travel that is required of FAA inspectors in receiving training.

(3) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

(b) SENSE OF THE HOUSE.—It is the sense of the House of Representatives that—

(1) FAA inspectors should be encouraged to take the most up-to-date initial and recurrent training on the latest aviation technologies;

(2) FAA inspector training should have a direct relation to an individual's job requirements; and

(3) if possible, a FAA inspector should be allowed to take training at the location most convenient for the inspector.

(c) WORKLOAD OF INSPECTORS.—

(1) STUDY BY NATIONAL ACADEMY OF SCIENCES.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall make appropriate arrangements for the National Academy of Sciences to conduct a study of the assumptions and methods used by the Federal Aviation Administration to estimate staffing standards for FAA inspectors to ensure proper oversight over the aviation industry, including the designee program.

(2) CONTENTS.—The study shall include the following:

(A) A suggested method of modifying FAA inspectors staffing models for application to current local conditions or applying some other approach to developing an objective staffing standard.

(B) The approximate cost and length of time for developing such models.

(3) REPORT.—Not later than 12 months after the initiation of the arrangements under subsection (a), the National Academy of Sciences shall transmit to Congress a report on the results of the study.

SEC. 434. PROHIBITION ON AIR TRAFFIC CONTROL PRIVATIZATION.

(a) IN GENERAL.—The Secretary of Transportation may not authorize the transfer of the air traffic separation and control functions operated by the Federal Aviation Administration on the date of enactment of this Act to a private entity or to a public entity other than the United States Government.

(b) CONTRACT TOWER PROGRAM.—Subsection (a) shall not apply to the contract tower program authorized by section 47124 of title 49, United States Code.

SEC. 435. AIRFARES FOR MEMBERS OF THE ARMED FORCES.

(a) FINDINGS.—Congress finds that—

(1) the Armed Forces is comprised of approximately 1,400,000 members who are stationed on active duty at more than 6,000 military bases in 146 different countries;

(2) the United States is indebted to the members of the Armed Forces, many of whom are in grave danger due to their engagement in, or exposure to, combat;

(3) military service, especially in the current war against terrorism, often requires members of the Armed Forces to be separated from their families on short notice, for long periods of time, and under very stressful conditions;

(4) the unique demands of military service often preclude members of the Armed Forces from purchasing discounted advance airline tickets in order to visit their loved ones at home; and

(5) it is the patriotic duty of the people of the United States to support the members of the Armed Forces who are defending the Nation's interests around the world at great personal sacrifice.

(b) SENSE OF CONGRESS.—It is the sense of Congress that each United States air carrier should—

(1) establish for all members of the Armed Forces on active duty reduced air fares that are comparable to the lowest airfare for ticketed flights; and

(2) offer flexible terms that allow members of the Armed Forces on active duty to purchase, modify, or cancel tickets without time restrictions, fees, and penalties.

SEC. 436. AIR CARRIERS REQUIRED TO HONOR TICKETS FOR SUSPENDED AIR SERVICE.

Section 145(c) of the Aviation and Transportation Security Act (49 U.S.C. 40101 note; 115 stat. 645) is amended by striking ''more than'' and all that follows through ''after'' and inserting ''more than 36 months after''.

SEC. 437. INTERNATIONAL AIR SHOW.

(a) STUDY.—The Secretary of Transportation shall study the feasibility of the United States hosting a world-class international air show.

(b) REPORT.—Not later than 9 months after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under subsection (a) together with recommendations concerning potential locations at which the air show could be held.

SEC. 438. DEFINITION OF AIR TRAFFIC CONTROLLER.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8331 of title 5, United States Code, is amended—

(1) by striking ''and'' at the end of paragraph (27);

(2) by striking the period at the end of paragraph (28) and inserting ''; and''; and

(3) by adding at the end the following:

''(29) 'air traffic controller' or 'controller' means—

''(A) a controller within the meaning of section 2109(1); and

''(B) a civilian employee of the Department of Transportation or the Department of Defense holding a supervisory, managerial, executive, technical, semiprofessional, or professional position for which experience as a controller (within the meaning of section 2109(1)) is a prerequisite.''.

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8401 of title 5, United States Code, is amended—

(1) by striking ''and'' at the end of paragraph (33);

(2) by striking the period at the end of paragraph (34) and inserting ''; and''; and

(3) by adding at the end the following:

''(35) 'air traffic controller' or 'controller' means—

''(A) a controller within the meaning of section 2109(1); and

''(B) a civilian employee of the Department of Transportation or the Department of Defense holding a supervisory, managerial, executive, technical, semiprofessional, or professional position for which experience as a controller (within the meaning of section 2109(1)) is a prerequisite.''.

(c) MANDATORY SEPARATION TREATMENT NOT AFFECTED.—

(1) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8335(a) of title 5, United States Code, is amended by adding at the end the following: ''For purposes of this subsection, the term 'air traffic controller' or 'controller' has the meaning given to it under section 8331(29)(A).''.

(2) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8425(a) of title 5, United States Code, is amended by adding at the end the following: ''For purposes of this subsection, the term 'air traffic controller' or 'controller' has the meaning given to it under section 8401(35)(A).''.

(d) EFFECTIVE DATE.—This section and the amendments made by this section—

(1) shall take effect on the 60th day after the date of enactment of this Act; and

(2) shall apply with respect to—

(A) any annuity entitlement to which is based on an individual's separation from service occurring on or after that 60th day; and

(B) any service performed by any such individual before, on, or after that 60th day, subject to subsection (e).

(e) DEPOSIT REQUIRED FOR CERTAIN PRIOR SERVICE TO BE CREDITABLE AS CONTROLLER SERVICE.—

(1) DEPOSIT REQUIREMENT.—For purposes of determining eligibility for immediate retirement under section 8412(e) of title 5, United States Code, the amendment made by subsection (b) shall, with respect to any service described in paragraph (2), be disregarded unless there is deposited into the Civil Service Retirement and Disability Fund, with respect to such service, in such time, form, and manner as the Office of Personnel Management by regulation requires, an amount equal to the amount by which—

(A) the deductions from pay which would have been required for such service if the amendments made by this section had been in effect when such service was performed, exceeds

(B) the unrefunded deductions or deposits actually made under subchapter II of chapter 84 of such title 5 with respect to such service.

The amount under the preceding sentence shall include interest, computed under paragraphs (2) and (3) of section 8334(e) of such title 5.

(2) PRIOR SERVICE DESCRIBED.—This subsection applies with respect to any service performed by an individual, before the 60th day following the date of enactment of this Act, as an

employee described in section 8401(35)(B) of such title 5 (as set forth in subsection (b)).

SEC. 439. JUSTIFICATION FOR AIR DEFENSE IDENTIFICATION ZONE.

(a) IN GENERAL.—If the Administrator of the Federal Aviation Administration establishes an Air Defense Identification Zone (in this section referred as an ''ADIZ''), the Administrator shall transmit, not later than 60 days after the date of establishing the ADIZ, to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing an explanation of the need for the ADIZ. The Administrator also shall transmit to the Committees updates of the report every 60 days until the ADIZ is rescinded. The reports and updates shall be transmitted in classified form.

(b) EXISTING ADIZ.—If an ADIZ is in effect on the date of enactment of this Act, the Administrator shall transmit an initial report under subsection (a) not later than 30 days after such date of enactment.

(c) DEFINITION.—In this section, the terms ''Air Defense Identification Zone'' and ''ADIZ'' each mean a zone established by the Administrator with respect to airspace under 18,000 feet in approximately a 15- to 38-mile radius around Washington, District of Columbia, for which security measures are extended beyond the existing 15-mile no-fly zone around Washington and in which general aviation aircraft are required to adhere to certain procedures issued by the Administrator.

SEC. 440. INTERNATIONAL AIR TRANSPORTATION.

It is the sense of Congress that, in an effort to modernize its regulations, the Department of Transportation should formally define ''Fifth Freedom'' and ''Seventh Freedom'' consistently for both scheduled and charter passenger and cargo traffic.

SEC. 441. REIMBURSEMENT OF AIR CARRIERS FOR CERTAIN SCREENING AND RELATED ACTIVITIES.

The Secretary of Transportation, subject to the availability of funds (other than amounts in the Aviation Trust Fund) provided for this purpose, shall reimburse air carriers and airports for the following:

(1) All screening and related activities that the air carriers or airports are still performing or continuing to be responsible for, including—

(A) the screening of catering supplies;

(B) checking documents at security checkpoints;

(C) screening of passengers; and

(D) screening of persons with access to aircraft.

(2) The provision of space and facilities used to perform screening functions if such space and facilities have been previously used, or were intended to be used, for revenue-producing purposes.

SEC. 442. GENERAL AVIATION FLIGHTS AT RONALD REAGAN WASHINGTON NATIONAL AIRPORT.

It is the sense of Congress that Ronald Reagan Washington National Airport should be open to general aviation flights as soon as possible.

TITLE V—AIRPORT DEVELOPMENT

SEC. 501. DEFINITIONS.

(a) IN GENERAL.—Section 47102 is amended—

(1) by redesignating paragraphs (19) and (20) as paragraphs (24) and (25), respectively;

(2) by inserting after paragraph (18) the following:

''(23) 'small hub airport' means a commercial service airport that has at least 0.05 percent but less than 0.25 percent of the passenger boardings.'';

(3) in paragraph (10) by striking subparagraphs (A) and (B) and inserting following:

''(A) means, unless the context indicates otherwise, revenue passenger boardings in the United States in the prior calendar year on an aircraft in service in air commerce, as the Secretary determines under regulations the Secretary prescribes; and

''(B) includes passengers who continue on an aircraft in international flight that stops at an airport in the 48 contiguous States, Alaska, or Hawaii for a nontraffic purpose.'';

(4) by redesignating paragraphs (10) through (18) as paragraphs (14) through (22), respectively;

(5) by inserting after paragraph (9) the following:

''(10) 'large hub airport' means a commercial service airport that has at least 1.0 percent of the passenger boardings.

''(12) 'medium hub airport' means a commercial service airport that has at least 0.25 percent but less than 1.0 percent of the passenger boardings.

''(13) 'nonhub airport' means a commercial service airport that has less than 0.05 percent of the passenger boardings.''; and

(6) by striking paragraph (6) and inserting the following:

''(6) 'amount made available under section 48103' or 'amount newly made available' means the amount authorized for grants under section 48103 as that amount may be limited in that year by a subsequent law, but as determined without regard to grant obligation recoveries made in that year or amounts covered by section 47107(f).''.

(b) CONFORMING AMENDMENT.—Section 47116(b)(1) is amended by striking ''(as defined in section 41731 of this title)''.

SEC. 502. REPLACEMENT OF BAGGAGE CONVEYOR SYSTEMS.

Section 47102(3)(B)(x) is amended by striking the period at the end and inserting the following: ''; except that such activities shall be eligible for funding under this subchapter only using amounts apportioned under section 47114.''.

SEC. 503. SECURITY COSTS AT SMALL AIRPORTS.

(a) SECURITY COSTS.—Section 47102(3)(J) is amended to read as follows:

''(J) in the case of a nonhub airport or an airport that is not a primary airport in fiscal year 2004, direct costs associated with new, additional, or revised security requirements imposed on airport operators by law, regulation, or order on or after September 11, 2001, if the Government's share is paid only from amounts apportioned to a sponsor under section 47114(c) or 47114(d)(3)(A).''.

(b) CONFORMING AMENDMENT.—Section 47110(b)(2) is amended—

(1) in subparagraph (D) by striking '', 47102(3)(K), or 47102(3)(L)''; and

(2) by aligning the margin of subparagraph (D) with the margin of subparagraph (B).

SEC. 504. WITHHOLDING OF PROGRAM APPLICATION APPROVAL.

Section 47106(d) is amended—

(1) in paragraph (1) by striking ''section 47114(c) and (e) of this title'' and inserting ''subsections (c), (d), and (e) of section 47114''; and

(2) by adding at the end the following:

''(4) If the Secretary withholds a grant to an airport from the discretionary fund under section 47115 or from the small airport fund under section 47116 on the grounds that the sponsor has violated an assurance or requirement of this subchapter, the Secretary shall follow the procedures of this subsection.''.

SEC. 505. RUNWAY SAFETY AREAS.

Section 47106 is amended by adding at the end the following:

''(h) RUNWAY SAFETY AREAS.—The Secretary may approve an application under this chapter for a project grant to construct, reconstruct, repair, or improve a runway only if the Secretary receives written assurances, satisfactory to the Secretary, that the sponsor will undertake, to the maximum extent practical, improvement of the runway's safety area to meet the standards of the Federal Aviation Administration.''.

SEC. 506. DISPOSITION OF LAND ACQUIRED FOR NOISE COMPATIBILITY PURPOSES.

Section 47107(c) is amended by adding at the end the following:

''(4) Notwithstanding paragraph (2)(A)(iii), an airport owner or operator may retain all or any portion of the proceeds from a land disposition described in that paragraph if the Secretary finds that the use of the land will be compatible with airport purposes and the proceeds retained will be used for airport development or to carry out a noise compatibility program under section 47504(c).''.

SEC. 507. GRANT ASSURANCES.

(a) HANGAR CONSTRUCTION.—Section 47107(a) is amended—

(1) by striking ''and'' at the end of paragraph (19);

(2) by striking the period at the end of paragraph (20) and inserting ''; and''; and

(3) by adding at the end the following:

''(21) if the airport owner or operator and a person who owns an aircraft agree that a hangar is to be constructed at the airport for the aircraft at the aircraft owner's expense, the airport owner or operator will grant to the aircraft owner for the hangar a long-term lease (of not less than 50 years) that is subject to such terms and conditions on the hangar as the airport owner or operator may impose.''.

(b) STATUTE OF LIMITATIONS..—Section 47107(l)(5)(A) is amended by inserting ''or any other governmental entity'' after ''sponsor''.

(c) AUDIT CERTIFICATION.—Section 47107(m) is amended—

(1) in paragraph (1) by striking ''promulgate regulations that'' and inserting ''include a provision in the compliance supplement provisions to'';

(2) in paragraph (1) by striking ''and opinion of the review''; and

(3) by striking paragraph (3).

SEC. 508. ALLOWABLE PROJECT COSTS.

(a) CONSTRUCTION OR MODIFICATION OF PUBLIC PARKING FACILITIES FOR SECURITY PURPOSES.—Section 47110 is amended—

(1) in subsection (f) by striking ''subsection (d)'' and inserting ''subsections (d) and (h)''; and

(2) by adding at the end the following:

''(h) CONSTRUCTION OR MODIFICATION OF PUBLIC PARKING FACILITIES FOR SECURITY PURPOSES.—Notwithstanding subsection (f)(1), a cost of constructing or modifying a public parking facility for passenger automobiles to comply with a regulation or directive of the Department of Homeland Security shall be treated as an allowable airport development project cost.''.

(b) DEBT FINANCING.—Section 47110 is further amended by adding at the end the following:

''(i) DEBT FINANCING.—In the case of an airport that is not a medium hub airport or large hub airport, the Secretary may determine that allowable airport development project costs include payments of interest, commercial bond insurance, and other credit enhancement costs associated with a bond issue to finance the project.''.

(c) CLARIFICATION OF ALLOWABLE COSTS..—Section 47110(b)(1) is amended by inserting before the semicolon at the end ''and any cost of moving a Federal facility impeding the project if the rebuilt facility is of an equivalent size and type''.

(d) TECHNICAL AMENDMENTS.—Section 47110(e) is amended by aligning the margin of paragraph (6) with the margin of paragraph (5).

SEC. 509. APPORTIONMENTS TO PRIMARY AIRPORTS.

(a) FORMULA CHANGES.—Section 47114(c)(1)(A) is amended by striking clauses (iv) and (v) and by inserting the following:

''(iv) $.65 for each of the next 500,000 passenger boardings at the airport during the prior calendar year;

''(v) $.50 cents for each of the next 2,500,000 passenger boardings at the airport during the prior calendar year; and

''(vi) $.45 cents for each additional passenger boarding at the airport during the prior calendar year.''.

(b) SPECIAL RULE FOR FISCAL YEARS 2004 AND 2005.—Section 47114(c)(1) is amended by adding at the end the following:

''(F) SPECIAL RULE FOR FISCAL YEARS 2004 AND 2005.—Notwithstanding subparagraph (A) and the absence of scheduled passenger aircraft service at an airport, the Secretary may apportion in fiscal years 2004 and 2005 to the sponsor of the airport an amount equal to the amount apportioned to that sponsor in fiscal year 2002 or 2003, whichever amount is greater, if the Secretary finds that—

''(i) the passenger boardings at the airport were below 10,000 in calendar year 2002;

''(ii) the airport had at least 10,000 passenger boardings and scheduled passenger aircraft service in either calendar year 2000 or 2001; and

''(iii) the reason that passenger boardings described in clause (i) were below 10,000 was the decrease in passengers following the terrorist attacks of September 11, 2001.''.

SEC. 510. CARGO AIRPORTS.

Section 47114(c)(2) is amended—

(1) in the paragraph heading by striking ''ONLY''; and

(2) in subparagraph (A) by striking ''3 percent'' and inserting ''3.5 percent''.

SEC. 511. CONSIDERATIONS IN MAKING DISCRETIONARY GRANTS.

Section 47115(d) is amended to read as follows:

''(d) CONSIDERATIONS.—

''(1) FOR CAPACITY ENHANCEMENT PROJECTS.—In selecting a project for a grant to preserve and improve capacity funded in whole or in part from the fund, the Secretary shall consider—

''(A) the effect that the project will have on overall national transportation system capacity;

''(B) the benefit and cost of the project, including, in the case of a project at a reliever airport, the number of operations projected to be diverted from a primary airport to the reliever airport as a result of the project, as well as the cost savings projected to be realized by users of the local airport system;

''(C) the financial commitment from non-United States Government sources to preserve or improve airport capacity;

''(D) the airport improvement priorities of the States to the extent such priorities are not in conflict with subparagraphs (A) and (B); and

''(E) the projected growth in the number of passengers or aircraft that will be using the airport at which the project will be carried out.

''(2) FOR ALL PROJECTS.—In selecting a project for a grant described in paragraph (1), the Secretary shall consider whether—

''(A) funding has been provided for all other projects qualifying for funding during the fiscal year under this chapter that have attained a higher score under the numerical priority system employed by the Secretary in administering the fund; and

''(B) the sponsor will be able to commence the work identified in the project application in the fiscal year in which the grant is made or within 6 months after the grant is made, whichever is later.''.

SEC. 512. FLEXIBLE FUNDING FOR NONPRIMARY AIRPORT APPORTIONMENTS.

(a) IN GENERAL.—Section 47117(c) is amended to read as follows:

''(c) USE OF SPONSOR'S APPORTIONED AMOUNTS AT PUBLIC USE AIRPORTS.—

''(1) OF SPONSOR.—An amount apportioned to a sponsor of an airport under section 47114(c) or 47114(d)(3)(A) is available for grants for any public-use airport of the sponsor included in the national plan of integrated airport systems.

''(2) IN SAME STATE OR AREA.—A sponsor of an airport may make an agreement with the Secretary of Transportation waiving the sponsor's claim to any part of the amount apportioned for the airport under section 47114(c) or 47114(d)(3)(A) if the Secretary agrees to make the waived amount available for a grant for another public-use airport in the same State or geographical area as the airport, as determined by the Secretary.''.

(b) PROJECT GRANT AGREEMENTS.—Section 47108(a) is amended by inserting ''or 47114(d)(3)(A)'' after ''under section 47114(c)''.

(c) ALLOWABLE PROJECT COSTS.—Section 47110 is further amended—

(1) in subsection (b)(2)(C) by striking ''of this title'' and inserting ''or section 47114(d)(3)(A)'';

(2) in subsection (g)—

(A) by inserting ''or section 47114(d)(3)(A)'' after ''of section 47114(c)''; and

(B) by striking ''of project'' and inserting ''of the project''; and

(3) by adding at the end the following:

''(j) NONPRIMARY AIRPORTS.—The Secretary may decide that the costs of revenue producing aeronautical support facilities, including fuel farms and hangars, are allowable for an airport development project at a nonprimary airport if the Government's share of such costs is paid only with funds apportioned to the airport sponsor under section 47114(d)(3)(A) and if the Secretary determines that the sponsor has made adequate provision for financing airside needs of the airport.''.

(d) TERMINAL DEVELOPMENT COSTS.—Section 47119(b) is amended—

(1) by striking ''or'' at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting ''; or''; and

(3) by adding at the end the following:

''(5) to a sponsor of a nonprimary airport, any part of amounts apportioned to the sponsor for the fiscal year under section 47114(d)(3)(A) for project costs allowable under section 47110(d).''.

SEC. 513. USE OF APPORTIONED AMOUNTS.

(a) SPECIAL APPORTIONMENT CATEGORIES.—Section 47117(e)(1)(A) is amended—

(1) by striking ''of this title'' the first place it appears and inserting a comma; and

(2) by striking ''of this title'' the second place it appears and inserting '', for noise mitigation projects approved in an environmental record of decision for an airport development project under this title, for compatible land use planning and projects carried out by State and local governments under section 47140, and for airport development described in section 47102(3)(F) or 47102(3)(K) to comply with the Clean Air Act (42 U.S.C. 7401 et seq.)''.

(b) ELIMINATION OF SUPER RELIEVER SET-ASIDE.—Section 47117(e)(1)(C) is repealed.

(c) RECOVERED FUNDS.—Section 47117 is further amended by adding at the end the following:

''(h) TREATMENT OF CANCELED OR REDUCED GRANT OBLIGATIONS.—For the purpose of determining compliance with a limitation, enacted in an appropriations Act, on the amount of grant obligations of funds made available by section 48103 that may be incurred in a fiscal year, an amount that is recovered by canceling or reducing a grant obligation of funds made available by section 48103 shall be treated as a negative obligation that is to be netted against the obligation limitation as enacted and thus may permit the obligation limitation to be exceeded by an equal amount.''.

SEC. 514. MILITARY AIRPORT PROGRAM.

Subsections (e) and (f) of section 47118 are each amended by striking ''$7,000,000'' and inserting ''$10,000,000''.

SEC. 515. TERMINAL DEVELOPMENT COSTS.

Section 47119(a) is amended to read as follows:

''(a) REPAYING BORROWED MONEY.—

''(1) TERMINAL DEVELOPMENT COSTS INCURRED AFTER JUNE 30, 1970, AND BEFORE JULY 12, 1976.—An amount apportioned under section 47114 and made available to the sponsor of a commercial service airport at which terminal development was carried out after June 30, 1970, and before July 12, 1976, is available to repay immediately money borrowed and used to pay the costs for such terminal development if those costs would be allowable project costs under section 47110(d) if they had been incurred after September 3, 1982.

''(2) TERMINAL DEVELOPMENT COSTS INCURRED BETWEEN JANUARY 1, 1992, AND OCTOBER 31, 1992.—An amount apportioned under section 47114 and made available to the sponsor of a nonhub airport at which terminal development was carried out between January 1, 1992, and October 31, 1992, is available to repay immediately money borrowed and to pay the costs for such terminal development if those costs would be allowable project costs under section 47110(d).

''(3) TERMINAL DEVELOPMENT COSTS AT PRIMARY AIRPORTS.—An amount apportioned under section 47114 or available under subsection (b)(3) to a primary airport—

''(A) that was a nonhub airport in the most recent year used to calculate apportionments under section 47114;

''(B) that is a designated airport under section 47118 in fiscal year 2003; and

''(C) at which terminal development is carried out between January 2003 and August 2004,

is available to repay immediately money borrowed and used to pay the costs for such terminal development if those costs would be allowable project costs under section 47110(d).

''(4) CONDITIONS FOR GRANT.—An amount is available for a grant under this subsection only if—

''(A) the sponsor submits the certification required under section 47110(d);

''(B) the Secretary of Transportation decides that using the amount to repay the borrowed money will not defer an airport development project outside the terminal area at that airport; and

''(C) amounts available for airport development under this subchapter will not be used for additional terminal development projects at the airport for at least 3 years beginning on the date the grant is used to repay the borrowed money.

''(5) APPLICABILITY OF CERTAIN LIMITATIONS.—A grant under this subsection shall be subject to the limitations in subsection (b)(1) and (2).''.

SEC. 516. CONTRACT TOWERS.

Section 47124(b) is amended—

(1) in paragraph (1) by striking ''on December 30, 1987,'' and inserting ''on date of enactment of the Flight 100—Century of Aviation Reauthorization Act'';

(2) in the heading for paragraph (3) by striking ''PILOT'';

(3) in paragraph (4)(C) by striking ''$1,100,000'' and inserting ''$1,500,000''; and

(4) by striking ''pilot'' each place it appears.

SEC. 517. AIRPORT SAFETY DATA COLLECTION.

Section 47130 is amended to read as follows:

''§ 47130. Airport safety data collection

''Notwithstanding any other provision of law, the Administrator of the Federal Aviation Administration may award a contract, using sole source or limited source authority, or enter into a cooperative agreement with, or provide a grant from amounts made available under section 48103 to, a private company or entity for the collection of airport safety data. In the event that a grant is provided under this section, the United States Government's share of the cost of the data collection shall be 100 percent.''.

SEC. 518. AIRPORT PRIVATIZATION PILOT PROGRAM.

(a) IN GENERAL.—Section 47134(b)(1) is amended—

(1) in subparagraph (A) by striking clauses (i) and (ii) and inserting the following:

''(i) in the case of a primary airport, by at least 65 percent of the scheduled air carriers serving the airport and by scheduled and nonscheduled air carriers whose aircraft landing at the airport during the preceding calendar year, had a total landed weight during the preceding calendar year of at least 65 percent of the total

landed weight of all aircraft landing at the airport during such year; or

''(ii) by the Secretary at any nonprimary airport after the airport has consulted with at least 65 percent of the owners of aircraft based at that airport, as determined by the Secretary.'';

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following:

''(B) OBJECTION TO EXEMPTION.—An air carrier shall be deemed to have approved a sponsor's application for an exemption under subparagraph (A) unless the air carrier has submitted an objection, in writing, to the sponsor within 60 days of the filing of the sponsor's application with the Secretary, or within 60 days of the service of the application upon that air carrier, whichever is later.''.

(b) FEDERAL SHARE.—Section 47109(a) is amended—

(1) by inserting ''and'' at the end of paragraph (3);

(2) by striking paragraph (4); and

(3) by redesignating paragraph (5) as paragraph (4).

SEC. 519. INNOVATIVE FINANCING TECHNIQUES.

(a) ELIGIBLE PROJECTS.—Section 47135(a) is amended—

(1) in the first sentence by inserting after ''approve'' the following: ''after the date of enactment of the Flight 100—Century of Aviation Reauthorization Act'';

(2) in the first sentence by striking ''20'' and inserting ''10''; and

(3) by striking the second sentence and inserting the following: ''Such projects shall be located at airports that are not medium or large hub airports.''.

(b) INNOVATIVE FINANCING TECHNIQUES.—Section 47135(c)(2) is amended—

(1) by striking subparagraphs (A) and (B); and

(2) by redesignating subparagraphs (C) and (D) as subparagraphs (A) and (B), respectively.

(c) SAVINGS CLAUSE.—The amendments made by this section shall not affect applications approved under section 47135 of title 49, United States Code, before the date of enactment of this Act.

SEC. 520. AIRPORT SECURITY PROGRAM.

Section 47137 is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (d) the following:

''(e) ADMINISTRATION.—The Secretary, in cooperation with the Secretary of Homeland Security, shall administer the program authorized by this section.''.

SEC. 521. LOW-EMISSION AIRPORT VEHICLES AND INFRASTRUCTURE.

(a) EMISSIONS CREDITS.—Subchapter I of chapter 471 is amended by adding at the end the following:

''§ 47138. Emission credits for air quality projects

''(a) IN GENERAL.—The Secretary of Transportation and the Administrator of the Environmental Protection Agency shall jointly agree on how to assure that airport sponsors receive appropriate emission credits for carrying out projects described in sections 40117(a)(3)(G), 47102(3)(K), and 47102(3)(L). Such agreement must include, at a minimum, the following conditions:

''(1) The provision of credits is consistent with the Clean Air Act (42 U.S.C. 7402 et seq.).

''(2) Credits generated by the emissions reductions are kept by the airport sponsor and may only be used for purposes of any current or future general conformity determination under the Clean Air Act or as offsets under the Environmental Protection Agency's new source review program for projects on the airport or associated with the airport.

''(3) Credits are calculated and provided to airports on a consistent basis nationwide.

''(4) Credits are provided to airport sponsors in a timely manner.

''(5) The establishment of a method to assure the Secretary that, for any specific airport project for which funding is being requested, the appropriate credits will be granted.

''(b) ASSURANCE OF RECEIPT OF CREDITS.—

''(1) IN GENERAL.—As a condition for making a grant for a project described in section 47102(3)(K), 47102(3)(L), or 47139 or as a condition for granting approval to collect or use a passenger facility fee for a project described in section 40117(a)(3)(G), 47102(3)(K), 47102(3)(L), or 47139, the Secretary must receive assurance from the State in which the project is located, or from the Administrator of the Environmental Protection Agency where there is a Federal implementation plan, that the airport sponsor will receive appropriate emission credits in accordance with the conditions of this section.

''(2) AGREEMENT ON PREVIOUSLY APPROVED PROJECTS.—The Secretary and the Administrator of the Environmental Protection Agency shall jointly agree on how to provide emission credits to airport projects previously approved under section 47136 under terms consistent with the conditions enumerated in this section.''.

(b) AIRPORT GROUND SUPPORT EQUIPMENT EMISSIONS RETROFIT PILOT PROGRAM.—Subchapter I of chapter 471 is further amended by adding at the end the following:

''§ 47139. Airport ground support equipment emissions retrofit pilot program

''(a) IN GENERAL.—The Secretary of Transportation shall carry out a pilot program at not more than 10 commercial service airports under which the sponsors of such airports may use an amount made available under section 48103 to retrofit existing eligible airport ground support equipment that burns conventional fuels to achieve lower emissions utilizing emission control technologies certified or verified by the Environmental Protection Agency.

''(b) LOCATION IN AIR QUALITY NONATTAINMENT OR MAINTENANCE AREAS.—A commercial service airport shall be eligible for participation in the pilot program only if the airport is located in an air quality nonattainment area (as defined in section 171(2) of the Clean Air Act (42 U.S.C. 7501(2)) or a maintenance area referred to in section 175A of such Act (42 U.S.C. 7505a).

''(c) SELECTION CRITERIA.—In selecting from among applicants for participation in the pilot program, the Secretary shall give priority consideration to applicants that will achieve the greatest air quality benefits measured by the amount of emissions reduced per dollar of funds expended under the pilot program.

''(d) MAXIMUM AMOUNT.—Not more than $500,000 may be expended under the pilot program at any single commercial service airport.

''(e) GUIDELINES.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall establish guidelines regarding the types of retrofit projects eligible under the pilot program by considering remaining equipment useful life, amounts of emission reduction in relation to the cost of projects, and other factors necessary to carry out this section. The Secretary may give priority to ground support equipment owned by the airport and used for airport purposes.

''(f) ELIGIBLE EQUIPMENT DEFINED.—In this section, the term 'eligible equipment' means ground service or maintenance equipment that is located at the airport, is used to support aeronautical and related activities at the airport, and will remain in operation at the airport for the life or useful life of the equipment, whichever is earlier.''.

(c) ADDITION TO AIRPORT DEVELOPMENT.—Section 47102(3) is further amended by striking subparagraphs (K) and (L) and inserting the following:

''(K) work necessary to construct or modify airport facilities to provide low-emission fuel systems, gate electrification, and other related air quality improvements at a commercial service airport if the airport is located in an air quality nonattainment or maintenance area (as defined in sections 171(2) and 175A of the Clean Air Act (42 U.S.C. 7501(2), 7505a) and if such project will result in an airport receiving appropriate emission credits, as described in section 47138.

''(L) converting vehicles and ground support equipment owned by a commercial service airport to low-emission technology or acquiring for use at a commercial service airport vehicles and ground support equipment that include low-emission technology if the airport is located in an air quality nonattainment area (as defined in section 171(2) of the Clean Air Act (42 U.S.C. 7501(2)) or a maintenance area referred to in section 175A of such Act (42 U.S.C. 7505a) and if such project will result in an airport receiving appropriate emission credits as described in section 47138.''.

(d) ALLOWABLE PROJECT COST.—Section 47110(b) is further amended—

(1) by striking ''and'' at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting ''; and''; and

(3) by adding at the end the following:

''(6) in the case of a project for acquiring for use at a commercial service airport vehicles and ground support equipment owned by an airport that is not described in section 47102(3) and that include low-emission technology, if the total costs allowed for the project are not more than the incremental cost of equipping such vehicles or equipment with low-emission technology, as determined by the Secretary.''.

(e) LOW-EMISSION TECHNOLOGY EQUIPMENT.—Section 47102 (as amended by section 501 of this Act) is further amended by inserting after paragraph (10) the following:

''(11) 'low-emission technology' means technology for vehicles and equipment whose emission performance is the best achievable under emission standards established by the Environmental Protection Agency and that relies exclusively on alternative fuels that are substantially non-petroleum based, as defined by the Department of Energy, but not excluding hybrid systems or natural gas powered vehicles.''.

(f) CONFORMING AMENDMENTS.—The analysis of subchapter I of chapter 471 is amended by adding at the end the following:

''47138. Emission credits for air quality projects.
''47139. Airport ground support equipment emissions retrofit pilot program.''.

SEC. 522. COMPATIBLE LAND USE PLANNING AND PROJECTS BY STATE AND LOCAL GOVERNMENTS.

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

''§ 47140. Compatible land use planning and projects by State and local governments

''(a) IN GENERAL.—The Secretary of Transportation may make grants from amounts set aside under section 47117(e)(1)(A) to States and units of local government for land use compatibility plans or projects resulting from those plans for the purposes of making the use of land areas around large hub airports and medium hub airports compatible with aircraft operations if—

''(1) the airport operator has not submitted a noise compatibility program to the Secretary under section 47504 or has not updated such program within the past 10 years; and

''(2) the land use plan meets the requirements of this section and any project resulting from the plan meets such requirements.

''(b) ELIGIBILITY.—In order to receive a grant under this section, a State or unit of local government must—

''(1) have the authority to plan and adopt land use control measures, including zoning, in the planning area in and around a large or medium hub airport;

''(2) provide written assurance to the Secretary that it will work with the affected airport to identify and adopt such measures; and

''(3) provide written assurance to the Secretary that it will achieve, to the maximum extent possible, compatible land uses consistent with Federal land use compatibility criteria under section 47502(3) and that those compatible land uses will be maintained.

''(c) ASSURANCES.—The Secretary shall require a State or unit of local government to which a grant may be awarded under this section for a land use plan or a project resulting from such a plan to provide—

''(1) assurances satisfactory to the Secretary that the plan—

''(A) is reasonably consistent with the goal of reducing existing noncompatible land uses and preventing the introduction of additional noncompatible land uses;

''(B) addresses ways to achieve and maintain compatible land uses, including zoning, building codes, and any other projects under section 47504(a)(2) that are within the authority of the State or unit of local government to implement;

''(C) uses noise contours provided by the airport operator that are consistent with the airport operation and planning, including any noise abatement measures adopted by the airport operator as part of its own noise mitigation efforts;

''(D) does not duplicate, and is not inconsistent with, the airport operator's noise compatibility measures for the same area; and

''(E) has received concurrence by the airport operator prior to adoption by the State or unit of local government; and

''(2) such other assurances as the Secretary determines to be necessary to carry out this section.

''(d) GUIDELINES.—The Secretary shall establish guidelines to administer this section in accordance with the purposes and conditions described in this section. The Secretary may require the State or unit of local government to which a grant may be awarded under this section to provide progress reports and other information as the Secretary determines to be necessary to carry out this section.

''(e) ELIGIBLE PROJECTS.—The Secretary may approve a grant under this section to a State or unit of local government for a land use compatibility project only if the Secretary is satisfied that the project is consistent with the guidelines established by the Secretary under this section, that the State or unit of local government has provided the assurances required by this section, that the Secretary has received evidence that the State or unit of local government has implemented (or has made provision to implement) those elements of the plan that are not eligible for Federal financial assistance, and that the project is not inconsistent with Federal standards.

''(f) SUNSET.—This section shall not be in effect after September 30, 2007.''.

(b) CONFORMING AMENDMENT.—The analysis of subchapter I of chapter 471 is further amended by adding at the end the following:

''47140. Compatible land use planning and projects by State and local governments.''.

SEC. 523. PROHIBITION ON REQUIRING AIRPORTS TO PROVIDE RENT-FREE SPACE FOR FEDERAL AVIATION ADMINISTRATION.

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

''§ 47141. Prohibition on rent-free space requirements for Federal Aviation Administration

''(a) IN GENERAL.—The Secretary of Transportation may not require an airport sponsor to provide to the Federal Aviation Administration, without compensation, space in a building owned by the sponsor and costs associated with such space for building construction, maintenance, utilities, and other expenses.

''(b) NEGOTIATED AGREEMENTS.—Subsection (a) does not prohibit—

''(1) the negotiation of agreements between the Secretary and an airport sponsor to provide building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings to the Federal Aviation Administration without cost or at below-market rates; or

''(2) the Secretary of Transportation from requiring airport sponsors to provide land without cost to the Federal Aviation Administration for air traffic control facilities.''.

(b) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 471 is further amended by adding at the end the following:

''47141. Prohibition on rent-free space requirements for Federal Aviation Administration.''.

SEC. 524. MIDWAY ISLAND AIRPORT.

(a) FINDINGS.—Congress finds that the continued operation of the Midway Island Airport in accordance with the standards of the Federal Aviation Administration applicable to commercial airports is critical to the safety of commercial, military, and general aviation in the mid-Pacific Ocean region.

(b) MEMORANDUM OF UNDERSTANDING ON SALE OF AIRCRAFT FUEL.—The Secretary of Transportation shall enter into a memorandum of understanding with the Secretaries of Defense, Interior, and Homeland Security to facilitate the sale of aircraft fuel on Midway Island at a price that will generate sufficient revenue to improve the ability of the airport to operate on a self-sustaining basis in accordance with the standards of the Federal Aviation Administration applicable to commercial airports. The memorandum shall also address the long-range potential of promoting tourism as a means to generate revenue to operate the airport.

(c) TRANSFER OF NAVIGATION AIDS AT MIDWAY ISLAND AIRPORT.—The Midway Island Airport may transfer, without consideration, to the Administrator the navigation aids at the airport. The Administrator shall accept the navigation aids and operate and maintain the navigation aids under criteria of the Administrator.

(d) FUNDING TO THE SECRETARY OF INTERIOR FOR MIDWAY ISLAND AIRPORT.—

(1) IN GENERAL.—Chapter 481 is amended by adding at the end the following:

''§ 48114. Funding to the Secretary of Interior for Midway Island Airport

''The following amounts shall be available (and shall remain available until expended) to the Secretary of Interior, out of the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502), for airport capital projects at the Midway Island Airport:

''(1) $750,000 for fiscal year 2004.

''(2) $2,500,000 for fiscal year 2005.

''(3) $1,000,000 for fiscal year 2006.

''(4) $1,000,000 for fiscal year 2007.''.

(2) CONFORMING AMENDMENT.—The analysis for chapter 481 is amended by adding at the end the following:

''48114. Funding to the Secretary of Interior for Midway Island Airport.''.

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

SEC. 601. EXTENSION OF EXPENDITURE AUTHORITY.

Paragraph (1) of section 9502(d) of the Internal revenue Code of 1986 (relating to expenditures from Airport and Airway Trust Fund) is amended—

(1) by striking ''October 1, 2003'' and inserting ''October 1, 2007'', and

(2) by inserting ''or the flight 100—Century of Aviation Reauthorization Act'' before the semicolon at the end of subparagraph (A).

The CHAIRMAN. No amendment to the committee amendment is in order except those printed in part B of the report. Each amendment may be offered only in the order printed in the report or pursuant to the previous order of the House, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

Pursuant to the previous order of the House, it is now in order to consider amendment No. 5 printed in part B of House Report 108–146.

AMENDMENT NO. 5 OFFERED BY MR. MANZULLO

Mr. MANZULLO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. MANZULLO:

At the end of title V of the bill, add the following new section (and conform the table of contents accordingly):

SEC. 525. REPORT ON WAIVERS OF PREFERENCE FOR BUYING GOODS PRODUCED IN THE UNITED STATES.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Transportation shall submit to Congress a report on the waiver contained in section 50101(b) of title 49, United States Code (relating to buying goods produced in the United States). The report shall, at a minimum, include—

(1) a list of all waivers granted pursuant to that section since the date of enactment of that section; and

(2) for each such waiver—

(A) the specific authority under such section 50101(b) for granting the waiver; and

(B) the rationale for granting the waiver.

The CHAIRMAN. Pursuant to House Resolution 265, the gentleman from Illinois (Mr. MANZULLO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Chairman, I yield myself such time as I may consume. The American economy is in the midst of a manufacturing crisis. Over the past 3 years, we have lost 2.6 million jobs. The latest Bureau of Labor Statistics reports show that for 34 straight months, we have had a coring out of our manufacturing base, losing 53,000 manufacturing jobs each month. These jobs are necessary, many of them, to help out with our defense industrial base. They include such basic products as tools, dies and molds.

In 1981, Rockford, Illinois, the largest city in the congressional district I represent, led the Nation with unemployment at 24.9 percent. Today it is around 11 percent. I do not want to see a recurrence of 1981. We are in danger of seeing our industrial base irreparably harmed. Unlike the past when factories were closed during an economic downturn but reopened when times improved, today a too frequent outcome is the permanent closure of a factory. The jobs leave forever. The young people entering the workforce do not have a manufacturing career

choice left open to them. My own constituents have been impacted by the bankruptcy of several manufacturers since this downturn began.

Mr. Chairman, the bleeding continues. Since 1933, the Buy American Act has safeguarded the interests of American manufacturers by requiring the Federal Government to purchase domestically manufactured products for government usage. To qualify as a domestic product, the content cost of the components must be ''substantially all'' produced in America. Most people would say that term ''substantially all'' means 80 to 90 percent or even 99 percent. However, the regulators at the Federal Government say ''substantially all'' means only 50 percent. I am glad to say that at the Federal Aviation Administration, ''substantially all'' is defined as 60 percent for the acquisition of steel or manufactured goods according to the 1995 acquisition regulations which the FAA authorized back then.

I am disturbed, however, at the instance of waivers allowed by the FAA. Civil aircraft and aircraft components purchased by the FAA are not subject to the Buy American Act due to the provisions of the Agreement of Trade on Civil Aircraft negotiated by the U.S. Trade Representative. Currently the FAA is advertising on its Web site a requirement for an airborne research and development multi-engine jet aircraft at $14.9 million that could be bought with U.S. taxpayers' dollars from foreign countries at a time when tens of thousands of air and space workers in this country are unemployed.

It has been 8 years since the Secretary of Transportation was last required to report to Congress on procurements that were not domestic products. This amendment will require a report that will bring us current information on this subject. We do not even know how many aircraft or other products the FAA is procuring each year from foreign countries because of waivers to the Buy American Act. We are asking that this Congress, that this House of Representatives adopt this amendment to help stop the hemorrhaging of the loss of the American base in this country.

I urge my colleagues to support this commonsense amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. DEFAZIO. Mr. Chairman, I claim the time in opposition but not to speak in opposition to the amendment.

The CHAIRMAN. Without objection, the Chair recognizes the gentleman from Oregon (Mr. DEFAZIO) for 5 minutes.

There was no objection.

Mr. DEFAZIO. Mr. Chairman, I yield myself such time as I may consume.

I think this is a very worthy undertaking. As the gentleman points out, we have hollowed out so much of American manufacturing capability, but we have for years touted the fact that our leadership in aviation and aerospace, that this would be one of the areas where we would continue to dominate the world. To have the prospect of agencies of the Federal Government using taxpayer resources to outsource to foreign vendors in this very critical sector, a sector which in the case of at least one major manufacturer is beleaguered by unfair foreign competition, in fact, something we heard repeated on a trip of the Subcommittee on Aviation for the engine manufacturers and others, where subsidies and development grants that never have to be paid back and all sorts of things are made available to them that are not made available to American manufacturers. I think the audit at this time is extraordinarily worthy. I really thank him for bringing this issue before the Congress.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I thank the gentleman for yielding. I thank the gentleman for offering the amendment.

I just want to raise a cautionary note, that in doing so we do not scare business away from the United States from foreign manufacturers. I am very strong on Buy America, I insist on it in the Federal aid highway program on steel, but there was a time in which 70 percent of the value and the parts of Airbus aircraft were manufactured in the United States.

□ 1500

As we got into the wars over agriculture with the European community, the Airbus consortium pulled back from its placing of business in the United States, and we have lost ground in the manufacturing of Airbus parts in the United States, and the same is occurring in other areas.

I just want to be sure in the process we are not scaring away business from the United States while legitimately protecting our own interests. I know the gentleman from Illinois has those concerns at heart.

Mr. DEFAZIO. Mr. Chairman, I yield back the balance of my time.

Mr. MANZULLO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment provides simply for a study of what has taken place in the past. It changes no law.

Mr. Chairman, I yield 1 minute to the gentleman from Florida (Chairman MICA).

Mr. MICA. Mr. Chairman, I thank the gentleman for offering this amendment, and I rise in strong support of it.

I think we need to do everything possible to protect the intent of our Buy America requirements, and I think the gentleman's amendment does exactly that. In the aviation industry, unfortunately, we are facing tremendous loss in jobs, employment, and manufacturing. We have lost about half of the large aircraft manufacturing, we produce no regional jets in the United States, and I think the very least we can do is have a Buy America provision that has teeth, that has provisions that will ensure that our manufactured goods are respected by the mandates set down by Congress to Buy America. So I strongly support the gentleman's amendment.

Mr. MANZULLO. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time having expired, the question is on the amendment offered by the gentleman from Illinois (Mr. MANZULLO).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. MANZULLO. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Illinois (Mr. MANZULLO) will be postponed.

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in part B of House Report No. 108–146.

AMENDMENT NO. 1 OFFERED BY MR. MICA

Mr. MICA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. MICA:

Page 46, strike line 20 and all that follows through page 47, line 2, and insert the following:

''(2) MONTHLY REPORTS FROM SECRETARY OF HOMELAND SECURITY.—To assist in the publication of data under paragraph (1), the Secretary of Transportation may request the Secretary of Homeland Security to periodically report on the number of complaints about security screening received by the Secretary of Homeland Security.''.

Page 58, after line 24, insert the following:

(e) ELIGIBILITY OF AIRPORT GROUND ACCESS TRANSPORTATION PROJECTS.—Not later than 60 days after the enactment of this Act, the Administrator of the Federal Aviation Administration shall publish in the Federal Register the current policy of the Administration with respect to the eligibility of airport ground access transportation projects for the use of passenger facility fees under section 40117 of title 49, United States Code.

Page 61, line 17, strike ''Section 41106(b) is amended'' and all that follows through ''following'' on line 18 and insert the following:

Subsections (a)(1), (b), and (c) of section 41106 are each amended—

(1) by striking ''through a contract for airlift service'' and inserting

Page 61, line 20, strike the period and insert ''; and''.

Page 61, after line 20, insert the following:

(2) by inserting ''through a contract for airlift service'' after ''obtained''.

Page 62, strike lines 4 through 6 and insert the following:

(2) in subsections (b)(3)(A) and (b)(3)(B) by inserting ''over a national park'' after ''operations'';

Page 62, after line 6, insert the following (and redesignate subsequent paragraphs in section 409(a) of the bill accordingly):

(3) in subsection (b)(3)(C) by inserting ''over a national park that are also'' after ''operations'';

Page 63, line 14, after the period insert the following:

Commercial Special Flight Rules Area operations in the Dragon and Zuni Point corridors of the Grand Canyon National Park may not take place during the period beginning 1 hour before sunset and ending 1 hour after sunrise.

Page 71, line 13, strike ''six'' and insert ''without regard to the criteria contained in subsection (b)(1), six''.

Page 72, strike line 24 and all that follows through page 73, line 11, and insert the following:

(f) COMMUTERS DEFINED.—

(1) IN GENERAL.—Section 41718 is amended by adding at the end the following:

''(f) COMMUTERS DEFINED.—For purposes of aircraft operations at Ronald Reagan Washington National Airport under subpart K of part 93 of title 14, Code of Federal Regulations, the term 'commuters' means aircraft operations using aircraft having a certificated maximum seating capacity of 76 or less.''.

(2) REGULATIONS.—The Administrator of the Federal Aviation Administration shall revise regulations to take into account the amendment made by paragraph (1).

Page 75, line 22, after ''pay'' insert ''from local sources other than airport revenues''.

Page 75, line 25, after ''2008'' insert ''and each fiscal year thereafter''.

Page 76, after line 24, insert the following:

(4) ADJUSTMENTS.—Section 41737 is amended by adding at the end the following:

''(e) ADJUSTMENTS TO ACCOUNT FOR SIGNIFICANTLY INCREASED COSTS.—

''(1) IN GENERAL.—If the Secretary determines that air carriers are experiencing significantly increased costs in providing air service or air transportation under this subchapter, the Secretary may increase the rates of compensation payable under this subchapter without regard to any agreement or requirement relating to the renegotiation of contracts or any notice requirement under section 41734.

''(2) SIGNIFICANTLY INCREASED COSTS DEFINED.—In this subsection, the term 'significantly increased costs' means an average monthly cost increase of 10 percent or more.''.

Page 78, line 20, before the comma insert the following:

or requirements contained in a subsequent appropriations Act

Page 78, after line 23, insert the following (and redesignate subsequent subsections in section 415 of the bill accordingly):

(e) EXEMPTION FROM HOLD-IN REQUIREMENTS.—Section 41734 is further amended by adding at the end the following:

''(j) EXEMPTION FROM HOLD-IN REQUIREMENTS.—If, after the date of enactment of this subsection, an air carrier commences air transportation to an eligible place that is not receiving essential air service as a result of the failure of the eligible place to meet requirements contained in an appropriations Act, the air carrier shall not be subject to the requirements of subsections (b) and (c) with respect to such air transportation.''.

Page 83, line 21, strike ''3 years'' and insert ''4 years''.

Page 88, strike lines 11 through 13 and insert the following:

''(1) MAKE AVAILABLE.—The term 'make available' means providing at a fair and reasonable price. Such price may include recurring and non-recurring costs associated with post-certification development, preparation, and distribution. Such price may not include the initial product development costs related to the issuance of a design approval.

Page 88, strike line 20 and all that follows through page 89, line 6, and insert the following:

''(3) INSTRUCTIONS FOR CONTINUED AIRWORTHINESS.—The term 'instructions for continued airworthiness' means any information (and any changes to such information) considered essential to continued airworthiness that sets forth instructions and requirements for performing maintenance and alteration.

Page 89, strike line 19 and all that follows through page 90, line 15, and insert the following:

''(3) To determine if design approval holders for aircraft, aircraft engines, and propellers that are in production on the date of enactment of this section and for which application for a type certificate or supplemental type certificate was made before January 29, 1981, should be required to make instructions for continued airworthiness or maintenance manuals available (including any changes thereto) to any person required by Federal Aviation Administration rules to comply with any of the terms of the instructions or manuals.

Page 90, line 16, strike ''(6)'' and insert ''(4)''.

Page 90, after line 17, insert the following:

''(d) DEADLINES FOR RULEMAKING.—

''(1) NOTICE OF PROPOSED RULEMAKING.—The Administrator shall issue a notice of proposed rulemaking to carry out subsection (c) not later than one year after the date of enactment of this section.

''(2) FINAL RULE.—The Administrator shall issue a final rule with respect to subsection (c) not later than one year after the final date for the submission of comments with respect to the proposed rulemaking.

''(e) ENFORCEMENT OF CURRENT REGULATION.—The Administrator shall review design approval holders that were required to produce instructions for continued airworthiness under section 21.50(b) of title 14, Code of Federal Regulations. If the Administrator determines that a design approval holder has not produced such instructions, the Administrator shall require the design approval holder to prepare such instructions and make them available as required by this section not later than 1 year after the design approval holder is notified by the Administrator of the determination.

Page 90, line 18, strike ''(d)'' and insert ''(f)''.

Page 95, before line 1, insert the following:

(c) REVIEW.—The first sentence of section 46110(a) is amended by striking ''part'' and inserting ''subtitle''.

Page 96, line 22, strike ''air carrier'' and insert ''employer''.

Page 112, strike lines 4 through 6 and insert the following:

(b) LIMITATION.—Subsection (a) shall not apply to a Federal Aviation Administration air traffic control tower operated under the contract tower program on the date of enactment of this Act or to any expansion of that program under section 47124(b)(3) or 47124(b)(4) of title 49, United States Code.

Page 113, line 21, after ''Transportation'' insert '', in consultation with the Secretary of Defense,''.

Page 113, lines 24 and 25, strike ''9 months after the date of enactment of this Act'' and insert ''September 30, 2004''.

Page 118, after line 13, insert the following:

(c) DESCRIPTION OF CHANGES TO IMPROVE OPERATIONS.—A report transmitted by the Administrator under this section shall include a description of any changes in procedures or requirements that could improve operational efficiency or minimize operational impacts of the ADIZ on pilots and controllers. This portion of the report may be transmitted in classified or unclassified form.

Page 118, line 14, strike ''(c)'' and insert ''(d)''.

Page 120, after line 5, insert the following (and conform the table of contents of the bill accordingly):

SEC. 443. CHARTER AIRLINES.

(a) IN GENERAL.—Section 41104(b)(1) is amended—

(1) by striking ''paragraph (3)'' and inserting ''paragraphs (3) and (4)'';

(2) by inserting a comma after ''regularly scheduled charter air transportation''; and

(3) by striking ''flight unless such air transportation'' and all that follows through the period at the end and inserting the following: ''flight, to or from an airport that—

''(A) does not have an airport operating certificate issued under part 139 of title 14, Code of Federal Regulations (or any subsequent similar regulation); or

''(B) has an airport operating certificate issued under part 139 of title 14, Code of Federal Regulations (or any subsequent similar regulation) if the airport—

''(i) is a reliever airport (as defined in section 47102) and is designated as such in the national plan of integrated airports maintained under section 47103; and

''(ii) is located within 20 nautical miles (22 statute miles) of 3 or more airports that annually account for at least 1 percent of the total United States passenger enplanements and at least 2 of which are operated by the sponsor of the reliever airport.''.

(b) WAIVERS.—Section 41104(b) is amended by adding at the end the following:

''(4) WAIVERS.—The Secretary may waive the application of paragraph (1)(B) in cases in which the Secretary determines that the public interest so requires.''.

SEC. 444. IMPLEMENTATION OF CHAPTER 4 NOISE STANDARDS.

Not later than July 1, 2004, the Secretary of Transportation shall issue regulations to implement Chapter 4 noise standards, consistent with the recommendations adopted by the International Civil Aviation Organization.

SEC. 445. CREW TRAINING.

Section 44918 is amended to read as follows:

''§ 44918. Crew training

''(a) BASIC SECURITY TRAINING.—

''(1) IN GENERAL.—Each air carrier providing scheduled passenger air transportation shall carry out a training program for flight and cabin crew members to prepare the crew members for potential threat conditions.

''(2) PROGRAM ELEMENTS.—An air carrier training program under this subsection shall include, at a minimum, elements that address each of the following:

''(A) Recognizing suspicious activities and determining the seriousness of any occurrence.

''(B) Crew communication and coordination.

''(C) The proper commands to give passengers and attackers.

''(D) Appropriate responses to defend oneself.

''(E) Use of protective devices assigned to crew members (to the extent such devices are required by the Administrator of the Federal Aviation Administration or the Under Secretary for Border and Transportation Security of the Department of Homeland Security).

''(F) Psychology of terrorists to cope with hijacker behavior and passenger responses.

''(G) Situational training exercises regarding various threat conditions.

''(H) Flight deck procedures or aircraft maneuvers to defend the aircraft and cabin crew responses to such procedures and maneuvers.

''(I) The proper conduct of a cabin search.

''(J) Any other subject matter considered appropriate by the Under Secretary.

''(3) APPROVAL.—An air carrier training program under this subsection shall be subject to approval by the Under Secretary.

''(4) MINIMUM STANDARDS.—Not later than one year after the date of enactment of the

Flight 100—Century of Aviation Reauthorization Act, the Under Secretary shall establish minimum standards for the training provided under this subsection and for recurrent training.

''(5) EXISTING PROGRAMS.—Notwithstanding paragraph (3), any training program of an air carrier to prepare flight and cabin crew members for potential threat conditions that was approved by the Administrator or the Under Secretary before the date of enactment of the Flight 100—Century of Aviation Reauthorization Act may continue in effect until disapproved or ordered modified by the Under Secretary.

''(6) MONITORING.—The Under Secretary, in consultation with the Administrator, shall monitor air carrier training programs under this subsection and periodically shall review an air carrier's training program to ensure that the program is adequately preparing crew members for potential threat conditions. In determining when an air carrier's training program should be reviewed under this paragraph, the Under Secretary shall consider complaints from crew members. The Under Secretary shall ensure that employees responsible for monitoring the training programs have the necessary resources and knowledge.

''(7) UPDATES.—The Under Secretary, in consultation with the Administrator, shall order air carriers to modify training programs under this subsection to reflect new or different security threats.

''(b) ADVANCED SELF DEFENSE TRAINING.—

''(1) IN GENERAL.—Not later than one year after the date of enactment of the Flight 100—Century of Aviation Reauthorization Act, the Under Secretary shall develop and provide a voluntary training program for flight and cabin crew members of air carriers providing scheduled passenger air transportation.

''(2) PROGRAM ELEMENTS.—The training program under this subsection shall include both classroom and effective hands-on training in the following elements of self-defense:

''(A) Deterring a passenger who might present a threat.

''(B) Advanced control, striking, and restraint techniques.

''(C) Training to defend oneself against edged or contact weapons.

''(D) Methods to subdue and restrain an attacker.

''(E) Use of available items aboard the aircraft for self-defense.

''(F) Appropriate and effective responses to defend oneself, including the use of force against an attacker.

''(G) Explosive device recognition.

''(H) Any other element of training that the Under Secretary considers appropriate.

''(3) PARTICIPATION NOT REQUIRED.—A crew member shall not be required to participate in the training program under this subsection.

''(4) COMPENSATION.—Neither the Federal Government nor an air carrier shall be required to compensate a crew member for participating in the training program under this subsection.

''(5) FEES.—A crew member shall not be required to pay a fee for the training program under this subsection.

''(6) CONSULTATION.—In developing the training program under this subsection, the Under Secretary shall consult with law enforcement personnel and security experts who have expertise in self-defense training, terrorism experts, representatives of air carriers, the director of self-defense training in the Federal Air Marshals Service, flight attendants, labor organizations representing flight attendants, and educational institutions offering law enforcement training programs.

''(7) DESIGNATION OF TSA OFFICIAL.—The Under Secretary shall designate an official in the Transportation Security Administration to be responsible for implementing the training program under this subsection. The official shall consult with air carriers and labor organizations representing crew members before implementing the program to ensure that it is appropriate for situations that may arise on board an aircraft during a flight.

''(c) LIMITATION.—Actions by crew members under this section shall be subject to the provisions of section 44903(k).''.

SEC. 446. REVIEW OF COMPENSATION CRITERIA.

Not later than 6 months after the date of enactment of this Act, the Comptroller General shall review the criteria used by the Air Transportation Stabilization Board to compensate air carriers following the terrorist attack of September 11, 2001, with a particular focus on whether it is appropriate to compensate air carriers for the decrease in value of their aircraft after September 11th.

SEC. 447. REVIEW OF CERTAIN AIRCRAFT OPERATIONS IN ALASKA.

Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall report to Congress on whether, in light of the demands of business within Alaska, it would be appropriate to permit an aircraft to be operated under part 91 of title 14, Code of Federal Regulations, where common carriage is not involved but (1) the operator of the aircraft organizes an entity where the only purpose of such entity is to provide transportation by air of persons and property to related business entities, individuals, and employees of such entities, and (2) the charge for such transportation does not to exceed the cost of owning, operating, and maintaining the aircraft.

Page 122, lines 21 and 22, strike ''or 47114(d)(3)(A)'' and insert '', 47114(d)(3)(A), or 47114(e)''.

Page 124, strike lines 6 through 14 and insert the following:

Section 47107(c)(2)(A)(iii) is amended by inserting before the semicolon at the end the following: '', including the purchase of nonresidential buildings or property in the vicinity of residential buildings or property previously purchased by the airport as part of a noise compatibility program''.

Page 127, line 24, after ''2002'' insert ''or 2003''.

Page 132, after line 8, insert the following (and redesignate subsequent subsections of section 513 of the bill accordingly):

(a) PERIOD OF AVAILABILITY.—Section 47117(b) is amended by striking ''primary airport'' and all that follows through ''calendar year'' and inserting ''nonhub airport or any airport that is not a commercial service airport''.

Page 133, line 13, insert ''(a) INCREASED FUNDING LEVELS.—'' before ''Subsections''.

Page 133, after line 15, insert the following:

(b) REIMBURSEMENT FOR CERTAIN CONSTRUCTION COSTS.—Section 47118(f) is amended—

(1) by striking ''Not more than'' and inserting the following:

''(1) CONSTRUCTION.—Not more than''; and

(2) by adding at the end the following:

''(2) REIMBURSEMENT.—Upon approval of the Secretary, the sponsor of a current or former military airport the Secretary designates under this section may use an amount apportioned under section 47114, or made available under section 47119(b), to the airport for reimbursement of costs incurred by the airport in fiscal years 2003 and 2004 for construction, improvement, or repair described in paragraph (1).''.

Page 138, line 21, strike ''10'' and insert ''12''.

Page 138, line 23, strike ''Such projects'' and all that follows through the first period on line 24 and insert the following:

A project using an innovative financing technique described in subsection (c)(2)(A) or (c)(2)(B) shall be located at an airport that is not a medium or large hub airport. A project using the innovative financing technique described in subsection (c)(2)(C) shall be located at an airport that is a medium or large hub airport.

Page 139, line 3, strike ''and'' the second place it appears.

Page 139, line 5, strike the period at the end and insert a semicolon.

Page 139, after line 5, insert the following:

(3) in subparagraph (A) (as so redesignated) by striking ''and'' at the end;

(4) in subparagraph (B) (as so redesignated) by striking the period at the end and inserting ''; and''; and

(5) by adding at the end the following:

''(C) payment of interest on indebtedness incurred to carry out a project for airport development.''.

At the end of title V of the bill on page 152, add the following (and conform the table of contents of the bill accordingly):

SEC. 525. INTERMODAL PLANNING.

Section 47106(c)(1)(A) is amended—

(1) by striking ''and'' at the end of clause (i);

(2) by adding ''and'' at the end of clause (ii); and

(3) by adding at the end the following:

''(iii) with respect to an airport development project involving the location of an airport or runway or major runway extension at a medium or large hub airport, the airport sponsor has made available to and has provided upon request to the metropolitan planning organization in the area in which the airport is located, if any, a copy of the proposed amendment to the airport layout plan to depict the project and a copy of any airport master plan in which the project is described or depicted;''.

SEC. 526. STATUS REVIEW OF MARSHALL ISLANDS AIRPORT.

Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation shall review the status of the airport on the Marshall Islands and report to Congress on whether it is appropriate and necessary for that airport to receive grants under the airport improvement program.

The CHAIRMAN. Pursuant to House Resolution 265, the gentleman from Florida (Mr. MICA) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this manager's amendment makes some relatively modest changes to the legislation before us. Most of the changes are technical in nature and address issues that were raised after the committee approved the legislation in May.

One significant change is the provision relating to crew training, and I want to elaborate a bit on that. Our current law provides and requires that airlines provide hands-on self-defense training to flight attendants to help them deal with a terrorist threat.

The amendment that we have makes clear that this training is voluntary and that flight attendants who choose to take it will do so on their own time. The airlines will not be required to pay

them while they are taking this training. The Transportation Security Administration, not the airlines, will be providing the training. Both the flight attendants and airlines have agreed to this particular provision.

The airlines will still have to provide other nonphysical security training for flight attendants. Airlines provide that training now, and under this bill they could continue to provide the same training.

The amendment requires TSA to set minimum standards for flight attendant training, but deletes the provision in current law requiring the Transportation Security Administration to set the minimum number of hours for this particular type of training. Rather, the Transportation Security Administration should set proficiency standards and leave it to the airlines as to how many hours of training it will take to reach that level of proficiency.

In addition to the crew training provision, this amendment makes a number of improvements to the bill. These improvements include the following:

First, allowing the Department of Transportation to request information from the Department of Homeland Security in preparing its monthly report on passenger complaints about screening.

Next, directing the FAA to publish its policy on the use of passenger facility charge revenue for ground access projects.

Allowing 76-seat regional jets to qualify for the commuter aircraft slots for Reagan National Airport.

Additionally, allowing DOT to increase the subsidy to a commuter serving a small community if that commuter is experiencing significantly increased costs.

Another provision is allowing an airline to begin service to a small community that previously had subsidized essential air service without being subject to the many regulatory requirements of the Essential Air Service program.

An additional provision is revising the provision requiring aircraft manufacturers to make maintenance manuals available to aircraft repair stations in order to accommodate concerns expressed by the manufacturers.

Also we have a provision directing GAO to study how airlines were compensated after 9–11, especially whether they should be compensated for the devaluation of their aircraft.

A further provision directs FAA to study whether certain aircraft operations in Alaska can be performed under part 91 of FAA rules.

An additional provision allows current or former military airports designated by FAA to use AIP money for the reimbursement of a hangar.

Another provision allows up to 12 large airports to use AIP money for interest payments on debts. Small airports can already do this.

Another provision requires large airports seeking to build a runway to make their master plan available to the metropolitan planning organization in the area where the airport is located.

Finally, we have a provision directing DOT to report on whether it is appropriate and necessary for the airport in the Marshall Islands to receive grants under the Airport Improvement Program.

Mr. Chairman, this is a good, bipartisan amendment. We have taken into consideration concerns and requests from many Members, and I believe that this manager's amendment improves on an already good piece of legislation. I urge my colleagues to support it.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does any Member seek recognition in opposition to the amendment?

Mr. DEFAZIO. Mr. Chairman, I rise to claim the time in opposition, despite the fact I do not oppose the amendment.

The CHAIRMAN. Without objection, the gentleman from Oregon is recognized.

There was no objection.

Mr. DEFAZIO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Chair of the Subcommittee on Aviation has done good work with this. A number of Members have come forward since the bill was finalized in committee and raised concerns which have merit, as have other concerns been raised by outside groups, for instance, the flight attendants and others.

So we have here a clarification on the training of the flight attendants, which we mandated earlier, the security legislation. We have here language that would require at least some minimal cooperation and coordination with the metropolitan planning organizations, making certain that they are informed of plans and future plans of airports that might have impact on communities greater than that which currently exist.

To get some clarification, a number of concerns have been raised regarding passenger facility charges and the standards which are being applied by the FAA, and it certainly would be of great benefit to consolidate and publish those requirements so that meritorious projects across the United States can move forward to better enhance the utilization of our airports and their capacity.

Then there was the 76–C regional jet provision for National Airport, again something raised later on; fairly technical, but actually quite practical and meritorious.

Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I concur in the remarks of the ranking member of the subcommittee. I would add that the manager's amendment does include two very important provisions offered by the gentleman from Oregon (Mr. BLUMENAUER) to promote intermodalism.

The first requires airports that undertake major construction projects to share their planes with MPOs, and the second requires the FAA to clarify, consolidate, and publish its current policy for PFC for ground transportation projects that provide access to airports. These are long-standing issues that we attempted to deal with going back to the beginning of the PFC era in 1990, and this a very important clarification.

Just to expand on the point raised by the gentleman from Oregon (Mr. DEFAZIO), the flight attendants self-defense training provision will require carriers to provide all flight attendants with the basic security training program, and those who opt for more advanced training to do so under the auspices of the TSA.

There is a very interesting provision borrowed from our experience in the Federal Aid to Highway program that allows AIP funds to pay interest on debt incurred for AIP-eligible projects. We will expand under this manager's amendment that provision from select small airports to a very limited number of larger airports. I think that is indeed a very good measure that will accelerate development of airport capacity where we urgently need it.

Mr. Chairman, I appreciate the willingness of the gentleman to work with us to include those provisions.

Mr. DEFAZIO. Mr. Chairman, I enthusiastically support the manager's amendment, and I yield back the balance of my time.

Mr. MICA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, again I urge passage of the manager's amendment. I think we have attempted our level best to accommodate a number of requests from Members, particularly since the legislation was passed out of committee. I think the best amendments with the best possible language and compromises that could be worked out have been incorporated into this manager's amendment. We still will work with others as the legislation moves forward with conference.

Again, I urge the adoption of this comprehensive manager's amendment that is also a bipartisan piece of work.

Mr. Chairman, I yield back the balance of my time.

Mr. DEFAZIO. Mr. Chairman, if I could, I ask unanimous consent to reclaim a portion of my time.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. DEFAZIO. Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Chairman, I thank the gentleman from Oregon and thank the chairman. I want to thank the gentleman from Florida (Mr. MICA), the

gentleman from Minnesota (Mr. OBERSTAR), and the gentleman from Oregon (Mr. DEFAZIO) for a provision in this bill which I think is very important.

I represent three general aviation airports that are within the 15-mile radius of the White House. As a result, they were shut down. They were not shut down because they were not operating safely and fairly; they were shut down because it was the perception and the belief of those in charge of our national security that they posed a risk.

Obviously, they are all owned privately. They are not public airports. As a result, there was a very substantial adverse financial impact to many people, both who own the airports and who had concessions at the airports.

There is authorized in this bill $100 million for the purpose of, both at National and other surrounding airports, not only here but throughout the country, those who suffered damage as a result of 9–11 in a very real financial sense, for them to be not made whole, because that would be impossible at this point in time, but to be compensated for the losses they sustained.

I want to thank the gentleman from Oregon (Mr. DEFAZIO), the gentleman from Florida (Mr. MICA), and the gentleman from Minnesota (Mr. OBERSTAR) for their leadership, the gentleman from Oregon (Mr. DEFAZIO) in getting this authorization effected. I appreciate it. I know they appreciate it. It is the right thing to do.

I talked to Sean O'Keefe, of course, who now heads NASA, but was deputy director of OMB at the time of 9–11. He said he thought we ought to do this. It has taken us some time to get it done. I appreciate the leadership shown by the committee to effect this. I enthusiastically support the bill and this provision.

In the aftermath of the September 11 terrorist attacks, the Federal Aviation Administration issued temporary flight restrictions on the small aircraft of general aviation as part of its effort to make commercial air travel safer and to restore the public's confidence in the security of our Nation's airways and airports.

Unfortunately, while those restrictions were lifted for general aviation in the rest of the country, small airports in the Washington metropolitan area have continued to languish under binding restrictions on their operations. In fact, the only airports in the country that are closed to incoming and outgoing general aviation are Reagan National and the three D.C. area general aviation airports. As a result, these small airports, specifically College Park Airport, Potomac Airfield, and Washington Executive, are on the brink of financial ruin. These airports have been forced to nearly cease their operations, effectively, endangering the livelihood of their employees who have lost income and jobs and airport owners who have lost income and jobs and airport owners who have lost long-time customers and revenue. In speaking with airport managers at all three of these airports, I have heard their disturbing reports on loss of operations, reductions in fuel sales, and loss of revenue since these flight restrictions were put in place.

Lee Schiek, manager of the College Park Airport, reported earlier this year that flights in and out of College Park plummeted from about 1,800 per month before September 11 to 164 per month at the beginning of 2003, and 55 of the airport's 87 based aircraft have left for other airports.

There is no doubt that we must stem this tide of economic decline for general aviation. This industry is a proven, integral part of the nation's economy, providing vital services and economic stability to individuals, families, churches, hospitals, colleges, industry, small businesses, and communities. Aviation transportation in Maryland is a $1.3 billion industry, an industry too large and too important to be hobbled any further in an already weak economy.

Today, the House of Representatives passed the FAA reauthorization bill that will provide $100 million to general aviation to help alleviate the cost incurred in meeting security requirements and the revenue lost because of the interruption in operations.

The $100 million grant gives the Congress an opportunity to do for general aviation, small airports, and small business, and the independent pilot what we did for the airlines, large airports, and the insurance industry in the aftermath of the terrorist attacks. This shows that we recognize the sacrifice that general aviation has made in the effort to make us more secure. Let's not forget: the Federal Government imposed the restrictions on general aviation, and the Federal Government should do its part to help ease the financial burden those restrictions have caused. This is a fair restitution that will start the process of a return to financial health of general aviation.

□ 1515

Mr. DEFAZIO. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Florida (Mr. MICA).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in part B of House Report 108–146.

AMENDMENT NO. 2 OFFERED BY MS. NORTON

Ms. NORTON. Mr. Chairman, I offer amendment No. 2.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Ms. NORTON:

Page 73, after line 11, insert the following:

(g) REMOVAL OF CERTAIN LIMITATIONS ON METROPOLITAN WASHINGTON AIRPORTS AUTHORITY.—Section 49108 and the item relating to such section in the analysis of chapter 491 are repealed.

The CHAIRMAN. Pursuant to House Resolution 265, the gentlewoman from the District of Columbia (Ms. NORTON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think I have an amendment, and this is the way to start off, that I think the entire House can support. The entire region supports this amendment on a bipartisan basis. I think Members are going to be hearing from the gentlemen from Virginia, Mr. WOLF and Mr. DAVIS, who had wanted to speak to it.

It is noncontroversial because I think Members do not want to put any airport authority at a disadvantage. Section 49–108 requires only the Metropolitan Washington Airport Authority to come back to Congress before receiving airport improvement funds and facility fees. These are always guaranteed, once appropriated.

Many know that Dulles has a $2.4 billion construction project underway now as we go in and out. This provision to come back to Congress in September of 2004 puts at risk the funds to continue with that operation.

The airport authority has an excellent bond rating and saves millions of dollars because of its bond rating, but the bond markets could read the unique treatment of this region negatively to mean that there is a risk of interruption of construction in progress. In fact, there has been before, although not for this reason. For other reasons there has been such a risk.

The reason that risk would be seen is because Congress forces this airport authority in this region to return and have authorized what other airports get as a guaranteed matter.

All agree that the Washington airport authority has done an outstanding job of operating and improving our airports. There will be multiple opportunities for Congress to have oversight over the Metropolitan Washington Airport Authority because we own the land, and therefore, at will, Congress can call back the airport authority.

We are in this FAA reauthorization bill, and we will be here, therefore, every few years. This is a win-win. By voting for my amendment Congress gets its oversight, and there is no interruption of work in progress at Dulles because of doubts planted by section 49–108 about congressional intention to release funds guaranteed to other jurisdictions.

I ask that my amendment be passed.

Mr. Chairman, I reserve the balance of my time.

Mr. MICA. Mr. Chairman, I claim time in opposition to the amendment.

The CHAIRMAN. The gentleman from Florida (Mr. MICA) is recognized in opposition.

Mr. MICA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I do have some questions about this amendment. I think we are going to probably acquiesce to the amendment, but Ronald Reagan National Airport and Dulles International Airport are unique airports. They are the only federally owned commercial passenger airports in the country. They were federally chartered and

are not subject to the oversight, as I understand it, of the Governor of Virginia.

This amendment gives the Secretary of Transportation permanent authority to provide grants to the Washington Metropolitan Airport Authority. By doing so, it removes in some ways, Congress' responsibility and ability to make periodic reviews of the airport authority's operations.

This is a unique situation. We owe it to our Nation's taxpayers to fulfill our oversight responsibilities, and sometimes Congress needs to be reminded legislatively to do so. This amendment will change that dramatically.

I have great reservations about this amendment, and I urge my colleagues to look at this amendment.

Mr. Chairman, I yield 1½ minutes to the gentleman from Virginia (Mr. WOLF), who has an opposing opinion.

Mr. WOLF. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong support of the Norton amendment. I would ask all Members to support it.

This airport authority, I was involved, as was the gentleman from Minnesota (Mr. OBERSTAR), Mr. Mineta, and a number of us, the gentlemen from Virginia, Mr. MORAN and Mr. DAVIS, in putting this together. They have done an outstanding job. Those airports were in the 19th century when they took it over. Dulles has expanded and has first-class service. If we look at National Airport now with the parking and everything else, they have really done a great job.

I would urge the House to respect the local airports authority, which has proven I think, without doubt, it can successfully operate both of these airports. I would urge them to support the Norton amendment. I would say if Members bring this back to their own hometown, just as they would not want Congress dictating how to run Members' local airports, we really do not want the Congress to tell them how to run it because they have done an outstanding job.

With that, I would urge that Members support the Norton amendment. I strongly support it. I appreciate the efforts of the gentleman from Virginia (Mr. DAVIS) with regard to that.

Mr. Chairman, I rise today in strong support of the Norton amendment which would repeal the requirement that the Metropolitan Washington Airports Authority (MWAA) must come to Congress before September 30, 2004, to ensure that the local airports can continue to receive development project grants and impose a passenger facility fee.

I was part of the bipartisan coalition in 1987 which successfully secured the passage of legislation signed by President Reagan which transferred both Reagan National and Dulles International from Federal control to the local airports authority. Because of that change to local control, both airports today are success stories.

Passenger activity at National and Dulles Airports has nearly doubled to 31 million passengers in 2002. A massive capital development program at both airports has totaled well over $3 billion. Reagan National Airport was modernized in 1997 with a new terminal building including major improvements to airport traffic management and Metro system connections.

At Dulles, there are new concourses and the airport's first parking garages, and under way is a $3.2 billion capital improvement project. In tandem with the airport's growth, the Smithsonian Institution will open its new Air and Space Museum annex later this year located at Dulles Airport.

These airports have proven they are quality facilities serving not only the people in the Washington area, but air travelers across the Nation and around the world.

There is simply no reason for the airports to be called to Congress to prove their worthiness. What other airports in the country have to make such a command performance? None. Zero.

Congress got out of the airports business in 1987. It's time to stop micro-managing Reagan National and Dulles.

I also want to say how disappointed I am that Mr. MORAN was foreclosed by the rule from offering his amendment on the slots issue at Reagan National.

A delicate balance exists between flight operations at Dulles and Reagan. Increased take offs and landings at Reagan National and more flights beyond the 1,250-mile perimeter hurt Dulles, where longer haul flights originate. Those flight changes also mean coping with more noise for citizens living in the Washington area.

I would urge my colleagues to respect the local airports authority, which has proven it can successfully operate the Washington area airports, and support the Norton amendment.

Just as you would not want Congress dictating how to run your local airport, I would ask you to let the Metropolitan Washington Airports Authority do its job in operating Reagan National and Dulles without congressional interference.

Mr. MICA. Mr. Chairman, I reserve the balance of my time.

Ms. NORTON. Mr. Chairman, I yield myself such time as I may consume.

I particularly appreciate the support of the gentleman from Virginia (Mr. WOLF). He is the transportation expert in this region, and he is, I think, the acknowledged transportation expert in this House.

Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR).

(Mr. OBERSTAR asked and was given permission to revise and extend his remarks.)

Mr. OBERSTAR. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise in support of the amendment offered by the gentlewoman from the District of Columbia, Ms. ELEANOR HOLMES NORTON, which would repeal a section of the law that requires the Metropolitan Washington Airports Authority (MWAA) to obtain special legislation to be eligible to receive airport project grants and to impose passenger facility fees. No other airport is required to seek such congressional approval. While this procedure may have been justified in the early days of MWAA, it has outlived its usefulness.

Until 1986, the National and Dulles airports were run by the Federal Aviation Administration (FAA). When the airports were transferred to a regional authority in 1986, there were concerns that the regional authority would be unduly influenced by local interests, and not carry out federal objectives for the airports serving our Nation's Capital. To ensure that Federal concerns were considered, the 1986 legislation established Federal oversight over MWAA's activities, including Federal representation on its Board of Directors, special requirements in MWAA's lease agreement with the Department of Transportation, and requirements for audits of MWAA by the General Accounting Office (GAO).

In 1996, Congress further strengthened its oversight by requiring that new legislation would have to be passed for MWAA to be elible for AIP grants or PFCs, after October 1, 2001. The FAA reauthorization act of 2000, known as AIR–21, continued MWAA's eligibility, but required new legislation for eligibility after October 1, 2004. These provisions are unique to MWAA; no other airports operator has such restrictions on its eligibility for funding.

It is my understanding that although MWAA enjoys an excellent bond rating, the fact that they must continually come to Congress to receive grant monies or charge a PFC has caused concerns in the bond community. Continuing to place MWAA's funds in a different status from those of other airports could negatively affect its current high bond rating, resulting in higher interest charges, and possibly higher rents and fees at the airports.

I believe that MWAA has done an outstanding job in developing National and Dulles Airports, carrying out the objectives of the 1986 legislation. We no longer need to treat MWAA differently than all other airport authorities. The Federal directors on MWAA's Board, this Committee's continuing oversight, and GAO audits will ensure that Federal interest in the airports continue to be respected.

I urge my colleagues to support this amendment.

Ms. NORTON. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I thank my friend and colleague, the gentlewoman from the District of Columbia (Ms. NORTON), and the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), for supporting this amendment.

The reason why the gentlewoman and I offered this amendment is that we really have an unfair provision here that, as the gentlewoman from the District of Columbia (Ms. NORTON) said, does not apply to any other airport authority. It says that we cannot receive in the Washington area any new airport improvement grants or new passenger facility charges until we come back to the Congress.

This is in violation, really, of a 1986 agreement that then Mrs. DOLE, ELIZABETH DOLE, who was Secretary of Transportation, made with the Washington region. The words said that the airport authority, the Metropolitan Washington Airport Authority, will have ''full power and dominion over, and complete discretion in, operation and development of the Airports.''

In return, Virginia, D.C., and Maryland agreed to accept operational control of the airports and raise the money necessary to modernize them. We fulfilled our part of the bargain. We have two terrific airports. We funded them and we operate them. All we are asking is that we be treated like every other airport, and that we not have to come back and get this special authority to be able to continue doing what we, under law, are doing and doing very well.

The expansion of slots is micromanaging an airport by the Federal Government that really is in contradiction to the agreement. Likewise, it is designating some of those slots to go beyond the 1,250-mile perimeter rule.

National Airport was not built to accommodate transcontinental flights. It was built for short-haul flights to serve midsized cities. Ultimately, this is going to harm those midsized cities up and down the east coast, basically east of the Mississippi River. It is going to hurt their economy. It also jeopardizes the economy, the economic viability, of Dulles Airport, which was built to handle transcontinental flights.

If we start sending those flights to National, even though it is more convenient to get to National, it really hurts Dulles. It is going to hurt the economy, not just for this region, but of the Nation.

Ms. NORTON. Mr. Chairman, I yield the balance of my time to the gentleman from Virginia (Mr. DAVIS).

Mr. MICA. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. DAVIS).

The CHAIRMAN. The gentleman from Virginia (Mr. DAVIS) is recognized for 1½ minutes.

Mr. DAVIS of Virginia. Mr. Chairman, I thank my friends for yielding time to me.

As my friends know, this is a very important economic issue to those in Washington, Virginia, and the entire metropolitan area as well. We are the only airport in the country that faces these restrictions over their money.

If we want to continue the multibillion-dollar redevelopment efforts at Dulles Airport, these are the kinds of restrictions that can knock that out the window. That hurts flights coming into the Washington area. It does not help them at all. However well-intentioned this is with trying to keep congressional oversight, it can actually have a detrimental effect on this.

Congress has been reluctant to exercise that oversight. We would not have had the new terminal at Reagan National or at Dulles, had the Federal Government remained in charge of this. We have done this through some grants from the government, but through a lot of local taxes as well. That has improved air service to this region.

We also play a very dangerous game with the economic balance between the different airlines that have paid for slots when we start holding this up to have Federal approval of these. I think this is not warranted in any way, shape, or form.

I think the gentlewoman's aim is absolutely correct. I support it wholeheartedly. The 2.4 billion expansion that is currently underway is jeopardized should this amendment go down, or should we somehow kick in the authority that is sought that is now, under the manager's amendment, postponed to 2007; but should that kick in, that money would be at risk should there be any kind of congressional deadlock on Federal grants. That would be unusually detrimental.

Let us lift this restriction entirely. Congress can always step back in should there be a reason, but I think the gentlewoman's amendment is required at this point. I urge its adoption.

Mr. MICA. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, we have heard from some outstanding Members of Congress who represent the greater Washington area and the Northern Virginia area. They have been strong advocates for Ronald Reagan National Airport. They have done a great job in looking after that national asset.

It truly is unique. It is the only airport, that and Dulles, that are owned by the Federal Government. This is a protection for the taxpayers, and it is good to have required periodic review and oversight.

I do have questions about the amendment, but I do believe that they have the support to pass the amendment, so I express that concern.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from the District of Columbia (Ms. NORTON).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in part B of House Report 108–146.

AMENDMENT NO. 3 OFFERED BY MR. PETERSON OF PENNSYLVANIA

Mr. PETERSON of Pennsylvania. Mr. Chairman, I offer amendment No. 3.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. PETERSON of Pennsylvania:

Page 75, strike line 12 and all that follows through line 18 on page 76.

Page 76, line 19, strike ''(3)'' and insert ''(2)''.

Page 81, line 13, strike the following:

''(1) ELIGIBLE PLACES.—

Page 81, strike lines 18 through 22.

The CHAIRMAN. Pursuant to House Resolution 265, the gentleman from Pennsylvania (Mr. PETERSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would first like to compliment the chairman and the ranking member for, I think, putting together an exceptional bill. I want to thank them for working with us on this amendment that we think will improve the bill.

I am glad to be joined by the gentleman from New York (Mr. MCHUGH) and the gentleman from Pennsylvania (Mr. SHUSTER) to offer an amendment that will remove the copayment for a number of the smallest airports who will be receiving essential air service, saving them from making a copayment.

We understand the logic, but at the present time we all know that our airlines are in trouble. We have bailed them out with $18 billion trying to keep them solvent. We know airports are struggling. We know the commuter services are struggling even more because a lot of the commuter services got no portion of that bailout. We know that small commuter airports are fighting for their economic lives, and often in communities that are fighting for their economic lives.

Just for example, the Venango Regional Airport is trying to raise $6,000 to market the services there and improve emplanements. If this amendment was not accepted, they would be paying $22,000 the first year, which I think would be much better used marketing, and on the fourth year would be paying $87,000.

It is important that we pass this amendment that allows these small regional airports to rebuild the services.

Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. SHUSTER), who wants to help support this bill.

□ 1530

Mr. SHUSTER. Mr. Chairman, I thank the gentleman for yielding me time.

I also want to congratulate the gentleman from Alaska (Mr. YOUNG) and the gentleman from Florida (Mr. MICA) and the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), and the gentleman from Oregon (Mr. DEFAZIO) for what I consider an excellent bill.

As my colleagues said, I think this amendment will improve the bill. The intent of our amendment is to strike the language that imposes cost sharing of EAS funds on a select few small communities, rural community airports.

These communities today are struggling to meet their current financial situations brought about by a sluggish economy and an increased cost on homeland security. These air links for these communities are vital, vital for economic development, especially in rural America from which I hail.

Some would say that there are significant costs savings; but if you look at this relative to the overall bill, we have a $59 billion bill over 4 years, and this language would only save $7.5 million. Here in Washington that is small

change; but in rural America that is significant, significant to these small and rural communities.

So I would like to thank the gentleman from Alaska (Mr. YOUNG); the gentleman from Florida (Mr. MICA); the ranking member, the gentleman from Minnesota (Mr. OBERSTAR); and the gentleman from Oregon (Mr. DEFAZIO) for accepting this amendment and supporting it. Once again, I congratulate them on a tremendous bill, a strong bill that is going to help all of America.

Mr. MICA. Mr. Chairman, I rise in opposition.

The CHAIRMAN. The gentleman from Florida is recognized for 5 minutes in opposition to the amendment.

Mr. MICA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, again, I have some reservations and I think I have the responsibility as Chair of the subcommittee to raise those reservations about the amendment.

It is being put forth by three outstanding Members with very good intentions. They represent rural airports and are concerned about service and the contribution. Let me say, though, that this program goes back to 1970, late 1970s when we deregulated the airlines; and each year subsequently some of these communities have gotten this subsidization of service and some should use it, maybe some should not.

The nature of the aviation industry has changed dramatically, and service has changed dramatically around the country. And we are looking for ways to enhance that service, particularly to the small community. And you can find no stronger advocate than me in that regard.

The administration had proposed a 25 percent match; and as a compromise, we lowered that to some 10 percent. We also have a provision in here for a waiver for hardship cases. We do believe that some review is necessary and that there should not be an automatic disbursement from Washington without some equal match. And also I might add for the record that we have increased the authorization from some $65 million to $115 million. So I have concern about this.

My concern also is that in the long run we will have less money. We may have appropriators who may just take a pen and slash through the program, and we can possibly see harm done to a program that we all want to assist. So it is a good program.

I have concern about the amendment. I think that we are going to let this amendment pass and then hopefully it will be considered in conference. But I wanted to raise those points that I think are in the best interest of the essential air service for all of our smaller communities.

Mr. Chairman, I reserve the balance of my time.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. MCHUGH).

(Mr. MCHUGH asked and was given permission to revise and extend his remarks.)

Mr. MCHUGH. Mr. Chairman, I thank the gentleman for yielding me time.

I want to thank my two colleagues and neighbors from the great State of Pennsylvania to the south for their hard work and leadership. It has been a pleasure to work with them.

I want to echo their statements in support of the subcommittee chairman, the gentleman from Florida (Mr. MICA), and the gentleman from Alaska (Mr. YOUNG) and the ranking member and other distinguished members. I think they have made this particular provision far better than the administration's original proposal.

I am very sensitive and cognizant of the concerns that we just heard the subcommittee chairman voice. And clearly before we take the next step, we want to make sure we understand the full ramifications of what we are doing.

Let me state a couple of things. First of all, I think there are few times in this Nation's history when this kind of initiative would be more inappropriate. Following September 11 the airline transportation industry was particularly challenged, and those in rural communities are especially under fiscal duress, 20 to 30 percent property tax increases in the making as we speak. Any added burden at this time, I think, would be particularly difficult to accommodate.

The second is the question that the subcommittee chairman raised with respect to accrued savings. In my district I think we have a perfect example of where we have three communities that are partnered together in a single package. If this 10 percent cost share were to prevail, the one community that is the most efficient, the most effective, and has most to it would be affected by that 10 percent and would likely withdraw and the end percent, I would respectfully suggest, would actually be a greater outlay in subsidy by the Federal Government rather than savings.

So I think the subcommittee chairman is right. We wanted to understand the full ramifications of this; and as we attempt to do that to conference and beyond, certainly, this is a very appropriate amendment. I thank the chairman and the subcommittee chairman and the ranking member for agreeing to it.

Mr. CHAIRMAN, It is imperative that the House approve the amendment we offer here today. The cost-sharing provisions in the bill put at risk the very foundation of the Essential Air Service program.

For those of us who have served in Congress for some time, it will be recalled that we have fought this battle to preserve air service to our rural communities many times. Each year, I join the fight to identify and enact funding to help maintain the program and, consequently, maintain air service to four—soon to be five—subsidized communities in Northern New York.

As many of you are experiencing in your own States, budget deficits are running rampant and New York is no different; our counties and localities are suffering no less. I fear it will be an insurmountable burden for cash-strapped local governments already coping with property tax hikes in the 20–30 percent range. It is simply asking too much. This program is vitally important to our economy in rural America and I believe it is particularly important to continue fighting to see that it is fully funded.

I have at least one community in the District I represent that is impacted by the cost-sharing provisions of this bill. Relying solely on mileage figures can be greatly misleading in determining the true distance and actual time when speaking about an area like Northern New York. Oftentimes snow can be found on the ground 8 months out of the year and the interstate highway that connects this EAS community and the small hub is all too frequently closed on a moment's notice due to service weather.

While the suggested purpose of the cost-sharing provisions is to reduce the cost of the overall program, I question whether that will truly be the ultimate result. In my State, three of my EAS communities are served by one contract with one airline—a triple hit, if you will. The airline is paid on sum of money for serving three communities. If one of these communities is required to cost share, and is unable to do so, it will be knocked out of the program. What, then, happens to the subsidy determination of the other communities. The community no longer eligible has the highest enplanements of the three and, theoretically, the lower costs. Will the airline then require higher subsidies from the Federal Government to serve the two remaining communities? If so, the objective of saving Federal money won't be realized.

I understand some believe that communities need to have this type of vested financial interest in the program so they will encourage usage of the service. I believe this, too, is an inaccurate representation. Rural EAS communities all across America already have a significant vested financial interest—through subsidization of their airport operations, capital investments, etc.

It is true the cost-sharing provisions are not a requirement and there is a waiver provision. But be assured the Department of Transportation will make every effort to implement it. Otherwise, why make it an option?

In closing, Mr. Chairman, let me say that I appreciate the Transportation Committee's commitment to the increase in the authorized funding level contained and to provide for an optional program that would allow interested communities to devise alternative transportation service for their residents, if they willingly choose to do so.

That having been said, we must not cut off communities like those in Northern New York that have come to depend on this service. But that is exactly what will happen if cost-sharing is implemented. It is a slippery slope that I respectively suggest we do not want to go down.

I strongly urge your support for, and passage of, the Peterson-McHugh-Shuster amendment to save the Essential Air Service program. The program is perhaps the singular most important asset to the economy recovery of our rural communities.

Mr. MICA. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN pro tempore (Mr. SWEENEY). The gentleman from Florida (Mr. MICA) has 2½ minutes remaining. The gentleman from Pennsylvania (Mr. PETERSON) has 1 minute remaining.

Mr. MICA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I do have some concerns. We are willing to work with those who have offered this amendment today. We do not want to do harm when we want to do good, particularly in providing essential air service to our smaller communities. So with those concerns raised, this probably will pass, but I did want to state my concern for the record.

Mr. Chairman, I yield 1 minute to the gentleman from Minnesota (Mr. OBERSTAR), the ranking member of the full committee.

Mr. OBERSTAR. Mr. Chairman, I thank the gentleman for yielding me time.

We have worked with the chairman and the chairman of the full committee on this EAS program, and I talked about it in my remarks during general debate about how important it is for small communities, but I just want to make it clear that the committee really made significant effort here to protect EAS cities. And it should be noted that we expanded the program, a 10 percent local share for cities that are less than 170 miles from a large or medium-hub airport or less than 75 miles from a small-hub airport. And out of concern that small communities might not be able to pay that share, the chairman and the chairman of the full committee worked with us and the ranking member, the gentleman from Oregon (Mr. DEFAZIO), to include a hardship provision, to allow the Secretary to waive that local share if the community is unable to pay and can demonstrate that inability to pay. So we did not ignore these needs.

We addressed them I think in a very appropriate and thoughtful fashion. I want that to be stated in concert with the chairman who expressed those concerns. And I think by increasing the funds we have made it a lot easier to get service to EAS airports.

The CHAIRMAN pro tempore. Both Members have 1 minute remaining.

The gentleman from Pennsylvania (Mr. PETERSON) is recognized.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I again want to thank the chairman and ranking member for their support. I understand how they were trying to protect this program. As an appropriator, I can assure the gentleman that I will be working to solve that problem on the appropriations side. We have had our opponents.

I have never understood when we can spend $7.5 billion for mass transit and not ask a question. We spend merely $100 million to provide rural air service, it is the one rural program, it has been continued under attack since I have been here. And I understand, but I do not think there has ever been a time that we need to give the rural airports a chance to pull themselves up by their bootstraps, to reinvigorate the use of these airports, when the airports were shut down literally because of the parking requirements, they all lost their parking lots because it had to be so many hundred feet before you could park a car from an airport; these rural airports were all shut down unless they were parking in plowed fields. It caused damage that has not recovered yet.

We are hoping to get some marketing money so we can get the service back there to these rural communities because it is a vital part of economic development and growth. And we know that most of the money went to the big airlines and did not trickle down to the privates that served them.

So we just are thankful that the gentleman is willing to work with us. We might be willing to look at a partnership with the States if we can get the States to buy in to help a little bit with this program, but to put it on the individual communities will not work.

The CHAIRMAN pro tempore. The gentleman from Florida (Mr. MICA) has 1 minute remaining.

Mr. MICA. Mr. Chairman, I yield the balance of my time to the gentleman from Minnesota (Mr. OBERSTAR), the ranking member.

Mr. OBERSTAR. Mr. Chairman, I would just take a moment to express my appreciation for the recognition by the gentleman from Pennsylvania (Mr. PETERSON) that it has been the Committee on Appropriations that has been the obstacle on EAS. It has been the Committee on Appropriations that has time and again put legislative limitations on the use of EAS funds.

Now, if we have an advocate over there in the Committee on Appropriations in the form of the gentleman from Pennsylvania (Mr. PETERSON), maybe we can get all of this straightened out and make sure that those dollars do flow. Because we can write the authorizations; but if the appropriations do not flow or if there are further limitations on it, then all this good work we do in our committee is undercut.

Mr. MICA. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. PETERSON).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 4 printed in part B of House Report 108–146.

AMENDMENT NO. 4 OFFERED BY MR. PITTS

Mr. PITTS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. PITTS:

Page 82, before line 11, insert the following:

(g) MEASUREMENT OF HIGHWAY MILEAGE FOR PURPOSES OF DETERMINING ELIGIBILITY FOR ESSENTIAL AIR SERVICE SUBSIDIES.—

(1) DETERMINATION OF ELIGIBILITY.—Subchapter II of Chapter 417 of title 49, United States Code, (as amended by subsection (f) of this bill) is further amended by adding at the end the following new section:

"§ 41746. Distance requirement applicable to eligibility for essential air service subsidies

"(a) IN GENERAL.—The Secretary shall not provide assistance under this subchapter with respect to a place in the 48 contiguous States that—

"(1) is less than 70 highway miles from the nearest hub airport; or

"(2) requires a rate of subsidy per passenger in excess of $200, unless such place is greater than 210 highway miles from the nearest hub airport.

"(b) DETERMINATION OF MILEAGE.—For purposes of this section, the highway mileage between a place and the nearest hub airport is the highway mileage of the most commonly used route between the place and the hub airport. In identifying such route, the Secretary shall—

"(1) promulgate by regulation a standard for calculating the mileage between an eligible place and a hub airport; and

"(2) identify the most commonly used route for a community by—

"(A) consulting with the Governor of a State or the Governor's designee; and

"(B) considering the certification of the Governor of a State or the Governor's designee as to the most commonly used route.".

(b) CONFORMING AMENDMENT.—The analysis for subchapter II of chapter 417 of title 49, United States Code, (as amended by subsection (f) of this bill) is further amended by inserting after the item relating to section 41745 the following new item:

"41746. Distance requirement applicable to eligibility for essential air service subsidies.".

(h) REPEAL.—The following provisions of law are repealed:

(1) Section 332 of the Department of Transportation and Related Agencies Appropriations Act, 2000 (49 U.S.C. 41731 note).

(2) Section 205 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (49 U.S.C. 41731 note).

(3) Section 334 of the Department of Transportation and Related Agencies Appropriations Act, 1999 (section 101(g) of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999) (Public Law 105–277; 112 Stat. 2681–471).

(i) SECRETARIAL REVIEW.—

(1) REQUEST FOR REVIEW.—Any community with respect to which the Secretary has, between September 30, 1993, and the date of the enactment of this Act, eliminated subsidies or terminated subsidy eligibility under section 332 of the Department of Transportation and Related Agencies Appropriations Act, 2000 (49 U.S.C. 41731 note), Section 205 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (49 U.S.C. 41731 note), or any prior law of similar effect, may request the Secretary to review such action.

(2) ELIGIBILITY DETERMINATION.—Not later than 60 days after receiving a request under subsection (i), the Secretary shall—

(A) determine whether the community would have been subject to such elimination of subsidies or termination of eligibility under the distance requirement enacted by the amendment made by subsection (g) of this bill to subchapter II of chapter 417 of title 49, United States Code; and

(B) issue a final order with respect to the eligibility of such community for essential

air service subsidies under subchapter II of chapter 417 of title 49, United States Code, as amended by this Act.

The CHAIRMAN pro tempore. Pursuant to House Resolution 265, the gentleman from Pennsylvania (Mr. PITTS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the essential air service program is important for many small airports throughout the country. It helps smaller communities to connect with larger cities and their airports and facilitates travel, tourism, and economic development.

To be eligible to receive such assistance, the community where the airport is located must be greater than 70 miles from the nearest large or medium-hub airport according to the most commonly used highway route. However, the Department of Transportation does not always use a consistent standard in determining the most commonly used highway route, nor do they actually determine the most commonly used route. Sometimes they have use the most direct route, even if it means taking back roads.

In my congressional district, this has led to the Lancaster Airport to lose its eligibility for the EAS program. The Department, using the most direct route, determined Lancaster Airport to be 68.5 miles from the Philadelphia International Airport. However, the route they chose would take the average driver more than 3 to 4 hours to drive. It winds along the old Lincoln Highway through dozens of small towns. In fact, anybody from my district knows that this is probably the worst way to get to Philadelphia.

The most commonly used highway route, the one that locals know as the fastest, uses the Pennsylvania Turnpike or other highways; and this route may be 12 miles longer, but you can get to Philadelphia in half the time. Because the Department is using the wrong route, Lancaster Airport's only commercial air carrier ceased operations at the airport on March 23 of this year.

The air carrier maintained that current market condition, fewer passengers and high costs made it impossible to continue without investment from the EAS program. This issue affects other small airports throughout the country and could affect more if this issue is not addressed.

My amendment addresses this problem by requiring the Secretary of Transportation to define a consistent standard for determining the most commonly used route. It also requires the Secretary to consult with the Governor of the State in which the airport in question is located or the Governor's designee as to the most commonly used highway route between that airport and the nearest large or medium-hub airport. Essentially, my amendment seeks to inject predictability and common sense into the process for determining EAS eligibility. It is narrowly tailored to improve the EAS eligibility process without impeding on the Secretary's authority to determine eligibility. I urge my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

□ 1545

Mr. Chairman, I yield such time as he may consume to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Chairman, I thank the gentleman for yielding me the time.

I think his amendment has merit, but I am going to talk about just the bill itself for a few moments. I want to thank again the gentleman from Oregon (Mr. DEFAZIO) and the gentleman from Minnesota (Mr. OBERSTAR), especially my good chairman the gentleman from Florida (Mr. MICA) for doing the work on what I think of as a very good bill.

Air travel is coming back, as the gentleman from Minnesota (Mr. OBERSTAR) has mentioned before. It is important that we look at where we were before 9/11 and recognize that those challenges are raising their heads again: the on-time provisions, the utilization of our airstrips, technology which is now available which was not available before, before AIR 21 was there, and I think we can use our airports more effectively.

It is our goal through this legislation and as the authorization for 4 years that we will see the time when we go beyond those numbers that we had prior to 9/11. But nothing happens in this body without the cooperation from one another. I think this is an example of how committees should work together in a bipartisan effort to achieve what is best for the Nation as a whole.

This bill does that and I want to compliment again both sides, and I am very, very confident this bill will pass overwhelmingly, and I thank everybody that has been involved.

The CHAIRMAN pro tempore (Mr. SWEENEY). Does anyone rise to claim time in opposition?

Mr. DEFAZIO. Mr. Chairman, I rise to claim the time in opposition, although, I do not intend to speak in opposition.

The CHAIRMAN pro tempore. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. DEFAZIO. Mr. Chairman, I yield myself such time as I may consume.

I actually rise in strong support of the gentleman's amendment. I represent a State that has topography which is foreign to many of the bureaucrats inside the Washington, D.C. Beltway, as do other Members from even more challenging terrain in Alaska and elsewhere, and it is hard for them to conceive that what looks on a map as a pretty straightforward route might happen to be a route that is not open in the wintertime or, even if it is open some of the time in the wintertime, it is often impassable; that even in the best of times it is over a mountain range, even though it is the shortest distance.

So I think common sense certainly being applied as an antidote to bureaucratic intransigence in this case is very well merited, and I congratulate the gentleman on his amendment. It is something I had missed in my perusal of the bill, and many others I know would be concerned for this. We thank him for his vigilance and the amendment.

Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR).

(Mr. OBERSTAR asked and was given permission to revise and extend his remarks.)

Mr. OBERSTAR. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Pennsylvania, Mr. PITTS, which would clarify the measurement of highway mileage for purposes of determining essential air service (EAS) eligibility.

Under current law, communities are not eligible for the EAS subsidy if they are less than ''70 highway miles'' from the nearest large or medium hub airport. Congress first imposed this 70-mile standard in the FY1992 Transportation Appropriations Act, and renewed it every fiscal year until the FY2000 Appropriations Act, which made it a permanent restriction.

In AIR 21, Congress gave the Department discretionary authority ''to provide assistance with respect to a place that is located within 70 highway miles of a hub airport if the most commonly used highway route between the place and the hub airport exceeds 70 miles.'' Nevertheless, despite its discretionary authority, the Department generally employs the ''most direct route'' standard. This issue has created controversy and even litigation between local communities and the Department, including litigation that involves Lancaster Airport in the gentleman's district.

The gentleman's amendment would require the Department to use the ''most commonly used route standard'' in measuring mileage for EAS eligibility. Additionally, the amendment would require local input in determining the ''most commonly used highway route.'' Specifically, the amendment would require the Secretary of Transportation to consult with the Governor of the State in which the airport is located as to the most commonly used highway route between that airport and the nearest hub airport. Further, the amendment requires the Secretary to promulgate by regulation a consistent standard for calculating the most commonly used route.

It will bring into the EAS program deserving eligible communities that have otherwise been cut off arbitrarily by current law. This is a common sense change. If we are to have a mileage standard for EAS it should be based on the miles people will actually drive, not a theoretical route, which probably takes longer than the actual route. The gentleman's amendment will make the law reflect reality.

For these reasons, I support the gentleman's amendment.

Mr. DEFAZIO. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida (Ms. CORRINE BROWN).

Ms. CORRINE BROWN of Florida. Mr. Chairman, I would like to thank the gentleman from Alaska (Mr. YOUNG) and the gentleman from Florida (Mr. MICA), the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Oregon (Mr. DEFAZIO), for their hard work in bringing this bill to the floor today and for working with Members on and off the committee to ensure a fair process that includes Members' ideas.

It is very fitting that we pass this legislation in the same year that we are celebrating 100 years of providing power flights. We had a good debate in both the subcommittee and full committee, and I expect it to continue today and throughout the conference.

Since 9/11 the Committee on Transportation and Infrastructure has been focusing on improving the security of our transportation infrastructure and ensuring the safety of the traveling public. This reauthorization bill goes a long way in accomplishing this goal and fits well into the overall homeland security plan we are developing.

The FAA has a very important job to do, and this bill provides additional funding and the direction that would allow the FAA to improve the air transportation system for passengers, airports, airlines and many businesses that rely on the aviation industry.

I encourage my colleagues to support the bill and this amendment as we continue on the road to improved safety and security for the traveling public.

The CHAIRMAN pro tempore. The Chair would advise Members that the gentleman from Pennsylvania (Mr. PITTS) has 1½ minutes remaining and the gentleman from Oregon (Mr. DEFAZIO) has 1½ minutes remaining.

Mr. PITTS. Mr. Chairman, I yield 1 minute to the gentleman from Iowa (Mr. LEACH).

Mr. LEACH. Mr. Chairman, I thank the gentleman for yielding me the time.

I want to thank him for bringing this amendment. It is a very thoughtful amendment. It is a very small amendment. On the other hand, it relates to few airports in the country, and it relates to techniques to bring rationale indeed to how one devises standards.

It happens to affect one airport in my district in the town of Ottumwa; and Ottumwa is a wonderful, small American community, and there are those of us that truly love this community and its airport which can be knocked out of service with great ease. In fact, it largely is today, based upon certain definitional issues.

This helps to address those definitional issues. It helps to bring rationality to government programming, and it helps people in a very real way, and so I want to thank the gentleman from Pennsylvania (Mr. PITTS) for his thoughtful leadership, and I would hope the committee would sympathetically concur in the gentleman's amendment.

Mr. DEFAZIO. Mr. Chairman, I yield back the balance of my time.

Mr. PITTS. Mr. Chairman, I want to thank the gentleman from Iowa, the gentleman from Oregon (Mr. DEFAZIO), the ranking member and the chairman of the committee and the subcommittee for their support; and I yield the balance of the time to the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Chairman, I just wanted to conclude both the debate on the amendment and more than likely the debate on this legislation. I thank everyone for their cooperation. This truly does show how legislation can be drafted in a bipartisan manner, and it shows too with the gentleman from Pennsylvania's (Mr. PITTS) amendment, which I rise in support of, that all the good ideas just do not come from the committee.

He has a good idea. It will improve this bill. It shows the majesty of the system our Founding Fathers created, and this working today does demonstrate good legislation.

I rise in support again of the Pitts amendment and the bill, the underlying measure.

Mr. PITTS. Mr. Chairman, I yield back my time.

The CHAIRMAN pro tempore. All time for debate has expired.

The question is on the amendment offered by the gentleman from Pennsylvania (Mr. PITTS).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. MICA. Mr. Speaker, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Pennsylvania will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 5 printed in part B offered by the gentleman from Illinois (Mr. MANZULLO), amendment No. 4 printed in part B offered by the gentleman from Pennsylvania (Mr. PITTS).

The first electronic vote will be conducted as a 15-minute vote. The second electronic vote will be conducted as a 5-minute vote.

AMENDMENT NO. 5 OFFERED BY MR. MANZULLO

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. MANZULLO) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 426, noes 0, not voting 8, as follows:

[Roll No. 262]

AYES—426

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez

Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—8

Brown-Waite, Ginny
Cubin
Eshoo
Fossella
Gephardt
Matsui
Smith (WA)
Spratt

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. SWEENEY) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1613

Messrs. INSLEE, CARSON of Oklahoma and NADLER changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. GINNY BROWN-WAITE. Mr. Chairman, on rollcall No. 262 I was inadvertently detained. Had I been present, I would have voted ''aye''.

AMENDMENT NO. 4 OFFERED BY MR. PITTS

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Pennsylvania (Mr. PITTS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 422, noes 0, not voting 12, as follows:

[Roll No. 263]

AYES—422

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emanuel
Emerson
Engel
English
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (TX)
Snyder
Solis
Souder
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—12

Boehner
Case
Cubin
Edwards
Eshoo
Fossella
Gephardt
Issa
Matsui
Smith (NJ)
Smith (WA)
Spratt

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. SWEENEY)(during the vote). Members are advised that 2 minutes remain in this vote.

□ 1621

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore. The question is on the committee amendment in the nature of a substitute, as modified, as amended.

The committee amendment in the nature of a substitute, as modified, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. TERRY) having assumed the chair, Mr. SWEENEY, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2115) to amend title

49, United States Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes, pursuant to House Resolution 265, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MICA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 418, nays 8, not voting 8, as follows:

[Roll No. 264]

YEAS—418

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—8

Crane
Davis, Tom
Flake
Moran (VA)
Obey
Paul
Sensenbrenner
Wolf

NOT VOTING—8

Cubin
Eshoo
Fossella
Gephardt
Lynch
Matsui
Smith (WA)
Spratt

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TERRY) (during the vote). The Chair would advise Members that there are 2 minutes remaining in this vote.

□ 1639

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2115, FLIGHT 100—CENTURY OF AVIATION REAUTHORIZATION ACT

Mr. MICA. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 2115, the Clerk be authorized to correct section numbers, punctuation, and cross-references, and to make such other necessary technical and conforming changes as may be necessary to reflect the actions of the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

NATIONAL GREAT BLACK AMERICANS COMMENDATION ACT OF 2003

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

Mr. CUMMINGS. Mr. Speaker, I rise to announce the introduction of the National Great Black Americans Commendation Act of 2003, legislation that will help to bring long overdue recognition to African Americans who have served our Nation with distinction but whose names, faces and records of achievements may not be well known by the public.

This recognition primarily will be accomplished through an expansion of national designation of a national treasure, the Great Blacks in Wax Museum, located in my district in Baltimore, Maryland. The legislation also authorizes assistance in establishing a Justice Learning Center as a component of the expanded museum complex.