of the paternalisit lease approval system that requires the Secretary of the Interior to approve all tribal leases. This delays action and creates investment uncertainty.

In an attempt to resolve this out-of-date process, the Indian Affairs Committee and the Senate Energy Committee have taken key elements of both Senator Campbell’s legislation S. 522 and Senator Bingaman proposal, S. 424.

The title adopts Senator Bingaman’s proposal to create the Office of Indian Energy Policy and Programs within the Bureaer of Reclamation. This office will provide grants and loan guarantees to tribes to facilitate the development of their energy resources and infrastructure.

Section 302 of this title will change the existing lease agreements between the Secretary of the Interior and tribes to allow tribes to enter into a lease or agreement without the approval of the Secretary so long as those leases or business agreements conform to regulations promulgated by the Secretary. The section establishes a process by which a tribe may submit a plan governing leases and rights-of-way to the Secretary for approval. It also requires the tribe to demonstrate to the Secretary that the plan includes provisions regarding lease and contract terms, environmental regulation, and public comment.

I think that is very important to note that this entire proposal is voluntary. Let me repeat that. This proposal is completely voluntary. Tribes will not be forced to adopt this proposal if they feel it would not benefit the tribe as a whole.

We have numerous letters from tribes who support the proposal and I am confident they will benefit. However, any tribe that opposes this proposal probably will not participate and can continue to operate under the status quo. This amendment also protects the environment. I think the statement of President Joe Shirley of the Navajo Nation before the Senate Indian Affairs Committee accurately captures the environmental responsibilities all tribes must comply with. President Shirley stated,

Tribes may already promulgate regulations that are more, but not less, stringent than Federal regulations governing the same subject matters (environment). The following is a list of some of the federal statutes that already control regulations for land use, both State and tribal: National Environmental Policy Act, Clean Air Act, Clean Water Act, Endangered Species Act, Federal Land Management and Policy Act, National Historic Preservation Act, Native American Graves Protection and Repatriation Act, Surface Mining Control and Reclamation Act and the Indian Mineral Leasing Act.

Clearly, the tribes must fully comply with our environmental statutes.

Following markup of S. 14, the Indian Affairs and Energy Committees have worked to address concerns regarding the trust responsibilities between tribes and the Secretary of the Interior. These agreed-upon changes make up the amendment Senator Campbell has offered.

This amendment preserves the strong support of the Senate. I ask unanimous consent for 1 additional minute for Senator Campbell to speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Colorado.

Mr. CAMPBELL. Mr. President, I thank the women of New Mexico, who is a stalwart supporter of this movement.

There is no question, if we do not take this back up between now and July, if there is a second degree offered at that time, we will be giving the opponents of this bill—instead of giving Indians an opportunity to get up off their knees and get some jobs—an opportunity to gin up some opposition. I think that is what the delay is for. I appreciate the support of the Senator from New Mexico.

AVIATION INVESTMENT AND REVITALIZATION VISION ACT

The PRESIDING OFFICER. Under the previous order, the time of 12:15 having arrived, the Senate will proceed to consideration of S. 824, which the clerk will report by title.

The bill clerk reads as follows:

A bill (S. 824) to reauthorize the Federal Aviation Administration, and for other purposes.

The Senate proceeded to consider the bill (S. 824) to reauthorize the Federal Aviation Administration, and for other purposes, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 824

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

[SECTION 1. SHORT TITLE; AMENDMENT OF TITLE 49.]

(a) SHORT TITLE.—This Act may be cited as the “Aviation Investment and Revitalization Vision Act”.

(b) AMENDMENT OF TITLE 49.—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.

[SECTION 2. TABLE OF CONTENTS.]

The table of contents for this Act is as follows:

<table>
<thead>
<tr>
<th>Sec.</th>
<th>Short title: amendment of title 49</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sec. 1</td>
<td>Short title: amendment of title 49</td>
</tr>
<tr>
<td>Sec. 2</td>
<td>Table of contents</td>
</tr>
</tbody>
</table>
SEC. 104. RESEARCH, ENGINEERING AND DEVELOPMENT.—For purposes of section 207(c) of title 18, the Secretary, after consultation with the Committee, such individual shall be treated as an employee of the United States Government while serving as a member of the Committee.

SEC. 105. OTHER PROGRAMS.—

(a) In General.—Section 106 is amended—

(1) by redesignating subsections (q) and (r) as subsections (r) and (q), respectively; and

(2) by inserting after subsection (p) the following:

"(q) Air Traffic Management Committee.—

(I) Establishment.—The Secretary of Transportation shall establish an advisory committee which shall be known as the Air Traffic Management Committee. The Committee shall be chaired by a representative of the Secretary, who shall serve as chair, and shall consist of—

(ii) Members appointed by the Secretary, after consultation with the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate.

(iii) No Federal official or employee.—No member appointed under subparagraph (A) shall be a Federal official or employee of the United States Government while serving as a member of the Committee.
President who shall transmit such request, without revision, to the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives and the Senate, respectively, for consideration, and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate, together with the President’s annual budget request for the Federal Aviation Administration for such fiscal year.

(6) COMMITTEES PERSONNEL—MATTERS. —

(A) COMPENSATION OF MEMBERS.—Each member of the Committee, other than the chairperson, shall be compensated at a rate of $25,000 per year.

(B) STAFF.—The chairperson of the Committee and the chairperson of any personnel may be necessary to enable the Committee to perform its duties.

(C) PROCEDURES OF TEMPORARY AND INTERMITTENT SERVICES.—The chairperson of the Committee may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(7) ADMINISTRATIVE MATTERS.—

(A) POWERS OF CHAIR.—Except as otherwise provided by a majority vote of the Committee, the powers of the chairperson shall include—

(i) establishing subcommittees;

(ii) setting meeting places and times;

(iii) establishing meeting agendas; and

(iv) developing rules for the conduct of business.

(B) MEETINGS.—The Committee shall meet at least quarterly and at such other times as the chairperson determines appropriate.

(C) QUORUM.—Three members of the Committee shall constitute a quorum. A majority of members present and voting shall be required for the Committee to take action.

(D) APPLICATION OF SUBSECTION (P) PROVISIONS.—The following provisions of subsection (p) apply to the Committee to the same extent as they apply to the Management Advisory Council:

(i) Paragraph (4)(C) (relating to access to documents and staff).

(ii) Paragraph (5) (relating to non-application of Federal Advisory Committee Act).

(iii) Paragraph 6(G) (relating to travel and per diem).

(iv) Paragraph 6(H) (relating to detail of personnel).

(E) REPORTS.—

(A) ANNUAL.—The Committee shall each year report with respect to the conduct of its responsibilities under this title to the Administrator, the Management Advisory Council, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate.

(B) COMPTROLLER GENERAL’S REPORT.—Not later than April 30, 2003, the Comptroller General of the United States 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 success of the Committee in improving the performance of the air traffic control system.

(F) STRATEGIC PLANS.—By striking paragraph (3) and inserting the following:

(3) NO FEDERAL OFFICER OR EMPLOYEE.—No member appointed under paragraph (2)(C) may be an employee of the United States Government while serving as a member of the Council.

(G) by striking subparagraphs (C), (D), (E), (F), (G), (J), (K), and (L) as subparagraphs (C), (D), (E), (F), (G), and (H), respectively; and

(H) by striking subparagraphs (7) and (8).

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

10. The Transportation and Commerce Committee to Air Traffic Service Committee—

(a) TERMINATION OF MANAGEMENT ADVISORY COUNCIL MEMBERSHIP.—Effective on the day after the date of enactment of this Act, any member of the Management Advisory Council appointed under section 106(p)(2)(B) of title 49, United States Code, (as such section was in effect on the date before such date of enactment) who is a member of the Council on such date of enactment shall cease to be a member of the Council.

(b) COMMENCEMENT OF MEMBERSHIP ON AIR TRAFFIC SERVICES COMMITTEE.—Effective on the day after the date of enactment of this Act, any member of the Management Advisory Council whose membership is terminated by paragraph (1) shall become a member of the Air Traffic Services Committee as provided by section 106(q)(2)(G) of title 49, United States Code, to serve for the remainder of the term to which that member was appointed to the Management Advisory Council.

11. The following provisions of subsection (p) apply to the Committee:

(a) TASK FORCE.—A task force established under this subsection shall submit a report containing its findings and conclusions, together with any recommendations for capacity enhancement at the airport, to the Secretary within 9 months after the task force is established.

(b) CEPS.—A capacity enhancement study conducted under this subsection shall be submitted, together with its findings and conclusions, to the Secretary as soon as the study is completed.

(c) RUNWAY EXPANSION AND RECONFIGURATION.—If the report submitted under subsection (b)(3) includes a recommendation for the construction or reconfiguration of runways at the airport, then the Secretary and the airport shall complete the planning and environmental review process within 5 years after report or study is submitted to the Secretary. The Secretary shall notify the Senate Committee on Commerce, Science, and Transportation, and to the House of Representatives Committee on Transportation and Infrastructure of any such extension.

(d) AIRPORTS THAT DECLINE TO UNDERTAKE EXPANSION PROJECTS.—
(1) IN GENERAL.—If an airport at which the construction or reconfiguration of runways is recommended does not take action to initiate a planning and environmental assessment process for the construction or reconfiguration of those runways within 30 days after the date on which the report or study is submitted to the Secretary, for—

(i) projects that, but for subparagraph (A), could have been funded under chapter 471; or

(ii) any project other than on-airport airfield-side capacity or safety-related projects.

(2) SAFETY-RELATED AND ENVIRONMENTAL PROJECTS EXCEPTED.—Paragraph (1) does not apply to the use of funds for safety-related, security, or environment projects.

(3) MODIFICATION.—Notwithstanding any provision of this subsection, the Secretary shall—

(A) designate a project coordinator within the Department of Transportation; and

(B) establish an environmental impact team within the Department.

(4) FUNCTION.—The project coordinator and the environmental impact team shall—

(A) coordinate the activities of all Federal, State, and local agencies involved in the project;

(B) to the extent possible, working with Federal, State and local officials, reduce and eliminate duplicative and overlapping Federal, State, and local permit requirements;

(C) to the extent possible, eliminate duplicative Federal, State, and local environmental review procedures; and

(D) provide direction for compliance with all applicable Federal, State, and local environmental impact statements in connection with the project.

(5) CONSISTENT ENVIRONMENTAL REVIEW PROCESSES.—The Secretary shall—

(A) coordinate the activities of all Federal, State, and local agencies involved in the project;

(B) to the extent possible, working with Federal, State and local officials, reduce and eliminate duplicative and overlapping Federal, State, and local permit requirements;

(C) to the extent possible, eliminate duplicative Federal, State, and local environmental review procedures; and

(D) provide direction for compliance with all applicable Federal, State, and local environmental impact statements in connection with the project.

(6) MODIFICATION.—Notwithstanding any provision of this subsection, the Secretary shall—

(A) designate a project coordinator within the Department of Transportation; and

(B) establish an environmental impact team within the Department.

(7) FUNCTION.—The project coordinator and the environmental impact team shall—

(A) coordinate the activities of all Federal, State, and local agencies involved in the project;

(B) to the extent possible, working with Federal, State and local officials, reduce and eliminate duplicative and overlapping Federal, State, and local permit requirements;

(C) to the extent possible, eliminate duplicative Federal, State, and local environmental review procedures; and

(D) provide direction for compliance with all applicable Federal, State, and local environmental impact statements in connection with the project.

(8) MODIFICATION.—Notwithstanding any provision of this subsection, the Secretary shall—

(A) designate a project coordinator within the Department of Transportation; and

(B) establish an environmental impact team within the Department.

(9) FUNCTION.—The project coordinator and the environmental impact team shall—

(A) coordinate the activities of all Federal, State, and local agencies involved in the project;

(B) to the extent possible, working with Federal, State and local officials, reduce and eliminate duplicative and overlapping Federal, State, and local permit requirements;

(C) to the extent possible, eliminate duplicative Federal, State, and local environmental review procedures; and

(D) provide direction for compliance with all applicable Federal, State, and local environmental impact statements in connection with the project.

(10) MODIFICATION.—Notwithstanding any provision of this subsection, the Secretary shall—

(A) designate a project coordinator within the Department of Transportation; and

(B) establish an environmental impact team within the Department.

(11) FUNCTION.—The project coordinator and the environmental impact team shall—

(A) coordinate the activities of all Federal, State, and local agencies involved in the project;

(B) to the extent possible, working with Federal, State and local officials, reduce and eliminate duplicative and overlapping Federal, State, and local permit requirements;

(C) to the extent possible, eliminate duplicative Federal, State, and local environmental review procedures; and

(D) provide direction for compliance with all applicable Federal, State, and local environmental impact statements in connection with the project.

(12) MODIFICATION.—Notwithstanding any provision of this subsection, the Secretary shall—

(A) designate a project coordinator within the Department of Transportation; and

(B) establish an environmental impact team within the Department.

(13) FUNCTION.—The project coordinator and the environmental impact team shall—

(A) coordinate the activities of all Federal, State, and local agencies involved in the project;

(B) to the extent possible, working with Federal, State and local officials, reduce and eliminate duplicative and overlapping Federal, State, and local permit requirements;

(C) to the extent possible, eliminate duplicative Federal, State, and local environmental review procedures; and

(D) provide direction for compliance with all applicable Federal, State, and local environmental impact statements in connection with the project.

(14) MODIFICATION.—Notwithstanding any provision of this subsection, the Secretary shall—

(A) designate a project coordinator within the Department of Transportation; and

(B) establish an environmental impact team within the Department.

(15) FUNCTION.—The project coordinator and the environmental impact team shall—

(A) coordinate the activities of all Federal, State, and local agencies involved in the project;

(B) to the extent possible, working with Federal, State and local officials, reduce and eliminate duplicative and overlapping Federal, State, and local permit requirements;

(C) to the extent possible, eliminate duplicative Federal, State, and local environmental review procedures; and

(D) provide direction for compliance with all applicable Federal, State, and local environmental impact statements in connection with the project.

(16) MODIFICATION.—Notwithstanding any provision of this subsection, the Secretary shall—

(A) designate a project coordinator within the Department of Transportation; and

(B) establish an environmental impact team within the Department.

(17) FUNCTION.—The project coordinator and the environmental impact team shall—

(A) coordinate the activities of all Federal, State, and local agencies involved in the project;

(B) to the extent possible, working with Federal, State and local officials, reduce and eliminate duplicative and overlapping Federal, State, and local permit requirements;

(C) to the extent possible, eliminate duplicative Federal, State, and local environmental review procedures; and

(D) provide direction for compliance with all applicable Federal, State, and local environmental impact statements in connection with the project.

(18) MODIFICATION.—Notwithstanding any provision of this subsection, the Secretary shall—

(A) designate a project coordinator within the Department of Transportation; and

(B) establish an environmental impact team within the Department.

(19) FUNCTION.—The project coordinator and the environmental impact team shall—

(A) coordinate the activities of all Federal, State, and local agencies involved in the project;

(B) to the extent possible, working with Federal, State and local officials, reduce and eliminate duplicative and overlapping Federal, State, and local permit requirements;

(C) to the extent possible, eliminate duplicative Federal, State, and local environmental review procedures; and

(D) provide direction for compliance with all applicable Federal, State, and local environmental impact statements in connection with the project.

(20) MODIFICATION.—Notwithstanding any provision of this subsection, the Secretary shall—

(A) designate a project coordinator within the Department of Transportation; and

(B) establish an environmental impact team within the Department.

(21) FUNCTION.—The project coordinator and the environmental impact team shall—

(A) coordinate the activities of all Federal, State, and local agencies involved in the project;

(B) to the extent possible, working with Federal, State and local officials, reduce and eliminate duplicative and overlapping Federal, State, and local permit requirements;

(C) to the extent possible, eliminate duplicative Federal, State, and local environmental review procedures; and

(D) provide direction for compliance with all applicable Federal, State, and local environmental impact statements in connection with the project.

(22) MODIFICATION.—Notwithstanding any provision of this subsection, the Secretary shall—

(A) designate a project coordinator within the Department of Transportation; and

(B) establish an environmental impact team within the Department.

(23) FUNCTION.—The project coordinator and the environmental impact team shall—

(A) coordinate the activities of all Federal, State, and local agencies involved in the project;

(B) to the extent possible, working with Federal, State and local officials, reduce and eliminate duplicative and overlapping Federal, State, and local permit requirements;

(C) to the extent possible, eliminate duplicative Federal, State, and local environmental review procedures; and

(D) provide direction for compliance with all applicable Federal, State, and local environmental impact statements in connection with the project.

(24) MODIFICATION.—Notwithstanding any provision of this subsection, the Secretary shall—

(A) designate a project coordinator within the Department of Transportation; and

(B) establish an environmental impact team within the Department.

(25) FUNCTION.—The project coordinator and the environmental impact team shall—

(A) coordinate the activities of all Federal, State, and local agencies involved in the project;

(B) to the extent possible, working with Federal, State and local officials, reduce and eliminate duplicative and overlapping Federal, State, and local permit requirements;

(C) to the extent possible, eliminate duplicative Federal, State, and local environmental review procedures; and

(D) provide direction for compliance with all applicable Federal, State, and local environmental impact statements in connection with the project.

(26) MODIFICATION.—Notwithstanding any provision of this subsection, the Secretary shall—

(A) designate a project coordinator within the Department of Transportation; and

(B) establish an environmental impact team within the Department.

(27) FUNCTION.—The project coordinator and the environmental impact team shall—

(A) coordinate the activities of all Federal, State, and local agencies involved in the project;

(B) to the extent possible, working with Federal, State and local officials, reduce and eliminate duplicative and overlapping Federal, State, and local permit requirements;

(C) to the extent possible, eliminate duplicative Federal, State, and local environmental review procedures; and

(D) provide direction for compliance with all applicable Federal, State, and local environmental impact statements in connection with the project.
Transportation shall report to the Senate Committee on Commerce, Science, and Transportation on the categorical exclusions currently recognized and provide a list of proposed 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. In determining the list of additional proposed categorical exclusions, the Secretary shall include the project under the exclusion if the Secretary determines that the project would be consistent with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. §4321 et seq.) for projects at airports. In determining the list of additional proposed categorical exclusions, the Secretary shall include the project under the exclusion if the Secretary determines that the project would be consistent with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. §4321 et seq.) for projects at airports.

SEC. 203. ALTERNATIVE ANALYSES.

(a) NOTIFICATION REQUIREMENT.—Not later than 30 days after the date on which the Secretary of Transportation identifies an airport capacity enhancement project at a congested airport under section 47171(c) of title 49, United States Code, the Secretary shall publish a notice in the Federal Register requesting comments on whether reasonable alternatives to the project exist. (b) CERTAIN REASONABLE ALTERNATIVES... (c) [Amended by adding at the end the following:] 47178. Design-build contracting.

(a) IN GENERAL.—The Administrator may approve an application of an airport sponsor for award of a design-build contract using a selection process permitted under applicable State or local law if—

(1) the Administrator approves the application under paragraph (1) upon the request, in writing, of an airport operator if the operator states in the request that construction of the project will not be completed within 10 years from the date of the request; 

(2) the Administrator is satisfied that such alternate airport capacity will be available no later than 4 years after the date of the Secretary’s determination under this section.

(c)(1) AUTHORITY OF THE GOVERNOR.—Noth-...
SEC. 210. QUARTERLY STATUS REPORTS.

Beginning with the second calendar quarter ending after the date of enactment of this Act, the Secretary of Transportation shall provide quarterly status reports to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the status of construction, development, and acquisition of the projects under this chapter at each airport for which the Secretary has granted authority under section 47503 of this title.

SEC. 211. NOISE DISCLOSURE REQUIREMENTS.

(a) Definitions.—Section 47501 is amended by adding at the end—

(3) 'Federal agency' means any department, agency, or establishment or instrumentality of the executive branch of the Federal Government, and includes the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation.

(4) 'Federal entity for lending regulation' means the Board of Governors of the Federal Reserve System, Federal Debt Insurance Corporation, the Comptroller of the Currency, the Office of Thrift Supervision, the National Credit Union Administration, and the Federal Aviation Administration, and with respect to a particular regulated lending institution means the entity primarily responsible for the supervision of the institution.

(b) Regulations.—The Secretary may by regulation—

(1) require a passenger facility fee to be imposed by the airport operator unless the Secretary determines that such fee would, in the case of an airport with declining boardings, significantly reduce noise over existing non-compatible uses, or

(2) require notice to the purchaser (or satisfactory assurance by the purchaser) that any noise exposure map submitted under section 47503 of this title shall disclose—

(i) the noise exposure; and

(ii) the noise contours depicted on the most recent noise exposure map submitted by the airport operator according to section 47503 of this chapter, and is subject to aircraft noise exposure; and

(c) Certification.—If the Secretary determines that the notice required under subsection (b) has been provided, the airport operator shall certify to the Secretary that the notice was provided.

SEC. 212. PROHIBITION ON RENT-FREE SPACE FOR FAA OR TSA.

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

SECTION 40129. Prohibition on rent-free space requirements for FAA or TSA.

(5) 'Federal agency lender' means a Federal agency that makes direct loans secured by residential real estate or a mobile home, to the extent such agency acts in such capacity.

(b) Noise Exposure Maps.—Section 47503(b) is amended to read as follows:

(2)(b) Revised Maps.—If, in an area surrounding an airport in the operation of the airport would establish a substantial new incompatible use, or would significantly reduce noise over existing non-compatible uses, beyond the forecast year, the airport operator shall submit a revised noise exposure map to the Secretary showing the new incompatible use or noise reduction.

(c) Notification of Noise Exposure.—Chapter 457 is amended by adding at the end the following:

SECTION 47511. Notification of noise exposure.

(a) Notice.—An airport operator shall make available to lending institutions, upon request, the most recent noise exposure map submitted under section 47503 of this title.

(b) List of Airports.—The Secretary shall maintain a list of airports for which the airport operators have submitted a noise exposure map under section 47503 of this title.

(c) Regulated Lending Institutions.—Each Federal entity for lending regulation (after consultation and coordination with the Federal Financial Institutions Examination Council) shall direct by regulation that a regulated lending institution may not make, insure, or guaranty any loan secured by residential real estate or a mobile home that is located or to be located in the vicinity of an airport on the Secretary’s list described in subsection (b), unless the loan applicant’s purchase agreement for the residential real estate or mobile home provides notice to the purchaser (or satisfactory assurance by the purchaser) that—

(i) the noise exposure map submitted under section 47503 of this chapter, the notice to the purchaser shall be acknowledged by the purchaser’s signing of the purchase agreement or other notification document and the regulated lending institution shall require a record of the acceptance of the notice by the purchaser.

(d) Federal Agency Lenders.—Each Federal agency lender shall by regulation require notice in the manner provided in paragraph (c) with respect to an airport that is made by the Federal agency lender and secured by residential real estate or a mobile home located or to be located in the vicinity of an airport on the Secretary’s list described in subsection (b).

(e) Contents of Notice.—The notice required under this section shall include—

(1) that the property is located within the noise contours depicted on the most recent noise exposure map submitted by the airport operator according to section 47503 of this chapter, and is subject to aircraft noise exposure; and

(2) the name and telephone number of the airport where the purchaser may obtain more information on the aircraft noise exposure.

SEC. 213. SPECIAL RULES FOR FISCAL YEAR 2006.

(a) Apportionment to Certain Airports with Declining Boardings.—

(1) In General.—For fiscal year 2006, the Secretary of Transportation may apportion in airport aid funds under section 47114 of title 49, United States Code, to the sponsor of an airport described in paragraph (2) in an amount equal to the amount apportioned to that airport under that section for fiscal year 2002, notwithstanding any provision of section 47114 to the contrary.

(2) Airports to Which Paragraph (1) Applies.—Paragraph (1) applies to any airport determined by the Secretary to have had—

(A) less than one-half of 1 percent of the total number of United States passenger boardings (as defined in section 47102(10) of title 49, United States Code) for the calendar year used for...
determining apportionments under section 47114 for fiscal year 2004; (b) less than 10,000 passenger boardings in calendar year 2002; and (c) less than 50,000 passenger boardings in calendar year 2000.

(b) TEMPORARY INCREASE IN GOVERNMENT SHARE OF AIP PROJECT COSTS AT CERTAIN AIRPORTS.—In section 47109(a)(3) of title 49, United States Code, the Government’s share of allowable project costs for an airport made in fiscal year 2004 under chapter 471 of that title to an airport described in that section shall be 85 percent.

TITLE III—AIRLINE SERVICE DEVELOPMENT

SEC. 301. DELAY REDUCTION MEETINGS.

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

```````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````
SEC. 1. Short title; amendment of title 49.

Sec. 2. Table of contents.

The table of contents for this Act is as follows:

1. Short title; amendment of title 49.
2. Table of contents.

TITLE I—REALIGNMENTS; FAA MANAGEMENT
Sec. 101. Airport improvement program.
Sec. 102. Airway facilities improvement program.
Sec. 103. FAA operations.
Sec. 104. Research, engineering, and development.
Sec. 165. Other programs.
Sec. 166. Reorganization of the Air Traffic Services Subcommittee.
Sec. 107. Clarification of responsibilities of chief operating officer.

TITLE II—AIRPORT DEVELOPMENT
Sec. 201. National capacity projects.
Sec. 203. FAA operations.
Sec. 204. Increase in apportionment for, and flexibility of, our compatibility planning programs.
Sec. 205. Secretary of Transportation to identify airport congestion-relief projects and forecast airport operations annually.
Sec. 206. Design-build contracting.
Sec. 207. Special rule for airport in Illinois.
Sec. 208. Elimination of duplicative requirements.
Sec. 209. Streamlining the passenger facility fee.
Sec. 211. Noise disclosure requirements.
Sec. 212. Prohibition on requiring airports to provide rent-free space for FAA or TSA.
Sec. 213. Special rules for fiscal year 2004.
Sec. 214. Agreements for operation of airport facilities.
Sec. 215. Public agencies.
Sec. 216. Flexible funding for nonprimary airport apportionsments.

SUBTITLE A—AIRLINE SERVICING DEVELOPMENT
Subtitle A—Program Enhancements
Sec. 301. Delay reduction meetings.
Sec. 302. Small community air service development pilot program.
Sec. 303. DOT efforts to access problems at large and medium hub airports.
Sec. 304. Competition disclosure requirement for large and medium hub airports.
Subtitle B—Small Community and Rural Air Service Revitalization
Sec. 351. Reauthorization of essential air service program.
Sec. 352. Incentive program.
Sec. 353. Pilot programs.
Sec. 354. EAS program authority changes.

TITLE IV—AVIATION SECURITY
Sec. 401. Study of effectiveness of transportation security system.
Sec. 402. Aviation security capital fund.
Sec. 403. Technical amendments related to security-related airport development.
Sec. 404. Armed forces charters.

TITLE V—MISCELLANEOUS
Sec. 512. Air traffic control collegiate training initiative.
Sec. 513. Extension of war risk insurance authority.
Sec. 514. Cost-sharing of air traffic modernization projects.
Sec. 515. Cost savings for fraudulently misrepresented parts violations.
Sec. 516. Clarifications to procurement authority.
Sec. 517. Judicial review.
Sec. 518. Civil penalties.
Sec. 519. Miscellaneous amendments.
Sec. 520. Low-emission airport vehicles and infrastructure.
Sec. 521. Ground support equipment.
Sec. 522. Pacific emergency diversion airport.
Sec. 523. Gulf of Mexico aviation service improvements.
Sec. 524. Air traffic control collegiate training initiative.
Sec. 525. Increase in certain slots.
Sec. 526. Air transportation oversight system plan.
Sec. 527. National small community air service development ambassador programs.
Sec. 528. National commission on small community air service.
Sec. 529. Training certification for cabin crew.
Sec. 530. Aircraft manufacturer insurance.
Sec. 531. Ground-based precision navigational aids.
Sec. 532. Standby power efficiency program.

TITLE VI—SECOND CENTURY OF FLIGHT
Sec. 601. Findings.
Subtitle A—The Office of Aerospace and Aviation Liaison
Sec. 621. Office of Aerospace and Aviation Liaison.
Subtitle B—Technical Programs
Sec. 641. Aerospace and Aviation Safety workforce initiative.
Sec. 642. Scholarships for service.
Subtitle C—FAA Research, Engineering, and Development
Sec. 661. Research program to improve airfield pavements.
Sec. 662. Ensuring appropriate standards for airfield pavements.
Sec. 663. Assessment of wake turbulence research and development program.
Sec. 664. Cabin air quality research program.
Sec. 665. International role of the FAA.
Sec. 666. FAA report on other nations’ safety and technological advancements.
Sec. 667. Development of analytical tools and certification methods.
Sec. 668. Pilot programs to provide incentives for development of new technologies.
Sec. 669. FAA center for excellence for applied research and training in the use of transport aircraft.
Sec. 670. FAA certification of design organizations.
Sec. 671. Report on long term environmental improvements.

TITLE I—REAUTHORIZATIONS; FAA MANAGEMENT
SEC. 101. AIRPORT IMPROVEMENT PROGRAM.
(a) AUTHORIZATION OF APPROPRIATIONS.—Section 48103 is amended—
(1) by striking “(a) I N GENERAL.—” before “The”;
(2) by striking “and” in paragraph (4); and
(3) by striking “2003.” in paragraph (5) and inserting “2003.”;
(b) ADMINISTRATIVE EXPENSES.—From the amounts authorized by paragraphs (6) through (8) of subsection (a), there shall be available for administrative expenses relating to the airport improvement program, passenger facility fee approval and oversight, national airport system planning, airport standards development and enforcement, airport certification, airport-related environmental activities (including legal service), to remain available until expended—
(1) for fiscal year 2004, $65,737,000;
(2) for fiscal year 2005, $71,816,000; and
(3) for fiscal year 2006, $74,048,000.;
(c) OBLIGATIONAL AUTHORITY.—Section 47104(c) is amended by striking “(3) for fiscal year 2004, $65,737,000; (4) for fiscal year 2005, $71,816,000; and (5) for fiscal year 2006, $74,048,000.” and in paragraph (4) by adding at the end the following:
(6) $3,400,000,000 for fiscal year 2004;
(7) $3,500,000,000 for fiscal year 2005; and
(8) $3,600,000,000 for fiscal year 2006.;
(d) REPORTS.—The Administrator shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure that describes the overall air traffic controller staffing plan, including strategies to address anticipated retirement and replacement of air traffic controllers.

SEC. 104. RESEARCH, ENGINEERING, AND DEVELOPMENT.
(a) AMOUNTS AUTHORIZED.—Section 48102(a) is amended—
(1) by striking “and” at the end of paragraph (7);
(2) by striking the period at the end of paragraph (8) and inserting a semicolon; and
(3) by adding at the end the following:
(9) for fiscal year 2004, $289,000,000; including—
(A) $200,000,000 to improve aviation safety, including icing, crashworthiness, and aging aircraft;
(B) $18,000,000 to improve the efficiency of the air traffic control system;
(C) $27,000,000 to reduce the environmental impact of aviation;
(D) $16,000,000 to improve the efficiency of mission support; and
(E) $28,000,000 to improve the durability and maintainability of advanced material structures in transport airplane structures;
(10) for fiscal year 2005, $304,000,000; including—
(A) $211,000,000 to improve aviation safety;
(B) $19,000,000 to improve the efficiency of the air traffic control system;
(C) $28,000,000 to reduce the environmental impact of aviation;
(D) $17,000,000 to improve the efficiency of mission support; and
(E) $29,000,000 to improve the durability and maintainability of advanced material structures in transport airplane structures; and
(11) for fiscal year 2006, $317,000,000; including—
(A) $220,000,000 to improve aviation safety;
(B) $20,000,000 to improve the efficiency of the air traffic control system;
(C) $29,000,000 to reduce the environmental impact of aviation;
(D) $18,000,000 to improve the efficiency of mission support; and
(E) $30,000,000 to improve the durability and maintainability of advanced material structures in transport airplane structures."

SEC. 105. OTHER PROGRAMS.
Section 106 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century is amended—
(1) by striking “2003.” in subsection (a)(1)(A) and (2) in subsection (a)(2) inserting “2006.” and inserting “2006.”;
(2) by striking “2003.” in subsection (a)(2) and inserting “2006.”;

SEC. 106. REORGANIZATION OF THE AIR TRAFFIC SERVICES SUBCOMMITTEE.
(a) IN GENERAL.—Section 106 is amended—
(1) by redesignating subsections (q) and (r) as subsections (r) and (s), respectively; and
(2) by inserting after subsection (p) the following:
(q) AIR TRAFFIC MANAGEMENT COMMITTEE.—
(1) Establishment.—The Secretary of Transportation shall establish an advisory committee which shall be known as the Air Traffic Services Committee (in this subsection referred to as the "Committee").
(2) Membership.—(A) COMPOSITION AND APPOINTMENT.—The Committee shall be composed of—

June 12, 2003
CONGRESSIONAL RECORD — SENATE
S7765
“(i) the Administrator of the Federal Aviation Administration, who shall serve as chair; and
“(ii) 4 members, to be appointed by the Secretary, after consultation with the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate.

(B) NO FEDERAL OFFICER OR EMPLOYEE.—No member appointed under subparagraph (A)(ii) may serve as an officer or employee of the United States Government while serving as a member of the Committee.

(C) ELIGIBILITY.—Members appointed under subparagraph (A)(ii) shall—

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

(ii) be citizens of the United States; and

(iii) 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:

(1) Management of large service organizations.

(2) Customer service.

(3) Management of large procurements.

(4) Information and communications technology.

(5) Organizational development.

(6) Labor relations.

At least one of such members should have a background in managing large organizations successfully in the private sector, and such members should collectively bring to bear expertise in all of the areas described in subclauses (I) through (VI).

(D) PROHIBITIONS ON MEMBERS OF COMMITTEE.—No member appointed under subparagraph (A)(ii) may—

(i) have a pecuniary interest in, or own stock in, or bonds of, an enterprise, except an interest in a diversified mutual fund or an interest that is exempt from the application of section 207 of title 18;

(ii) engage in any 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) CLAIMS AGAINST MEMBERS.—

(I) IN GENERAL.—A member appointed under subparagraph (A)(ii) shall have no personal liability under Federal law with respect to any claim arising out of or resulting from an act or omission by such member within the scope of service as a member of the Air Traffic Services Committee.

(II) EFFECT ON OTHER LAW.—This subparagraph shall not affect any other immunity or protection that may be available to a member of the Committee under applicable law with respect to such transactions;

(III) to affect any other right or remedy against the United States under applicable law; or

(IV) to limit or alter in any way the immunities that are available under applicable law for Federal officers and employees.

(F) ETHICAL CONSIDERATIONS.—

(I) FINANCIAL DISCLOSURE.—During the entire period that an individual appointed under subparagraph (A)(ii) is a member of the Committee, such individual shall be treated as serving as an officer or employee referred to in section 101(f) of the Ethics in Government Act of 1978 for purposes of title I of such Act; except that section 101(d) of such Act shall apply without regard to the number of days in the period the individual is a member of the Committee; except that subsections (c)(2)(B) and (f) of section 207 of such title shall not apply.

(II) TERMS FOR AIR TRAFFIC SERVICES COMMITTEE MEMBERS.—A member appointed under subparagraph (A)(ii) shall be appointed for a term of 5 years.

(III) REAPPOINTMENT.—An individual may not be appointed under subparagraph (A)(ii) to more than two 5-year terms.

(IV) VACANCY.—Any vacancy on the Committee shall be filled in the same manner as the original appointment was made, and if a fill a vacancy occurring before the expiration of the term for which the member’s predecessor was appointed shall be appointed for the remainder of that term.

(V) CONTINUATION IN OFFICE.—A member whose term expires shall continue to serve until the date on which the member’s successor takes office.

(VI) REMOVAL.—Any member appointed under subparagraph (A)(ii) may be removed for cause by the Secretary.

(G) OPERATIONAL ABILITIES.—

(I) OVERSIGHT.—The Committee shall oversee the administration, management, conduct, direction, and supervision of the air traffic control system.

(II) CONFIDENTIALITY.—The Committee shall ensure that appropriate confidentiality is maintained in the exercise of its responsibilities.

(III) STRATEGIC PLANS.—To review, approve, and monitor the strategic plan for the air traffic control system, including the establishment of—

(I) a mission and objectives; and

(II) standards of performance relative to such mission and objectives, including safety, efficiency, and productivity; and

(III) annual and long-range strategic plans.

(IV) MODERNIZATION AND IMPROVEMENT.—To review and approve—

(I) methods to accelerate air traffic control modernization and improvements in aviation safety related to air traffic control; and

(II) procurements of air traffic control equipment in excess of $100,000,000.

(V) OPERATIONAL PLANS.—To review the operational functions of the air traffic control system, including—

(I) plans for modernization of the air traffic control system;

(II) plans for increasing productivity or implementing cost-saving measures; and

(III) annual and long-range strategic plans.

(VI) Labor relations.

(H) BUDGET.—To review and approve the budget request of the Administrator prepared under section 110(a)(2)(C).

(I) CONTRACTS.—To review and approve the Administrator’s selection, evaluation, and compensation of senior executives of the Administration who have program management responsibility over significant functions of the air traffic control system;

(J) REVIEW OF ADMINISTRATOR.—To review and approve the Administrator’s plans for any major reorganization of the Administration that would impact on the management of the air traffic control system;

(K) REVIEW AND APPROVAL OF ADMINISTRATOR’S COST ACCOUNTING.—To review and approve the Administrator’s cost accounting management structure and technologies to help ensure efficient and cost-effective air traffic control operation; and

(L) REVIEW OF PERFORMANCE AND COMPENSATION.—To review the performance and compensation of managers responsible for major acquisition projects, including the ability of the managers to meet schedule and budget targets.

(M) BUDGET.—To review and approve the budget request of the Administrator related to the air traffic control system submitted by the Administrator;

(N) CONGRESSIONAL REVIEW OF PRE-OMB BUDGET REQUEST.—The Secretary shall submit the budget request referred to in paragraph (4)(E)(ii) for any fiscal year to the President who shall transmit such request, without review, to the Committees on Transportation and Infrastructure of the House of Representatives and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate, together with the President’s annual budget of the Federal Aviation Administration for such fiscal year.

(N) COMMITTEE PERSONNEL MATTERS.—

(I) CONFIRMATION OF MEMBERS.—Each member of the Committee, other than the chair and vice chair, shall be compensated at a rate of $25,000 per year.

(J) STAFF.—The chairperson of the Committee may appoint and terminate any person that may be necessary to enable the Committee to perform its duties.

(K) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The chairperson of the Committee may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(L) ADMINISTRATIVE MATTERS.—

(I) POWERS OF CHAIR.—Except as otherwise provided by a majority vote of the Committee, the powers of the chairperson shall include—

(1) establishing subcommittees;

(2) setting meeting places and times;

(3) establishing working rules; and

(4) developing rules for the conduct of business.

(M) MEETINGS.—The Committee shall meet at least quarterly and at such other times as the chairperson determines appropriate.

(M) QUORUM.—Three members of the Committee shall constitute a quorum. A majority of members present and voting shall be required for the Committee to take action.

(N) APPOINTMENTS OF SUBCOMMITTEES.—The following provisions of subsection (p) apply to the Committee to the same extent as they apply to the Management Advisory Council:

(I) Paragraph (4)(C) (relating to access to documents and staff).

(II) Paragraph (5) (relating to nonapplicability of Federal Advisory Committee Act).

(III) Paragraph (6)(G) (relating to travel and per diem).

(IV) Paragraph (6)(H) (relating to detail of personnel).

(V) ANNUAL REPORT.—The Committee shall each year report with respect to the conduct of its responsibilities under this title to the Administrator, the Management Advisory Council, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate.

(1) CONFORMING AMENDMENTS.—

(I) Subsection (p) of section 106 is amended—

(1) by striking “19” in paragraph (2) and inserting “13”;

(2) by inserting “and” after the semicolon in subparagraph (C) of paragraph (2); and

(3) by striking paragraph (2), inserting “Transportation,” and inserting “Transportation”,;

(4) by striking subparagraph (E) of paragraph (2) and inserting “Transportation,”;

(5) by striking subparagraph (E) of paragraph (2) and inserting “Transportation,”;

(6) by striking paragraph (3) and inserting the following:

(1) NO FEDERAL OFFICER OR EMPLOYEE.—No member appointed under paragraph (2) may serve as an officer or employee of the United States Government while serving as a member of the Committee; and

(II) by striking paragraphs (D), (H), and (I) of paragraph (6) and redesignating subparagraphs (E), (F), (G), (J), (K), and (L) as subparagraphs (C), (D), (E), (F), (G), and (H), respectively.

(2) Section 106(e) is redesignated as section 106(e) of this title.

(3) by striking “Air Traffic Services Sub-committee of the Aviation Management Advisory Committee.”

(S) by striking “the request referred to in paragraph (4)(E)(ii) for any fiscal year to the President who shall transmit such request, without review, to the Committees on Transportation and Infrastructure of the House of Representatives and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate, together with the President’s annual budget for the Federal Aviation Administration for such fiscal year.”

(T) by striking paragraphs (4)(E)(ii) and (G) of section 101 of such Act; except that section 101(d) of such Act shall apply without regard to the number of days in the period—

(1) to the term in the period that an individual is a member of the Committee; and

(2) the term in the period that an individual is a member of the Committee; except that subsections (c)(2)(B) and (f) of section 207 of such title shall not apply.

(U) by striking “the request referred to in paragraph (4)(E)(ii)” and inserting “the request referred to in paragraph (4)(E)(ii).”
Council,'" and inserting "Air Traffic Services Committee,' in paragraphs (1)(A) and (2)(A); and
(B) by striking "Air Traffic Services Subcommittee of the Aviation Management Advisory Council,' and inserting "Air Traffic Services Committee,' in paragraph (3).
(2) Section 106 is amended by adding at the end the following:

""(1) AIR TRAFFIC CONTROL SYSTEM DEF-
ined.—In this section, the term 'air traffic control
system' has the meaning such term has under
section 40102(a)."

(c) TRANSITION FROM AIR TRAFFIC SERVICE
SUBCOMMITTEE TO AIR TRAFFIC SERVICE
COMMITTEE.—

(1) TERMINATION OF MANAGEMENT ADVISORY
COUNCIL MEMBERSHIP.—Effective on the day
after the date of enactment of this Act, any
member of the Management Advisory Council
appointed under section 106(p)(2)(E) of title 49,
United States Code, (as such section was in
effect on the day before such date of enactment) who is a member of the Council on such date of
enactment shall cease to be a member of the Council.
(2) COMMENCEMENT OF MEMBERSHIP ON AIR
TRAFFIC SERVICES COMMITTEE.—Effective on the
day after the date of enactment of this Act, any
member of the Management Advisory Council whose
appointment was made by paragraph (1) shall become a member of the Air Traffic Services Committee as provided by section 106(q)(2)(G) of title 49, United States Code, to serve a term of the term to whom that member was appointed to the Council.

SEC. 107. CLARIFICATION OF RESPONSIBILITIES
OF CHIEF OPERATING OFFICER.

Section 107 (as redesignated by section 106(a)(1) of this Act) is amended—
(1) by striking "Transportation and Cong-
gress" in paragraph (4) and inserting "Trans-
poration, the Committee on Transportation and
Infrastructure of the House of Representatives,
and the Committee on Commerce, Science, and
Transportation of the Senate';
(2) by striking "a strategic plan of the
Administration for the air traffic control system,
including the establishment of—" in paragraph
(5)(A) and inserting "implement the strategic plan
of the Administration for the air traffic control
system in order to further—";
(3) by striking "To review the operational
functions of the Transportation," in paragraph
(5)(B) and inserting "To oversee the day-to-day
operational functions of the Administration for
air traffic control,';
(4) by striking "system prepared by the Ad-
mnistrator,' in paragraph (5)(C)(i) and insert-
ing "system';
(5) by striking "Administrator and the Sec-
tary of Transportation,' in paragraph
(5)(C)(ii) and inserting "Administrator'; and
(6) by striking paragraph (5)(C)(iii) and in-
serting the following:

"(iii) ensure that the budget request supports
the agency's annual and long-range strategic
plans for air traffic control services."

TITLE II—AIRPORT DEVELOPMENT
SEC. 201. NATIONAL CAPACITY PROJECTS.
(a) In General.—Part B of subtitle VII is
amended by adding at the end the following:

"CHAPTER 477. NATIONAL CAPACITY
PROJECTS

"47701. Capacity enhancement.

"47702. Designation of national capacity
projects.

"47703. Expedited coordinated environ-
mental review process; project coordin-
ators and environment impact teams.

"47704. Expedited land use for national
capacity projects.

"47705. Air traffic procedures at national
capacity projects.

"47706. Designation for environmental
review at national capacity projects.

"47707. Definitions.

"§47701. Capacity enhancement

"(a) In General.—Within 30 days after the
date of enactment of the Aviation Investment
and Raviatlon Vision Act, the Secretary of Transpor-
tation shall designate, among the 31 airports covered by the Federal Aviation Administration's Airport Capacity Benchmark Report 2001 with delays that significantly affect the national air transportation system.

"(b) Task Force: Capacity enhancement
study.—

"(1) In general.—The Secretary shall direct
any airport identified by the Secretary under subsection (a) that is not engaged in a runway expansion process and has not initiated a ca-
"(c) Transition from Air Traffic Service
Subcommittee to Air Traffic Services
Committee.

"(4) by striking "system prepared by the Ad-
mnistrator,' in paragraph (5)(B) and insert-
ing "system';
(5) by striking "Administrator and the Sec-
tary of Transportation,' in paragraph
(5)(C)(ii) and inserting "Administrator'; and
(6) by striking paragraph (5)(C)(iii) and in-
serting the following:

"(iii) ensure that the budget request supports
the agency's annual and long-range strategic
plans for air traffic control services."

"47707. Expedited coordinated environ-
mental review process; project coordin-
ators and environment impact teams.

"(a) In General.—The Secretary of Transpor-
tation shall implement an expedited coordinated
environmental review process for national ca-
pacity projects that—

"(1) provides for better coordination among
the Federal, regional, State, and local agencies
concerned with the preparation of environ-
mental impact statements and environmental
assessments under the National Environmental
Policy Act of 1969 (42 U.S.C. 4321 et seq.);

"(2) provides for an expedited and coordi-
nated process in the conduct of environmental
reviews that ensures that, where appropriate,
the reviews are done concurrently and not con-
secutively; and

"(3) provides for a date certain for completing
all environmental reviews.

"(b) HIGH PRIORITY FOR AIRPORT ENVI-
RONMENTAL REVIEWS.—Each department and agen-
cy whether Federal, State, or local, shall
apply to the use of funds for safety-related, se-
curity-related, or environmental requirements for the project as a national capacity project if the Sec-
rectary determines that the designation will significantly enhance the capacity of the national air transportation system.

"(c) Designation to remain in effect for
5 years.—The designation for a na-
tional capacity project under paragraph (1)
shall remain in effect for 5 years. The Secretary may extend the 5-year period for up to 2 addi-
tional periods of up to 5 years each, if the Secretary determinates that substantial progress is being made toward completion of the project.

"§47703. Expedited coordinated environ-
mental review process; project coordin-
ators and environment impact teams.

"(a) In General.—The Secretary of Transpor-
tation shall implement an expedited coordinated
environmental review process for national ca-
pacity projects that—

"(1) provides for better coordination among
the Federal, regional, State, and local agencies
concerned with the preparation of environ-
mental impact statements and environmental
assessments under the National Environmental
Policy Act of 1969 (42 U.S.C. 4321 et seq.);

"(2) provides for an expedited and coordi-
nated process in the conduct of environmental
reviews that ensures that, where appropriate,
the reviews are done concurrently and not con-
secutively; and

"(3) provides for a date certain for completing
all environmental reviews.

"(b) HIGH PRIORITY FOR AIRPORT ENVI-
RONMENTAL REVIEWS.—Each department and agen-
cy whether Federal, State, or local, shall
apply to the use of funds for safety-related, se-
curity-related, or environmental requirements for the project as a national capacity project if the Sec-
rectary determines that the designation will significantly enhance the capacity of the national air transportation system.

"(c) Designation to remain in effect for
5 years.—The designation for a na-
tional capacity project under paragraph (1)
shall remain in effect for 5 years. The Secretary may extend the 5-year period for up to 2 addi-
tional periods of up to 5 years each, if the Secretary determinates that substantial progress is being made toward completion of the project.

"§47704. Expedited coordinated environ-
mental review process; project coordin-
ators and environment impact teams.

"(a) In General.—The Secretary of Transpor-
tation shall make grants under chapter 471 to States and units of local government for land
use compatibility plans directly related to national capacity projects for the purposes of making the use of land areas around the airport compatible with aircraft operations if the land use compatibility project meets the requirements of this section.

(b) CONDITIONS.—A land use plan or project meets the requirements of this section if—

(1) the public agency that has the authority to plan and adopt land use control measures, including zoning, in the planning area in and around the airport and that agency provides written assurances to the Secretary that it will work with the affected airport to identify and adopt such measures;

(2) it is subject to an agreement between the public agency and the airport owner or operator that the development of the land use compatibility plan will be done cooperatively;

(3) is consistent with the airport operation and planning, including the use of any noise exposure contours on which the land use compatibility plan is based; and

(4) has been approved jointly by the airport owner or operator and the public agency sponsor.

(2) ASSURANCES FROM SPONSORS.—The Secretary may require the airport sponsor, public agency, or other entity to which a grant may be made under this section to provide such assurances as the Secretary determines to be necessary to carry out this section.
adequate for the Administrator to approve the grant;
(4) use of a design-build contract will be cost effective and expedite the project;
(5) the Administrator is satisfied that there will be no conflict of interest; and
(6) the Administrator is satisfied that the selection process will be open, fair, and objective and the carrier is in a position and that at least three or more bids will be submitted for each project under the selection process.

(2) The Administrator shall consider a design-build contract if it limits the passenger facility fee so as to inform those interested parties that the project is being undertaken at the largest 40 commercial airports in terms of annual enplanements.

SEC. 211. NOISE DISCLOSURE REQUIREMENTS.

(a) Repeal.—Section 47503 is amended by adding at the end—
(3) ‘‘(3) ‘‘Federal agency’ means any department, agency, corporation, or other establishment or instrumentality of the United States Government, and includes the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation.
(4) ‘‘Federal entity for lending regulation’’ means the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Comptroller of the Currency, the Office of Thrift Supervision, the National Credit Union Administration, and the Farm Credit Administration, and with respect to a particular regulated lending institution means the entity primarily responsible for the supervision of the institution.

(b) Noise exposure map.—A noise exposure map that includes noise exposure on each project for the extent such agency acts in such capacity.

(c) Residential real estate means real estate upon which a residential dwelling is located.

(2) ‘‘Noise exposure map’’ means a noise exposure map that complies with section 47503 of this title and part B of title 14, Code of Federal Regulations.

(b) Noise Exposure Maps.—Section 47503(b) is amended to read as follows—
(2) ‘‘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, beyond the forecast year, the airport operator shall submit a revised noise exposure map to the Secretary showing the new noncompatible use or noise reduction.’’
(c) Notification of Noise Exposure.—Chapter 457 is amended by adding at the end the following:
"47511. Notification of noise exposure

(a) Noise Exposure Map.—An airport operator shall make available to lending institutions, upon request, the most recent noise exposure map submitted under section 47503 of this title.

(b) List of Airports.—The Secretary shall maintain a list of airports for which the airport operator has submitted a noise exposure map under section 47503 of this title.

(c) Regulated Lending Institutions.—Each Federal entity for lending regulation (as defined in section 47510) shall, in coordination with the Federal Financial Institutions Examination Council) shall direct by regulation that a regulated lending institution may not make, in whole or in part, a loan secured by residential real estate or a mobile home that is located or to be located in the vicinity of an airport on the Secretary’s list described in subsection (b), unless the loan applicant’s purchase agreement for the residential real estate or mobile home provides notice to the purchaser (or satisfactory assurances are provided that the purchaser has received reasonable notice prior to the purchaser’s signing of the purchase agreement) that the property is within
the area of the noise contours on a noise exposure map submitted under section 47503 of this chapter. The notice to the purchaser shall be acknowledged by the purchaser’s signature on the map, the completed notification document, and the regulatory lending institution shall retain a copy of the receipt of the notice by the purchaser.

"(d) FEDERAL AGENCY LENDERS.—Each Federal agency lender shall by regulation require notification in the manner provided in subsection (c) with respect to any loan that is made by the Federal agency lender and secured by residential real estate or a mobile home located or to be located in the vicinity of an airport on the Secretary’s list described in subsection (b).

"(e) NOTICE OF NOTICE.—The notice required under this section shall—

"(1) that the property is located within the noise contours depicted on the most recent noise exposure map submitted by the airport operator according to section 47503 of this chapter, and is subject to aircraft noise exposure; and

"(2) include the name and telephone number of the airport where the purchaser may obtain more information on the aircraft noise exposure."

**SEC. 212. PROHIBITION ON REQUIRING AIRPORTS TO PROVIDE FREE SPACE FOR FAA OR TSA.**

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

"§40129. Prohibition on rent-free space requirements for FAA or TSA

"(a) IN GENERAL.—Neither the Secretary of Transportation nor the Secretary of Homeland Security may require airport sponsors to provide building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings to the Federal Aviation Administration or the Transportation Security Administration without cost for services relating to air traffic control facilities, air navigation, aviation security, or weather reporting.

(b) NEGOTIATED AGREEMENTS.—Subsection (a) does not prohibit—

"(1) the negotiation of agreements between either 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 or the Transportation Security Administration without cost or at below-market rates; or

"(2) either the FAA or TSA from requiring airport sponsors to provide land without cost to the Federal Aviation Administration for air traffic control facilities or space without cost to the Transportation Security Administration for necessary security checkpoints.

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

"40129. Prohibition on rent-free space requirements for FAA or TSA.

**SEC. 213. SPECIAL RULES FOR FISCAL YEAR 2004.**

(a) APPORTIONMENT TO CERTAIN AIRPORTS WITH DISCLOSING DOCKS.

"(1) IN GENERAL.—For fiscal year 2004, the Secretary of Transportation may apportion funds under section 47114 of title 49, United States Code, to an airport described in paragraph (2) in an amount equal to the amount apportioned to that airport under that section for fiscal year 2002, notwithstanding any provision of section 47114 to the contrary.

"(2) AIRPORTS TO WHICH PARAGRAPH (1) APPLIES.—Paragraph (1) applies to any airport determined by the Secretary to have had a dock.

"(a) less than 0.5 percent of the total United States passenger boardings (as defined in section 47102(10) of title 49, United States Code) for the calendar year 2002, notwithstanding any provision of section 47114 to the contrary.

"(b) 10,000 or more passenger boardings in calendar year 2002.

"(c) adding at the end the following:

"(2) TEMPORARY INCREASE IN GOVERNMENT SHARE OF CERTAIN AIP PROJECT COSTS.—Notwithstanding section 47119(a) of title 49, United States Code, the Government’s share of allowable project costs under section 47114(d)(3)(A) of this title for fiscal year 2004 under chapter 471 of that title for a project described in paragraph (2) or (3) of that section shall be 95 percent.

**SEC. 214. AGREEMENTS FOR OPERATION OF AIRPORT FACILITIES.**

Section 47124 is amended—

"(1) by inserting "a qualified entity or" after "with" in subsection (a);

"(2) by inserting "entity or" after "allow the" in subsection (a);

"(3) by inserting "entity or" before "before" in subsection (a);

"(4) by striking "contract", in subsection (b)(2) and inserting "contract with a qualified entity, or";

"(5) by striking "the State" each place it appears in subsection (b)(2) and inserting "the entity or State";

"(6) by striking "Pilot" in the caption of subsection (b)(3);

"(7) by striking "pilot" in subsection (b)(3)(A);

"(8) by striking "pilot" in subsection (b)(3)(D);

"(9) by striking "$6,000,000 per fiscal year" in subsection (b)(4)(A) and inserting "$9,500,000 fiscal 2004, $7,000,000 for fiscal year 2005, and $7,500,000 for fiscal year 2006"; and

"(10) by striking "$1,100,000" in subsection (b)(4)(D) and inserting "$1,500,000".

**SEC. 215. PUBLIC AGENCIES.**

Section 47102(15) is amended—

"(1) by striking "or" after the semicolon in subparagraph (B);

"(2) by redesignating subparagraph (C) as subparagraph (D); and

"(3) by inserting after subparagraph (B) the following:

""(C) the Department of the Interior with respect to an airport owned by the Department that is required to be maintained for commercial aviation operations at a remote location; or"

**SEC. 216. FLEXIBLE FUNDING FOR NONPRIMARY AIRPORT APPORTIONMENTS.**

(a) IN GENERAL.—Section 47117(c)(2) is amended to read as follows:

"(2) WAIVER.—A sponsor of an airport may make an agreement with the Secretary of Transportation waiving the sponsor’s claim to any amount available for a period of at least 30 days to another sponsor under sections 47111(c) and 47114(d)(2)(A) of this title if the Secretary agrees to make the waived amount available for a grant for another public-use airport in the same geographical area as the airport, as determined by the Secretary.

(b) CONFORMING AMENDMENT.—Section 47110 is amended by adding at the end the following:

"(a) Section 47110(a) is amended by inserting "or section 47114(d)(2)(A)" after "under section 47114(c)"

"(b) Section 47110 is amended—

"(1) by inserting "section 47114(d)(2)(A)" in subsection (b)(2) of section 47114(c)

"(2) by inserting "section 47114(d)(2)(A)" in subsection (b)(2) of section 47114(c)

"(3) by striking in subsection (a) and inserting "of the project";

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

"(b) NONPRIMARY AIRPORTS.—The Secretary may make an agreement with the sponsor of a nonprimary airport that: (1) the Department of Transportation waiving the sponsor’s claim to any amount available for a period of at least 30 days to another sponsor under section 47114(d)(2)(A), if the Secretary determines that the sponsor has made adequate provision for financing airport needs of the airport;

"(2) Section 47119(b) is amended by—

"(A) striking "or" after the semicolon in paragraph (3); and

"(B) striking "1970" in paragraph (4) and inserting "1970; or";

"(C) adding at the end the following:

"(5) to a sponsor of a nonprimary airport referred to in subparagraph (A) or (B) paragraph (2), any part of amounts apportioned to the sponsor for fiscal year 2003 under section 47114(d)(3)(A) of this title for projects costs allowable under section 47114(d) of this title.

**APPORTIONMENT.—**Section 47114(c)(2)(A) is amended by striking "3" and inserting "3.5".

**CONSIDERATIONS FOR CARGO OPERATIONS.—**Section 47115(b)(3) is amended by—

"(1) by striking "and" at the end of paragraph (3);

"(2) by striking the period at the end of paragraph (6) and inserting ";";

"(3) by adding at the end the following paragraph:

""(7) the ability of the project to foster United States competitiveness in securing global air cargo activity at a United States airport;"

**TITLE III—AIRLINE SERVICE DEVELOPMENT**

Subtitle A—Program Enhancements

**SEC. 301. DELAY REDUCTION MEETINGS.**

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

"§41729. Delay reduction actions

"(a) DELAY REDUCTION MEETINGS.

"(1) SCHEDULING REDUCTION MEETINGS.—The Secretary of Transportation may request that air carriers meet with the Administrator of the Federal Aviation Administration to discuss flight reductions at severely congested airports to reduce overscheduling and flight delays during peak operating periods.

"(A) The Administrator of the Federal Aviation Administration determines that it is necessary to convene such a meeting; and

"(B) the Secretary determines that the meeting is necessary to meet a serious transportation need or achieve an important public benefit.

"(2) MEETING CONDITIONS.—Any meeting under paragraph (1)

"(A) shall be chaired by the Administrator;

"(B) shall be open to all scheduled air carriers; and

"(C) shall be limited to discussions involving the airports and time periods described in the Administrator’s determination.

"(3) FLIGHT REDUCTION TARGETS.—Before any such meeting is held, the Administrator shall establish flight reduction targets for the meeting and notify the attending air carriers of those targets not less than 48 hours before the meeting.

"(4) DELAY REDUCTION OFFERS.—Air carriers attending the meeting shall make any delay reduction offer to the Administrator rather than to another carrier.

"(5) TRANSCRIPT.—The Administrator shall ensure that a transcript of the meeting is kept and made available to the public not later than 3 business days after the conclusion of the meeting.

"(b) STORMY WEATHER AGREEMENTS LIMITED EXEMPTION

"(1) IN GENERAL.—The Secretary may establish flight reduction targets for the purpose of reducing flight delays during periods of inclement weather.

"(2) REQUIREMENTS.—An authorization issued under paragraph (1)

"(A) may only be issued by the Secretary after a determination by the Federal Aviation Administration that inclement weather is likely to adversely and directly affect capacity at an airport for a period of at least 3 hours;

"(B) shall apply only to discussions and agreement concerning flights directly affected by the inclement weather; and

"(C) shall remain in effect for a period of 24 hours.

**PROCEDURE.—**The Secretary shall establish procedures within 30 days after such date of enactment for—
“(A) filing requests for an authorization under paragraph (1);
“(B) participation under paragraph (5) by representatives of the Department of Transportation in any discussions held pursuant to such an order; and
“(C) the determination by the Federal Aviation Administration about the impact of inclement weather.

“(4) COPY OF PARTICIPATION REQUEST FILED WITH SECRETARY.—Before an air carrier may request an order under paragraph (1), it shall file a request. For purposes in such form and manner as the Secretary may prescribe, to participate in the program established under paragraph (1).

“(5) DOT PARTICIPATION.—The Secretary shall ensure that the Department is represented at any meetings authorized under this subsection.

“(c) EXEMPTION AUTHORIZED.—When the Secretary finds that it is required by the public interest, the Secretary, as part of an order issued under subsection (b)(1), shall exempt a person affected by the order from the antitrust laws to the extent necessary to allow the person to proceed with the activities approved in the order.

“(d) ANTITRUST LAWS DEFINED.—In this section, the term ‘antitrust laws’ has the meaning given that term in the first section of the Clayton Act (15 U.S.C. 12).

“(e) CONFORMING AMENDMENT.—The chapter analysis for chapter 417 is amended by inserting after the item relating to section 41722 the following new item:

“41723. Delay reduction actions.”.

SEC. 302. SMALL COMMUNITY AIR SERVICE DEVELOPMENT PILOT PROGRAM.

(a) 3-YEAR EXTENSION.—Section 41743(e)(2) is amended—

(1) by striking “There is” and inserting “There are”;

(2) by striking “2003 and” and inserting “2001 and”;

(3) by striking “2003” and inserting “2003, and $27,500,000 for each of fiscal years 2004, 2005, and 2006”;

(b) ADDITIONAL COMMUNITIES.—Section 41743(c)(4) of such title is amended by striking “program” and inserting “program” each year.

No community, consortium of communities, or combination thereof may participate in the program twice.”.

SEC. 303. STUDY OF COMPETITION AND ACCESS PROBLEMS AT LARGE AND MEDIUM HUB AIRPORTS.

(a) IN GENERAL.—The Secretary of Transportation shall study competition and airline access problems at hub airports (as defined in section 41714(h) of title 49, United States Code, and medium hub airports (as defined in section 41714(h)(9) of that title). In the study, the Secretary shall examine, among other matters—

(1) gate usage and availability; and

(2) the effects of the pricing of gates and other facilities on competition and access.

(b) REPORT.—The Secretary shall transmit a report to the Senate and House of Representatives on such airports to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure within 6 months after the date of enactment of this Act.

SEC. 304. COMPETITION DISCLOSURE REQUIREMENTS FOR LARGE AND MEDIUM HUB AIRPORTS.

Section 41707 is amended by adding at the end the following:

“(q) COMPETITION DISCLOSURE REQUIREMENT.—

“(1) IN GENERAL.—The Secretary of Transportation may approve an application under this subchapter for an airport development project grant for a hub airport or a medium hub airport only if the Secretary receives assurances that the airport sponsor will provide the information required by this paragraph and in such form as the Secretary may require.

“(2) COMPETITIVE ACCESS.—If an airport denies an application by an air carrier to receive access to such airport, the airport shall—

“(A) notify the Secretary of the denial; and

“(B) transmit a report to the Secretary that—

“(i) describes the reasons for the denial; and

“(ii) provides a time frame within which, if any, the airport will be able to accommodate the request.

“(3) DEFINITIONS.—In this subsection:

“(A) HUB AIRPORT.—The term ‘hub airport’ has the meaning given that term by section 41714(h)(9).

“(B) MEDIUM HUB AIRPORT.—The term ‘medium hub airport’ has the meaning given that term by section 41714(h)(9).”.

Subtitle B—Small Community and Rural Air Service Revitalization

SEC. 351. REALLOCATION OF ESSENTIAL AIR SERVICE PROGRAM.

Section 41724(a) of title 49, United States Code, is amended to read as follows:

“(a) IN GENERAL.—The Secretary of Transportation is authorized to carry out the essential air service under this subchapter, $133,000,000 for each of fiscal years 2004 through 2007, $50,000,000 of which for each such year shall be derived from amounts received by the Federal Aviation Administration credited to the account established under section 45303 to carry out the purposes or otherwise provided to the Administration.”.

SEC. 352. INCENTIVE PROGRAM.

(a) IN GENERAL.—Chapter 417 of title 49, United States Code, is amended by adding at the end the following:

“SUBCHAPTER IV—MARKETING INCENTIVE PROGRAM

“Sec. 41781. Purpose.

“Sec. 41782. Marketing program.

“Sec. 41783. State marketing assistance.

“Sec. 41784. Definitions.

“Sec. 41785. Authorization of appropriations.”.

“§ 41781. Purpose

“The purposes of this subchapter are—

“(1) to encourage essential air service communities to increase boardings at eligible airports; and

“(2) to reduce subsidy costs under subchapter II of this chapter as a consequence of such increased usage.

“(3) to provide such communities with opportunities to obtain, retain, and improve transportation services.”.

“§ 41782. Marketing program

“(a) IN GENERAL.—The Secretary of Transportation shall establish a marketing incentive program for eligible essential air service communities receiving assistance under subchapter II under which the airport sponsor in such a community may receive a grant of not more than $50,000 to develop and implement a marketing plan to increase passenger usage at the airport and the level of passenger usage of its airport facilities.

“(b) MATCHING REQUIREMENT; SUCCESS BONUS

“(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), not less than 25 percent of the publicly financed costs associated with the marketing plan shall come from non-Federal sources.

“(2) (A) the non-Federal portion of the publicly financed costs may be derived from contributions in kind; and

“(B) state or local matching contributions may not be derived, directly or indirectly, from Federal funds, but the use by a state or local government of proceeds from the sale of bonds to provide the matching contribution is not considered to be a contribution derived directly or indirectly from Federal funds, without regard to the Federal income tax treatment of interest paid on those bonds.

“(3) BONUS FOR 25-PERCENT INCREASE IN USAGE.—Except as provided in paragraph (2), if, after any 12-month period during which a marketing plan has been in effect, the Secretary determines that the marketing plan has increased average monthly boardings, the airport facility at the eligible place, by 25 percent or more, then only 10 percent of the publicly financed costs associated with the marketing plan shall be required to come from non-Federal sources for the following 12-month period.

“(4) BONUS FOR 50-PERCENT INCREASE IN USAGE.—If, after any 12-month period during which a marketing plan has been in effect, the Secretary determines that the marketing plan has increased average monthly boardings, the airport facility at the eligible place, by 50 percent or more, then no portion of the publicly financed costs associated with the marketing plan shall be required to come from non-Federal sources for the following 12-month period.”.

§41783. State marketing assistance

“The Secretary of Transportation may provide up to $50,000 in technical assistance to any State within which an eligible essential air service community is located in assisting the State and such communities to develop methods to increase boardings in such communities. At least 10 percent of the costs of the assistance with which such communities are associated shall come from non-Federal sources, including contributions in kind.”.

§41784. Definitions

“In this subchapter—

“(1) ELIGIBLE PLACE.—The term ‘eligible place’ has the meaning given that term in section 41711(a)(1).

“(2) ELIGIBLE ESSENTIAL AIR SERVICE COMMUNITY.—The term ‘eligible essential air service community’ means an eligible place that—

“(A) is an airport facility; and

“(B) is located in such a community.

“A marketing plan for eligible essential air service communities receiving assistance under subchapter II under which the airport sponsor in such a community may receive a grant of not more than $50,000 to develop and implement a marketing plan to increase passenger usage at the airport and the level of passenger usage of its airport facilities.”.

§41785. Authorization of appropriations

“There are authorized to be appropriated to the Secretary of Transportation $12,000,000 for...”
of the fiscal years 2004 through 2007, not more than $200,000 per year of which may be used for administrative costs.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter IV of such title is amended by inserting after the item relating to section 41767 the following:

"SUBCHAPTER IV—MARKETING INCENTIVE PROGRAM

41781. Purpose.
41782. Marketing program.
41783. State marketing assistance.
41784. Application.
41785. Authorizations of appropriations.".

SEC. 353. PILOT PROGRAMS.
(a) In General.—Subchapter II of chapter 417 of title 49, United States Code, is amended by adding at the end the following:

"§41745. Other pilot programs

"(a) In General.—If the entire amount authorized to be appropriated to the Secretary of Transportation by section 41745 is appropriated for fiscal years 2004 through 2007, the Secretary of Transportation shall establish pilot programs that meet the requirements of this section for improving service to communities receiving essential air service assistance under this subchapter or consortia of such communities.

"(b) Programs Authorized.—

"(1) COMMUNITY FLEXIBILITY.—The Secretary shall establish a pilot program for not more than 10 communities or consortia of communities under which the airport sponsor of an airport serving a community or consortium may elect to forego any essential air service assistance under preceding sections of this subchapter for a 3-year period in exchange for a grant from the Secretary equal in value to twice the annual essential air service assistance received for the most recently ended calendar year. Under the program, notwithstanding any provision of law to the contrary, the Secretary may make a grant to each participating sponsor for use by the recipient for any project that is—

"(A) eligible for assistance under chapter 471;

"(B) is located on the airport property; or

"(C) will improve airport facilities in a way that would make such facilities more usable for general aviation.

"(2) EQUIPMENT CHANGES.—

"(A) In General.—The Secretary shall establish a pilot program for not more than 10 communities or consortia of communities under which, upon receiving a petition from the airport sponsor of the airport serving the community or consortium, the Secretary shall authorize and require the airport sponsor to replace smaller equipment at the community airport or consortium to use smaller equipment to provide the service and to consider increasing the frequency of service using such smaller equipment. Before granting any such petition, the Secretary shall determine that passenger safety would not be compromised by the use of smaller equipment.

"(B) ALTERNATIVE SERVICES.—For any 3 airport sponsors participating in the program established under subparagraph (A), the Secretary may establish a pilot program under which—

"(i) the Secretary provides 100 percent Federal funding for reasonable levels of alternative transportation services from the eligible place to the nearest hub airport or small hub airport;

"(ii) the Secretary will authorize the sponsor to use its essential air service subsidy funds provided under preceding sections of this subchapter to fund a project that would improve airport facilities; and

"(iii) the sponsor may make an irrevocable election to terminate its participation in the pilot program established under this paragraph after 1 year.

"(C) COST-SHARING.—The Secretary shall establish a pilot program under which the sponsors of a community or consortium of communities share the cost of providing air transportation service greater than the basic essential air service provided under this subchapter.

"(D) EAS LOCAL PARTICIPATION PROGRAM.—

"(A) In General.—The Secretary of Transportation shall establish a pilot program under which designated essential air service communities located in proximity to hub airports are required to assist in providing their essential air service subsidy costs for a 3-year period.

"(B) DESIGNATION OF COMMUNITIES.—

"(i) In general.—The Secretary may not designate any community under this paragraph unless it is located within 100 miles by road of a hub airport and is not located in a noncontiguous State. In making the designation, the Secretary may take into consideration the total travel time between a community and the nearest hub airport, taking into account terrain, traffic, weather, road conditions, and other relevant factors.

"(ii) One community per State.—The Secretary may not designate more than 1 community per State under this paragraph;

"(iii) a community in a State in which another community that is eligible to participate in the essential air service program has elected not to participate in the essential air service program.

"(C) APPEAL OF DESIGNATION.—A community may appeal its designation under this section.

"(D) NON-FEDERAL SHARE.—

"(i) NON-FEDERAL AMOUNTS.—For purposes of this section, the non-Federal portion of the essential air service subsidy shall be deemed contributed in kind, or through reduction in the amount of the essential air service subsidy through reduction of air carrier costs, increased ridership, pre-purchase of tickets, or other means. The Secretary shall provide assistance to designated communities in identifying potential means of reducing the amount of the subsidy without adversely affecting air transportation service to the community.

"(ii) APPLICATION WITH OTHER MATCHING REQUIREMENTS.—This section shall apply to any other non-Federal share matching requirements imposed by law.

"(E) ELIGIBILITY FOR OTHER PROGRAMS NOT AFFECTED.—Nothing in this paragraph affects the eligibility of a community or consortium of communities, an airport sponsor, or any other person to participate in any other program authorized by this subchapter.

"(F) EAS LOCAL PARTICIPATION PROGRAM.—A community designated under this paragraph may participate in any program (including pilot programs) authorized by this subchapter for which it is otherwise eligible—

"(i) without regard to any limitation on the number of communities that may participate in that program; and

"(ii) without reducing the number of other communities that may participate in that program.

"(G) REPORT TO CONGRESS ON IMPACT.—The Secretary shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on—

"(i) the economic condition of communities designated under this paragraph before their designation;

"(ii) the impact of designation under this paragraph on the airports, communities, and air traffic patterns created by essential air service provided to and from communities designated under this paragraph.

"(H) EAS LOCAL PARTICIPATION PROGRAM.—The Secretary shall require each airport sponsor to establish a pilot program under the requirements of this subchapter for any airport-related project that—

"(i) is located in a noncontiguous State; and

"(ii) would improve airport facilities; and

"(3) TRACK SERVICE.—The Secretary shall require essential air service providers to track changes in service, including on-time arrivals and departures.

"(e) ADMINISTRATIVE PROVISIONS.—In order to participate in a pilot program established under this section, the airport sponsor for a community or consortium of communities shall submit an application to the Secretary in such form, at such time, and containing such information as the Secretary may require.

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

"§41745. Other pilot programs.

SEC. 354. EAS PROGRAM AUTHORITY CHANGES.
(a) RATE RENEGOTIATION.—If the Secretary of Transportation determines that essential air service providers are substantially increasing costs of providing service under subchapter II of chapter 417 of title 49, United States Code, the Secretary of Transportation may increase the rates of compensation payable under that subchapter within 30 days after the date of enactment of this Act without regard to any agreements or requirements relating to the compensation of contractors of this subchapter. The term "significantly increased costs" means an average monthly cost increase of 10 percent or more.

"(b) RETURNED FUNDS.—Notwithstanding any provision of law to the contrary, any funds made available under subchapter II of chapter 417 of title 49, United States Code, that are returned to the Secretary by an airport sponsor because of decreased subsidy needs for essential air service under that subchapter shall be made available by the Secretary under that subchapter to increase the frequency of flights at that airport.

"(c) SMALL COMMUNITY AIR SERVICE DEVELOPMENT PILOT PROGRAM.—For purposes of such title is amended by striking ‘‘an airport’’ and inserting ‘‘each airport’’.

TITLE IV—AVIATION SECURITY

SEC. 401. STUDY OF EFFECTIVENESS OF TRANSPORTATION SECURITY SYSTEM.
(a) In General.—The Secretary of Homeland Security shall study the effectiveness of the aviation security system, including the inspection, screening, and searching of passengers, their bags, and cargo.

"(b) Study.—The Secretary shall transmit a report of the Secretary’s findings and conclusions together with any recommendations, including legislative recommendations, the Secretary may have for improving the effectiveness of aviation security to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure within 6 months after the date of enactment of this Act. In the report the Secretary shall also describe any re-deployment of Transportation Security Administration resources based on the study and conclusions. The Secretary may submit the report to the Committees in classified and redacted form.

"(c) AVIATION SECURITY CAPITAL FUND.

SEC. 402. AVIATION SECURITY CAPITAL FUND.
(a) In General.—There is established within the Department of Transportation a fund to be
known as the Aviation Security Capital Fund. The first $500,000,000 derived from fees received under section 44940(a)(1) of title 49, United States Code, in each of fiscal years 2004, 2005, and 2006 shall be available to the Fund. The Under Secretary of Homeland Security for Border and Transportation Security shall impose the fee authorized by section 44940(a)(1) of such title so as to collect at least $500,000,000 in each of fiscal years 2004, 2005, and 2006 for deposit into the fund. Amounts in the fund shall be allocated in such a manner that—

(1) 20 percent shall be made available for hub airports;

(2) 20 percent shall be made available for medium hub airports and non-hub airports; and

(3) 15 percent shall be made available for small hub airports.

(4) 25 percent shall be distributed by the Secretary on the basis of aviation security risks.

(b) PURPOSE.—Amounts in the Fund shall be available to the Secretary of Transportation, after consultation with the Under Secretary of Homeland Security for Border and Transportation Security to provide financial assistance to airport sponsors to defray capital investment in transportation security at airport facilities in accordance with the provisions of this section.

The program shall be administered in concert with the airport improvement program under chapter 417 of title 49, United States Code.

(c) APPOINTMENTS.—Amounts made available under subsection (a)(1), (a)(2), or (a)(3) shall be apportioned among the airports in each category with a formula based on the ratio that passenger enplanements at each airport in the category bears to the total passenger enplanements at all airports in the that category.

(d) MATCHING REQUIREMENTS.—

(1) In general.—Not less than the following percentage of the costs of any project funded under this section shall be derived from non-Federal sources:

(A) For hub airports and medium hub airports, 10 percent.

(B) For airports other than hub airports and medium hub airports, 10 percent.

(2) USE OF BOND PROCEEDS.—In determining the amount of non-Federal sources of funds, the proceeds of State and local bond issues shall not be considered to be derived, directly or indirectly, from Federal sources without regard to the Federal fiscal year in which the treatment of interest and principal of such bonds.

(e) LETTERS OF INTENT.—The Secretary of Transportation, or his delegate, may execute letters of intent to commit funding to airport sponsors from the Fund.

(f) CONFORMING AMENDMENTS.—

(1) PUBLIC USE FEE FUNDS.—Section 44940(a)(1) is amended by adding at the end the following:

"(H) The costs of security-related capital improvements at airports—"

(2) LIMITATION ON COLLECTION.—Section 44940(d)(4) is amended by striking "Act," and inserting "Act or in section 402a of the Aviation Investment and Revitalization Vision Act.";

(g) DEFINITIONS.—Any term used in this section that is defined or used in chapter 417 of title 49, United States Code has the meaning given that term in that chapter.

SEC. 403. TECHNICAL AMENDMENTS RELATED TO TITLE V—MISCELLANEOUS.

SEC. 501. EXTENSION OF WAR RISK INSURANCE AUTHORITY.

(a) EXTENSION OF POLICIES.—Section 44502(f)(1) is amended by striking "2004," each place it appears and inserting "2006.",

(b) EXTENSION OF LIABILITY LIMITATION.—Section 44303(b) is amended by striking "2004," and inserting "2006.",

(c) EXTENSION OF AUTHORITY.—Section 44310 is amended by striking "2004." and inserting "2006.".

SEC. 502. COST-SHARING OF AIR TRAFFIC MODERNIZATION PROJECTS.

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

"§44517. Program to permit cost-sharing of air traffic modernization projects.

"(a) IN GENERAL.—Subject to the requirements of this section, the Secretary may carry out a program under which the Secretary may make grants to project sponsors for not more than 10 eligible projects per fiscal year for the purpose of improving aviation safety and enhancing mobility of the Nation's air transportation system through encouraging non-Federal investment in critical air traffic control facilities and equipment.

"(b) FEDERAL SHARE.—The Federal share of the cost of an eligible project carried out under the program shall be 40 percent.

"(c) LIMITATION ON GRANT AMOUNTS.—No eligible project may receive more than $5,000,000 in Federal funds under the program.

"(d) FUNDING.—The Secretary shall use amounts appropriated under section 48101(a) of this title to carry out this program.

SEC. 503. CIVIL PENALTIES.

SEC. 504. CLARIFICATIONS TO PROCUREMENT AUTHORITY.

(a) UPDATE AND CLARIFICATION OF AUTHORITY.—

(1) Section 40101(c) is amended to read as follows:

"(C) DUTIES AND POWERS.—When carrying out subsection (a) of this section, the Administrator of the Federal Aviation Administration may—

"(i) notwithstanding section 134(a)(1) of title 31, lease an interest in property for not more than 20 years;

"(ii) consider the reasonable probable future use of the underlying land in making an award for a condemnation of an interest in airspace; and

"(iii) dispose of property under subsection (a)(2) of this section, except for airport and airway property and technical equipment used for the special purposes of the Administration, only under sections 121, 123, and 126 and chapter 5 of title 40.

"(2) Section 40110(d)(1) is amended by striking "implement, not later than January 1, 1996," and inserting "implement";

(b) CLARIFICATION.—Section 106(f)(2)(A)(ii) is amended by striking "property" and inserting "property, services,"

SEC. 505. JUDICIAL REVIEW.

Section 4610(c) is amended by adding at the end the following:

"Exception as otherwise provided in this subtitle, judicial review of an order issued, in whole or in part, pursuant to this part, part B of this subtitle, or subsection (i) of section 114 of this title, shall be in accordance with the provisions of this section.";

SEC. 506. CIVIL PENALTIES.

(a) INCREASE IN MAXIMUM CIVIL PENALTY.—Section 46301(a) is amended—

(1) by striking "$1,000" in paragraph (1) and inserting "$2,500";

(2) by striking "or" the last time it appears in paragraph (1)(A);
(3) by striking "section") in paragraph (1)(A), and inserting "section," or section 47133";  
(4) by striking paragraphs (2), (3), (6), and (9) and redesignating paragraphs (4), (5), and (8) as paragraphs (2), (3), and (4), respectively; and  
(5) by striking "paragraphs (1) and (2)" in paragraph (4), as redesignated, and inserting "paragraph (2)" in place thereof;  
(b) INCREASE IN LIMIT ON ADMINISTRATIVE AUTHORITY AND CIVIL PENALTY.—Section 46301(d) is amended—  
(1) by striking "$50,000;" in paragraph (4)(A) by inserting "$50,000, if the violation occurred before the date of enactment of the Aviation Authorization Act of 2003, or $1,000,000, if the violation occurred on or after that date;".  
(2) by striking "$50,000, if the violation occurred on or after that date;" and  
(b) by inserting "$50,000, if the violation occurred before the date of enactment of the Aviation Authorization Act of 2003, or $1,000,000, if the violation occurred on or after that date;."; and  
(2) by striking "as paragraphs (2), (3), and (8)" in subsections (d)(3), and (e)(4) and inserting "as paragraphs (2), (3), (4), and (8)" in subsections (d)(3), and (e)(4) respectively;  
(3) by striking "NEWLY AVAILABLE" in the caption of subsection (f)(3) and inserting "RE-STATED";  
(4) by striking "newly available under section 48103 of this title" in subsection (f)(3)(A) and inserting "subject to apportionment,";  
(5) by striking "made available under section 48103 for such obligations for such fiscal year,";  
(6) by striking paragraph (2) and inserting "subject to apportionment,"; and  
(7) by striking "enacted after September 3, 1982," in subparagraph (b);  
(b) RECOVERED FUNDS.—Section 47117 is amended by adding at the end the following:  
"(g) CREDITING OF RECOVERED FUNDS.—For the purpose of determining with any limitations on the amount of grant obligations that may be incurred in a fiscal year imposed by an appropriations Act, an amount that is recovered by canceling or reducing a grant obligation—  
(1) shall be treated as a negative obligation that is to be netted against the gross obligation limitation, and  
(2) may permit the gross limitation to be exceeded by an equal amount.";  
(c) 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. If a grant is provided, the United States Government's share of the cost of the data collection shall be 100 percent.";  
(d) STATUTE OF LIMITATIONS.—Section 47107(1)(c)(4)(A) is amended by inserting "or any other governmental entity" after "sponsor".  
(e) AUDIT CERTIFICATION.—Section 47107(m) is amended—  
(1) by striking "promulgation regulations that in paragraph (1) and inserting "include a provision in the compliance supplement provisions to";  
(2) by striking "and opinion of the review" in paragraph (1); and  
(3) by striking paragraph (3);  
(f) IN GENERAL.—Section 47050 is amended by striking "§ 47130. Airport safety data collection" and stating how airport sponsors will demonstrate benefits. For airport-owned vehicles and equipment, the acquisition of which are not otherwise eligible for assistance under this subchapter, the incremental cost of equipment purchased under the Department of Energy, not excluding hybrid systems.";  
(g) EMISSION CREDITS.—  
(1) IN GENERAL.—Subchapter I of chapter 471, as amended by section 206 of this Act, is further amended by adding at the end the following:  
"§47139. Emission credits for air quality projects  
(a) IN GENERAL.—The Secretary and the Administrator of the Environmental Protection Agency shall jointly agree on how to assure that airport sponsors receive appropriate emission credits for projects described in sections 40117(a)(3)(G), 47102(3), or 47102(3)(L) of this title. The agreement must, at a minimum, include provisions to ensure that—  
(1) the credits will be consistent with the Clean Air Act (42 U.S.C. 7402 et seq.);  
(2) credits generated by the removal or reduction in criteria pollutants are kept by the airport sponsor and may be used for purposes of any current or future general conformity determination or as offsets under the New Source Review program;  
(3) there is national consistency in the way credits are calculated and are provided to air-  
(4) credits are provided to airport sponsors in a timely manner; and  

SEC. 507. MISCELLANEOUS AMENDMENTS.  
(a) AMOUNTS SUBJECT TO APPORTIONMENT UNDER CHAPTER 471.—  
(1) IN GENERAL.—Section 47102 is amended—  
(A) by striking paragraph (6) and inserting the following:  
"(6) amount newly made available means the amount newly made available under section 48103 of this title as an authorization for grant obligations for a fiscal year, as that amount may be amended that year by a provision in an appropriation Act, as determined without regard to grant obligation recoveries made in that year or amounts covered by section 47107(1);"; and  
(B) by redesignating paragraphs (7) through (20) as paragraphs (8) through (21), and inserting after paragraph (6) the following:  
"(7) amount subject to apportionment means the amount newly made available, less the amount made available for the fiscal year for administrative expenses under section 48105.";  
(c) AMENDMENTS.—  
(A) Section 47142(b) is amended by striking "Notwithstanding subsection 47141(g) of this title, any" and inserting "Any".  
(B) Section 47104(b) is amended to read as follows:  
"(b) INCURRING OBLIGATIONS.—The Secretary may incur obligations to make grants from the amounts subject to apportionment as soon as the apportionments required by sections 47114(c) and (d)(2) of this title have been issued.";  
(C) Section 47107(f)(3) is amended by striking "made subject to apportionment under section 48103 of this title" and inserting "subject to apportionment," and is amended by striking subsection (b) and inserting the following:  
"(b) IN GENERAL.—The Secretary and the Administrator of the Environmental Protection Agency, shall issue guidance describing eligible low-emission vehicle technology and stating how airport sponsors will demonstrate benefits. For airport-owned vehicles and equipment, the acquisition of which are not otherwise eligible for assistance under this subchapter, the incremental cost of equipment purchased under the Department of Energy, not excluding hybrid systems.";  
(1) by striking "and opinion of the review" in paragraph (1); and  
(2) by striking paragraph (3);  
(f) NOISE EMISSIONS.—Section 47050 is amended by striking "1965," and inserting "a forecast year that is at least 5 years in the future.";  
(g) CLARIFICATION OF APPLICABILITY OF PPCs TO MILITARY CHARTERS.—Section 47107(e)(2) is amended—  
(1) by striking "and" after the semicolon in subparagraph (E) and inserting "passengers; and"; and  
(2) by striking the last sentence of paragraph (1); and  
(h) by striking "each fiscal year" in subsection (d)(2).  
(E) Subsection 47116(b) is amended by striking "accounts are made available under section 48103 of this title" and inserting "an amount is subject to apportionment,."  
(F) Section 47117 is amended—  
(i) by striking "accounts are made available under section 48103 of this title." in subsection (a) and inserting "an amount is subject to apportionment,.";  
(ii) by striking "a sufficient amount is made available under section 48103," in subsection (j)(2)(A) and inserting "there is a sufficient amount available under section 48103,";  
(iii) in subsection (j)(2)(B), by inserting "in" before "the succeeding";
(5) there is a method by which the Secretary can be assured that, for any specific project for which funding is being requested, the appropriate credits will be granted.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 471 is further amended by inserting after the item relating to section 47139 the following:

"§47140. Airport ground support equipment emissions retrofit pilot program."

(1) IN GENERAL.—The Secretary of Transportation shall carry out a pilot program at not more than 10 commercial service airports under whom the sponsors of such airports may use an amount subject to apportionment to retrofit existing eligible airport ground support equipment which burns conventional fuels to achieve lower emissions utilizing emission control technologies certified or verified by the Environmental Protection Agency.

(2) LOCATION IN AIR QUALITY NONATTAINMENT OR MAINTENANCE AREAS.—A commercial service airport shall be eligible for participation in the pilot program 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 47129 of this title, the Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall issue guidance for eligible projects and for how benefits must be demonstrated. The incremental amount that exceeds the cost of acquiring other vehicles or equipment that are not low-emission and would be used for the same purpose, or equipment for retrofitting. For purposes of this paragraph, the term "ground support equipment" means service and maintenance equipment used at an airport to support aeronautical operations and related activities."

SEC. 510. PACIFIC EMERGENCY DIVERSION AIRPORT.

(a) IN GENERAL.—The Secretary of Transportation shall enter into a memorandum of understanding with the Secretaries of Defense, the Interior, and Homeland Security to facilitate the sale of aircraft fuel on Midway Island, so that the revenue from the fuel sales can be used to operate Midway Island Airport in accordance with Federal Aviation Administration airport standards. The memorandum shall also address the long-term potential for promoting tourism as a means of generating revenue to operate the airport.

(b) NAVIGATIONAL AIDS.—The Administrator of the Federal Aviation Administration may support and be responsible for maintaining all aviation-related navigational aids at Midway Island Airport.

SEC. 511. GULF OF MEXICO AVIATION SERVICE IMPROVEMENTS.

(a) IN GENERAL.—The Secretary of Transportation may develop and carry out a program designed to expand and improve the safety, efficiency, and security of—

(1) air traffic control services provided to aviation in the Gulf of Mexico area; and

(2) aviation-related, low altitude communications and surveillance, and weather services in that area.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are appropriated to the Secretary of Transportation such sums as may be necessary to carry out this section for the 4 fiscal years beginning with fiscal year 2004.

SEC. 512. AIR TRAFFIC CONTROL COLLABORATIVE TRAINING INITIATIVE.

The Secretary of Transportation may use, from funds made available to the Secretary and not otherwise obligated or expended, such sums as may be necessary to carry out and expand the Air Traffic Control Collaborative Training Initiative.

SEC. 513. INCREASE IN CERTAIN SLOTS.

(a) IN GENERAL.—Section 41714(d)(1)(C) is amended by striking "2" and inserting "3".

(b) BEYOND-PERIMETER EXEMPTIONS.—Section 41718(a) of title 49, United States Code, is amended by striking "12" and inserting "24".

SEC. 514. AIR TRANSPORTATION OVERSIGHT SYSTEM.

(a) IN GENERAL.—Within 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure an action plan, with an implementation schedule—

(1) to provide adequate oversight of repair stations (known as Part 145 repair stations) and ensure the Administrator's repair stations outside the United States are subject to the same level of oversight and quality control as those located in the United States; and

(2) for addressing problems with the Air Transportation Oversight System that have been identified in reports by the Comptroller General and the Inspector General of the Department of Transportation.

(b) PLAN REQUIREMENTS.—The plan transmitted by the Administrator under subsection (a)(2) shall set forth the action the Administrator will take under the plan—

(1) to develop specific, clear, and meaningful inspection checklists for the use of Administration aviation safety inspectors and analysts;

(2) to provide adequate training for Administration aviation safety inspectors in system safety concepts, risk analysis, and auditing;

(3) to ensure that aviation safety inspectors with the necessary qualifications and experience are physically located where they can satisfy the most important needs;

(4) to establish strong national leadership for the Air Transportation Oversight System and to ensure that the System is implemented consistently across Administration field offices; and

(5) to ensure that the Air Transportation Oversight System beyond the 10 largest air carriers, so it governs oversights of smaller air carriers as well.

SEC. 515. NATIONAL SMALL COMMUNITY AIR SERVICE DEVELOPMENT OMBUDSMAN.

(a) IN GENERAL.—Subchapter I of chapter 471, as amended by section 353 of this Act, is amended by adding at the end the following:


(a) ESTABLISHMENT.—There is established in the Department of Transportation an Ombudsman Office of National Small Community Air Service Ombudsman (in this section referred to as the 'Ombudsman'). The Secretary of Transportation shall appoint the Ombudsman. The Ombudsman shall report to the Secretary.

(b) PURPOSE.—The Ombudsman, in consultation with officials from small communities in the United States, State aviation agencies, and State and local economic development agencies, shall develop strategies for retaining and enhancing the air service provided to small communities in the United States.

(c) OMBUDSMAN.—The Ombudsman shall solicit and receive comments from small communities regarding strategies for enhancing air service, and shall act as a liaison between the communities and Federal agencies for the purpose of developing such strategies.

(d) CONFIRMING AMENDMENT.—The chapter analysis for chapter 417 is further amended by inserting after the item relating to section 41715 the following:

"§41746. National small community air service development ombudsman."

SEC. 516. NATIONAL COMMISSION ON SMALL COMMUNITY AIR SERVICE.

(a) ESTABLISHMENT.—The President shall establish a commission to be known as the "National Commission on Small Community Air Service" (in this section referred to as the "Commission").

(b) MEMBERSHIP.—(1) COMPOSITION.—The Commission shall be composed of 9 members of whom—
(A) 3 members shall be appointed by the Secretary;  
(B) 2 members shall be appointed by the Majority Leader of the Senate;  
(C) 1 member shall be appointed by the Minority Leader of the Senate;  
(D) 2 members shall be appointed by the Speaker of the House of Representatives;  
(E) 1 member shall be appointed by the Minority Leader of the House of Representatives.  

(2) QUALIFICATIONS.—Of the members appointed by the Secretary under paragraph (1)(A)—  
(A) 1 member shall be a representative of a regional airline;  
(B) 1 member shall be a representative of an FAA-designated small-hub airport; and  
(C) 1 member shall be a representative of a State aviation agency.  

(3) TERMS.—Members shall be appointed for the life of the Commission.  

(4) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.  

(5) TRAVEL EXPENSES.—Members shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with chapter 57 of title 5, United States Code.  

(c) STUDY.—The member appointed by the Secretary under subsection (b)(2)(B) shall serve as the Chairperson of the Commission (in this section referred to as the ‘‘Chairperson’’).  

(d) POWERS.—  
(1) STUDY.—The Commission shall undertake a study of—  
(A) the challenges faced by small communities in the United States with respect to retaining and enhancing their scheduled commercial air service; and  
(B) whether the existing Federal programs charged with helping small communities are adequate for them to retain and enhance their existing air service.  

(2) ESSENTIAL AIR SERVICE COMMUNITIES.—In conducting the study, the Commission shall pay particular attention to the state of scheduled commercial air service in communities currently served by the Essential Air Service program.  

(e) RECOMMENDATIONS.—Based on the results of the study under subsection (d), the Commission shall make such recommendations as it considers necessary to—  
(1) improve the state of scheduled commercial air service at small communities in the United States, especially communities described in subsection (b)(2)(C);  
(2) improve the ability of small communities to retain and enhance their existing air service;  
(3) establish the Essential Air Service program or other programs as necessary;  
(4) make recommendations for the Department of Transportation or the Federal Aviation Administration to retain and enhance existing air service; and  
(5) provide for the issuance of an appropriate certificate to each individual who successfully completes such a course.  

(f) CERTIFICATION.—  
(A) IN GENERAL.—The Administrator shall provide for the issuance of an appropriate certificate to each individual who successfully completes such a course.  

(G) TRAINING STANDARDS FOR CABIN CREW.—  
(1) IN GENERAL.—The Administrator shall establish standards for cabin crew training, consistent with the Homeland Security Act of 2002, and the issuance of certification. The Administrator shall require cabin crew members to complete a complete cabin crew training courses approved by the Federal Aviation Administration and the Transportation Security Administration.  

(2) CERTIFICATION.—  
(A) IN GENERAL.—The Administrator shall provide for the issuance of an appropriate certificate to each individual who successfully completes such a course.  

(B) CONTENTS.—The cabin crew certificate shall—  
(i) be numbered and recorded by the Administrator of the Federal Aviation Administration;  
(ii) contain the name, address, and description of the individual to whom the certificate is issued; and  
(iii) contain the name of the current air carrier of the certificate holder.  

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation to carry out the provisions of this section $10,000,000.  

TITLE VI—SECOND CENTURY OF FLIGHT  

SEC. 601. FINDINGS.  
The Congress finds the following:  
(1) Since 1903, the United States has lost more than 600,000 aerospace jobs.  
(2) Over the last year, approximately 100,000 airline workers and aerospace workers have lost their jobs as a result of the terrorist attacks in the United States on September 11, 2001, and the slowdown in the world economy.  
(3) The United States has revolutionized the way people travel, developing new technologies and aircraft to move people more efficiently and more safely.  
(4) Past Federal investment in aeronautics research and development have benefited the economy and national security of the United States and the quality of life of its citizens.  
(5) The total impact of civil aviation on the United States economy exceeds $2,000 billion annually—and 9 percent of the gross national product—and 11 million jobs in the national workforce. Civil aviation products and services generate $75 billion in trade accounts, and amount to significant numbers of America’s highly skilled, technologically qualified workforce.  
(6) Aerospace technologies, products and services underpin the advanced capabilities of our men and women in uniform and those charged with homeland security.  
(7) Future growth in civil aviation increasingly will be constrained by concerns related to aviation system safety and security, aviation system capabilities, aircraft noise, emissions, and fuel consumption.  
(8) The United States is in danger of losing its aerospace leadership to international competitors, if aid by persistent government intervention. Many governments take their funding beyond basic technology development, choosing to fund product development and often bring the product to market, even if the products are not fundamentally viable. Moreover, international competitors have recognized the importance of noise, emission, fuel consumption, and constraints of the aviation system and have established aggressive agendas for addressing each of these concerns.  

(9) Efforts by the European Union, through a variety of means, including the use of European Union’s leadership position in aerospace. A recent report outlined the European Union’s goal of becoming the world’s leader in aviation and establishing by the end of the decade a better coordination among research programs, planning, and funding to accomplish this goal.
(10) Revitalization and coordination of the United States' efforts to maintain its leadership in aviation and aeronautics is critical and must begin now.

(11) In a report by the Commission on the Future of the United States Aerospace Industry, outlined the scope of the problems confronting the aerospace and aviation industries in the United States in general, and the United States Air Force in particular.

(A) Aerospace will be at the core of America's leadership and strength throughout the 21st century;

(B) Aerospace will play an integral role in our economy, our security, and our mobility; and

(C) global leadership in aerospace is a national imperative.

(12) Despite the downturn in the global economy, Federal Aviation Administration projections indicate that upwards of 1 billion people will fly annually by 2013. Efforts must begin now to prepare for future growth in the number of airline passengers.

(13) The United States must increase its investment in research and development to re-establish the aviation and aerospace industries, to create jobs, and to provide educational assistance and training to prepare workers in those industries for the future.

(14) Current and projected levels of Federal investment in aeronautics research and development are not sufficient to address concerns related to the growth of the aviation and aerospace industries.

Subtitle A—The Office of Aerospace and Aviation Liaison

SEC. 621. OFFICE OF AEROSPACE AND AVIATION LIAISON.

(a) ESTABLISHMENT.—There is established within the Department of Transportation an Office of Aerospace and Aviation Liaison.

(b) FUNCTION.—The Office shall:

(1) coordinate aviation and aeronautics research, and development efforts of the Federal agencies, including the Federal Aviation Administration, the National Aeronautics and Space Administration, the Department of Defense, the Department of Transportation and other Federal agencies and departments.

(2) coordinate the development and utilization of new technologies to ensure that when available, they may be used to their fullest potential in aircraft and in the air traffic control system;

(3) develop and conduct research programs such as the National Aeronautics and Space Administration program established under section 681 and the Department of Transportation Research Projects Agency program to Federal agencies with operational responsibilities and to the private sector;

(4) restructure and realign Federal research programs and research agencies to have an impact on the aviation and aerospace industries;

(5) coordinate and assess the impact of new technologies on existing certification and safety regulations, noise and emissions regulations, government research and development programs, advance in air traffic control and other infrastructure issues, corporate and air travel tax issues, and industry consolidation strategies;

(6) examine government regulations that have affected the aviation and aerospace industries, and plan to ensure their continued effectiveness;

(7) coordinate efforts on air traffic and space control and other infrastructure issues, coordination of research and development programs to achieve the goal of more efficient and effective design programs that will result in applicable research;

(8) coordinate and assess the impact of new technologies on existing certification and safety regulations, noise and emissions regulations, government research and development programs, advance in air traffic control and other infrastructure issues, corporate and air travel tax issues, and industry consolidation strategies;

(9) coordinate the development and utilization of new technologies to ensure that when available, they may be used to their fullest potential in aircraft and in the air traffic control system;

(10) coordinate the development and utilization of new technologies to ensure that when available, they may be used to their fullest potential in aircraft and in the air traffic control system;

(11) coordinate the development and utilization of new technologies to ensure that when available, they may be used to their fullest potential in aircraft and in the air traffic control system;

(12) coordinate the development and utilization of new technologies to ensure that when available, they may be used to their fullest potential in aircraft and in the air traffic control system;

(13) coordinate the development and utilization of new technologies to ensure that when available, they may be used to their fullest potential in aircraft and in the air traffic control system;

(14) coordinate the development and utilization of new technologies to ensure that when available, they may be used to their fullest potential in aircraft and in the air traffic control system.

Subtitle B—Technological Programs

SEC. 641. AEROSPACE AND AVIATION SAFETY WORKFORCE INITIATIVE.

(a) IN GENERAL.—The Administrator of the National Aeronautics and Space Administration shall establish a joint program of competitive, need-based grants for eligible applicants to produce the number of students studying toward and completing technical training programs, certificate programs, and associate or bachelor's, master's, or doctoral degrees in fields related to aerospace and aviation safety.
and the Administrator of the Federal Aviation Administration shall develop a joint student loan program for fulltime students enrolled in an undergraduate or post-graduate program leading to a degree in an aerospace-related or aviation safety-related field of endeavor.

(b) INTERNSHIPS.—The Administrators may provide mandatory internships to such students.

(c) AUTHORIZATION OF APPROPRIATIONS.—
(1) NASA.—There are authorized to be appropriated to the National Aeronautics and Space Administration such sums as may be necessary for fiscal year 2004 to carry out this section.

(2) F A A.—There are authorized to be appropriated to the Administrator of the Federal Aviation Administration such sums as may be necessary for fiscal year 2004 to carry out this section.

(d) REPORT, BUDGET, AND PLAN.—Within 180 days after the date of enactment of this Act, the Administrators jointly shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report setting forth—

(1) recommendations as to whether the program authorized by this section should be extended after fiscal year 2004; and

(2) a plan for conducting such a program.

SEC. 642. SCHOLARSHIPS FOR SERVICE.

SEC. 643. PREPARE STUDENTS FOR CAREERS AND TECHNOLOGICAL TRAINING.

SEC. 644. RESEARCH AND DEVELOPMENT.

SEC. 645. PILOT PROGRAM TO PROVIDE INCENTIVES FOR DEVELOPMENT OF NEW TECHNOLOGIES.

SEC. 646. FAA CENTER FOR EXCELLENCE FOR APPLIED RESEARCH AND TRAINING IN THE USE OF ADVANCED MATERIALS IN TRANSPORT AIRCRAFT.

(h) INCREASED PARTICIPATION GOAL.—In selecting projects under this paragraph, the Director shall consider means of increasing the number of students studying toward and completing technical training and apprenticeship programs, certificate programs, and associate’s or bachelor’s degrees in fields related to aerospace and aviation safety, and of students studying toward and completing undergraduate or post-graduate programs leading to a degree in an aerospace-related or aviation safety-related field of endeavor.

(c) SUPPORTABLE PROJECTS.—The types of projects the Administrators may consider under this paragraph include those that promote high quality—

(1) interdisciplinary teaching;

(2) undergraduate-conducted research;

(3) mentor relationships for students;

(4) graduate programs;

(5) programs that enable students at community colleges to matriculate directly into baccalaureate aerospace and aviation safety related programs;

(6) internships, including mentoring programs, carried out in partnership with the aerospace and aviation industry;

(7) technical training and apprenticeship programs that prepare workers for careers in aerospace manufacturing or operations; and

(8) innovative uses of digital technologies, particularly at institutions of higher education that show strong or percentages of economically disadvantaged students.

(d) GRANTEE REQUIREMENTS.—In developing grant requirements under this section, the Administrators shall consider means, developed in concert with applicants, of increasing the number of students studying toward and completing technical training and apprenticeship programs, certificate programs, and associate’s or bachelor’s degrees in fields related to aerospace and aviation safety.

(e) ELIGIBLE APPLICANTS.—In this section:

(1) ELIGIBLE APPLICANT DEFINED.—The term "eligible applicant" means—

(A) an institution of higher education;

(B) a consortium of institutions of higher education; or

(C) a partnership between—

(i) an institution of higher education or a consortium of such institutions; and

(ii) a nonprofit organization, a State or local government, or a private company, with demonstrated experience and effectiveness in aerospace and aviation safety.

(2) ELIGIBLE APPLICANT DEFINED.—The term "eligible applicant" means—

(A) an institution of higher education;

(B) a consortium of institutions of higher education; or

(C) a partnership between—

(i) an institution of higher education or a consortium of such institutions; and

(ii) a nonprofit organization, a State or local government, or a private company, with demonstrated experience and effectiveness in aerospace and aviation safety.

(2) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning assigned by subsection (a)(1) of section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), and includes an institution described in subsection (b) of that section.

(3) CERTIFICATION REQUIREMENTS.—

(1) NASA.—There are authorized to be appropriated to the Administrator of the National Aeronautics and Space Administration such sums as may be necessary for fiscal year 2004 to carry out this section.

(2) F A A.—There are authorized to be appropriated to the Administrator of the Federal Aviation Administration such sums as may be necessary for fiscal year 2004 to carry out this section.

SEC. 651. ENSURING APPROPRIATE STANDARDS FOR AIRFIELD PAVEMENTS.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall review and determine whether the Federal Aviation Administration’s standards used to determine the appropriate thickness for asphalt and concrete airfield pavements are in accordance with the Federal Aviation Administration’s standard 20-year-life requirement using the most up-to-date available information on the life of airfield pavements. If the Administrator determines that such standards are not in accordance with that requirement, the Administrator shall make appropriate adjustments to the Federal Aviation Administration’s standards for airfield pavements.

(b) REPORT.—Within 1 year after the date of enactment of this Act, the Administrator shall report the results of the review conducted under subsection (a) and the adjustments, if any, made on the basis of that review to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

SEC. 652. ENSURING APPROPRIATE STANDARDS FOR AIRFIELD PAVEMENTS.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall review and determine whether the Federal Aviation Administration’s standards used to determine the appropriate thickness for asphalt and concrete airfield pavements are in accordance with the Federal Aviation Administration’s standard 20-year-life requirement using the most up-to-date available information on the life of airfield pavements. If the Administrator determines that such standards are not in accordance with that requirement, the Administrator shall make appropriate adjustments to the Federal Aviation Administration’s standards for airfield pavements.

(b) REPORT.—Within 1 year after the date of enactment of this Act, the Administrator shall report the results of the review conducted under subsection (a) and the adjustments, if any, made on the basis of that review to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

SEC. 653. ASSESSMENT OF WAKE TURBULENCE RESEARCH AND DEVELOPMENT PROGRAM.

(a) ASSESSMENT.—The Administrator of the Federal Aviation Administration shall enter into an agreement with the National Research Council for an assessment of the Federal Aviation Administration’s proposed wake turbulence research and development program. The assessment shall include—

(1) an evaluation of the research and development goals and objectives of the program;

(2) a listing of any additional research and development objectives that should be included in the program;

(3) any modifications that will be necessary for the program to achieve the program’s goals and objectives on schedule and within the proposed level of resources; and

(f) AUTHORIZATION OF APPROPRIATIONS.—
(1) NASA.—There are authorized to be appropriated to the National Aeronautics and Space Administration such sums as may be necessary for fiscal year 2004 to carry out this section.

(2) F A A.—There are authorized to be appropriated to the Administrator of the Federal Aviation Administration such sums as may be necessary for fiscal year 2004 to carry out this section.

(g) REPORT, BUDGET, AND PLAN.—Within 180 days after the date of enactment of this Act, the Administrators jointly shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report setting forth—

(1) recommendations as to whether the program authorized by this section should be extended after fiscal year 2004; and

(2) a budget for such a multi-year program; and

(3) a plan for conducting such a program.

Subtitle C—FAA Research, Engineering, and Development

SEC. 661. RESEARCH PROGRAM TO IMPROVE AIRFIELD PAVEMENTS.

The Administrator of the Federal Aviation Administration shall continue the program to consider awards to nonprofit concrete and asphalt pavement research foundations to improve the design, construction, rehabilitation, and repair of existing airfield pavements and to aid in the development of safer, more cost-effective, and more durable airfield pavements. The Administrator may use grants or cooperative agreements in carrying out this section. Nothing in this section requires the Administrator to prioritize an airfield pavement research program above safety, security, Flight 21, environment, prioritization and objectives on schedule and within the proposed level of resources; and

SEC. 662. ENSURING APPROPRIATE STANDARDS FOR AIRFIELD PAVEMENTS.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall review and determine whether the Federal Aviation Administration’s standards used to determine the appropriate thickness for asphalt and concrete airfield pavements are in accordance with the Federal Aviation Administration’s standard 20-year-life requirement using the most up-to-date available information on the life of airfield pavements. If the Administrator determines that such standards are not in accordance with that requirement, the Administrator shall make appropriate adjustments to the Federal Aviation Administration’s standards for airfield pavements.

(b) REPORT.—Within 1 year after the date of enactment of this Act, the Administrator shall report the results of the review conducted under subsection (a) and the adjustments, if any, made on the basis of that review to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

SEC. 663. ASSESSMENT OF WAKE TURBULENCE RESEARCH AND DEVELOPMENT PROGRAM.

(a) ASSESSMENT.—The Administrator of the Federal Aviation Administration shall enter into an agreement with the National Research Council for an assessment of the Federal Aviation Administration’s proposed wake turbulence research and development program. The assessment shall include—

(1) an evaluation of the research and development goals and objectives of the program;

(2) a listing of any additional research and development objectives that should be included in the program;
SEC. 670. FAA CERTIFICATION OF DESIGN ORGANIZATIONS.
(a) GENERAL AUTHORITY TO ISSUE CERTIFICATES.—Section 44702(a) is amended by inserting “design organization certificates,” after “airman certificates.”;
(b) DESIGN ORGANIZATION CERTIFICATES.—(1) IN GENERAL.—Section 44704 is amended—(A) by striking the section heading and inserting the following: “§ 44704. Design organization certificates, type certificates, production certificates, and airworthiness certificates.”;
(B) by redesignating subsections (a) through (d) as subsections (b) through (e);
(C) by inserting before subsection (b) the following:
“(a) DESIGN ORGANIZATION CERTIFICATES.—(1) PLAN.—Within 3 years after the date of enactment of the Aviation Investment and Revitalization Vision Act, the Administrator of the Federal Aviation Administration shall submit a plan to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure for the development and oversight of a system for certification of design organizations under paragraph (2) that ensures that the system meets the highest standards of safety.

(2) IMPLEMENTATION OF PLAN.—Within 5 years after the date of enactment of the Aviation Investment and Revitalization Vision Act, the Administrator of the Federal Aviation Administration may commence the issuance of design organization certificates under paragraph (2) that ensures that the system meets the highest standards of safety.

(3) ISSUANCE OF CERTIFICATES.—On receiving an application for a design organization certificate, the Administrator, in consultation with the Federal Aviation Administration shall examine the design organization in accordance with the regulations prescribed by the Administrator to determine that 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 that section. The Administrator shall include in a design organization certificate terms required in the interest of safety.

(4) NO EFFECT ON POWER OF REVOCATION.—Nothing in this subsection affects the authority of the Secretary of Transportation to revoke a certificate.”;
(D) by striking subsection (b), as redesignated, and inserting the following:
“(b) TYPE CERTIFICATES.—(1) IN GENERAL.—The Administrator may issue a type certificate for an aircraft, aircraft engine, or propeller, or for an appliance specified under subsection (a) of this section if—

(A) when the Administrator finds that the aircraft, aircraft engine, or propeller, or appliance is properly designed and manufactured, performs properly, and meets the regulations and minimum standards prescribed under section 44704(a) of this title; or

“(B) based on a certification of compliance made by a design organization certificate under subsection (a).

(2) INVESTIGATION AND HEARING.—On receiving an application for the certificate, the Administrator shall investigate the application and may conduct a hearing. The Administrator shall make, or require the applicant to make, tests the Administrator considers necessary in the interest of safety.”;

(c) REISSUANCE AND REEXAMINATION.—Section 44709(a) is amended by inserting “design organization, production certificate holder,” after “aircraft,”.

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

(e) CONFORMING AMENDMENTS.—(1) CHAPTER ANALYSIS.—The chapter analysis for chapter 447 is amended by striking the item contributing to section 44704 and inserting the following:

“§ 44704. Design organization certificates, type certificates, production certificates, and airworthiness certificates.”;
(2) CROSS REFERENCE.—Section 44715(a)(3) is amended by striking “44704(a)” and inserting “44704(b)”.

SEC. 671. REPORT ON LONG TERM ENVIRONMENTAL IMPROVEMENTS.
(a) IN GENERAL.—The Administrator of the Federal Aviation Administration, in consultation with the National Aeronautics and Space Administration and the head of the Department of Transportation’s Office of Aerospace and Aviation Liaison, shall conduct a study of ways to reduce aircraft noise emissions and to increase aircraft fuel efficiency. The study shall—

(1) explore new operational procedures for aircraft to achieve those goals;

(2) identify both near term and long term options to achieve those goals;

(3) identify infrastructure changes that would contribute to attainment of those goals;

(4) identify emerging technologies that might contribute to attainment of those goals;

(5) develop a research plan for application of such emerging technologies, including new/combustor and engine design concepts and methodologies for designing high bypass ratio turbofan engines so as to minimize the effects on climate change, the life cycle of production of thrust and flight speed; and

(6) develop an implementation plan for exploiting such emerging technologies to attain those goals;

(b) REPORT.—The Administrator shall transmit a report on the study to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure within 1 year after the date of enactment of this Act.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Federal Aviation Administration $500,000 for fiscal year 2004 to carry out this section.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I believe Senator MCCAIN will arrive momentarily to manage this legislation.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. McCAIN. Mr. President, May I ask what the pending Senate business is?

The PRESIDING OFFICER. S. 824.

Mr. MCCAIN. Mr. President, I thank my colleagues, Senator HOLLINGS, Senator LOTT, and Senator ROCKEFELLER, for their hard work on this very important legislation. Senator LOTT and Senator ROCKEFELLER held extensive hearings in the Aviation Subcommittee. They have come up with a product that has addressed many of the concerns and very important issues associated with aviation. I believe what they have done is a very agreeable product.

I note that our friends on the other side of the Capitol have completed their work on this bill, so if we could complete this legislation and go quickly to conference, I think we could have this done pretty quickly.

I am pleased the Senate is now considering S. 824, the Aviation Investment and Revitalization Vision Act, AIR-V. This legislation was introduced by Senators LOTT HOLLINGS, ROCKEFELLER, and myself on April 8, 2003, and approved by the Senate Commerce Committee on May 1, 2003.

The aviation industry could have predicted 100 years ago, when the Wright Brothers first flew their Wright Flyer over Kitty Hawk, NC, that air travel would become such a significant part of our Nation’s economy. Aviation has expanded from a new rolled flight that traveled about 120 feet, to a system that has reached more than 550 million enplanements annually. Air travel has revolutionized the world. We are becoming a global culture for which air travel has contributed significantly. The United States has played a critical role in the explosion in air travel, with nearly two-thirds of world aviation travelers taking off or landing on U.S. soil.

Mr. President, 4 years ago, the Congress approved the Aviation Investment Reform Act for the 21st Century, known as AIR-21. That reauthorization measure provided for far reaching changes to our Federal aviation policies, coupled with significant investment in aviation. We increased airport spending by significant amounts and greatly improved our aviation system. At the same time, a great deal has happened in aviation during the past few years. The airlines have gone through several cycles of growth and decline.

The tragic events of September 11, 2001, forced a major restructuring of aviation transportation security. As a result of September 11 and other economic factors, Congress has twice voted to provide the airline industry aid totaling $8 billion in cash and the potential for $11 billion in other benefits. We have taken unprecedented actions to help ensure the continued viability of the airlines. I recognize that intervening events have caused the cause of much of the industry’s problems, which is why I was a strong supporter of these initiatives. However, I do believe that the industry must being to
solve its own problems and not come back to Congress when confronted with new challenges.

It is time for Congress to now focus its efforts on the Federal Aviation Administration. We must continue to ensure its efficiency and sufficiency of the aviation system. We must address the continued modernization of our air traffic control system. We must continue our oversight of the FAA so that it continues to move towards more efficient operation. We must continue the expansion of our infrastructure. And, we must continue to strive to promote the security of our traveling public.

I believe the legislation before us, S. 824, the Aviation Investment and Revitalization Vision Act, AIR-Vision, meets these objectives. This bill would reauthorize FAA programs for 3 years and continue the investments in the aviation system that began under AIR-21. Specifically, it would authorize funding for FAA Operations at $7.6 billion in fiscal year 2007; $7.4 billion in fiscal year 2008; and $7.9 billion for fiscal year 2006, and it would authorize funding for the Airport Improvement Program at $3.4 billion in fiscal year 2004; $3.5 billion in fiscal year 2005; and $3.6 billion in fiscal year 2006. The bill also authorizes $2.9 billion in fiscal year 2004; $2.97 billion in fiscal year 2005; and $3 billion in fiscal year 2006 for the Airway Facilities Improvement Program and requires a report on major and capitalization programs.

The funding levels in this bill do not require any new or increased taxes or user fees. The taxes currently paid by air travelers and others into the Aviation Trust Fund are in place through fiscal year 2007 and are sufficient to pay for this bill.

We also must ensure that the FAA manages its resources wisely. The bill includes provisions, first proposed by former FAA Administrator Garvey and endorsed by the current Administrator, to improve FAA management. The FAA’s management of its programs, especially its modernization efforts, continue to be of particular interest to Congress. I note that the FAA has finally hired its first Chief Operating Officer, Russ Chew, three and one-half years after the office was authorized. This bill would provide additional clarification of the FAA’s Chief Operating Officers’ responsibilities for managing the FAA’s air traffic control system. The bill would create a process to enhance airport capacity at certain large hub airports that significantly add to delays in the national aviation system by ensuring that these airports’ needs are continually reviewed. It also attempts to streamline the air traffic modernization programs.

This bill makes several improvements and reforms to services to small communities and the essential air service program by continuing programs created in AIR-21 to incentivize communities to take a greater ownership role in their service. It also allows the communities flexibility to opt out of the program in return for payment or to look at alternate services for the community.

The bill extends the small community air service development pilot program, established in AIR-21, until 2006, and provides funding of $27.5 million per year during the 3 year extension. It also clarifies that 40 communities per year may participate in the program and that no community may participate twice. This program has been well-received for the innovative ideas that have sprung from it regarding the provision of and payment for air service to small communities, and we believe it is important for the program to continue in the near term.

Regarding competition, the bill instructs the Secretary of Transportation to study competition and airline consolidations. Specifically, the Department of Transportation is to look at gate usage and availability, and the effects of pricing of gates and other facilities on competition and access. Within 6 months, the bill directs the Secretary to make findings, and recommendations are to be submitted to the Senate Committee on Commerce, Science and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

In addition, the bill requires that airports which deny applications by an air carrier for access to gates or other facilities submit to the Secretary notification of the denial and a report explaining the reasons for the denial and a time line, if any, for when the request will be accommodated.

For security, the bill establishes the Aviation Security Capital Fund which is financed with $500 million annually in security fees which are already collected by the Transportation Security Administration. The fund will be administered by the TSA and the TSA will make grants to airports to assist with capital security costs. The fund will allocate 40 percent to hub airports; 20 percent to medium hub airports; 15 percent to small hubs; and 25 percent is to be distributed at the Secretary’s discretion to address security risks. At the same time, the bill prohibits the AIP funding from continuing raids on what was created for capital improvement funding, but which in recent years has been used for security funding.

The bill also directs the Secretary of the Department of Homeland Security to study the effectiveness of the aviation security system. Within 6 months, the Secretary’s findings, conclusions, and recommendations are to be submitted to the Senate Committee on Commerce, Science and Transportation and the House of Representatives Committee on Transportation and Infrastructure. The Secretary is directed to redploy the department’s resources based on the results of the study.

For aviation modernization, the bill establishes a new Office of Aerospace Research and Development within the DOT. This office will be charged with coordinating research programs, activities, goals, and priorities within the Federal Government. Areas of responsibility include aircraft technology, technology transfer from government programs to private sector, noise, emissions, fuel consumption and safety. The bill provides work with the FAA and the National Aeronautics and Space Administration to ensure that aviation and aerospace research is coordinated and funds are well spent.

This bill also establishes a National Air Traffic Management System Development Office within the FAA with the mission of developing a next generation air traffic management system plan for the United States. This plan is intended to get the existing coordination for the national airspace system to meet air transportation mobility, efficiency, and capacity needs beyond those currently included in the FAA’s Operational Evolution Plan in an effort to build on existing capabilities while improving the security, safety, quality, and affordability of the system.

Finally, we have developed a manager’s amendment which has been agreed to by myself and Senator LOTT, HOLLINGS, and ROCKEFELLER. It includes a number of technical changes and improvements recommended by the executive agencies affected by this bill. It also includes some substantive changes to the bill, including: extending whistle blower protections to the employees of contractors doing business with the FAA; requiring that the GAO periodically report to Congress on the economic state of the airline industry and on airline executives’ compensation; clarifying that the war risk insurance provision only applies to U.S. air carriers; moving the new security capital fund from the FAA to the TSA; and removing the provision adding additional “outside the perimeter” slots at Reagan National Airport.

I yield to my colleague from South Carolina and perhaps the Senator from Mississippi.

I say to my colleagues, if they are prepared to bring forward an amendment, we would like to consider that quickly and move forward with the amending process as it would be our intention to try to finish this legislation this evening.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I rise today in support of legislation that will reauthorize the programs of the Federal Aviation Administration for the next 3 years. As the Senate Aviation Investment and Revitalization Vision Act, AIR-V. I would like to thank Chairman MCCAIN, Senator LOTT and Senator ROCKEFELLER for their hard
work in helping to craft this bipartisan bill that seeks to address the needs of the Nation’s air transportation system.

The troubled state of the aviation industry has made FAA reauthorization a high priority of the 108th Congress. From the start, the Senate Commerce Committee pursued an ambitious schedule, and held several hearings on this matter in the first few months of the year. Our focus on this matter permitted parties to express their concerns about the aviation system in the United States, and helped us develop a constructive approach to improve the work of the FAA as we move into an unclear future. We have crafted a strong bill that focuses properly on safety, security, efficiency and environmental friendliness in the realm of aviation.

AIR-V is a good starting point, but we have a long way to go to make certain that the FAA’s budget adequately supports the agency’s ability to oversee an increasingly complex system to ensure safe flying. Recent reports have pointed to the FAA’s laxity on plane maintenance. We must take steps to provide FAA needed funding to improve outdated oversight, monitor gaps in overseas repair service, and update training methods which have not changed significantly in almost 50 years. It is vital that we adequately fund to FAA’s budget to ensure the safest aviation system possible.

The impact of the aviation industry on our Nation is clear. Prior to September 11, the total impact of civil aviation on the national economy exceeded $900 billion and 11 million jobs, representing 9 percent of the U.S. gross domestic product. Since that time, the airline industry has faced consecutive years of record multimillion dollar losses while our national economy continues to struggle. This has made reauthorization of the FAA that much more critical, and I believe AIR-V strikes the proper balance among programs to advance our Nation’s air transportation system.

After September 11, 2001, Congress created the Transportation Security Administration, which has taken charge of a massive restructuring of transportation, which will lead to a greater confidence in the traveling public. Even with the vast downturn in aviation traffic over the past couple of years, the FAA’s Aerospace Forecast anticipates that enplanements in the U.S. will increase by as much as 1 billion passenger boardings expected annually by 2013.

Knowing of the expected growth in airline traffic, we must press our efforts to make system-wide improvements that will allow the U.S. aviation industry to flourish in the coming years and beyond. Air-V promotes air-transportation system funding for the Airport Improvement Program, and additional support for vital components of the National Airspace System through the designation of certain essential undertakings as ‘national interests.” When the Bush Administration’s FAA reauthorization proposal was unveiled it was criticized by Aviation Week for not providing enough long-term support for AIP at a time when the FAA is in a tight budget situation and the Nation’s airports are looking for increased fund- ing to pursue needed projects to improve their facilities. AIR-V also takes steps to resolve the bleeding of hundred of millions of dollars from AIP for security purposes to expedite the installation of EDS machines at airports across the country while diverting none of the AIP funds away from important infrastructure projects through the creation of an Aviation Security Capital Fund to be financed with $50 million in security service fees to allow TSA to make grants to airports to assist with capital security costs.

I have had increasing concerns that the European will continue its bold efforts to surpass the American aerospace industry in the coming years. We must recognize the importance of the FAA’s Research, Engineer- ing and Development program in maintaining our position as the worldwide leader in the aviation and aerospace industries. AIR-V will significantly increase funding for the R,E&D program with the understanding that long term planning will be needed to keep up with the rapidly changing dynamic of the aerospace industry. He and I introduced a “2020 plan” aimed at surpassing America—NASA and our aerospace industry—as the world’s aerospace leaders within the next two decades. We must respond to this challenge with an emphasis on technology, and public-private cooperation that will ensure our advantage over the EC by strengthening our R,E&D programs and U.S. education and interest in aerospace.

I am pleased that key components of S. 788, the Second Century of Flight Act, legislation I introduced along with Senators BROWNBACK, ROCKEFELLER, INOUYE, CANTWELL, and KERRY have been included in this reauthorization effort. Among the most important steps that the bill take to promote FAA, R,E&D is the creation of a national office to coordinate aviation and aerospace research activities within the U.S. Government tasked with co-ordinating programs and developing the Aerospace Industry’s R,E&D technologies, and a national office to focus on a next generation air traffic management system. Of equal impor-
I also want to emphasize the importance of this legislation. Because we have moved it fast, and because we have been able to get an agreement worked out to bring it to the floor, and because we may be able to handle it in a brief period of time, it should not delay any of the important aspects of bringing this legislation. Transportation in America is unique. If we are going to have a strong economy, we have to have good transportation systems—not just roads and bridges, which are very important, but just not a good rail system, freight and passenger, and not just good ports and harbors, but we also need a strong aviation system in America.

We all know the industry has been having difficult times for a variety of reasons. In some cases it was bad management decisions. Obviously all of them have been affected by high fuel costs. There have been some difficult management-labor decisions. But also probably the other industry was as dramatically and directly affected by 9/11 as the aviation industry. Aircraft were involved on that infamous day, used as weapons of destruction, as missiles—both in New York and, of course, one plane that hit the Pentagon and the one that went down in Pennsylvania. We saw the industry basically shut down that day—for days. We are still having fallout, the ramifications of that day and those decisions in terms of access to airports, including Washington National. General aviation is still dealing with the problems as a result.

There is no question the industry has had difficulties and some of those difficulties have been related to 9/11. Government decisions were made that needed to be made. We had to deal with security considerations on our airways and at our airports. So a lot of costs have been put on the industry that have caused them additional problems.

We have taken action immediately after 9/11, of course, to provide some assistance to the aviation industry. We did it again in the supplemental appropriations this year. But this is the third step and in some respects maybe the most important step in helping the airline industry, helping aviation get back to where they can see blue skies and begin to make profits and provide the kind of service the American people are entitled to.

I do think it is important we get this bill done, that we get into conference and see if we can come to a reasonable and relatively quick agreement with the House. That will allow this bill to be completed before we get into the time-consuming and very important TEA-21 extension, and the appropriations process.

This bill’s title is Aviation Investment, Reform, Today, and Tomorrow Act—AIR-V. Our intent is to get it all the way from stabilizing the industry, giving them dependability and reliability of what they can expect from FAA, from the Airport Improvement Program, to all the different programs that are involved in aviation including service to small communities. I think we do have the fundamental provisions we need to make sure that happens. We will ensure Airport Improvement Programs will continue uninterrupted for the next 3 years. We also are going to make sure the funds that go into Airport Improvement Programs are actually used for their original purpose, and that is to improve the runways, the terminals, and the services our constituents need and deserve.

On that note, this legislation also no longer allows AIP funds to be used for security mandates. Up to this point approximately $500 million has been skimmed off the top of the AIP fund to pay for security mandates that the Federal government placed on our local airports. The Transportation Security Administration—TSA—predicts that an additional $500 million will be needed to complete these capital improvements that have been deemed necessary for security purposes. This bill proposes that these unfunded mandates be paid by diverting the passenger security fee into a separate fund to cover these costs. The first $500 million of these fees that is collected will be directed to this fund.

This legislation also looks at excessiveness at TSA. It will require TSA to do a study to look at the efficiency of their employees and then redeploy them as necessary based on the results of the study. I am pleased that TSA is already reducing its workforce. While it is not the goal of this Congress to have less than adequate security at any airport, it is important for TSA to recognize the areas in which they have gold-plated security.

In another area to help the industry, this legislation also makes permanent a provision already in the annual appropriations bill that requires TSA to pay fair market value for the space they occupy at airports. The bill also keeps the AIP funding level for FY04, but changes the match requirement from 10 percent to 5 percent for that 1 year. AIP funding will then be increased by $100 million for the out years. This is very important to local communities that are hard pressed to make that local match, because their funds have been depleted due to these unfunded mandates. AIR-V also maintains the budget firewalls that were put in place during the debate over Air-21. This bill also requires that the trust fund continues to be spent down.

Of particular importance to my home state of Mississippi is language in this legislation that authorizes the Small Community Pilot Program. This provision will allow 40 new communities to be eligible to receive one-time money each year. This is a good program that requires innovative thinking on the part of airports and their local communities.

Another important issue to rural States such as mine and Senator Rockefeller’s is the Essential Air Service Program. The two of us introduced legislation that works to improve this program, while not implementing the drastic change the administration has pushed. In short, it provides incentive to the local communities get involved in determining the quality and type of air service their community receives. We have included that legislation in this bill.

Transportation infrastructure spending is important, and it is one of my top priorities. I want to continue the Republican congressional majority’s commitment to transportation infrastructure. Our Nation’s growing economy demands attention to this issue. Passage of this bill will be a step in that direction.

I say again, in Senator McCain’s presence, I appreciate his attention to this and his interest and his desire to move forward. Without his tenacity we would not be here now. I believe we have a good bill that we can complete in short order.

I am glad to yield the floor at this time.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank the Senator from Mississippi for his kind comments.

Mr. President, we are awaiting the appearance of Senator Lautenberg, who has an amendment we will consider shortly. Until then, I remind my colleagues we would like to move forward with amendments.

I understand that Senator Cochran may have an amendment, and several others. But I don’t think there are many. We could go ahead and move forward as quickly as possible with the legislation.

Pending their arrival, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from Arizona [Mr. McCain] proposes an amendment numbered 889.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 889

Mr. MCCAIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from Arizona [Mr. McCain] proposes an amendment numbered 889.

Mr. MCCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today’s RECORD under “Text of Amendments.”)

Mr. MCCAIN. Mr. President, this is a managers’ amendment which we have developed working with Senators Lott, Hollings, and Rockefeller. It includes a number of technical changes.
and improvements recommended by the executive agencies affected by the bill. It also includes some substantive changes, including whistleblower protection for the employees of contractors doing business with the FAA; requiring the GAO to periodically report to Congress on the compliance of the airline industry; airline executives' compensation; clarifying that the war risk insurance provision only applies to U.S. air carriers; moving the new security capital fund from FAA to TSA; and prohibiting—emphasizing “removing”—a provision that was added in the markup concerning outside-the-perimeter slots at Reagan National Airport.

Mr. HOLLINGS. Mr. President, these particular modifications have been checked through by both the chairman and ranking member of our Aviation Subcommittee. Let the RECORD show that the distinguished Senator from West Virginia, Senator ROCKEFELLER, our ranking member, is at an important Finance Committee markup at the moment with respect to prescription drugs and Medicare. I have checked it through with him, and it has been checked through on this side. We are aware of the amendment.

The PRESIDING OFFICER. Is there further debate? If not, without objection, the amendment is agreed to.

The amendment (No. 889) was agreed to.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I wanted to alert my colleagues that I intend to offer an amendment to this bill this afternoon. I have talked to several people about it, I will not take a lot of time. I don’t intend to delay the bill at all. But there is an important piece of policy in this legislation.

Before I explain it, I should congratulate my colleagues, Senator MCCAIN, chairman, and Senator HOLLINGS, ranking member, for their work on this bill. It is really important for us to complete this legislation. Hopefully, perhaps we can complete it today, in fact.

On page 145, there is an aviation security capital fund of $500 million. I think that is an important fund which it establishes in the Department of Transportation. I think that is perhaps transferred in the managers' amendment in fact to homeland security.

This capital fund provides funds for the security needs at airports around the country, and for investment in the construction and infrastructure for security purposes.

All of us know in the shadow of 9/11 and the terrorist attacks that occurred in our country that security, especially aviation security, is critically important.

This provision, as important as it is, however, is a local match requirement. My great concern is that this money will not be invested in aviation security because many communities and States around the country simply won’t have the capability of coming up with the local match. That is why we put money in legislation previously. In the tax bill that passed the Congress, we included a substantial amount of money to try to help State and local governments, many of which are flat on their backs right now. They are having trouble funding their own needs.

I think having a security capital fund is very important. But having that fund available only if there is match-making for it locally will mean that much of it will not be spent, much of it will not be invested, and much of it will not contribute anything to this country’s security.

What I propose to do on this occasion, because it deals with security, which is a national issue, and because the State and local governments are in a pretty precarious fiscal position, is eliminate the local match so we could expect that this money would be invested in the infrastructure that will be completed with this money will contribute, in fact, to aviation security in this country.

I have visited with my colleague, the Senator from Mississippi. I think he has some persuasive reasons for not eliminating the local match. But, on the other hand, I think there is a persuasive argument that the only way we will see this money truly invested in airports around the country is if we eliminate the local match.

Perhaps I should offer this amendment now and have it pending. I have to chair a luncheon in a few minutes and will have to leave the floor.

If it is all right with the chairman and ranking member, I will offer the amendment. We will have it pending.

AMENDMENT NO. 890

Mr. DORGAN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 890.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To clarify the apportionment of funds from the Aviation Security Capital Fund)

On page 146, line 17, insert “origination and destination” before “emplanements”.

Mr. REID. Mr. President, I ask unanimous consent that the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To delete the matching requirement for airport security related capital investment grants)

On page 146, beginning with line 20, strike through line 8 on page 147.

Mr. MCCAIN. Mr. President, I understand the Senator from North Dakota has to leave at this time. We will be glad to discuss this amendment at his convenience, hopefully later this afternoon, and perhaps we can get something worked out on it.

Mr. DORGAN. Mr. President, I have explained my amendment already. What I would like to do is work with my colleagues, Senator MCCAIN, Senator LOTT, Senator HOLLINGS, and others. I think this is an important amendment. I am not suggesting this be a precedent forever, for all time. At this moment, in this place, for this reason, I believe if we want to invest $500 million in aviation security in this country, it is likely the only way that will be invested is to eliminate the State and local match. I think there are good reasons to do that. So if I can work with my colleagues in the next several hours, I hope we can make some progress on this amendment.

I do want to make one final point. It is not my intention in any way to hold up this bill. I do not expect this would be a lengthy debate, in any event. I would agree to a short time agreement. But my hope is perhaps we could support this by a voice vote at some point. I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, Senator LAUTENBERG is in the Chamber to offer an extremely important amendment. I think we need to do that in a matter of a few minutes.

In the meantime, Mr. President, I ask unanimous consent that the pending amendment be set aside.

AMENDMENT NO. 891

Mr. REID. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 891.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To clarify the apportionment of funds from the Aviation Security Capital Fund)

On page 146, line 17, insert “origination and destination” before “emplanements”.

Mr. REID. Mr. President, the events of September 11, 2001, have been catastrophic on the aviation and travel industry. And that is an understatement. I strongly supported the formation of the Transportation Security Administration because I believed then and believe now it is critical that the public has confidence in the safety and security of our airports and airlines.

This enhanced security will save jobs, protect Americans' ability to travel freely and safely, and boost business for the travel and tourism industries.

The need for capital security costs, such as explosives detection and screeners, should be based on real need. Unfortunately, the formula in this bill that allocates grants in the aviation security capital fund to airport security costs is not based on real needs. It does not accurately account for the number of passengers who must be
Mr. President, I ask unanimous consent that, for a question?

Mr. REID. That is right.

Mr. MCCAIN. That is absolutely right. It is based upon the formula I have just given.

I say to the managers of this bill—the chairman of the Commerce Committee and the ranking member of the Commerce Committee—I have spoken to them. I have given them this amendment, as has Senator ENSIGN. We have been given an assurance by these two fine men and their staffs that this is something the conference will look at as soon as the bill leaves this body. The staff want now to send passengers through security. Is this basically the problem we are trying to confront here?

Mr. REID. The Senator is absolutely right. We have places, such as at McCarran Airport, where, if we had additional help, we could move people into the airport more quickly but we simply don’t have the TSA people to do that. We have some of our hub airports where, as the Senator has indicated, they have people standing around looking at each other because they are not having people coming in and out of the airport like we have at McCarran.

Mr. MCCAIN. I say to the Senator, I think your concern is legitimate. I think the formula needs to be changed. We will work on it.

Mr. MCCAIN. I will get a letter over to communications with TSA and tell them we need to look at this formula again. I have been told they are already doing that, but I want to assure the Senator from Nevada, we will try to do everything in our power to address this clear inequity that exists in the formula as we go to conference.

I thank the Senator.

Mr. REID. If I could say one additional thing before I sit down. I do not have the opportunity very often to talk about the good work of the committee but, as far as this Senator is concerned, some of the best work of this committee is to allow flights from National Airport to Las Vegas, to Phoenix, to Salt Lake. I would suggest that the Senator from Arizona, I am sure he will check with his staff—I think he might find a better flight than going from Dallas to Phoenix.

Mr. REID. The Senator from Nevada.

Mr. MCCAIN. I thank the Senator from Nevada. But I have done many foolish things in my lifetime. One of those that ranks up in the top 10 is when I was being accused by the local newspaper for attempting to seek some...
relief from the perimeter rule in hopes that I might then have the convenience of flying direct from Reagan National Airport to Phoenix. I swore I would never fly direct from Reagan National Airport. Many years have gone by, and I had hoped that people’s memories had grown dim on that, but now I will probably have to go another 5 years since the Senate has raised that.

Mr. REID. Well, the statute of limitations has run.

Mr. MCCAIN. I thank my colleague.

Mr. HOLLINGS. Mr. President, the Senator from Nevada is correct. The money is for security, and a security check is what we are trying to fund, finance. It just hasn’t been vetted at FAA. It is very logical to this particular Senator that the Senator from Nevada is correct, and I will make every effort in the conference to change the particular formula or rather embellish the word emplanement, so change the particular formula or rather, if the Nevada Senator is correct, and I will make every effort in the conference to change the statute, I support it in every way I can.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

AMENDMENT NO. 890

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LOTT. Mr. President, while discussions are taking place on other issues or amendments, I wanted to go back and comment briefly on the statement by Senator DORGAN and his amendment.

First of all, I appreciate his membership on the committee and his interest in this aviation hearing. Most of the time we agree on how we can be helpful to the aviation industry. I appreciated the fact that he said he thought it was important we have this revolving fund for TSA security. There are those who are going to speak against that fund later today.

The appropriators feel as if the fund is not a positive thing, that it is taking funds from their bottom line. My concern is if fees are collected for airport security and there is no specification that it go into that area, then it may be spread all over the place. If you go into port security, Coast Guard, or any number of programs—which may be very important and necessary—if fees are collected for a purpose, they should not be spread out into other areas. It is like the highway trust fund. You collect gasoline taxes for highways, and to let it be spent for airports or ports—that is not the intent of the purpose and what people think they are paying for.

This fund is not intended in any way to get into the appropriators’ job. They have a tough job. I know my colleague from Mississippi and Senator STEVENS will work hard to help our homeland security. We will continue to work to see if we can come up with some compromise agreement that will accommodate all concerned. Our goal is to just make sure that there are collected for airport security and security for the TSA used for that purpose.

With regard to the local share, I have a State that, obviously, is not a wealthy State. We have a limited number of airports. Several of them are relatively small. So any kind of cost share is not easy for them, plus the airline industry will tell you very quickly that in a lot of airports—particularly the bigger ones—an any kind of a local cost share, the airlines will wind up having to pick up the cost because airports cannot get money from the local government. So they will say, all right, we have to get it from the airlines and they will pass it on to the airlines. That is a legitimate concern. It is really not fair.

I know it is not easy for the local airports to sometimes get to make a match. But we are talking about a small match here. Even if we can make the match 10 percent, then we still have the principle that the local governments are doing their share. Airports and airline service is a very important part of the economy in these smaller towns. It creates jobs, helps attract industry, and it is a big deal to counties, even the big cities—Detroit, Chicago, New York—get tremendous benefits from their international airports, but they don’t want to participate or pay any of the costs. Of course not. The trend in America is just let the Federal Government do it. Let the Federal Government do it all. Let the Federal Government pay for all of the airport costs, pay for all the housing costs, pay for all of the farming costs—just let the Federal Government pay all of it. That is why we are going to have a $500 billion deficit this year, and probably the same next year, and it may come down some in 2005, but it is still going to be really ugly. Let Uncle Sam do it.

All I am saying is, let the local communities do a little bit, participate some, help a little in the cost of this huge benefit. I promote local airports in my State, such as Tupelo, Meridian, Golden Triangle, Biloxi, Pine Belt, and I think that these smaller airports that do not mean a lot. For them to help a little bit looks to me like a good idea. So I realize maybe that is not the way to do things around here. I am arguing on principle and some degree of responsibility for everybody to pay a little bit.

Why should the Federal Government always have to pay the first and the last dollar?

We will work with Senator DORGAN, a very valuable member of the committee, I understand his concerns in these small communities. But the problem is not really the smaller communities; it is actually the bigger airports that will be inclined to pass them along to the airlines. I realize they have plenty of burdens of their own.

I wanted to respond and make it clear why I feel that some small amount of local participation is a responsible thing to do. It makes good, common sense. We may have a way to work it out that I intend to get that on the record before we got too far away from Senator DORGAN’s remarks.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 892

Mr. MCCAIN. Mr. President, I send an amendment to the desk.

The ACTING PRESIDENT pro tempore. The pending amendments are set aside and the clerk will report.

The legislative clerk read as follows:

The Senator from Arizona (Mr. MCCAIN) proposes an amendment numbered 892.

(Purpose: To express the sense of the Senate with respect to air fares provided to members of the Armed Forces)

At the appropriate place, insert the following:

SEC. . AIR FARES FOR MEMBERS OF ARMED FORCES.

It is the sense of the Senate that each United States air carrier—

(1) make every effort to allow active duty members of the armed forces to purchase tickets, on a space-available basis, for the lowest fares offered for the flights desired, without regard to advance purchase requirements and other restrictions; 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, or penalties.

Mr. MCCAIN. Mr. President, this is a sense-of-the-Senate amendment. I would like to see this as a law, but I am not sure whether it would be constitutional and in keeping with existing law.

Basically, it says that the airlines should do whatever they can to make sure that members of the Armed Forces can get the lowest fare even if they are late; that they will offer them the lowest fare available; and that when there are cancellations or other reasons they have to change their travel plans, the airlines will show the flexibility that will afford them the lowest possible cost for their airfare.

We have a lot of transience amongst the men and women in the military and their families, not just being transferred from one place to another but, generally speaking, they are not based where they grew up and where their families or friends are located.

There are a lot of men and women in the military who make use of the airlines and many times on short notice. We are simply urging the airlines to show flexibility that is necessary to provide these very low income Americans the ability to move from one place to another.
I might add, this amendment was offered by Senator Kay Bailey Hutchison on the DOD authorization bill as well. I hope the airlines will react positively to this sense-of-the-Senate resolution. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I thank the distinguished chairman and Senator Kay Bailey Hutchison for this initiative. It is well deserved. Whether or not it can be worked out—as the Senator indicates, we hope it can be. It has been cleared on our side, and I urge its adoption.

The ACTING PRESIDENT pro tempore. Is there further debate on the amendment?

If not, the question is on agreeing to amendment No. 892.

The amendment (No. 892) was agreed to.

Mr. MCAIN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 893

Mr. LAUTENBERG. Mr. President, I commend the chairman and the ranking member of the Commerce Committee for moving this reauthorization forward. It is critical. The FAA is an essential part of our travel and aviation system. I encourage its consideration promptly.

A principal issue these days in aviation is security. How do we best protect those who are flying and those who are working in the airplanes, the cockpit crew, the cabin crew? How do we best protect all of those people? Well, we review the passenger lists. We review the baggage. We look at what anybody brings aboard. One of the things that does not always get the attention it deserves is what happens with the FAA. What kind of people are they? Are they up to snuff in their training? Have we a reservoir, a reservoir, of people who are trained and ready to take over when we are looking forward to a fairly large retirement possibility for those people who came in after some of the labor problems were resolved? I send an amendment to the desk to make certain that FAA is going to be able to maintain its integrity, and I ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. Without objection, the pending amendments are set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from New Jersey (Mr. Lautenberg) proposes an amendment numbered 893.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the read-

ing of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the Secretary of Transportation from transferring certain air traffic control functions to non-governmental entities)

On page 193, after line 23, insert the following:

SEC. 624. TRANSFER OF CERTAIN AIR TRAFFIC CONTROL FUNCTIONS PROHIBITED.

(a) In General.—The Secretary of Transportation may not transfer to a private entity or to a public entity other than the United States Government of—

(1) the air traffic separation and control functions operated by the Federal Aviation Administration on the date of enactment of this Act; or

(2) the maintenance of certifiable systems and other functions related to certification of national airspace systems and services operated by the Federal Aviation Administration on the date of enactment of this Act or flight service stations.

(b) Contract Tower Program.—Subsection (a)(1) shall not apply to a Federal Aviation Administration air traffic control tower operated under the control tower program as of the date of enactment of this Act.

On page 69, after the item relating to section 223, insert the following:

Sec. 624. Transfer of certain air traffic control functions prohibited.

Mr. LAUTENBERG. I rise to offer a critical safety and security amendment to this FAA bill. My amendment would require that the air traffic control system and its personnel remain a government function.

There is an attempt underway right now in the executive branch to open up air traffic control to private contractors. I believe we in the Congress must put a stop to this. There are some areas where it makes sense to contract work out to private entities, but air traffic control is not one of them. The safety of our skies should not be put in the hands of the lowest bidder. We should not be looking to buy security on the cheap.

I believe those who operate and maintain our air traffic control system are almost like a wing of the military. They keep us safe. They police our skies.

On September 11, 2001, we had a tragic day for all Americans. In my State of New Jersey, nearly 700 people lost their lives. As my colleagues know, the Secretary of Commerce Norman Mineta ordered all aircraft in the U.S. airspace grounded that day. They wanted those airplanes safely out of the sky. It was a massive undertaking.

I have a visual of 9/11 at 12:30 p.m. The assault took place around the 9 hour. This is a picture of the traffic, each one of these denoting an airplane, that was in the sky at 12:30. Many planes had already landed, but there were still thousands in the air, as we can see. The bulk of this traffic was in the Northeast, in the nearly the west of the country, near New York City, Las Vegas, NV, Los Angeles, San Francisco, all of these planes landed safely in an amazingly short amount of time.

Let’s look at the picture at 3:45. The sky almost looks clear, and thank goodness. Those were tense moments for everybody, for those who saw the smoke coming out of the Trade Center buildings and noted the absence of these two giant towers that were built, this testimonial to man, gone.

We did what we had to in the rest of the country to make sure those planes got on the ground safely. There were still some government planes in the air. We can see the military aircraft in the blue—they are a little hard to discern—as they patrolled the near empty skies.

On September 11, those who operated our Federal air traffic system demonstrated great heroism and dedication. Air traffic controllers across the Nation performed heroically as they guided thousands of aircraft out of the sky.

I wish to point out a bit of a technicality. They think of the air traffic control group sometimes as just the
people in the tower who have the microphones at that moment, but we have specialists who keep this equipment going, and it is a complicated network. We have those flight service people who are on the ground giving advice, watching the separation, making sure the system is in order. It is a package. It is one part of it. It is very obvious that we in this body need lots of people around to make the system work, such as our staff people who are very good. We do not want to take part of them and have them working for one entity while we worked for another. It would not make sense, especially if there is a moment of need when the owner of the company says we are cutting back on some of the company benefits. It does not work. This is a unified system.

In my home State, from the tower of Newark International Airport, the air traffic controllers looking out the window could see the World Trade Center on fire. But they are not allowed to return tens of thousands of Americans to the ground safely. Like many public servants on that day, they were heroes, along with the police and firefighters and other emergency personnel. These public employees gave 110 percent of their ability to secure the safety of the American people.

In the aftermath of these tragic events, our people demanded one thing in particular of their government. They demanded that the government, not private contracting firms, perform security screening of baggage at our Nation’s airports. If the American people demanded that baggage screeners become Federal employees at substantially increased salaries, this was an enormous cost burden we picked up. We took it out of the hands of the private sector, away from the airlines, to say: You were not buying security appropriately; you were not spending the money needed to keep the people interested in functioning.

Why in the world, if we wanted the baggage screeners to become Federal employees, would we contract out air traffic control to the lowest bidder? It does not make sense. One bag getting lost could see the World Trade Center. There is a world far larger than that, with more and remote places. The Senator from Mississippi said it himself; very often they turn into controllers. It is our intention to keep this package together. If we want to talk about it at another time in the future, certainly I would like to do so.

Mr. LOT'T. If the Senator will continue to yield, we will continue to work on this. I know Senator MCCAIN will have something to say about it later. Regardless of how it works here, we will continue to work together.

I want to make note of the fact for the record that at least a committee has determined that air traffic control is a core function of the FAA and as such the administration would not consider outsourcing beyond the current contract tower program. I note that is a program that is in contract towers, and it has broad general support. Twenty-five percent of all takeoffs and landings, mainly general aviation in the United States, occur at these traffic towers. There is an example of how contracting out has been done and is working.

We will continue to work with the Senator. While I have some sympathy with what the Senator is trying to do, as the amendment presently exists, it is too broad and I would have to oppose it.

I thank the Senator for yielding.

Mr. LAUTENBERG. We are leaving out the contract tower program. We do not want the contract tower program. We do not want the contract towers. We have no problem with those. The amendment that is now is smaller in scope than my original bill. It covers only air traffic control, separation functions, system specialists, and flight service station controllers.

There is a world far larger than that, that could be included which we have not included.

The administration has already changed the designation of air traffic control from "inherently governmental" to 'commercial.' It is more than a technical change. It opens the door to privatizing the air traffic control system.

We currently have the best air traffic control system in the world, with 15,000 dedicated Federal air traffic controllers. They operate 2,000 smaller airports and remote places. They are expert professionals who perform under pressure every day to keep our skies safe.

Our air traffic controllers play a major role in homeland security. When President Bush gave his State of the Union speech this year, it was the flight service station air traffic controllers who
sent alerts to pilots around here to avoid the expanded no-fly zone around Washington. We wanted to keep the President safe. We wanted the security to be maintained. It takes a certain skill and dedication and experience to make sure that gets done, that it gets done in a timely fashion.

When the Space Shuttle Columbia tragically exploded in the skies over Texas, it was the air traffic controllers who directed the aircraft away from the falling debris field.

These men and women perform a critical function. Our security ought not be up for bid. Some claim privatization will save money, but we have to take a look at other countries’ experiments with air traffic control privatization. When you do, you see financial messes and safety hazards. Australia, Canada, and Great Britain have all privatized systems that are now in crisis. Costs have gone up and safety has gone down. Since Great Britain adopted privatization, near misses have increased. That means near misses in the sky. When I told someone this, he said, You mean people missed more flights? I said, No, no, airplanes missing one another. Near misses have increased by 50 percent. They have increased by 20 percent. The British government has already had to bail out the privatized air traffic control company twice.

Look at this quote from a Member of the British Parliament.

The privatization of the UK’s air traffic control system was a grave mistake, and one that the United States can still avoid making. British Air Traffic Controllers are among the best in the world, and they fought tooth and nail to keep ATC in the public sector. They insisted that the sale of the National Air Traffic Services—NATS—would lead to a collapse in morale, the unwarranted introduction of inadequate and unreliable equipment, and an increasing danger of catastrophic accidents. The Government did not listen, and NATS went private. And in just a few short years, the air traffic controllers were right.

This is from Gwyneth Dunwoody, a British MP in the House of Commons.

Why should we jeopardize the public’s safety in the skies? We have the best system in the world now. Why should we risk making it more dangerous and costly. We should not repeat the mistake other countries have already made.

I want to make clear to my colleagues that my amendment does not affect the expansion of the contract tower program. That is one that is contracted out away from the FAA, typically in smaller communities, and that service seems to function very well. It has been in place a long time. That program, the small visual-flight-rules airports, can be expanded to any of the 4,000 airports that are eligible. My amendment only affects FAA towers.

Our luggage is important, important enough to be screened by trained Federal workers. But once you are in the sky, it seems the administration believes your safety should be in the hands of the lowest bidder. It makes no sense.

My amendment declares air traffic control functions to be “inherently governmental” and therefore it means they ought to stay with the Government and they are therefore not eligible for privatization.

I want to point out the Member of the British Parliament, Gwyneth Dunwoody, the MP, is the equivalent of our distinguished Senator MCCAIN in this body. So I have a considered opinion from someone who has the responsibility and has been through it.

I urge my colleagues to support safety and security in our skies by voting for the amendment, keeping the FAA as a body in the hands of the Government.

I yield the floor.

The ACTING PRESIDENT pro tempore, The Senator from Arizona.

Mr. MCCAIN. Mr. President, I oppose this amendment. I think we ought to understand this amendment does more than tie the FAA’s hands with respect to air traffic control management. It would prevent a host of broader measures as well. Certain FAA responsibilities are best fulfilled by contracts using a combination of Government and private services, as is the case today.

Congress gave the FAA unique procurement authority for exactly this reason and the amendment would compromise that authority. For example, the FAA’s air traffic control systems are increasingly composed of commercial components and software that build upon privately developed computer programs. If this amendment passes, the FAA’s costs to maintain and install its systems would most likely increase significantly as the FAA tries to acquire needed data rights to maintain the equipment or forgoes the advantages of using commercial software.

Furthermore, the FAA would pay ever-escalating training costs to provide its workforce with the changing skills needed to maintain multiple systems. The amendment prevents the FAA’s ability to reduce its operating costs by contracting out certain operations—such as providing weather information to pilots. Congress has been very critical of the FAA’s continually increasing operating costs. The amendment would take a very important tool for controlling costs away from the FAA.

The FAA is currently conducting a competition to evaluate the performance of its 61 flight service stations, which provide needed services, such as weather briefings, for general aviation pilots. The FAA expects that the competition will identify innovations and lead to greater value for America’s pilots at a lower cost to the taxpayer. The bottom line is that the legislation would stop this study—a study that encourages the FAA.

Finally, this amendment prevents the FAA from expanding the existing contract tower program. This program allows smaller airports to continue to have air traffic control where an FAA tower might not be fully justified.

The Transportation Department’s Inspector General has examined this program. He found they continue to operate at about 71 towers that are similar in traffic and complexity to towers currently in the contract program. For example, in Virginia, the tower at Manassas Regional Airport, which has general aviation only, is FAA-operated but the tower at Charlottesville-Albemarle Airport, which has frequent commercial service, is a contract tower. Converting these towers could save the FAA about $57 million dollars per year in operating costs and free up 900 controllers that could be used in more complex facilities and help meeting the pending wave of controller retirements.

The Administration is adamantly opposed to this amendment or any other provisions that would reduce the FAA’s flexibility and ability to control costs. In a letter to the House, Secretary Mineta indicated that he will recommend a veto of any bill that contained provisions similar to this amendment.

We will hear today a lot of discussion about how admirably the air traffic controllers performed on September 11, and it is true. It is absolutely true. They did a magnificent job. It is also true that the air traffic controllers in Canada worked extremely well with their partners, the counterparts in the U.S., and they are not government employees. They are privatized air control providers.

All of us appreciate the enormous contributions and terrific jobs that our air traffic controllers do and do. The question is, Will the administration be able to have the flexibility necessary to do such things as contract towers that operate without the complexities and difficulties that are associated with major air traffic control centers? I ask unanimous consent that a letter dated June 12 from the Office of Management and Budget, Statement of Administration Policy, be printed in the RECORD.

That being no objection, the material was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET.


STATEMENT OF ADMINISTRATION POLICY

S. 824—AVIATION INVESTMENT AND REVITALIZATION VISION ACT

The Administration strongly supports Senator Snowe’s proposal for S. 824, the Aviation Investment and Revitalization Vision Act. The Administration strongly supports Senator Snowe’s proposal for S. 824, the Aviation Investment and Revitalization Vision Act.

S. 824 would authorize federal aviation programs without increasing taxes or fees on an industry that has been severely impacted by 9·11. The bill contains important environmental provisions including voluntary
and would hinder the FAA’s ability to manage the air traffic control system; and, if such an amendment were included in the final legislation presented to the President, his senior advisors would recommend that he veto the bill.

I very much dislike having all the work that has been done on this legislation for literally months be negated by one amendment. Although it may be emotionally an important issue, I would hate to see that provision destroy all the hard work and important provisions that are in this bill.

I don’t know what the plans are for the other side. We would obviously like to have a vote on the Lautenberg amendment. I think there are negotiations going on and conversations concerning that. In the meantime, I note the presence of the Senator from Texas.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTenberg. Mr. President, I listened carefully to comments made by our leader, the distinguished colleague from Arizona. I want to say that there are places where the contract tower program might apply. I have no objection to those smaller airports converting to that system. But we are grandfathering those that are presently FAA controlled to continue in that vein to make sure that the system is intact, and that the integrity of the functioning is as planned. If there is a point in time at some future date when we want to look at this, I am more than willing to discuss what it is going to take to know exactly what the implications are to the total system, and not simply look at this as a financial gain because in the long run, the financial gains are ephemeral. We saw it in the British experience. We saw it in the Canadian experience.

The Senator from Arizona talked about how nobly the controllers from Canada performed on 9/11. Yes, we give them credit for that. But still in all, their system falls into higher costs all the time, and it is in financial despair, if I can use the terminology. We believe we take care of the issues concerned.

I think we would like to see what our colleagues have to say about that. In due time, I hope we will bring it to a vote.

I yield the floor.

Mrs. CLINTON. Mr. President, I thank my colleague from New Jersey for offering this amendment, which I am proud to cosponsor. This amendment will bar the use of funds to privatize the functions of the air traffic control system in the United States, which will ensure that air traffic control remains a government function under the control of the Federal Aviation Administration.

I believe that there are few functions of Government more inherent to our responsibility than guaranteeing the safety and security of consumers of transportation in our country. Since September 11, 2001, we have worked to increase the Federal role in improving air security. Air traffic control is essential to our Nation’s security and it is vital that we keep air traffic control under Government’s function in order to ensure a safe aviation system on a day-to-day basis. It is also vital in the case of a terrorist attack. This was
demonstrated vividly on September 11, when central Government control of air traffic proved essential in quickly clearing our skies and possibly preventing further casualties.

Furthermore, it is clear that the intention of those who oppose this amendment is to open the door for privatization of air traffic control. This would be a disaster. An extensive Columbia University study that looked at air traffic control privatization in other countries found that there are no operating, nor economic advantages to privatizing air traffic control. In fact, there is some evidence that suggests privatization can lead to an increase in incidents, as fewer controllers are used in an attempt to cut costs. For example, privatization in Canada has led to an operational irregularity rate twice ours despite the fact that their air system is 7 percent the size of ours. Privatization may also increase costs. The British Government has twice had to bail out its privatized system for $3.5 billion, about two-thirds of what they originally sold it for.

I urge all of my colleagues to support this amendment in order to ensure the continued safety of our aviation system. I hope to improve our air traffic control system without compromising safety.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the pending amendment be set aside so I may offer an amendment to the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. I thank the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. I thank the President, and I thank the Senator from Mississippi.

Mr. THOMAS. I am an advocate of trying to have competition to see how we can do the best thing.

Currently, the FAA is reviewing the jobs done by the flight services staff to determine if these jobs could indeed be done better by the private sector.

I think most everyone knows that President Bush and his Secretary have no intention of having private competition for the air traffic controllers. What we are talking about here is the flight service function which is quite different. Currently provided for in general aviation, of course, is that pilots currently review it to see if flight service functions could be modernized by allowing the private sector to provide these services.

So it seems to me that is reasonable. And to come in with an amendment that says you cannot take a look at doing something better is a surprise to me.

The commercial airlines rely on the private sector for weather and all kinds of things. There is really no reason to think that is something that is done better by Government people than it is by private sector people. Who is flying the airplane, for example? That is where the real test comes.

So it seems to me we ought not to adopt this kind of an amendment. Remember, this is a current A-76 study that is underway. It is a study, and we ought to give that an opportunity to happen.

The FAA has categorized air traffic controllers as noninherently governmental. They have shielded the air traffic controllers from the A-76 study. Mr. LAUTENBERG. Will the Senator from Wyoming yield for a question?

Mr. LAUTENBERG. The Acting President pro tempore. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I asked if the Senator from Wyoming would yield for a question.

Mr. THOMAS. Mr. President, I ask if the Senator from Wyoming is aware of the fact that some $20 million has already been spent on a survey or a study of this process?

Mr. THOMAS. I am not aware of that. Are you aware of the outcome?

Mr. LAUTENBERG. No.

Mr. LAUTENBERG. The outcome is one we should be able to make it as efficient as can be. That is what the administration seeks to do in various kinds of activities, taking a look at

why it is we took this very comfortable, privately managed sector of our aviation system, the baggage screeners, and brought them into Government at three times the wage they were working? There are 33,000 or 28,000 of those people.

Mr. THOMAS. May I answer the question, please?

Mr. THOMAS. Of course.

Mr. THOMAS. Yes.

Mr. LAUTENBERG. Mr. President, I am delighted—

Mr. THOMAS. I always enjoy the comments of my friend from Wyoming. We talk the same language in New Jersey.

But to say it was a political decision, then it sounds relatively meritorious. But I hear people say things are better with the folks working for Government. Of course, we have started to lay off a lot of baggage screeners already. And so, to me, the chances of baggage screening being of the same danger as changing the system that now—

Mr. THOMAS. Is there a question?

Mr. LAUTENBERG. Mr. President, I am sorry. Forgive me. I did not mean to use the time of the Senator from Wyoming. I was just trying to respond to his answer.

Mr. THOMAS. I understand, and you will probably have an opportunity to do that. Let me respond to what you are saying.

You talk about how much better it is. I think if you had spent that many billions of dollars doing it on the other side, it perhaps would have been better as well.

So I urge Senators to not accept this amendment and to let us continue to have a study of what might better be done rather than saying, flatly, we cannot take a look at a possible modernization.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, under the unanimous consent agreement propounded by the distinguished Senator from Arizona, I ask unanimous consent that the pending amendments be set aside, and I send an amendment to the desk and ask it be reported. The amendment is at the desk.

Mr. REID. Reserving the right to object. Mr. President, I missed the unanimous consent request. What is it? What is the request?

Mr. COCHRAN. The request is that the pending amendments be set aside and that I may be permitted to offer an amendment to the bill.

Mr. REID. I would agree to that if we have a time set for a vote on the Lautenberg amendment. Other than that, because I don’t want his amendment to——

Mr. MCCAIN addressed the Chair.
The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. When would the Senator like to have that vote?

Mr. REID. We would like to have it as soon as possible.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the discussion of the Cochran amendment, we move then to a vote.

Mr. REID. Well, I know we have two of our most senior Members here involved. We have Senator Cochran and Senator Byrd, and they usually do not talk for 5 minutes.

Mr. COCHRAN. Mr. President, if the Senator will yield, I do not intend to talk long. I do hope we can permit Senator Byrd to make a statement on this amendment. I do not know how much time he would need for that purpose.

Mr. BYRD. Five minutes.

Mr. MCCAIN. The Senator says five minutes.

Mr. President, I say, we are prepared to accept the amendment by Senator Cochran.

Mr. REID. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk reads as follows:

The Senator from Mississippi [Mr. COCHRAN] for himself and Mr. BYRD, proposes an amendment numbered 496.

Mr. COCHRAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide authorization for an Aviation Security Capital Fund)

On page 145, beginning with line 8, strike all down through and including line 24 on page 147, and insert the following:

"SEC. 402. AVIATION SECURITY CAPITAL FUND.

(a) IN GENERAL. — There may be established within the Department of Homeland Security a fund to be known as the Aviation Security Capital Fund. There are authorized to be appropriated to the Fund up to $500,000,000 for each of the fiscal years 2004 through 2007. Amounts to be derived from fees received under section 4940(a)(1) of title 49, United States Code. Amounts in the fund shall be allocated in such a manner that—

(1) 40 percent shall be made available for hub airports;

(2) 20 percent shall be made available for medium hub airports;

(3) 15 percent shall be made available for small hub airports and non-hub airports; and

(4) 25 percent may be distributed at the discretion of the Secretary to the extent that is needed to support and transfer those funds to the Department of Transportation for administration of this capital fund.

The Department of Transportation could then allocate those funds to airports for security improvements.

(b) PURPOSE. — Amounts in the Fund shall be available to the Secretary of Homeland security to provide financial assistance to airport sponsors to defray capital investment in transportation security at airport facilities in accordance with the provisions of this section. The program shall be administered in concert with the airport improvement program under chapter 417 of title 49, United States Code.

(c) APPORTIONMENT. — Amounts made available as described in subsection (a)(1), (a)(2), or (a)(3) shall be apportioned among the airports in each category in accordance with a formula based on the ratio that passenger enplanements at the airport in the category bears to the total passenger enplanements at all airports in that category.

(d) MATCHING REQUIREMENTS. —

(1) IN GENERAL. — Not less than the following percentage of the costs of any project funded under this section shall be derived from non-Federal sources:

(A) For hub airports and medium hub airports, 25 percent.

(B) For airports other than hub airports and medium hub airports, 10 percent.

(2) USE OF BOND PROCEEDS. — In determining the amount of non-Federal sources of funds, the proceeds of State and local bond issues shall not be considered to be derived, directly or indirectly, from Federal sources without regard to the Federal income tax treatment of interest and principal of such bonds.

(e) LETTERS OF INTENT. — The Secretary of Homeland Security, or his delegate, may execute letters of intent to commit funding to airport sponsors from the Fund.

(f) CONFORMING AMENDMENT. — Section 44940(a)(1) of title 49, United States Code, is amended by adding at the end the following:

(1) The costs of security-related capital improvements at airports.

(g) DEFINITIONS. — Any term used in this section that is defined or used in chapter 417 of title 49 United States Code has the meaning given that term in this chapter."

Mr. COCHRAN. Mr. President, I also note that Senator BYRD is a cosponsor of this amendment. I appreciate very much the support from the Senator from Arizona that this amendment will be accepted, so I am not going to talk long. I do not want to talk our way out of getting this amendment accepted, but I do briefly want to say what it does, and then I will be happy to yield to Senator BYRD for whatever comments he would like to make.

This amendment seeks to amend section 402 of the bill. Section 402 creates a new entitlement program, in effect, and it is a capital fund program that would permit the Transportation Security Administration to use up to $500 million—the first $500 million collected each year from the emplanement fee; $2.50 per passenger that is now collected and transferred to the Department of Transportation for security purposes.

The Department of Transportation could then allocate those funds to airports for security improvements. There are provisions in the amendment about how much hub airports would be entitled to—40 percent; 20 percent to medium hub airports, and the like.

But the problem with it is that the CBO says that the arrangement under current law, where the Transportation Security Administration spends these funds for airport screeners and other activities under the jurisdiction of the Transportation Security Administration, it would no longer be able to have those activities offset by the funds that are collected from the passengers, which means we would have to appropriate additional monies to pay for those purposes that are now being paid for out of the emplanement fee and earmarked for that purpose now.

So what we are doing is saying, it is OK to set up this new capital fund, and it is OK to authorize the Transportation Security Agency to collect the money and make it available, but we need to make that subject to appropriations. That is the point because we are going to divert money from the Department of Homeland Security for this new purpose, and we have a letter from Secretary Ridge explaining that. I ask unanimous consent that a copy of his letter dated June 11 to me be printed in the Record.

Mr. REID. No objection.

The amendment is ordered to be printed in the Record, as follows:

U.S. DEPARTMENT OF HOMELAND SECURITY, OFFICE OF THE SECRETARY.


HON. THAD COCHRAN, Chairman, Subcommittee on Homeland Security, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Administration appreciates the continued support of Congress for improvements in the security of the Nation’s civil aviation system and supports Senate passage of S. 824, the Aviation Investment and Productivity Enhancement (Air-V) Act. However, the Administration opposes a provision in S. 824 that would divert fees collected for security activities for purposes other than the provision of direct security services.

With the Homeland Security Act of 2002, Congress identified the Department of Homeland Security (DHS) as the focal point of the federal government’s homeland security efforts, with the mission of preventing terrorist attacks and reducing the nation’s vulnerability to terrorism. While the Department welcomes and appreciates the assistance of other agencies in improving security, any diversion of security fees, such as that proposed in S. 824, would directly undermine the Department’s ability to fulfill its mission.

Air-V would establish an Aviation Security Capital Fund that is both outside the control of the Department and funded by diverting $500 million per year of passenger and air carrier security fees collected by the Transportation Security Administration (TSA), thereby undermining the Department’s funding capacity. As you know, the direct annual costs of operating the aviation security system are not fully covered by these fees; instead, diverting fees only creates a false impression that we have adequate funding. Why for other purposes clearly weakens the intended financing structure of TSA set forth in the Aviation and Transportation Security Act. Diversion of the fees into a fund outside of DHS undermines the ability of the Administration to apply these resources to the most pressing security needs.

The Administration looks forward to working with Congress to ensure that the version of the bill presented to the President eliminates such objectionable provisions.

The Office of Management and Budget has advised that there is no objection, from the standpoint of the Administration’s program, to the submission of these views for the consideration of the Congress.

Sincerely,

TOM RIDGE

Mr. MCCAIN. Mr. President, I am hopeful we can go forward. I appreciate very much the assurance of the Senator from Arizona that the amendment will be included in the bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I am pleased to join my friend and the
Chairman of the Homeland Security Appropriations Subcommittee, Senator Cochran, in offering this amendment today. At the same time, I deeply regret the fact that we are being forced to have to come to this floor and offer this amendment.

S. 824 contains a brand new $500 million entitlement program. This legislation would earmark $500 million of existing aviation security fees for grants to airports for construction.

The Transportation Security Administration was created by the Congress in response to the attacks of September 11. It was a failure of our airport screening procedures that allowed 19 men to board domestic airliners with weapons and turn four planes into instruments of death and destruction. With the creation of the Department of Homeland Security, the TSA was transferred from the Department of Transportation to the new Homeland Security Department. The Appropriations Committee on Homeland Security, which is so ably chaired by the senior Senator from Mississippi, is charged with funding the TSA—one of many agencies now in the Department of Homeland Security.

The President’s Fiscal Year 2004 budget request for the TSA assumes that $2 billion and $70 million in aviation security fees will go to the TSA to meet its security requirements. These fees are used to fund the thousands of screeners at our airports, for purchasing security equipment such as explosives detection equipment, and for the Federal Air Marshals program, all of which help secure our airports and the millions of travelers who use them. The provision in this bill that Senator Cochran and I are seeking to modify would take $500 million of those fees that the President has requested for the TSA and instead earmark the $500 million for a new entitlement program for airport construction grants.

This new mandatory program purports to “solve” an airport security construction problem. However, the provision actually creates a homeland security problem. The provision will create a $500 million hole in the TSA budget—a hole that the Homeland Security Subcommittee will be unable to fill without creating other holes in our homeland security budget.

How should we fill that $500 million hole? Should we take Border Patrol agents off our Southwest border? Should we cut port security programs? Should we further slow down the Coast Guard’s modernization program? Should we reduce the numbers of inspectors at our ports of entry on our borders and increase the waiting time for agricultural produce to enter the U.S. from Mexico and Canada? Should we cut grants to our States and cities to equip and train first responders? These are the very real choices we made because of the Homeland Security Appropriations Subcommittee will have to face if the provision in this bill is permitted to pass.

I sympathize with the dilemma facing the members of the Commerce Committee. They are attempting to relieve the security construction burden facing our Nation’s airports. I support these airport security programs and have provided funds in the past to begin to address airport security needs. However, the President did not request one dime for airport security construction in his budget, not one dime. So if this provision became law, we would need to cut $500 million from homeland security priorities requested by the President.

Our amendment is a simple one. Instead of creating a new entitlement program, instead of creating a colossal new $500 million earmark, instead of putting airport construction grants at the front of the line, ahead of border security, port security or first responder grants, this amendment would simply turn this new $500 million program into an authorization. It would allow the Congress to use the appropriation process to make careful choices among the competing homeland security priorities.

I urge my colleagues to join us on this amendment and strike this ill-advised provision.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, we are ready to accept the amendment on this side.

Mr. HOLLINGS. It has been cleared on this side.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 898) was agreed to.

Mr. McCAIN. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. If the Senator will yield briefly, I thank the Senator from Arizona and the comanager on this side of the aisle for their accepting the amendment. I think it is a real service.

Mr. McCAIN. Mr. President, I understand it is the agreement of the Senator from Nevada that we will have a vote at 2:30 on the pending amendment.

Mr. REID. Yes.

Mr. McCAIN. Could I have a small modification, a technical amendment?

Mr. REID. Yes.

AMENDMENT NO. 889, AS MODIFIED

Mr. McCAIN. Mr. President, I have a modification of amendment No. 889 at the desk. It is a technical correction concerning the sale of airline tickets that was inadvertently included in the managers’ package.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The modification is as follows:

On page 10, strike lines 11 through 18

Mr. McCAIN. Mr. President, I ask unanimous consent that the vote in relation to the Lautenberg amendment No. 893 occur at 2:30 today, with no amendments in order to the amendment prior to the vote; further, that the remaining time until 2:30 be equally divided in the usual form.

Mr. REID. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCain. Mr. President, I wish to mention to my colleagues that we are moving along on the amendments on this side. I know there is an amendment by the Senator from Oklahoma, Mr. Inhofe, which I hope we can consider rather quickly. It is a very interesting amendment on raising the age from 60 to 65. There are several amendments by Senator Burns.

I say to my friend on this side that I think we can probably agree to at least a majority of them. I know of no other amendments that would be pending on this side. If there are, we hope that during the vote that takes place at 2:30 we can get pending amendments at least brought to our attention so we can schedule them. I still believe there is a very good opportunity to finish this legislation tonight.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 891, WITHDRAWN

Mr. REID. Mr. President, I ask that my amendment No. 891 which I offered earlier today be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I ask for the yeas and nays on the Lautenberg amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 893.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I ask for the yeas and nays on the Lautenberg amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 893.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. Reid. I announce that the Senator from North Carolina (Mr. Edwards), the Senator from Vermont (Mr. Jeffords), and the Senator from Connecticut (Mr. Lieberman), are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?
The result was announced — yeas 56, nays 41, as follows:

ROLL CALL VOTE NO. 222 LEG.

YEAS — 56

Akaka
Baucus
Bayh
Biden
Bingaman
Bond
Boxer
Breaux
Byrd
Cantwell
Carper
Chafee
Clinton
Conrad
Clinton
Collins
Chambliss
Burns
Bennett
Allen
DeWine
Daschle
Inhofe
Dodd
NAYs—41

Alexander
Allard
Allen
Bennett
Brownback
Burns
Campbell
Chambliss
Cochrane
Coleman
Collins
Cornyn
Craig

NOT VOTING — 3

Edwards
Jeffords
Lieberman

The amendment (No. 893) was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that motion on the table.

Mr. REID. The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. If I may have the attention of the managers of the bill.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. One of the important amendments on this bill is the Inhofe amendment that has been discussed at some length, on both sides, off the floor. But both have agreed that the Inhofe amendment will be handled in 40 minutes, equally divided.

I ask unanimous consent that the Inhofe amendment be the next in order after the completion of work on the amendment to the Bunning amendment which is being worked on. We have a Bunning amendment which is being worked on. I believe a Burns amendment is being worked on as well. I think we are close to completion of work on the amendments. If our colleagues have additional amendments, we certainly like to see them during this 40 minutes of debate on the Inhofe amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 986

Mr. INHOFE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The amendment is as follows:

(a) GENERAL.—Notwithstanding any other provision of law, beginning on the date that is 30 days after the date of enactment of this Act:

(1) section 121.383(c) of title 14, Code of Federal Regulations, shall not apply:

(2) no certificate holder may use the services of any person as a pilot on an airplane engaged in operations under part 121 of title 14, Code of Federal Regulations, if that person is 65 years of age or older; and

(3) no person may serve as a pilot on an airplane engaged in operations under part 121 of title 14, Code of Federal Regulations, if that person is 65 years of age or older.

(b) EFFECTIVE DATE.—

(1) in general.—Except as provided in paragraph (2), the provisions of this section shall take effect on the date that is 30 days after the date of enactment of this Act.

(2) INTERIM LIMITATION.—During the period that begins on the date that is 30 days after the date of enactment of this Act and ending on the date that is one year after such date:

(A) subsection (a)(2) shall be applied by substituting “64” for “65”; and

(B) subsection (a)(3) shall be applied by substituting “64” for “65”.

(c) CERTIFICATE HOLDER.—For purposes of this section, the term “certificate holder” means a holder of a certificate to operate as an air carrier or commercial operator issued by the Federal Aviation Administration.

(d) RESERVATION OF SAFETY AUTHORITY.—Nothing in this section is intended to change the authority of the Federal Aviation Administration to take steps to ensure the safety of air transportation operations involving a pilot who is 60 years of age or older.

Mr. INHOFE. Mr. President, first of all, I would like to say this is a non-controversial amendment which every- one is for.

That is not true. But it is a very old subject that has been a long time and one that needs to be addressed one way or another.

Second, I am offering an amendment that passed out of the Commerce Committee last year. It does one very simple thing. Currently, the age limit for a commercial pilot is age 60. That was established some 40 years ago. The life expectancy since then has increased by about 12 years. There is no medical reason that anyone has ever put forward why a pilot should have to stop flying at age 60. Quite frankly, I know pilots who are too old to fly at age 50. I am an exception. I am age 68, and I am a better pilot than I was 40 years ago. But age is arbitrary. There are no two people alike.

For that reason, age 60 being an arbitrary number and having been around for some 40 years, my preference would be not to have any age limit at all. Frankly, I think we should have very strong, stringent medical requirements. That is in the law today. And we should have very strong proficiency requirements. That is in the law today. So long as a person is able to do that, that person should be able to continue.

But, realistically, I believe people are going to say, well, that could lead up to very old ages—even my age. They do not want that to happen.

So we are putting another arbitrary age limit of 65 so we can at least look at it for a period of time. There have been a lot of studies. Johns Hopkins University School of Hygiene did a study as to what age someone would not have the proficiency in flying an airplane. They came back and said age has absolutely nothing to do with it. There are other predictors that are much more important. In fact, some studies have shown that airline pilots exceed population norms for physical health and mental ability. I believe that is true because they are required to take physicals on a regular basis.

I am a commercially rated pilot. I have been for some 40 years. I can tell you from personal experience in my particular case. Some of you in this Chamber will remember this. I had an experience just a couple of years ago with a single-engine airplane where the front end of the airplane came off in flight. Normally, with that situation you are through. However, drawing upon experience, I was able to determine where the new stalling speed was, which was three times what the stalling speed normally would be for that aircraft, and come back and made somewhat of a crash landing. I guess, only because I didn’t have any gears down there. But, nonetheless, quite frankly, I wonder if I would have been able to do that before.

At this time, I would like to yield the floor so I can see what type of opposition is here today.

I would like to tell you that everyone is for it. Quite frankly, ALPA, the Airline Pilots Association, is not for it. There is a very good reason. It is not a safety reason. I say it is an economic reason. It is a monetary reason. I have a great deal of respect for younger pilots who are commercial pilots working for the
airlines. By getting rid of older pilots, that leaves more upward mobility. That is true. I think that is one of the reasons they are opposed to it. In fact, I think that is the only reason they are opposed to it. Many of the airlines are for it, against it. Some of them are in opposition to my amendment as an economic issue. As a pilot becomes older, he is paid more money. Consequently, the payrolls in an ailing industry would go up. I am sensitive to that, and that carefully and have determined this is the best thing.

With that, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DORGAN. Mr. President, let me take such time as I may consume on our side.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. I intend to oppose the amendment. In many ways, I regret opposing my friend from Oklahoma. He is quite a remarkable pilot. I have had the opportunity to ride with him. I believe that the world of a single-engine airplane at one point.

Mr. INHOFE. It was actually a twin-engine plane.

Mr. DORGAN. Nonetheless, he is a pilot who has flown around the world. He knows a bit about flying. I learned to fly at one point in my life. I know something about the wonders of it. I know something about the time a pilot steps out of the plane and says: It is your turn. Take it up alone. That is one of the moments in your life you will always remember.

The issue here is about an age limit for commercial pilots. I don’t stand here as an expert on this subject. I don’t expect there is an expert in the Senate on this subject. The question of the proper retirement age for commercial pilots retire at age 60 and to assess the state of the art medical risk assessment. There have been a number of these studies. I chose not to go into the conclusions of all the studies except to say that the FAA, in reviewing the body of information in those studies, decided that they believed the 60-year retirement age was appropriate.

Again, in April 2000, the FAA reaffirmed the decision and agreement to maintain the 60-year retirement age. That decision was appealed to the courts actually in 2001, and the Seventh Circuit Court of Appeals upheld the FAA’s decision.

Once again, I say I am not an expert. I would expect, perhaps, the Senator from Oklahoma would make the same statement. The question of safety and the question of the proper retirement age given medical circumstances with respect to commercial flight and the commercial license that one needs to fly is a decision that is enormously complicated. It is a decision that has been studied and restudied by the FAA folks whose job it is to provide the assurance of safety. I frankly am comfortable with whatever decision they make.

If they were to decide this afternoon, look, we have studied this from six more angles and here is what we have concluded, and it came up with a different number, that would be fine with me. But I must say, I am not comfortable with the Senate arbitrarily deciding there is a number that we know better than the FAA which represents the risk assessment with respect to commercial flight and the medical license that one needs to fly is a decision that is enormously complicated. It is a decision that has been studied and restudied by the FAA folks whose job it is to provide the assurance of safety. I frankly am comfortable with whatever decision they make.

If they were to decide this afternoon, look, we have studied this from six more angles and here is what we have concluded, and it came up with a different number, that would be fine with me. But I must say, I am not comfortable with the Senate arbitrarily deciding there is a number that we know better than the FAA which represents the risk assessment with respect to commercial flight.

The older you get, I suggested to my friend from North Dakota, the more stringent they become, because I have had to live through this myself. On the argument that there is not a shortage of pilots, now we are going through a temporary phase. I think, as everyone in this Chamber knows, we are going through a rebuilding process of our military, and the supply and demand of pilots is something that is going to change. I just hope that does not influence a person into making that decision on a vote.

I say to the Senator, he is right, safety is the big issue. But we can show—and have testimony, a lot of which I have already talked about—that safety is not related to age; it is related to medical condition and proficiency.

With that, I yield the floor to see if there are those who want to be heard. If not, I will yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I have been on the Commerce Committee for quite a few years, not nearly as long as my friend from South Carolina, but...
long enough to know that this issue has been around for a long time. When it was first presented to me, it was presented to my office by a group of pilots who were nearing the age of 60. And they said: Gee, we are in great shape, we fly planes that have been around for a long time. We would be willing to take three or four physics every year if necessary. We all know people are living longer. We know that fewer and fewer people smoke. We have rigorous physicals.

I said: Gee, it makes good sense to me. And as I grow older, it makes even more sense to me. I might add to my friend from Oklahoma.

But here is the problem. The airlines do not want it because they do not want to pay senior pilots the amount of money they have to pay them, and so they want to get rid of them at age 60 and bring in lower salaried pilots. And, of course, then, incredibly, the younger members of ALPA, the Airline Pilots Association, want the older pilots gone so they can move up more rapidly. It is really kind of an incredible scenario, when you think about it.

We all know that people live longer and are healthier longer. And the Senator from Oklahoma probably knows when this rule went into effect. I am not sure.

Mr. INHOFE. Forty years ago.

Mr. McCAIN. Forty years ago. The demographics have changed, and everything else has changed. It argues for at least allowing pilots to fly longer.

By the way, I might say, also—again, maybe I have a little senior’s bias here—more experienced pilots are better pilots. And if they are in good health, and there are two of them in almost every commercial airliner, why in the world are we opposing them to allow them to fly longer? Southwest Airlines supports the efforts. SWAPA and other organizations and individuals allow pilots to fly beyond age 60. JetBlue supports it. The low-cost airlines all support it. The most expensive airlines, the more established ones—most of them are rotating in and out of bankruptcy because of their outstanding management practices—are opposed to it.

So this is really a no-brainer. Mr. President. We should allow these pilots to serve longer and fly longer and be able to realize an income that comes from flying the planes and the American public for a long time.

Having said that, we will probably lose because right now, ALPA, the Airline Pilots Association, and the executives and lobbyists for the major airlines are on the phone saying: Don’t do this. This could be really dangerous.

It is hard for me to believe that someone 61 years old, who passed a physical, who is flying with another qualified pilot, plus, in many cases, a flight engineer, is in any way a danger. Not only that, in case there is some kind of emergency, that pilot is probably better qualified to handle that emergency by virtue of that pilot’s experience than a much younger individual would be.

So I will clearly be supporting the amendment of the Senator from Oklahoma. I appreciate his courage in bringing up this issue. Maybe someday we will be able to allow these young men and women to serve past age 60 if they are physically and mentally qualified to do so.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Oklahoma.

Mr. INHOFE. Mr. President, first of all, I thank the Senator from Arizona. I would suggest that this is exactly like the bill that came out of the Commerce Committee last year or the year before, the 107th Congress. I really believe it is time for us to do this. I know where the pressures are against it.

If there is no one else on the other side who wants to be heard, I will yield back.

Yes.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, let me make one final point.

It is not quite so simple to say it is ALPA, the airlines. The fact is, the Federal Aviation Administration, the FAA, has the authority today to make a decision about increasing this retirement age. It has chosen not to, as some people have argued there have to be a look at the OTA study, the accident rates, and whole series of things. I agree, people are living longer, better lives. I have an 81-year-old uncle who runs in the Senior Olympics. He runs the 400 and the 800 at age 81. People are living longer. I understand all that.

The issue is, what the proper age is for retirement of commercial airline pilots is not a function of the Senate, making a judgment on the floor of the Senate. If my judgment, it is a function of people who know, the medical experts at the FAA, looking through the data and making a considered judgment on behalf of the American people of what constitutes their best safety.

So that is the basis of this position. It is not, in my judgment, about ALPA or the airlines, it is just saying, look, whatever the judgment is, let it be, but let’s have the experts make it. That is my whole point.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I think we have responded to everything the Senator from North Dakota has said. I would only say that there are a lot of forces out there against it. But every argument that is against it, that is a legitimate argument, is an economic argument.

I believe everyone in this Chamber has to understand that what was being done 60 years ago, is not the same as being age 60 today. And everything else, every other schedule we have written into law, has changed more than this amount during that 40-year period.

Mr. HOLLINGS. Mr. President, I yield as much time as the Senator from Mississippi wants from the time remaining.

Mr. LOTT. Mr. President, how much time remains?

The PRESIDING OFFICER. There are 12 minutes 55 seconds remaining.

Mr. LOTT. I don't believe I will need that much time. I will give 5 minutes to say that, in this case, I do feel the need to oppose this amendment by Senator INHOFE. Our Commerce Committee has discussed this issue several times in the past and at various times we have gone different ways on it. In this case, I think you need to look at how we got where we are.

The Federal Aviation Administration has the responsibility that is mandated to ensure aviation safety. In 1989, they concluded, after concerns developed of potential detrimental effects of aging and the risk of acute and incapacitating medical conditions, that commercial pilots need to be required to retire at age 60. There is sufficient evidence to keep that rule. There is not enough evidence to reverse that. There is a case here where I believe most of the airlines, although not all, support keeping it at 60. There is no question that the representatives of the pilots prefer to keep it at 60. So you have an agreement.

Also, I do feel as if, particularly in the aviation area, there is a need right now to have some opportunity for retirement at 60, the low-cost airlines, however, and the young pilots or, as a matter of fact, to decide they don’t need all those pilots. This is a unique time in the aftermath of 9/11, where at this time I am inclined not to think we should raise the age to 65, whereas sometime down the road I might be so inclined.

I do worry about age discrimination. As I get older, I worry about it more than I used to. I think in this case, with the medical science and the knowledge of the current situation in the industry, we should keep it at 60.

I don’t like to be on the other side of my good friend, the Senator from Oklahoma, but I think, all things considered, we should stick with what the rule has been.

Mr. INHOFE. Mr. President, the three arguments used by the distinguished Senator from Mississippi are, economic. That is opposed to it. I said that in my opening statement. There is a justified reason for that. If I were a young pilot and a member of the union, I might feel the same way because they want more upward mobility. As far as the airlines are concerned, yes, they are going to have to pay a little more. The average older pilots have greater salaries and benefits. These are economic reasons.

I think we should consider these reasons, but I don’t want anybody voting on this age 60 today. I believe in my heart that they are doing it for safety or because of the supply and demand of pilots. We all know that will change; we
know that with the restructuring of our military.

As I said, if it is a good age—first, it should not be an age at all. It ought to be based on medical tests and proficiency tests. If 40 years ago 60 was a good age, it could be better now.

We will have a chance to look at this. I think there are a lot of people who would like to see a realistic approach to this. I think we used the same thing for 40 years and certainly it is justified to raise that at this time.

I yield the floor.

Mr. DORGAN. Will the Senator yield for a question?

Mr. INHOFE. Yes.

Mr. DORGAN. The Senator talked about a proficiency test. We would not have difficulty if the FAA could find a device that is appropriate to deal with that. I think they have evaluated that for a long period of time and have not been able to come to that conclusion. I don’t think even those of us who would agree with your amendment believe there is a magic number here. I am not qualified to set the number.

I am not suggesting that it is ever appropriate to increase the age limit. I would prefer someone with the capability of the FAA to evaluate the medical histories to be able to do that.

Mr. INHOFE. In terms of proficiency tests, I am a flight instructor. I test people, and I think everybody doing that takes into consideration age, and they are more stringent with them as they get older.

Again, a person could be more proficient at age 70 than at age 40. This happens to some people. That is why age should not be the determining factor; proficiency and health should be. Certainly, economic factors should not.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HOLLINGS. Are they prepared to yield back their time?

Mr. INHOFE. I yield back my time.

Mr. HOLLINGS. We yield back our time on this side.

The PRESIDING OFFICER. If all time is yielded back, the question is on agreeing to the amendment.

Mr. LOTT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID I announce that the Senator from North Carolina (Mr. Edwards), the Senator from Vermont (Mr. Jeffords), the Senator from Massachusetts (Mr. Kerry), and the Senator from Connecticut (Mr. Lieberman) are necessarily absent.

I further announce that, if present and voting, the Senator from MA (Mr. Kerry) would vote “nay.”

The PRESIDING OFFICER (Mr. Smith). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 44, nays 52, as follows:

[Reasons for yeas and nays are not provided in the text for this page.]

Mr. BINGAMAN. Mr. President, I rise today to speak briefly about the Bingaman-Inhofe amendment to preserve the Essential Air Service Program. Our amendment is cosponsored by Senators Snowe, Jeffords, Collins, Specter, Harkin, Clinton, Schumer, Pryor, Breaux, Nelson, Lieberman, and Grassley. I thank them for their support.

I first want to compliment Commerce Committee Chairman McCain, Aviation Subcommittee Chairman Lott, and Ranking Members Hollings and Rockefeller for their good work on this bill. I would like to thank them for their support.

I also want to thank the Senator from Massachusetts (Mr. Kerry), and the Senator from New Hampshire (Mr. Wyden), for their good work on the Essential Air Service Program.

As the bill now stands, some communities would be required to pay to continue to receive scheduled air service. I believe this argument could eliminate scheduled air service from many rural communities. Yesterday, the House of Representatives voted to eliminate all mandatory cost sharing language from the FAA reauthorization bill. I hope the Senate will do the same.

Congress established the Essential Air Service Program in 1978 to ensure that communities that had commercial air service before airline deregulation could continue to receive scheduled service. Without EAS, many rural communities would have no commercial air service at all.

All across America, small communities face ever-increasing hurdles to promoting their economic growth and development. Today, many rural areas lack access to interstate or even four-lane highways, railroads or broadband telecommunications. Business development in rural areas frequently hinges on the availability of scheduled air service. For small communities, commercial air service provides a critical link to the national and international transportation system.

A recent study from the Department of Agriculture, titled “How Important is Airport Access for Rural Businesses” underscores the importance of commercial air service to rural communities. In a survey of rural businesses, access to airport facilities and air service was frequently cited as one of the top five issues for businesses in most rural counties. Air facilities, services, and fares were also found to be important to air service at all.

The amendment (No. 896) was rejected.

Mr. MCCAIN. Mr. President, we have four Members here who have pending amendments which are going to be accepted. All four Members want to have their amendments proposed and discussed. I ask unanimous consent Senator BINGAMAN be recognized for his amendment, and Senator BURNING, Senator DORGAN, and Senator INHOFE, in that order. I know all will speak briefly.

Mr. LOTT. Reserving the right to object, I want to clarify there were no time agreements included, just the order that they would discuss the amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 906

Mr. BINGAMAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows.

The Senator from New Mexico [Mr. Bingaman], for himself, and Mr. Inhofe, Ms. Snowe, Mr. Jeffords, Ms. Collins, Mr. Specter, Mr. Harkin, Mrs. Clinton, Mr. Schumer, Mr. Pryor, Mr. Nelson of Nebraska, Mrs. Lincoln, and Mr. Grassley, propose an amendment No. 906.

Mr. BINGAMAN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To preserve the essential air service program)

Beginning on page 138, line 15, strike all through page 142, line 11.
The Essential Air Service Program currently ensures commercial air service to over 100 communities in thirty-four states. EAS supports an additional 33 communities in Alaska. Because of increasing costs and the current financial troubles facing American airlines, particularly among commuter airlines, about 28 additional communities have been forced into the EAS program since the terrorist attacks in 2001.

Congress limits the eligibility of the EAS program to communities more than 70 miles from a major airport. In addition, the amount of the subsidy must be less than $200 per passenger for communities less than 210 miles from a major airport. These requirements serve to limit the cost to the government of the EAS program. In fact, in the past two years, about a dozen airports, including one in New Mexico, have been eliminated from EAS. The total number of passengers exceeded the limit. We feel the additional requirements imposed in this bill are not appropriate and could force a number of communities to lose their commercial air service.

In my State of New Mexico, five cities currently rely on EAS for their commercial air service. The communities are Clovis, Hobbs, Carlsbad, Alamogordo and my hometown of Silver City. In each case commercial service is provided to Albuquerque, the State's largest city and business center.

I hope that all Senators recognize the vast distances between communities in my State. Hobbs is 220 miles from Albuquerque. Carlsbad is 283 miles, Silver City 233, Clovis 216, and Alamogordo 210 miles. None of these cities are on interstate highways, so the driving times to Albuquerque can be long, and the cost excessive. Commercial air service is the only practical way to make the trip for business people or community leaders going to Albuquerque or to the nearby state capital in Santa Fe. Though so called ‘hub’ airports may be located a hundred miles away in another state, it is just not practical to drive the long distance to another airport in order to fly to Albuquerque. However, that's exactly what is likely to happen if the Congress imposes new costs on our communities to maintain their commercial air service.

As I understand it, under the proposal in this bill communities in 16 states are affected by the mandatory cost-sharing requirements in the Senate bill. These states are, Alabama, Arkansas, Colorado, Georgia, Iowa, Kansas, Maine, Mississippi, New Hampshire, New Mexico, New York, Oklahoma, Pennsylvania, Tennessee, Texas, and Vermont.

The House-reported bill—H.R. 2115—also requires some rural communities to pay or lose their commercial air service. We believe this ill-conceived proposal could not come at a worse time for small communities already facing depressed economies and declining tax revenues.

The Governor of my state of New Mexico, Bill Richardson, said in a letter to me supporting this amendment: The cost sharing provision has the potential to affect the economic welfare of small communities in over 35 states—particularly those in New Mexico.

I also have a letter of support from the New Mexico State Aviation Director, Mike Rice, who said this: This significant additional financial burden would have profound negative impacts on our communities. The economic development efforts in several of our cities. Changes to current EAS funding could very well jeopardize existing air service in our state.

Mayor Donald Carroll of Alamogordo, writes that it is improbable that funding will be available to locally subsidize air service. He also notes that the city is actively working with the commercial carrier, Rio Grande Air, to increase enplanements.

The National Association of Development Organizations says:

During these challenging economic times, Congress should be working to improve and enhance air service to rural and underserved communities, not impose new requirements that would further isolate hundreds of our nation's smaller communities.

I'm not entirely sure that the proposal to charge the communities to continue their air service has been thoroughly thought out. The chairman's report on this bill from the Commerce Committee indicates that the Secretary will select 10 EAS communities to pay for their air service. However, the way I read the reported bill, only one community in each of 8 states would be required to pay. Now, the chairman has offered an amendment that ups that total to 16 states with about 27 communities that could be impacted.

At the same time, the bill isn't clear on what exactly is a “hub” airport. As I understand it, the FAA compiles one set of data on annual enplanements, but the Department of Transportation currently uses a different set of data from the department's Bureau of Transportation Statistics to determine eligibility for EAS. These data produce a different list of ‘hub’ airports, which could change which airports would be required to pay, simply because of the source of the data the government chooses to use. Finally, new cities are coming into the EAS program, so that additional states could have cities that would be required to pay for their air service.

Just one last point on the impacts of this proposal, I think we should make clear this isn't about saving the Government a lot of money. We estimate the payments from the communities would amount to less than $2 million a year out of a $113 million annual program.

Advocates of this proposal may claim they've made it as easy as possible for the communities to provide the mandatory 10 percent match. I just don't believe these alternatives will be all that effective. I understand, none of the five EAS cities in New Mexico currently charge the commercial carrier any fees to land at the airport. In this way, our cities are already contributing to the cost of their commercial air service.

We all appreciate concerns about the aviation industry and the EAS program. Rider-Ship levels to rural cities are down. Meanwhile operating costs continue to increase, resulting in ticket prices that fewer people can afford. The viability of commuter aircraft flying at less than half capacity. Clearly, some improvements are needed.

But what are some better options? Well, I think senators need only look in this same bill for the answer. In my view the bill already includes a number of excellent improvements in the EAS program that I believe will significantly enhance commercial air service in rural communities.

For example, section 352 of the bill authorizes a new Marketing Incentive Program to increase ridership on the Federal subsidies, and improve service. Section 353 provides for a number of pilot programs to help communities improve their commercial air service. One option is to allow communities to receive service with a smaller airplane. In my State, Alamogordo has decided to try service with a nine-pasenger plane. In addition, communities may opt to convert their EAS service to alternative transportation, which might include buses or vans. I think these ideas represent a better approach to improving commercial air service in rural areas. I support these proposals and want to thank the chairman and ranking member for including them.

The choice here is clear: If we do not pass the Essential Air Service Program today, we could well see the end of all commercial air service in rural areas. The EAS program provides vital resources that help link rural communities to the national and global aviation system. Our amendment will help ensure affordable, reliable, and safe air service remains available in rural America.

The House of Representatives has already voted to eliminate the mandatory cost sharing language from the FAA reauthorization bill. I hope all Senators will vote for this amendment.

I ask unanimous consent that a listing of the communities that could be affected and a letter of support for the amendment by the Governor of New Mexico, a letter of support for the amendment from the Director of the New Mexico Aviation Division of the New Mexico Department of Transportation, a letter from the Mayor of Alamogordo, NM, and a letter from the National Association of Development Organizations, all in support of this amendment, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:
<table>
<thead>
<tr>
<th>State</th>
<th>EAS city</th>
<th>Distance to small hub</th>
<th>Distance to hub airport</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>Muscle Shoals</td>
<td>Hot Springs</td>
<td>Huntsville, AL 69 miles</td>
</tr>
<tr>
<td>Arkansas</td>
<td>Hot Springs</td>
<td>Rapid City, SD 49 miles</td>
<td>Fayetteville, AR 77 miles</td>
</tr>
<tr>
<td>Colorado</td>
<td>Denver</td>
<td>Colorado Springs 49 miles</td>
<td>Colorado Springs 49 miles</td>
</tr>
<tr>
<td>Georgia</td>
<td>Atlanta</td>
<td>Des Moines 54 miles</td>
<td>Des Moines, IA 54 miles</td>
</tr>
<tr>
<td>Iowa</td>
<td>Des Moines</td>
<td>Chicago O’Hare 10 miles</td>
<td>Chicago 10 miles</td>
</tr>
<tr>
<td>Kansas</td>
<td>Kansas City</td>
<td>St. Louis 190 miles</td>
<td>St. Louis 190 miles</td>
</tr>
<tr>
<td>Maine</td>
<td>Portland</td>
<td>Portland ME 88 miles</td>
<td>Portland ME 88 miles</td>
</tr>
<tr>
<td>Mississippi</td>
<td>Gulfport</td>
<td>Gulfport-Biloxi 85 miles</td>
<td>Gulfport-Biloxi 85 miles</td>
</tr>
<tr>
<td>Missouri</td>
<td>Jefferson</td>
<td>Moline, IL 73 miles</td>
<td>Moline, IL 73 miles</td>
</tr>
<tr>
<td>Montana</td>
<td>Billings</td>
<td>Great Falls 190 miles</td>
<td>Great Falls 190 miles</td>
</tr>
<tr>
<td>Nebraska</td>
<td>Omaha</td>
<td>San Diego 890 miles</td>
<td>San Diego 890 miles</td>
</tr>
<tr>
<td>Nevada</td>
<td>Las Vegas</td>
<td>San Francisco 161 miles</td>
<td>San Francisco 161 miles</td>
</tr>
<tr>
<td>New Hampshire</td>
<td>Manchester</td>
<td>New York 173 miles</td>
<td>New York 173 miles</td>
</tr>
<tr>
<td>New Mexico</td>
<td>Albuquerque</td>
<td>Albuquerque 10 miles</td>
<td>Albuquerque 10 miles</td>
</tr>
<tr>
<td>New York</td>
<td>Buffalo</td>
<td>Syracuse 65 miles</td>
<td>Syracuse 65 miles</td>
</tr>
<tr>
<td>Ohio</td>
<td>Cleveland</td>
<td>Cleveland 15 miles</td>
<td>Cleveland 15 miles</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Oklahoma City</td>
<td>Kansas City 190 miles</td>
<td>Kansas City 190 miles</td>
</tr>
<tr>
<td>Oregon</td>
<td>Portland</td>
<td>Portland ME 88 miles</td>
<td>Portland ME 88 miles</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Philadelphia</td>
<td>Philadelphia 10 miles</td>
<td>Philadelphia 10 miles</td>
</tr>
<tr>
<td>Rhode Island</td>
<td>Providence</td>
<td>Providence 10 miles</td>
<td>Providence 10 miles</td>
</tr>
<tr>
<td>South Carolina</td>
<td>Columbia</td>
<td>Charleston 10 miles</td>
<td>Charleston 10 miles</td>
</tr>
<tr>
<td>Tennessee</td>
<td>Nashville</td>
<td>Nashville 10 miles</td>
<td>Nashville 10 miles</td>
</tr>
<tr>
<td>Texas</td>
<td>Dallas</td>
<td>Dallas 10 miles</td>
<td>Dallas 10 miles</td>
</tr>
<tr>
<td>Utah</td>
<td>Salt Lake City</td>
<td>Salt Lake City 10 miles</td>
<td>Salt Lake City 10 miles</td>
</tr>
<tr>
<td>Utah</td>
<td>Salt Lake City</td>
<td>Salt Lake City 10 miles</td>
<td>Salt Lake City 10 miles</td>
</tr>
<tr>
<td>Vermont</td>
<td>Burlington</td>
<td>Boston 159 miles</td>
<td>Boston 159 miles</td>
</tr>
<tr>
<td>West Virginia</td>
<td>Charleston</td>
<td>Charleston 10 miles</td>
<td>Charleston 10 miles</td>
</tr>
</tbody>
</table>

| Hon. Jeff Bingaman, U.S. Senator, Hart Senate Office Building, Washington, DC. |

Dear Senator Bingaman: I am writing regarding S. 824, the Aviation Investment and Revitalization Vision Act that reauthorizes the Federal Aviation Administration. Although several aspects of this reauthorization bill are to be commended, I am opposed to one specific provision, which calls for a 10 percent cost-sharing requirement for selected Essential Air Service (EAS) communities. This provision has the potential to affect the economic welfare of small communities in over 35 states—particularly those in New Mexico.

During my tenure in Congress I understood the importance, which the EAS program played within our small communities by preserving the scheduled air service and ensuring that these communities would retain a link to the national air transportation system. As Governor, I recognize the economic benefits associated with this program, which is integral to the economic development of our small rural communities.

The language calling for the Secretary to arbitrarily select 10 EAS communities that are within 100 miles of a hub airport and requiring them to pay 10 percent of their subsidy costs for a three year period is not only unfair but unpractical given the current economic conditions in states and within the airline industry. It is my hope that you will work with your colleagues in the Senate to amend this language, which only serves to impose new costs on EAS communities.

Last March, I announced the formation of a task force to improve and increase intra-state air service, and air cargo activity in New Mexico. Air service to and within New Mexico is vital to strengthening our economy and those of our communities. Your leadership and support for the EAS program as well as the Small Community Air Service Development Program will go along way to improving and increasing air service in New Mexico.

Sincerely, Bill Richardson, Governor.

New Mexico Aviation Division.  
Re: Essential Air Service (EAS) rule changes.

Senator Jeff Bingaman, 
Hart Senate Office Building, Washington, DC.

Dear Senator Bingaman: On behalf of the City of Alamogordo, I am writing to express my concerns and opposition to the proposed Essential Air Service (EAS) rule changes (Section 355) of Senate Bill S824, the FAA Reauthorization Legislation. Although this bill has many favorable aspects, the program funding changes are not an alternative for the City of Alamogordo and the surrounding communities the airport serves. In pertinent part, Section 355(A) would require the City of Alamogordo to assume ten percent (10%) of the subsidy cost or approximately Eight-Five Thousand Dollars ($85,000) annually for the next three (3) years.

This change could not have come at a more inappropriate time for the City. With City revenues declining from a depressed economy, and capital desperately needed to repair Alamogordo’s water problems, it is improbable funding will be available to locally subsidize air service. The airport relies solely on City revenue to operate since eighty-eight percent (88%) of Otero County land is Federally and Tribally owned and generates no revenue for the City. However, we have taken measures which we believe will ultimately permit air service in Alamogordo to be a stand alone enterprise. As you know, Alamogordo was the first EAS community nationwide to request smaller commercial aircraft in an effort to stabilize federal subsidy and ticket costs. Additionally, our air carrier, Rio Grande Air, reduced fares by sixty percent (60%) last month in an effort to increase enplanements at the airport.

We have noted a marked increase in ridership since implementation of this low fare. If the EAS rule changes are passed as proposed, the City of Alamogordo may be forced to discontinue commercial air service and thus, sacrifice all Airport Improvement Program (AIP) entitlement/grant funds.

Otero County is below the State average for median income. The County has no passenger train service and is not located near a freeway making the airport and air service a vital link to the national transportation system.

I am respectfully requesting your assistance in removing the EAS local program cost sharing provisions from Senate Bill S824.

Sincerely, Donald Carroll, Mayor of Alamogordo.
DEAR SENATOR BINGAMAN: On behalf of the National Association of Development Organizations (NADO), I am writing to express our strong support for your amendment to preserve rural air service as part of the FAA reauthorization bill (S. 624).

The national transportation network functions properly when it helps form vital social and economic connections. This is especially true in small metropolitan and rural America where a scattered population make these connections even more important. The national aviation system is essential not only for linking people to jobs, health care and family in a way that enhances their quality of life, but also for contributing to regional economic growth and development by linking business to customers, goods to markets and tourists to destinations.

Within the transportation system, the aviation network plays an enormous role in transporting goods and people. In 2001, 542 million people flew domestically and another 52 million flew internationally on US carriers, according to the US Department of Transportation. Unfortunately, since the deregulation of the aviation industry in the late 1970s the availability of affordable and reliable air service in most rural and small metropolitan areas has dramatically declined.

During these challenging economic times, Congress should be working to improve and enhance air service to rural and underserved communities, instead of adding new requirements that would further isolate hundreds of our nation’s smaller communities. While the Essential Air Service (EAS) program is small by Washington standards, we believe it offers vital resources for linking rural communities to the national and global aviation systems. By adopting your amendment, the US Senate would be reinforcing its support of maintaining affordable, reliable and safe air service to rural America.

Thank you for your leadership on this important issue.

Sincerely,

ALICIAANN WOHLBRUCK
Executive Director.

Mr. PRYOR. Mr. President, I rise today in support of the Bingaman-Inhofe amendment to strike language requiring certain communities enrolled in the Essential Air Service to provide an added burden placed upon them, sur-

rural communities are struggling to

funding, for a critical economic func-

tion.

Mr. BUNNING. Mr. President, I rise today in support of Senator BOXER, to offer the Arming Cargo Pilots Against Terrorism Act as an amendment to this bill. This amendment closes a loophole to better protect our home-

land against terrorists. As a result of the airplane hijackings on September 11, 2001, Congress took the appropriate action to prevent the use of airliners being used as missiles. Last year, large majorities of the Senate and House of Representatives voted to arm both cargo and passenger pilots who volunteer and receive special training to have guns in the cockpit as a last line of defense.

The bill passed the Senate 87-6 as an amendment to the Homeland Security bill.

Unfortunately, during the Homeland Security conference, cargo pilots were left out of the program.

This amendment will close this dan-

gerous loophole in the law and add an important new layer to our homeland security by allowing cargo pilots to participate in the Federal Flight Deck Officer program.

With less security than passenger aircraft, cargo planes are tempting tar-

ers for terrorists. Our cargo planes do not have strengthened cockpit doors, Fed-

eral Air Marshals, trained cabin crew, or alert passengers on board.

Cargo planes are usually more vul-

erable on the tarmac than passenger aircraft. Most cargo planes are parked in remote areas with relatively easy access; many operate at airfields that do not have the same level of security as passenger airports.

Late last year in Fargo, ND, a men-

tally unbalanced woman walked across a runway, boarded a cargo aircraft, en-

tered the cockpit, and asked the crew to fly her to California.

Just think what a terrorist could do.

A terrorist could hijack a cargo plane and fly it into a building, nuclear power plant, or other target on the ground.

Cargo pilots must be given a last line of defense to keep terrorists from gain-

ing control of their aircraft.

We need to close this gap in our homeland security.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

We would like this to be added to this bill so we can get it back to the House and a new conference. The whole area of cargo aircraft is not secured by the TSA and many other people who secure passenger terminals or commercial flights. I hope we can agree and get this over to the House.

I hope the rest of my colleagues here in the Senate will support this amend-

ment.

Mr. President, I ask for a voice vote. Mr. MCCAIN. Will the Senator yield for a question? Isn’t it the case the Senator has added language that indi-

cates that nonlethal weapons——

Mr. BUNNING. Nonlethal weapons, and totally voluntary.

Mr. MCCAIN. I support the amend-

ment.

Mr. BUNNING. They are called Tasers.

Mr. BOXER. Mr. President, this amendment is to close a loophole in the Federal Flight Deck Officer program.

Last year, in response to the Sep-

tember 11 attacks, I worked along with our former colleague Senator Bob Smith to pass the Arming Pilots Against Terrorism and Cabin Defense Act. This legislation allowed passenger and cargo pilots who volunteer and receive special training to have guns in the cockpit as a last line of defense.

The bill passed the Senate 87-6 as an amendment to the Homeland Security bill.

Unfortunately, during the Homeland Security conference, cargo pilots were left out of the program.

This amendment will close this dan-

gerous loophole in the law and add an important new layer to our homeland security by allowing cargo pilots to participate in the Federal Flight Deck Officer program.

With less security than passenger aircraft, cargo planes are tempting tar-

ers for terrorists. Our cargo planes do not have strengthened cockpit doors, Fed-

eral Air Marshals, trained cabin crew, or alert passengers on board.

Cargo planes are usually more vul-

erable on the tarmac than passenger aircraft. Most cargo planes are parked in remote areas with relatively easy access; many operate at airfields that do not have the same level of security as passenger airports.

Late last year in Fargo, ND, a men-

tally unbalanced woman walked across a runway, boarded a cargo aircraft, en-

tered the cockpit, and asked the crew to fly her to California.

Just think what a terrorist could do.

A terrorist could hijack a cargo plane and fly it into a building, nuclear power plant, or other target on the ground.

Cargo pilots must be given a last line of defense to keep terrorists from gain-

ing control of their aircraft.

We need to close this gap in our homeland security.
The amendment is as follows.

(Purpose: To amend title 49, United States Code, to allow the arming of pilots of cargo aircraft)

At the appropriate place insert the following new section:

SEC. 903. ARMING CARGO PILOTS AGAINST TERRORISM.

(a) SHORT TITLE.—This section may be cited as the “Arming Cargo Pilots Against Terrorism Act.”

(b) FINDINGS.—Congress makes the following findings:

(1) During the 107th Congress, both the Senate and the House of Representatives overwhelmingly passed measures that would have armed pilots of cargo aircraft.

(2) Cargo aircraft do not have Federal air marshals, trained cabin crew, or determined passengers to subdue terrorists.

(3) Cockpit doors on cargo aircraft, if present at all, largely do not meet the security standards required for commercial passenger aircraft.

(4) Cargo aircraft vary in size and many are larger and carry larger amounts of fuel than the aircraft hijacked on September 11, 2001.

(5) Aircraft cargo frequently contains hazardous material and can contain deadly biological, chemical, and nuclear agents.

(6) Approximately 12,000 of the nation’s 90,000 commercial pilots serve as pilots and flight engineers on cargo aircraft.

(7) There are approximately 2,000 cargo flights per day in the United States, many of which are loaded with fuel for outbound international travel or are inbound from foreign airports not secured by the Transportation Security Administration.

(8) Aircraft transporting cargo pose a serious risk as potential terrorist targets that could be used as weapons of mass destruction.

(9) Pilots of cargo aircraft deserve the same ability to protect themselves and the aircraft they pilot as other commercial airline pilots.

(10) Permitting pilots of cargo aircraft to carry weapons is an important last line of defense against a terrorist effort to commandeer a cargo aircraft.

(c) SENSE OF CONGRESS.—It is the sense of Congress that the amendment provides for an important last line of defense against a terrorist effort to commandeer a cargo aircraft.

The amendment (No. 903) was agreed to.

Mr. MCCAIN. Mr. President, I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Is my amendment the amendment pending before the Senate?

The PRESIDING OFFICER. It is not pending but it is in order.

Mr. DORGAN. Mr. President, I ask it be considered at this point.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. DORGAN. It is the sense of Congress that the amendment is now pending.

AMENDMENT NO. 896

Mr. DORGAN. Mr. President, I visited with my colleagues Senator LOTT and Senator MCCAIN on this amendment. I believe they are prepared to accept it. This deals with the creation of an aviation security capital fund.

Many of us know both revenues and passenger boardings are down in airports. We have gone through a pretty difficult time. The creation of this aviation security capital fund is very important in order for these funds to be invested in what that will make aviation safer and deal with the security issues we intend to have dealt with with this fund.

I think it appropriate at this point to waive the local match. State and local match, which I believe in most cases cannot be raised because of the circumstances I mentioned earlier.

I believe this amendment will give us the assurance that this investment in security will be made across this country. It will be a wise investment. I think it ought not be borne by the carriers at this point, nor the local airports that can least afford it.

I appreciate very much the fact this will now be accepted by the Senate. I want to especially say thanks to the Senator from Mississippi. We have talked about this, I suppose, 10 times in recent days. He is a tireless advocate for what makes sense for our aviation system in this country. Of course, he is chairing the subcommittee here in the Senate on those issues.

I thank him for his cooperation in allowing us to move forward with this amendment at this stage.

The amendment I have. Mr. DORGAN. I have. Mr. LOTT. I think the order was for Senator INHOFE to be next, but since he is not here, I ask unanimous consent I be permitted to speak at this time, despite the previous agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, certainly I always enjoy working with Senator DORGAN on these issues. I think he has an articulate point.

He does note that we need a fund to make sure these security fees go for the purpose they were intended. But he does think, at least in this instance because of the security aspect, we should waive the local match.

It should also be noted that, in fact, local communities, particularly with bigger airports, are probably not going to get or could not get a cost share, and, even if they did in some ways, it would be passed on to the airlines, therefore undermining a lot of what we are trying to do now.

We are trying to get the priorities set where the people who are getting certain parts of the security should be the ones who pay for it, and we shouldn’t always do a way to try to pass it off to the airlines. Sometimes it is a Federal responsibility. In other instances, other people—I think also local governments—should have some part of this pie. But we agreed for a variety of reasons to accept Senator DORGAN’s amendment.

But I want colleagues to know and the American people to know the Bingaman amendment does the same thing but in a different category. I think, in fact, it is even worse. In the essential air service area, where special help goes to small airports and a lot of rural airports—that affects airports in West Virginia, North Dakota, and probably in my State of Mississippi—with this additional Federal assistance to keep airports functioning, there would be some small local match. The administration recommended, by the way, that we eliminate the EAS problem; or, if we had EAS, you have the local match required for all of the airports.

The language in the bill specifies that there would be a cost share where we would have this local match to see how it would work, and if it would work.

We now are agreeing to accept the Bingaman amendment because right now, I think out of concern for local communities and counties who have this essential air service, the amendment would probably pass.

But I want to say, again, I think for us to set the precedent and require not even a dollar from local communities when they are getting this additional security, particularly where they are getting essential air service which is vital to their communities and which is important from an economic standpoint for the local cities and counties to put up no money—and in the case of the DORGAN amendment—on the bigger airports, it could create definite problems in terms of costs being passed on to the airlines. In this case, it is
just a question of these local communities not wanting to have to share at all.

I think we should continue to look at some small amount—10 percent or 5 percent, some amount of local share. But for now, we will accept it. We will continue to work on these issues. It is important for us to get this important legislation completed so that the airlines, the airports, general aviation, and the American people will know what we can count on in terms of the Federal Aviation Administration and their programs over the next 3 years. I thank my colleagues for allowing me to interject my remarks at this point. I believe Senator INHOFE is next in order to speak.

I yield the floor, unless Senator DORGAN would like me to yield to him. Does he want to get action on his amendment?

Mr. DORGAN. Mr. President, let me ask the Senator to yield for a moment. I think there is great merit in local matching, by and large, because you need local support. We ought not just create pools of money here in the Congress, but pound around the country unless there is evidence of local support.

The Senator from Mississippi made the point, and I think it is an important point.

First, I ask unanimous consent that a letter from the American Association of Airport Executives, and a letter from the Air Transport Association be printed in the RECORD.

The PRESIDING OFFICER. Without objection, the material was ordered to be printed in the RECORD, as follows:

Hon. Byron L. Dorgan, U.S. Senate, Washington, DC.

DEAR SENATOR DORGAN: We are writing to express our support for an amendment that you may offer to the S. 824, the Aviation Investment andModernization Vision Act, that will help airports in North Dakota and throughout the country pay for their increased capital security costs.

As you know, this includes funds for installation of Explosive Detection Systems (EDS) and other capital security costs at airports specifically, the bill calls for $500 million every year between 2004 and 2007 to pay for the security capital costs. The funds will be derived from revenue generated $2.20 passenger security fee.

Airports Council International-North America and The American Association of Airport Executives strongly support the creation of an aviation security capital fund. Without a separate source of funds to pay for capital security projects, airports will be forced to continue divert their Airport Improvement Program funds, which they traditionally use for much-needed safety and capacity projects.

The Senate proposal calls for large- and medium-hub airports to pay a 25 percent match, and smaller airports to pay a 10 percent match. While we are grateful that S. 824 would provide the air aviation security capital fund, we strongly support your proposal to eliminate the matching requirement. Installing explosive detection machines is a federal national security mandate, and we think the federal government should reimburse airports for those and other new security costs.

Airports like others in the aviation industry have been suffering since September 11. It would be difficult for airports to cover the proposed match at a time when their revenues and passenger traffic are down, and their costs have skyrocketed due to a host of unfunded federal security mandates. Again, we strongly believe that airports should not be forced to absorb these safety and capacity funds to pay for security.

Moreover, airports are reluctant to pass additional costs on to airport users including airlines that are facing their own financial challenges. Since September 11, airports around the country have been taking numerous steps to reduce costs in an effort to pass those savings on to the airlines. Eliminating the matching requirement is just one more way that airports can help their partners in the aviation industry.

Thank you for your leadership on this and other aviation issues.

Sincerely,

DAVID Z. PLAVIN, President, ACI-NA.
CHARLES BARCLAY, President, AASAE.

Hon. Byron L. Dorgan, U.S. Senate.

DEAR SENATOR DORGAN: On behalf of ATA Executive and the Air Transport Association, we strongly support efforts by the Federal Aviation Administration, to assume primary responsibility for aviation security, and others, have told us it is unlikely we would see the security investment in airport improvement and safety with this money if we did not waive the local match.

I continue to believe we ought to make this habit forming. The value expressed by the Senator from Mississippi is on the mark in many cases. I appreciate the Senator’s efforts to work this out and be able to move this amendment. If appropriate, I think it has been agreed to by both sides. I ask if we have the amendment considered at this point.

The PRESIDING OFFICER. Is there further debate? Without objection, the amendment was agreed to.

The amendment (No. 890) was agreed to.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

AMENDMENTS NOS. 894 AND 895 EN BLOC

Mr. INHOFE. Mr. President, I have two technical amendments. They have been agreed to.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma (Mr. INHOFE) proposes amendments numbered 894 and 895 en bloc.

Mr. INHOFE. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments en bloc are as follows:

(Purpose: To amend the provisions dealing with security measures for general aviation and air charters)

At the end of title IV, add the following:

SEC. 405. GENERAL AVIATION AND AIR CHARTERS.

(a) In General.—The Administrator of the Federal Aviation Administration establishes an Air Defense Identification Zone in this section referred to as an “ADIZ”), the Administrator shall, not later than 60 days after the date of establishing the ADIZ, 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 containing an explanation of the need for the ADIZ. The Administrator shall provide the Committees an updated report every 60 days until the establishment of the ADIZ is rescinded. The reports and updates shall be transmitted in classified form.

(1) Existing ADIZ.—If an ADIZ is in effect at the time of the enactment of this Act, the Administrator shall transmit an initial report under subsection (a) to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 30 days after the date of enactment of this Act.

(b) Reporting Requirements.—If a report required under subsection (a) or (b) indicates...
that the ADIZ is to be continued, the Admin-
istrator shall outline changes in procedures
and requirements to improve operational ef-
eficiency and minimize the operational im-
pacts of the ADIZ on pilots and air traffic
controllers.

(d) DEFINITION.—In this section, the terms
‘Air Defense Identification Zone’ and ‘ADIZ’
mean a zone established by the Admin-
istrator with respect to airspace under
18,000 feet in approximately a 15 to 38 mile
radius around Washington, District of Co-
lumbia, for which security measures are ex-
tended beyond the existing 15-mile-no-fly
zone around Washington and in which gen-
eral aviation aircraft are required to adhere
to certain procedures issued by the Admin-
istrator.

Mr. LOTT. Mr. President, we have con-
sidered these amendments and we
find no problem with them at this
point. They have been cleared on both
sides.

The PRESIDING OFFICER. Is there
further debate on amendments? If not,
without objection, the amendments are
agreed to en bloc.

The amendments (Nos. 894 and 885) were agreed to.

AMENDMENT NO. 908

Mr. HOLLINGS. Mr. President, the
distinguished chairman, Senator
McCain, and myself have four amend-
ments that we will send to the desk in
due time. One is a Wyden amendment
which is a privacy study of the CAPP
Program, Computer Assisted Passenger
Prescreening.
I send it to the desk.

The PRESIDING OFFICER. The
clerk will report.

The assistant legislative clerk read
as follows:

The Senator from South Carolina [Mr. HOLLINGS], for Mr. WYDEN, proposes an amendment numbered 908.

Mr. HOLLINGS. Mr. President, I ask
unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without
objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the Secretary of Home-
land Security to report to the Congress in
writing on the impact of the Computer As-
isted Passenger Prescreening System, pro-
posed to be implemented by the Transpor-
ation Security Administration, on the pri-

vacy and civil liberties of United States
citizens)

At the appropriate place, insert the fol-
lowing:

SEC. 7. REPORT ON PASSENGER PRESCREENING

(a) In General.—Within 90 days after the date of enactment of this Act, the Secretary of Homeland Security, after consultation with the Attorney General, shall submit a report in writing to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the potential impact of the Transportation Secu-

rity Administration’s proposed Computer As-

sisted Passenger Prescreening system, com-
monly known as CAPPs II, on the privacy
and civil liberties of United States Citizens.

(b) Specific Issues To Be Addressed.—
The report shall address the following:

(1) Whether and for what period of time
data gathered on individual travelers will be
retained, who will have access to such data,
and who will make decisions concerning ac-

cess to such data.

(2) How the Transportation Security Ad-
novation will treat the scores assigned to
individual travelers to measure the likeli-
hood they may pose a security threat, in-
cluding how long such scores will be retained
and whether and under what circumstances
they may be shared with other governmen-
tal, non-governmental, or commercial
entities.

(3) The role airlines and outside vendors
or contractors will have in implementing and
operating the system, and to what extent
they will have access, or the means to obtain
access, to data, scores, or other information
generated by the system.

(4) The safeguards that will be imple-
mented to ensure that data, scores, or other
information generated by the system will be
used only as officially intended.

(5) The procedures that will be imple-
mented to mitigate the effect of any errors,
and what procedural recourse will be avail-
able to passengers who believe the system
has wrongly barred them from taking flights.

(6) The oversight procedures that will be
implemented to ensure that, on an ongo-
ing basis, privacy and civil liberties issues will
continue to be considered and addressed with
high priority as the system is installed, oper-
ated and updated.

Mr. LOTT. Mr. President, are we
going to dispose of that amendment
now?

Mr. HOLLINGS. Yes, we are going to
go ahead and vote on it.

Mr. LOTT. It has been cleared. It may
save some time if we could go ahead and
give to it.

The PRESIDING OFFICER. Without
objection, the amendment is agreed to.

The amendment (No. 908) was agreed to.

AMENDMENT NO. 909

Mr. HOLLINGS. Mr. President, I also
have another amendment by the distin-
guished Senator from Florida, Mr. Nel-
son, which deals with the background
checks of new pilots on the smaller
planes.

Mr. LOTT. Has this been approved on
both sides?

Mr. HOLLINGS. Yes, it has been ap-
proved.

I send the amendment to the desk.

The PRESIDING OFFICER. The
clerk will report.

The assistant legislative clerk read
as follows:

The Senator from South Carolina [Mr. HOLLINGS], for Mr. NELSON of Florida, pro-
poses an amendment numbered 909.

Mr. HOLLINGS. Mr. President, I ask
unanimous consent that reading of the amend-
ment be dispensed with.

The PRESIDING OFFICER. Without
objection, it is so ordered.

The amendment is as follows:

(Purpose: To modify requirements regarding
training to operate aircraft)

At the appropriate place, insert the fol-
lowing:

SEC. 5. MODIFICATION OF REQUIREMENTS RE-
GARDING TRAINING TO OPERATE
AIRCRAFT.

(a) In General.—Section 44939 of title 49, United States Code, is amended to read as
follows:

* 44939. Training to operate certain aircraft

(‘a) In General.—

“(1) WAITING PERIOD.—A person subject to regulation under this part may provide training in the United States in the oper-
ation of an aircraft to an individual who is subject to regulation (as defined in the Immigration and Nationality Act (8 U.S.C.
1101(a)(3))) or to any other individual speci-
fied by the Under Secretary of Homeland Sec-


S7802 CONGRESSIONAL RECORD — SENATE June 12, 2003
the fee to reflect the costs of such an investiga-

tion. 

"(B) OFFSET.—Notwithstanding section 3302 of title 31, United States Code, any fee collected under this section—

"(i) shall be credited to the amount in the Treasury from which the expenses were in-
curred and shall be available to the Under Secretary in the appropriate appropriation; and

"(ii) shall remain available until expended.

(b) INTERRUPTION OF TRAINING.—If the Under Secretary determines that receiving notification under subsection (a)(1)(A) from a person providing training described in subsection (a)(1) or at any time after such notification from such a person under subsection (a)(2)(A), determines that an individual receiving such training pre-

sents a risk to aviation or national security, the Under Secretary shall immediately no-

tify the person providing the training of the determination and that person shall imme-

diately terminate the training.

"(c) COVERED TRAINING.—For purposes of subsection (a), the term ‘training’—

"(1) includes in-flight training, training in a simulator, and any other form or aspect of training but does not include classroom instruction (also known as ground school training), which may be provided during the 30-day period described in subsection (a)(1)(B).

"(2) does not include classroom instruction (also known as ground school training), which may be provided during the 30-day period described in subsection (a)(1)(B).

"(d) INTERAGENCY COOPERATION.—The Attorney General, the Director of Central In-
telligence, and the Administrator of the General Aviation Security Program shall cooperate with the Under Secretary in implementing this section.

"(e) SECURITY AWARENESS TRAINING FOR EMPLOYEES.—The Under Secretary shall re-

quire flight schools to conduct a security awareness program for flight school employ-

ees, and for certified instructors who provide

"(i) includes in-flight training, training in a simulator, and any other form or aspect of training but does not include classroom instruction (also known as ground school training), which may be provided during the 30-day period described in subsection (a)(1)(B).

"(ii) shall be credited to the amount in the Treasury from which the expenses were in-
curred and shall be available to the Under Secretary in the appropriate appropriation; and

"(iii) shall remain available until expended.

(b) INTERRUPTION OF TRAINING.—If the Under Secretary determines that receiving notification under subsection (a)(1)(A) from a person providing training described in subsection (a)(1) or at any time after such notification from such a person under subsection (a)(2)(A), determines that an individual receiving such training pre-

sents a risk to aviation or national security, the Under Secretary shall immediately no-

tify the person providing the training of the determination and that person shall imme-

diately terminate the training.

"(c) COVERED TRAINING.—For purposes of subsection (a), the term ‘training’—

"(1) includes in-flight training, training in a simulator, and any other form or aspect of training but does not include classroom instruction (also known as ground school training), which may be provided during the 30-day period described in subsection (a)(1)(B).

"(2) does not include classroom instruction (also known as ground school training), which may be provided during the 30-day period described in subsection (a)(1)(B).

"(3) SECURITY AWARENESS TRAINING FOR EMPLOYEES.—The Under Secretary shall re-

quire flight schools to conduct a security awareness program for flight school employ-

ees, and for certified instructors who provide

"(i) includes in-flight training, training in a simulator, and any other form or aspect of training but does not include classroom instruction (also known as ground school training), which may be provided during the 30-day period described in subsection (a)(1)(B).

"(ii) shall be credited to the amount in the Treasury from which the expenses were in-
curred and shall be available to the Under Secretary in the appropriate appropriation; and

"(iii) shall remain available until expended.

(b) INTERRUPTION OF TRAINING.—If the Under Secretary determines that receiving notification under subsection (a)(1)(A) from a person providing training described in subsection (a)(1) or at any time after such notification from such a person under subsection (a)(2)(A), determines that an individual receiving such training pre-

sents a risk to aviation or national security, the Under Secretary shall immediately no-

tify the person providing the training of the determination and that person shall imme-

diately terminate the training.

"(c) COVERED TRAINING.—For purposes of subsection (a), the term ‘training’—

"(1) includes in-flight training, training in a simulator, and any other form or aspect of training but does not include classroom instruction (also known as ground school training), which may be provided during the 30-day period described in subsection (a)(1)(B).

"(2) does not include classroom instruction (also known as ground school training), which may be provided during the 30-day period described in subsection (a)(1)(B).

"(3) SECURITY AWARENESS TRAINING FOR EMPLOYEES.—The Under Secretary shall re-

quire flight schools to conduct a security awareness program for flight school employ-

ees, and for certified instructors who provide

"(i) includes in-flight training, training in a simulator, and any other form or aspect of training but does not include classroom instruction (also known as ground school training), which may be provided during the 30-day period described in subsection (a)(1)(B).

"(ii) shall be credited to the amount in the Treasury from which the expenses were in-
curred and shall be available to the Under Secretary in the appropriate appropriation; and

"(iii) shall remain available until expended.

(b) INTERRUPTION OF TRAINING.—If the Under Secretary determines that receiving notification under subsection (a)(1)(A) from a person providing training described in subsection (a)(1) or at any time after such notification from such a person under subsection (a)(2)(A), determines that an individual receiving such training pre-

sents a risk to aviation or national security, the Under Secretary shall immediately no-

tify the person providing the training of the determination and that person shall imme-

diately terminate the training.

"(c) COVERED TRAINING.—For purposes of subsection (a), the term ‘training’—

"(1) includes in-flight training, training in a simulator, and any other form or aspect of training but does not include classroom instruction (also known as ground school training), which may be provided during the 30-day period described in subsection (a)(1)(B).

"(2) does not include classroom instruction (also known as ground school training), which may be provided during the 30-day period described in subsection (a)(1)(B).

"(3) SECURITY AWARENESS TRAINING FOR EMPLOYEES.—The Under Secretary shall re-

quire flight schools to conduct a security awareness program for flight school employ-

ees, and for certified instructors who provide

"(i) includes in-flight training, training in a simulator, and any other form or aspect of training but does not include classroom instruction (also known as ground school training), which may be provided during the 30-day period described in subsection (a)(1)(B).

"(ii) shall be credited to the amount in the Treasury from which the expenses were in-
curred and shall be available to the Under Secretary in the appropriate appropriation; and

"(iii) shall remain available until expended.

(b) INTERRUPTION OF TRAINING.—If the Under Secretary determines that receiving notification under subsection (a)(1)(A) from a person providing training described in subsection (a)(1) or at any time after such notification from such a person under subsection (a)(2)(A), determines that an individual receiving such training pre-

sents a risk to aviation or national security, the Under Secretary shall immediately no-

otify the person providing the training of the determination and that person shall imme-

diately terminate the training.

"(c) COVERED TRAINING.—For purposes of subsection (a), the term ‘training’—

"(1) includes in-flight training, training in a simulator, and any other form or aspect of training but does not include classroom instruction (also known as ground school training), which may be provided during the 30-day period described in subsection (a)(1)(B).

"(2) does not include classroom instruction (also known as ground school training), which may be provided during the 30-day period described in subsection (a)(1)(B).

"(3) SECURITY AWARENESS TRAINING FOR EMPLOYEES.—The Under Secretary shall re-

quire flight schools to conduct a security awareness program for flight school employ-

ees, and for certified instructors who provide
attacks by U.S. trained pilots using hijacked jets in the future, it does nothing to prevent different types of potential attacks against our domestic security. To rectify this problem, I introduced S. 236 together with Senators Corzine, Enzi, Feinstein, and Thomas earlier this year.

Small aircraft can be used by terrorists to attack nuclear facilities, carry explosives, or deliver biological or chemical agents. For example, if a crop duster filled with a combination of fertilizers and explosives were crashed into a filled sporting event stadium thousands of people could be seriously injured or killed. We cannot allow this to happen. We need to ensure that we are not training terrorists to perform these activities. We cannot allow critical warnings to go unheeded.

This bill will close an important loophole and answer these critical warnings by extending the background check requirement to all foreign applicants to U.S. flight schools, regardless of the size aircraft they seek to learn to fly. It also transfers the entire security background check program from the Department of Justice to the Department of Homeland Security, specifically to the Transportation Security Administration. It is my expectation that the Transportation Security Administration, which provided excellent advice in the fine tuning of this legislation, will apply a stringent level of background screening to all foreign nationals who seek flight training here in the United States. We cannot allow anyone to slip through the cracks. We cannot afford amendment to the Transportation Security background check program from the Transportation Security Administration. It is my expectation that the Transportation Security Administration, which provided excellent advice in the fine tuning of this legislation, will apply a stringent level of background screening to all foreign nationals who seek flight training here in the United States. We cannot allow anyone to slip through the cracks. We cannot afford this to happen. We need to ensure that we are not training terrorists to perform these activities. We cannot allow critical warnings to go unheeded.

This bill will close an important loophole and answer these critical warnings by extending the background check requirement to all foreign applicants to U.S. flight schools, regardless of the size aircraft they seek to learn to fly. It also transfers the entire security background check program from the Department of Justice to the Department of Homeland Security, specifically to the Transportation Security Administration. It is my expectation that the Transportation Security Administration, which provided excellent advice in the fine tuning of this legislation, will apply a stringent level of background screening to all foreign nationals who seek flight training here in the United States. We cannot allow anyone to slip through the cracks. We cannot afford this to happen. We need to ensure that we are not training terrorists to perform these activities. We cannot allow critical warnings to go unheeded.

The amendment (No. 911) was agreed to.

AMENDMENT NO. 911
Mr. HOLLINGS. Mr. President, on behalf of the Senator from Indiana, Mr. BAYH, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment (No. 911) was agreed to.

Mr. HOLLINGS. Mr. President, on behalf of the distinguished Senator from Mississippi. This is a Jefferson amendment.

Mr. LOTT. Mr. President, I wanted to check with my distinguished colleague from Mississippi. Is that correct?

Mr. HOLLINGS. Mr. President, let me check with my distinguished colleague from Mississippi. This is a Jefferson amendment.

Mr. LOTT. It does change the formula on how these funds will be spent. Is that correct?

Mr. HOLLINGS. Eligibility; that is right.

Mr. LOTT. We have no objection. The PRESIDING OFFICER. Is there further debate on the amendment? If not, without objection, the amendment is agreed to.

The amendment (No. 910) was agreed to.

AMENDMENT NO. 910
Mr. HOLLINGS. Mr. President, on behalf of the Senator from Indiana, Mr. BAYH, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment (No. 910) was agreed to.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To expand aviation capacity and alleviate congestion in the greater Chicago metropolitan area.

The amendment is as follows:

At the end of title II, add the following:

SEC. 217. GARY/CHICAGO AIRPORT FUNDING.

The Administrator of the Federal Aviation Administration shall, for purposes of chapter 47 of title 49, United States Code, give priority consideration to a letter of intent application for funding submitted by the City of Gary, Indiana, or the State of Indiana, for the extension of the main runway at the Gary/Chicago Airport. The letter of intent application shall be considered upon completion of the environmental impact statement and benefit-cost analysis in accordance with Federal Aviation Administration requirements. The Administrator shall consider the letter of intent application not later than 90 days after the date of receipt.

Mr. HOLLINGS. Mr. President, does the Senator from Arizona approve of the amendment?

Mr. MCCAIN. Yes.

The PRESIDING OFFICER. Is there further debate on the amendment? Without objection, the amendment is agreed to.

The amendment (No. 911) was agreed to.

AMENDMENT NO. 912
Mr. HOLLINGS. Mr. President, on behalf of the Senator from Connecticut, Mr. DODD, I send an amendment to the desk on the study of the shuttle services at Reagan National Airport. It merely requires a study with respect to housing of gates by the shuttle services, and as to whether or not that is feasible.

The PRESIDING OFFICER. The clerk will report.

Mr. DODD, I send an amendment to the desk on the study of the shuttle services at Reagan National Airport. It merely requires a study with respect to housing of gates by the shuttle services, and as to whether or not that is feasible.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require a study on the housing of the gates used by shuttle services within the same terminal at Ronald Reagan Washington National Airport)

At the appropriate place insert the following:

SEC. 2. LOCATION OF SHUTTLE SERVICE AT RONALD REAGAN WASHINGTON NATIONAL AIRPORT.

The amendment (No. 912) was agreed to.

Mr. DODD. Mr. President, I am proposing an amendment numbered 912.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

Mr. DODD. Mr. President, I propose an amendment numbered 912.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require a study on the housing of the gates used by shuttle services within the same terminal at Ronald Reagan Washington National Airport)

At the appropriate place insert the following:

The amendment (No. 912) was agreed to.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS], for Mr. DODD, proposes an amendment numbered 912.

Mr. DODD. Mr. President, I am proposing an amendment numbered 912.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require a study on the housing of the gates used by shuttle services within the same terminal at Ronald Reagan Washington National Airport)

At the appropriate place insert the following:

The amendment (No. 912) was agreed to.
The amendment (No. 912) was agreed to.

Mr. MCCAIN. I move to reconsider the vote.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCAIN. President, it is my understanding we have a number of additional amendments which have been agreed to but have not been presented at this time. If the staffs of the Members who have these amendments we have discussed and have agreed to—one is a Feinstein amendment. That has already been accepted. One is a Specter amendment. We are in agreement with it, but it has not actually offered. One is a Specter amendment that we are considering now, a Burns amendment concerning general aviation, a Murkowski amendment concerning decision on a tower. We would like to consider those amendments as soon as possible, if the sponsors of those amendments would come here, while we are preparing to debate a Specter amendment at this time.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. Mr. President, I ask unanimous consent that the amendment be presented.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To permit Jackson Hole Airport to adopt certain noise reduction measures)

At the end of title V, add the following new section:

SEC. 521. EXEMPTION FOR JACKSON HOLE AIRPORT.

(a) In General.—Notwithstanding chapter 475 of title 49 of the United States Code, or any other provision of law, if the Board of the Jackson Hole Airport in Wyoming and the Secretary of the Interior agree that Stage 3 aircraft technology represents a prudent and feasible technological advance which, if implemented at the Jackson Hole Airport, will result in a reduction in noise at Grand Teton National Park:

(1) the Jackson Hole Airport may impose restrictions on, or prohibit, the operation of Stage 2 aircraft weighing less than 75,000 pounds with reasonable exemptions for public health and safety;

(2) the notice, study, and comment provisions of subsection II of chapter 475 of title 49, United States Code, and part 161 of title 14, Code of Federal Regulations, shall not apply to the imposition of the restrictions;

(3) the imposition of the restrictions shall not affect the Airport's eligibility to receive a grant under title 49, United States Code;

and

(4) the restrictions shall not be deemed to be unreasonable, discriminatory, a violation of the assurances required by section 47107(a) of title 49, United States Code, or an undue burden on interstate commerce;

(b) Definitions.—In this section, the terms "Stage 2 aircraft" and "Stage 3 aircraft" have the same meaning as those terms have in chapter II of title 49, United States Code.

Mr. THOMAS. Mr. President, this is a very short, simple amendment. What it deals with is Teton National Park. I think it is probably only the park in the country that has in it a commercial airport.

Some years ago, the airport and the park agreed they could limit noise in the park. They had done so with commercial airlines, but they have not been able to do so with private jets. This would give them that authority.

It has been approved by the Park Service, by the Interior Department, and we would like very much to have the authority for them to be able to deal with the noncommercial jets and the noise create in Teton National Park.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank Senator Thomas for his sponsorship of this amendment. One of the greatest problems we have today in America is aircraft noise over national parks. We have been fighting it in the Grand Canyon, trying to balance the needs of commercial aircraft—not only those taking off and arriving but air tours—and that of preserving the incredible park experience.

I thank Senator Thomas for his effort to try to bring about the restoration of that marvelous experience in one of our Nation's crown jewels.

I support this amendment.

Mr. HOLLINGS. Mr. President, the Department of the Interior and the Park Service approved the amendment. We also support its adoption.

The PRESIDING OFFICER. Is there further debate on the amendment?

The question is on agreeing to the amendment.

The amendment (No. 913) was agreed to.

Mr. MCCAIN. I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

AMENDMENT NO. 915

Mr. SPECTER. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read as follows:

The Senate from Pennsylvania [Mr. SPECTER] proposes an amendment numbered 915.

Mr. SPECTER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(c) 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 subsection:

"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 Lancaster, Pennsylvania, 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 Lancaster, Pennsylvania, and a hub airport, and

"(2) identify the most commonly used route for a community by 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 to the most common used route.

"(c) 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 41746 the following new item:

"41746. Distance requirement applicable to eligibility for essential air service subsidies.

(b) 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).


"(3) Section 334 of the Department of Transportation and Related Agencies Appropriations Act, 1999 (section 310g) of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277; 112 Stat. 2681—471).

(1) 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), or terminated subsidy eligibility under section 332 of the Department of Transportation and Related Agencies Appropriations Act, 2000 (49 U.S.C. 41731 note), or 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 (1), the Secretary—

(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.

Mr. SPECTER. Mr. President, this amendment is an accommodation and compromise worked out after discussion with the chairman of the committee and the chairman of the subcommittee. I have already filed amendment No. 904, which is part of the record. This amendment goes to the issue of providing essential air services to Lancaster, Pennsylvania. The existing law provides that essential air services shall be provided if there is a distance of 70 miles or more to the hub of a major airport.

Lancaster is 66 miles from the Philadelphia International Airport, if you travel Route 30, which is the old Lincoln Highway, where there is a traffic light every other block with the most extraordinary congestion. Nobody who travels from Lancaster to the Philadelphia Airport takes congested Route 30. The only route that is used is to take 222 to the turnpike and then to the Schuylkill Expressway, and that is a distance of some 80 miles. So the route that any rational person would use would be the 80-mile route, not the 66-mile route.

We have worked with the Department of Transportation for several years in trying to work out this arrangement, but they have refused to listen to reason. The City of Lancaster took an expense appeal to the Court of Appeals for the Third Circuit, and the Court felt bound to honor the discretion of the Secretary of Transportation, even though the discretion was very unwisely used. The Court found itself constrained to let the Secretary determine this matter.

The amendment I had intended to offer, which has been denominated as 904, provides that the determination of the appropriate mileage would be determined by the Governor or by the Metropolitan Planning Organization. A concern was expressed as to that—to have the State make a determination as to what would be done with the Federal expenditure of funds. Well, that is not all the time, but I am not going to belabor that argument because we have an accommodation.

Mr. LOTT. Will the Senator yield to me at this point?

Mr. SPECTER. Yes.

Mr. LOTT. Let me say in the same breath that I have looked at this situation and I am going to support what this amendment is trying to do. I think, in this case, this area he is referring to has been disadvantaged. We do not want to and do not intend to start down the line of making an exception here. This is a situation where, clearly, you have been disadvantaged by the way it has been interpreted.

I appreciate the Senator being willing to work out a fair solution.

Mr. MCCAIN. Mr. President, I thank the Senator from Pennsylvania. I did have the opportunity to meet with a group of his fellow citizens from Lancaster. They made a very compelling case. In the next few minutes, I think this is a fair and equitable solution. I thank the Senator.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, to complete the discussion here, regarding giving these essential air services to Lancaster, they had one small airline that serviced Lancaster. They withdrew, because, in the absence of a modest subsidy, they could not serve Lancaster any more. In an era when we are helping airlines with loan guarantees and bailouts and so many other provisions, this is really minimal.

This amendment, as provided, will take care of Lancaster. If I may say for the record, if I may have the attention of the Senator from Mississippi, the chairman of the subcommittee, who will be principal conferee—this provision will be fought for in conference. In the House, the matter has been handled by Congressman Joe Pitts, a very able Congressman who represents the area including Lancaster. I am sure Congressman Pitts will be amenable to this amendment, which gives further assurance and protection to Lancaster, Pennsylvania. So it is in the context of this assurance of our tough position in conference, which ought to prevail, that I have agreed to this accommodation.

I thank the Senator from Mississippi and I thank the Senator from Arizona for working out this issue. I yield the floor.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. HOLLINGS. I thank the Senator from South Carolina for supporting the amendment.

The amendment (No. 915) was agreed to.

Mr. SPECTER. Mr. President, I associate myself with the last remarks of Senator Hollings. Like the Senator from South Carolina, I thank the Senator from Arizona.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 915) was agreed to.

Mr. REID. Mr. President, our cloakroom has indicated that Senators have had an all-day-long notice that we are trying to complete this bill today. Statements have been made on the floor by the managers many times to that effect.

On the Democratic side, the only amendments we know of that people wish to offer are by Senators Feinstein, Inouye, Hollings, and Senator Rockefeller has an amendment. Other than those, we don’t know of any other amendments on our side.

On the other side, I have been told there is a Burns amendment, a Murkowski amendment, and a Stevens amendment. Other than that, I don’t know of any other amendments.

My point is, within a relatively short period of time, we will ask unanimous consent that these be the only amendments in order. If people are out there with amendments, they should come forward in the next couple of minutes.

Mr. MCCAIN. Mr. President, in about 10 minutes, if that is OK—that will give plenty of time for people who have additional amendments—I will propose that we have a unanimous consent that no further amendments be in order.

I yield the floor.

Mr. SPECTER. Mr. President, I supplement what the Senator from Nevada said. I have already given notice that I have another amendment. If I may inquire of the managers, the Senator from Arizona. I am prepared to proceed at this time with the amendment.

If I may have the attention of the Senator from Arizona, is it agreeable that I may call up my amendment?

Mr. MCCAIN. Yes.

AMENDMENT NO. 905

Mr. SPECTER. Mr. President, I call up amendment No. 905, which has been filed.

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read as follows:

The amendment (No. 905) was agreed to.

Mr. SPECTER. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide safety and security with respect to aviation repair stations)

At the end of title IV, add the following:

SEC. 405. FOREIGN REPAIR STATION SAFETY AND SECURITY.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ‘‘Administrator’’ means the Administrator of the Federal Aviation Administration.

(2) DOMESTIC REPAIR STATION.—The term ‘‘domestic repair station’’ means a repair station or shop that—

(A) is described in section 4707(2) of title 49, United States Code; and

(B) is located in the United States.

(3) FOREIGN REPAIR STATION.—The term ‘‘foreign repair station’’ means a repair station or shop that—

(A) is described in section 4707(2) of title 49, United States Code; and

(B) is located outside of the United States.

(4) UNDER SECRETARY.—The term ‘‘Under Secretary’’ means the Under Secretary for Border and Transportation Security of the Department of Homeland Security.

(b) APPLICABILITY OF STANDARDS.—Within 180 days after the date of enactment of this Act, the Administrator shall issue regulations to ensure that foreign repair stations meet the same level of safety required of domestic repair stations.

(c) SPECIFIC STANDARDS.—In carrying out subsection (b), the Administrator shall, at a minimum, specifically ensure that foreign repair stations, as a condition of being certified to work on United States registered aircraft—
(1) institute a program of drug and alcohol testing of its employees working on United States registered aircraft; and that such a program provides an equivalent level of safety against drug and alcohol safety requirements that workers are subject to at domestic repair stations;

(2) agree to be subject to the same type and level of inspection by the Federal Aviation Administration as domestic repair stations and that such inspections occur without prior notice to the country in which the station is located and;

(3) follow the security procedures established under subsection (d).

(3) Security Audits.—

(1) In General.—To ensure the security of maintenance and repair work conducted on United States aircraft and components at foreign repair stations, the Under Secretary, in consultation with the Administrator, shall conduct a security review and audit of foreign repair stations certified by the Administrator.

(2) Security Audits.—If the Under Secretary determines that a foreign repair station does not address the security issues and vulnerabilities as required under subsection (d)(2), the Under Secretary shall notify the Administrator of the determination. Upon receipt of the determinations, the Administrator shall conduct the security audit described in paragraph (1) within 90 days of providing notice to the repair station.

(3) Suspensions and Revocations of Certificates.—

(A) Failure to Carry Out Effective Security Measures.—If the Under Secretary determines as a result of a security audit that a foreign repair station does not maintain and carry out effective security measures or if a foreign repair station does not address the security issues and vulnerabilities as required under subsection (d)(2), the Under Secretary shall notify the Administrator of the determination. Upon receipt of the determination, the Administrator shall suspend the certification of the repair station and address the issues identified in the audit, and transmits the determination to the Administrator.

(B) Immediate Security Risk.—If the Under Secretary determines that a foreign repair station poses an immediate security risk, the Under Secretary shall notify the Administrator of the determination. Upon receipt of the determination, the Administrator shall revoke the certification of the repair station.

(4) Failure to Meet Audit Deadline.—If the security audits required by paragraph (1) are not completed on or before the date that is 180 days after the date on which the Under Secretary issues regulations under subsection (h), the Administrator may not certify or renew the certification of any foreign repair station until such audits are completed.

(5) Priority for Audits.—In conducting the audits described in paragraph (1), the Under Secretary and the Administrator shall give priority to foreign repair stations located in countries identified by the United States Government as posing the most significant security risks.

(6) Regulations.—Not later than 180 days after the date of enactment of this section, the Administrator, in consultation with the Administrator, shall issue final regulations to ensure the security of foreign and domestic repair stations. If final regulations are not issued within 180 days of the date of enactment of this Act, the Administrator may not certify, or renew the certification of, any foreign repair station until such regulations have been issued.

Mr. SPECTER. Mr. President, I am offering this amendment on behalf of myself and Senators BOXER, DURBIN, and DAYTON. Senator INHOFE had indicated several months ago that he has a little different approach, so I am going to proceed with it on this basis.

The amendment provides for foreign aircraft repair stations to be subject to the same provisions as domestic air stations.

What we have at the present time is a very different set of standards for foreign repair stations than are in effect for domestic stations. In foreign stations, for example, there need not be drug and alcohol testing. In foreign stations, there are no requirements to carry out effective security measures or carry out effective security measures or that such inspections occur without prior notice to the country in which the station is located and.

I realize this kind of an amendment may result in some higher costs, however, I believe these costs are warranted in the interest of the traveling public so there is an adequate assurance of safety. If you do not have the same sort of requirements as effect by the FAA in the United States, then we do not have the maintenance of the same kind of safety standards.

With respect to foreign competition, I think it is a fair requirement to say that you are not requiring "Buy American," but you are saying that the people in the United States who provide these services ought to have the same sort of security standards, the same sort of maintenance standards, and the same sort of drug testing or alcohol testing as in foreign standards. So this goes beyond the idea of protectionism. These requirements that are in effect in the United States are to provide for the safety of the traveling public. If it costs X dollars to provide for the safety of the airplanes when I think that is what we ought to do, and that is the gravamen and the thrust behind this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

AMENDMENT NO. 914 TO AMENDMENT NO. 905

(Purpose: To require the Administrator of the FAA to conduct a study of safety requirements of foreign repair stations.

Mr. LOTT. Mr. President, I send a second-degree amendment to the desk and ask it be read in its entirety.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. Lott] proposes an amendment numbered 914 to amendment No. 905:

At the end of the amendment add the following:

(1) Study.—Notwithstanding the preceding provisions of this section—

(A) the Administrator shall conduct a study of the need to establish a program to ensure that foreign repair stations meet the conditions of standards described in other sections of the law, that they report the results of that study, together with the Administrator’s recommendations and conclusions, to the Congress within a specified period of time. This is not just an open-ended generic thing. That would also give us
time on the committee to ask questions of all those impacted by the requirement.

I think this is a good solution to a problem we should not ignore, but before we act we need to know what the impact might be.

I yield the floor.

Mr. DURBIN. Mr. President, I strongly support the Specter amendment to S. 824, the Aviation Investment and Revitalization Vision Act, that would address security and security issues at foreign aircraft repair stations working on U.S. aircraft.

For a number of years, I have been working with the AFL-CIO’s Transportation Trades Department and its mechanic unions—the International Association of Machinists, the Transport Workers Union, and the International Brotherhood of Teamsters—to close the safety loopholes that many foreign stations present.

I would like to submit for the Record a letter I received from these unions expressing their continued opposition to unsafe foreign stations.

I would also like to submit for the Record a letter recently sent from the AFL-CIO and its Transportation Trades Department to the Administration highlighting their concerns about the security at foreign stations.

As these letters clearly demonstrate, we have legitimate concerns with regard to the current rules governing certification and oversight of foreign stations. For these reasons, I am co-sponsoring the Specter amendment and urge my colleagues to support it as well.

I ask unanimous consent that the aforementioned letters, dated April 10, 2003, and May 22, 2003, be printed in the Record.

There being no objection, the material was ordered to be printed in the Record.

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,

Hon. NOMAN Y. MINETA,
Secretary of Transportation, Washington, DC.
Hon. MARION B. BLAKEY,
Administrator, Federal Aviation Administration, Washington, DC.
Hon. JAMES M. LOY,
Under Secretary for Security, Transportation Security Administration, Arlington, VA.

DEAR SECRETARY MINETA, ADMINISTRATOR BLAKEY, ADMIRAL LOY: On behalf of the 13 million members of the AFL-CIO and the Transportation Trades Department, AFL-CIO (TTD) we urge you to take immediate action to temporarily revoke the certification of certain foreign-based aircraft repair stations until such time as thorough security audits are conducted by responsible agencies and rules are put in place to ensure that these stations do not pose an imminent national and aviation security risk. As you know, there are currently over 600 foreign aircraft repair stations, certified under 14 CFR Part 145 from that foreign aircraft repair stations can receive FAA certification and then work on U.S. aircraft, could provide terrorists with an opportunity to compromise aviation security without having to physically enter this country. At a time of heightened alert around the globe, our government must do everything it can to prevent potential terrorist agents infiltrating foreign repair stations and sabotaging air operations headed back to the United States.

While there is no publicly known evidence that terrorists have pursued this agenda, it makes little sense for the Bush Administration to leave it to chance. In fact, the DOT’s Inspector General recently announced that as part of a larger audit of air carriers’ use of aircraft repair stations, it found security vulnerabilities related at commercial and general aviation airports and off airport property. While the IG recommended that the TSA conduct risk-based security assessments and determine the actions needed to address repair station security, we would maintain that until the security “fitness” of foreign stations can be assured, their FAR 145 rights to work on U.S. aircraft should be suspended.

The security risks posed by foreign stations is compounded by the unprecedented financial stress that the commercial aviation industry. Two major carriers that have declared bankruptcy, others have announced severe workforce and service cuts, and virtually every airline has been forced to institute dramatic cost cuts to satisfy lenders and to keep flying. In this environment, U.S. carriers will undoubtedly pursue, over the strong objections of the International Association of Machinists and Aerospace Workers, the Transport Workers Union and the International Brotherhood of Teamsters, the outsourcing of maintenance and repair work to lower cost, potentially substandard third party contractors including those based overseas. A real life illustration of these concerns is the unsecured rights secured by Northwest Airlines in its 2001 collective bargaining agreement with its mechanics union under which the airline can contract out almost 40 percent of repair and overhaul work to outside contractors around the globe. In fact, Northwest Airlines already reached a no-definition repair operation for significant overhaul work on its DC-10 aircraft and the carrier could use the freedoms it secured in its 2001 collective bargaining agreement with the union to significantly more of that work abroad. And with the lax FAA oversight and surveillance of unknown security procedures at many foreign stations, the potential for terrorist security breaches grows as there is no way to see more work from the U.S.

It is interesting that in the pursuit of aviation security, the TSA recently issued rules that require the FAA to revoke the airman certificate, which includes a Part 65 mechanic certification, of any individual determined to pose a risk to aviation security. But from a practical standpoint, these rules will only affect mechanics at domestic stations since only domestic stations, that is stations that currently exist in the aviation industry, as outlined below, we believe that the Department of Transportation (DOT), the Federal Aviation Administration (FAA), and the Transportation Security Administration (TSA) are required to act upon this petition in the interest of aviation security.

It is well known that this nation continues to be the target of terrorist intentions both domestically and abroad. In fact, the U.S. State Department and other government agencies have frequently warned about threats occurring outside the U.S. but directed at U.S. airports. We are concerned that certified foreign aircraft repair stations that are eligible to work on U.S. aircraft, could provide terrorists with an opportunity to compromise aviation security without having to physically enter this country. At a time of heightened alert around the globe, our government must do everything it can to prevent potential terrorist agents infiltrating foreign repair stations and sabotaging air operations headed back to the United States.

While there is no publicly known evidence that terrorists have pursued this agenda, it makes little sense for the Bush Administration to leave it to chance. In fact, the DOT’s Inspector General recently announced that as part of a larger audit of air carriers’ use of aircraft repair stations, it found security vulnerabilities related at commercial and general aviation airports and off airport property. While the IG recommended that the TSA conduct risk-based security assessments and determine the actions needed to address repair station security, we would maintain that until the security “fitness” of foreign stations can be assured, their FAR 145 rights to work on U.S. aircraft should be suspended.

The security risks posed by foreign stations is compounded by the unprecedented financial stress that the commercial aviation industry. Two major carriers that have declared bankruptcy, others have announced severe workforce and service cuts, and virtually every airline has been forced to institute dramatic cost cuts to satisfy lenders and to keep flying. In this environment, U.S. carrier will undoubtedly pursue, over the strong objections of the International Association of Machinists and Aerospace Workers, the Transport Workers Union and the International Brotherhood of Teamsters, the outsourcing of maintenance and repair work to lower cost, potentially substandard third party contractors including those based overseas. A real life illustration of these concerns is the unsecured rights secured by Northwest Airlines in its 2001 collective bargaining agreement with its mechanics union under which the airline can contract out almost 40 percent of repair and overhaul work to outside contractors around the globe. In fact, Northwest Airlines already reached a no-definition repair operation for significant overhaul work on its DC-10 aircraft and the carrier could use the freedoms it secured in its 2001 collective bargaining agreement with the union to significantly more of that work abroad. And with the lax FAA oversight and surveillance of unknown security procedures at many foreign stations, the potential for terrorist security breaches grows as there is no way to see more work from the U.S.

It is interesting that in the pursuit of aviation security, the TSA recently issued rules that require the FAA to revoke the airman certificate, which includes a Part 65 mechanic certification, of any individual determined to pose a risk to aviation security. But from a practical standpoint, these rules will only affect mechanics at domestic stations since only domestic stations, that is stations that currently exist in the aviation industry, as outlined below, we believe that the Department of Transportation (DOT), the Federal Aviation Administration (FAA), and the Transportation Security Administration (TSA) are required to act upon this petition in the interest of aviation security.
The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the second-degree amendment proposed by the Senator from Mississippi is an improvement over where the record vote was taken. At the present time, however, I think it does not go far enough. When he states that he does not know the consequences of my amendment, I would disagree with him.

The amendment provides that there will be standards on the level of inspection which have not been promulgated by the Federal Aviation Administration. So if you have that level of inspection, which they have now, there is no question as to its not being onerous, or at least if it is onerous, it is onerous now, however, it is the same.

We should have drug and alcohol testing as a very minimal requirement so we know specifically what is involved there. We know people who are drug addicts or who are unduly influenced by alcohol to be carrying on these inspections.

When it comes to the third factor, security, the amendment I have proposed calls for ensuring the security of maintenance and inspected work conducted on U.S. aircraft and components at foreign repair stations by the Under Secretary in consultation with the Administrator.

Those security arrangements are going to be determined by the Department of Transportation. We certainly can rely on them. I think the issue has been joined. I think we understand what is involved.

I ask for the yeas and nays on the pending amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I ask that the vote be delayed until such time—

Mr. REID. Will the Senator yield without losing his right to the floor?

The two leaders want these votes to be stacked. They are in a very important Finance Committee meeting which is going on now. I ask this be set aside for a later time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I also note that Senator BOXER wishes to speak on this amendment for up to 10 minutes.

Mr. McCAIN. Mr. President, I ask unanimous consent that we withhold the vote until such time as the two leaders decide on a time, which I do not think will be very long. We have a couple of other amendments which are pending that we could dispose of, I would imagine, within the next 10 or 15 minutes.

Also, I ask unanimous consent that no further amendments be considered at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. I ask unanimous consent that Senator Hagel be added as a cosponsor of amendment No. 906.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, as part of the agreement, it is my understanding that the Senator from California will be recognized for up to 10 minutes. Is that acceptable?

The PRESIDING OFFICER. No agreement has been propounded.

Mr. REID. Did not the Senator from Arizona ask unanimous consent that the vote be put over until later and that request was propounded at that time? I thought the agreement was that the Senator from California would speak on the amendment that was just set aside for a vote for 10 minutes. I ask the Senator from California, would that be appropriate?

Mrs. BOXER. I am sorry. I was concentrating on my remarks.

Mr. REID. Is 10 minutes sufficient time for the Senator?

Mrs. BOXER. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. I ask unanimous consent that Senator Santorum be added as an original cosponsor on the Lancaster amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I understand Senator Lott has second-degree Senator Santorum of which I am a proud cosponsor, with a study. Something can be studied and studied but, frankly, this would gut what we are trying to do in our amendment. I do not mind a study, but I think the time for studying this has passed.

I want to show my colleagues an important op-ed that appeared in the USA Today on June 9: “Evidence Points to FAA’s Laxity on Plane Maintenance.”

It specifically cites the overseas gaps that are happening. There are abroad foreign repair stations certified by the FAA to service U.S. aircraft. They point out that they may not be strictly

CIO (TTD) and its aircraft mechanics unions, we write to ask for your assistance in protecting the safety and security of our aviation system and the jobs of thousands of aircraft mechanics due to deficient federal government policy and efforts by the major airlines to cut costs through outsourcing of maintenance and repair overhaul work to foreign-based repair stations.

As an original cosponsor of the Aircraft Repair Station Safety Act (S. 1089) in the 108th Congress, legislation strongly supported by AFL-CIO unions, we know that you are well aware of this problem and we appreciate your leadership in protecting aviation safety and U.S. jobs. As we have discussed with you over many years, the Federal Aviation Administration (FAA), pursuant to the Federal Aviation Regulations (14 CFR Part 145 (Subpart C), allows aircraft mechanics due to deficient federal government policy and efforts by the major airlines to cut costs through outsourcing of maintenance and repair overhaul work to foreign-based repair stations.

We know that U.S. carriers will pursue, over the strong objections of the International Association of Machinists and Aerospace Workers, the Transport Workers Union and the International Brotherhood of Teamsters, outsourcing of major overhaul and other repair work to lower cost and potentially substandard third party contractors based overseas. In fact, Northwest Airlines, secured the right in its 2001 collective bargaining agreement with its non-mechanics union (AMFA) to contract out almost 40 percent of repair and overhaul work to foreign contractors and around the globe. While the mechanics at Northwest are not members of our unions, we are deeply concerned that the carrier will continue to exploit these harmful contract concessions to the detriment of all the nation’s professional aircraft mechanics, the vast majority of which are our members. Mechanics at other airlines will face increasing pressure to adopt the dangerous practices of Northwest-AMFA that permit almost four out of 10 jobs to be shipped to foreign contractors. Unless Congress steps in aggressively, aviation safety and security will suffer and the jobs of thousands of workers will be at risk.

Today on June 9: “Evidence Points to FAA’s Laxity on Plane Maintenance.”

It specifically cites the overseas gaps that are happening. There are abroad foreign repair stations certified by the FAA to service U.S. aircraft. They point out that they may not be strictly
monitored because of their distance from U.S.-based airline operations, increasing the potential risk for error.

That is an opinion of an expert on safety. Michael Barr, director of the University of Southern California’s aviation safety program, I think all of us want to see safety. One obvious place is making sure that we cut down on the number of aircraft that are overhauled abroad. That is why I think Senator SPECTER’s amendment is so important. For the safety and security of the flying public. We all have worked very hard in the Commerce Committee to improve our aviation security, and I do believe our system is more secure than it was.

We have much more to do. My colleagues have heard me speak about the importance of the missile defense system, against shoulder-fired missiles, and there will be a lot more on that subject. But while we are improving our security at our airports in this country, we must not allow potential threats among employees in the United States, meaning employees who work for the airlines, there are no security regulations or standards for foreign repair stations that work on U.S. aircraft.

I know the Senate is rushing to get through this very important bill, but there is a huge gap in our aviation security. There is a huge safety concern that I have that Senator SPECTER’s amendment will remedy. It is important to remember that foreign repair stations work on planes that not only fly internationally but planes that serve domestic routes as well.

There is a huge gap in our aviation security, and foreign repair stations do not have the same standards. Senator LOTT wishes to study this matter, and I am glad he wishes to study it, but we all know that the underlying amendment is the one that would bring about the largest change. The underlying amendment would require foreign repair stations to meet the same safety standards required at domestic repair stations.

Specifically, under the Specter amendment, foreign repair stations would have to institute a drug and alcohol testing program of its employees if they want to work on American aircraft.

I say to my friends in the Senate, the people at these stations are not even tested for drugs and alcohol, but American workers are required to have drug and alcohol tests.

There is no drug and alcohol testing program of employees on these foreign repair stations. We demand it in our own country. Our employees go through it and we do not have it at these foreign repair stations. We want these foreign repair stations to agree to FAA inspections.

In addition, the Under Secretary of Homeland Security must complete a security review and audit of all foreign repair stations. The foreign repair stations must address security issues identified by the Homeland Security Department within 90 days, and if they do not prove to the FAA and to the Homeland Security Department that they are not meeting our heightened security needs, FAA must revoke the certification that repair stations.

After all of the work that has been undertaken to improve our aviation security, and I must say on both sides of the aisle we have seen this work, we must not allow this loophole to continue. We do not know who is working on our planes at foreign repair stations, and I would hate to be a Senator who voted to study the issue but not to move quickly to solve the problem if, God forbid, there is an accident because some employee in a foreign repair station was either inebriated or high on drugs or perhaps even was terrorist connected.

We owe the American people safe and secure skies, and I think the Specter amendment is critical to preventing terrorism and unnecessary accidents. My colleagues want a study? Then they are saying they do not think this is a problem.

Evidence points to FAA’s laxity on plane maintenance, and if we do not adopt Senator SPECTER’s amendment, I think we are making a big mistake. These planes not only fly internationally but nationally.

I have a parliamentary inquiry. Are we going to vote on Senator LOTT’s second-degree amendment? Mr. REID. No. The PRESIDING OFFICER. The PRESIDING OFFICER (Mr. CORYN). The yeas and nays have been ordered on that amendment but no time has yet been set for that vote.

Mrs. BOXER. Another question. If that fails, will we then be voting on the Specter amendment? And have the yeas and nays been ordered on that? The PRESIDING OFFICER. That would be the normal course of business, but the yeas and nays have not yet been ordered on the Specter amendment.

Mrs. BOXER. I ask for the yeas and nays. The PRESIDING OFFICER. It is not in order at this time.

Mr. HOLLINGS. I ask unanimous consent.

The PRESIDING OFFICER. The PRESIDING OFFICER. The clerk will report. The bill clerk read as follows:

The Senator from Montana [Mr. BURNS] proposes an amendment numbered 900, as follows:

The amendment is as follows:

(Purpose: To provide grants to reimburse general aviation entities for the security costs incurred and revenue foregone as a result of terrorism and the military action against Iraq.) At the appropriate place, insert the following:

SEC. 4. 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 economic losses 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:

(1) General aviation entities that operate at Ronald Reagan Washington National Airport and other airports that are located within 15 miles of any general aviation entity that are operating under the restrictions imposed by the Federal Government following the terrorist attacks on the United States that occurred on September 11, 2001.

(2) Any 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.

Mr. MCCAIN. I ask unanimous consent to set aside the pending amendment so Senator BURNS can be recognized for his two amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS. Mr. President, I thank the chairman of the committee and the Ranking Member. I submitted two amendments. One has to do with general aviation and reimbursement for orders due to September 11. We took care of the airlines and a lot of service industries in and around airports, but we forgot and left out one very important part of the American aviation scene, very important to my State of Montana, those people involved in general aviation, in other words, the charter business, as they were impacted, too, and received no reimbursement in any way to recover the damages or the losses they may have incurred.

We have talked about this. I ask the amendment which is at the desk to be considered. It has been amended and worked on by both sides of the aisle. There is agreement on this amendment, I believe.

The PRESIDING OFFICER. The amendment is as follows:

The Secretary of Transportation may make grants to reimburse the following general aviation entities for economic losses 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:

(1) General aviation entities that operate at Ronald Reagan Washington National Airport and other airports that are located within 15 miles of any general aviation entity that are operating under the restrictions imposed by the Federal Government following the terrorist attacks on the United States that occurred on September 11, 2001.

(2) 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.

Mr. BURNS. Mr. President, I thank the chairman of the committee and the chairman of the subcommittee and the Ranking Member. I submitted two amendments. One has to do with general aviation and reimbursement for orders due to September 11. We took care of the airlines and a lot of service industries in and around airports, but we forgot and left out one very important part of the American aviation scene, very important to my State of Montana, those people involved in general aviation, in other words, the charter business, as they were impacted, too, and received no reimbursement in any way to recover the damages or the losses they may have incurred.

We have talked about this. I ask the amendment which is at the desk to be considered. It has been amended and worked on by both sides of the aisle. There is agreement on this amendment, I believe.

The PRESIDING OFFICER. The amendment is as follows:

The Senator from Montana [Mr. BURNS] proposes an amendment numbered 900, as follows:

The amendment is as follows:

(Purpose: To provide grants to reimburse general aviation entities for the security costs incurred and revenue foregone as a result of terrorism and the military action against Iraq.) At the appropriate place, insert the following:

SEC. 4. 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 economic losses 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:

(1) General aviation entities that operate at Ronald Reagan Washington National Airport and other airports that are located within 15 miles of any general aviation entity that are operating under the restrictions imposed by the Federal Government following the terrorist attacks on the United States that occurred on September 11, 2001.

(2) 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.
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) provides services necessary for nonmilitary operations under such part 91; or

(3) 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, persons engaged in nonscheduled air taxi service or aircraft rental.

(c) General Aviation Entity Defined.—In this section, the term "general aviation entity" includes the following:

(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 of the airline and travel agent industry.

Mr. BURNS. I ask the amendment be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment numbered 899.

The amendment (No. 899) was agreed to.

Mr. BURNS. I move to reconsider the vote.

The PRESIDING OFFICER. The motion to lay on the table was agreed to.

AMENDMENT NO. 899

Mr. BURNS. The amendment is as follows:

(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 of the airline and travel agent industry.

Mr. BURNS. I ask the amendment be agreed to.

The PRESIDING OFFICER. Is there no further debate on the amendment?

Mr. BURNS. By the way, it has been cleared by both sides.

The PRESIDING OFFICER. The question is on agreeing to the amendment numbered 899.

The amendment (No. 899) was agreed to.

Mr. BURNS. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 917

Mr. BURNS. The amendment is as follows:

(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;

(3) analyze samples of residue from aircraft ventilation ducts and any other incident to identify the contaminants to which passengers and crew were exposed;

(4) analyze and study cabin air pressure and altitude; and

(5) establish an aircraft incident reporting system.

(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.

Mr. HOLLINGS. Mr. President, I rise today to introduce an amendment to improve the air quality on commercial aircraft.

In 1986, in response to a National Research Council Report, the FAA took several actions to improve aircraft cabin air quality on flights, including banning smoking on nearly all domestic flights. However, over 15 years later, many cabin air quality issues remain and new health questions have been raised by passengers and crew.

More recently, the National Research Council released a study of the air quality on commercial airline flights...
that was funded by the Federal Aviation Administration. The National Research Council found that:

There is no operational standard for the ventilation of an aircraft cabin, but that such an operation standard should be established to ensure that passenger aircraft are properly ventilated;

Passengers have been exposed to airborne contaminants while onboard aircraft, and that such contaminants can originate outside and inside the aircraft, with the aircraft’s environmental control system itself;

The environmental control system on a passenger aircraft can become contaminated with engine oils, hydraulic fluids, or deicing fluids and those fluid contaminants can enter the passenger cabin through the air supply system;

Contaminants in the air of a passenger aircraft may be responsible for acute and chronic health effects in crew and passengers;

Reduced partial oxygen levels in aircraft air may adversely affect health-compromised passengers, particularly those with cardiopulmonary disease;

Aircraft passengers may be exposed to ozone during flight, and studies suggest that ozone concentrations on some flights can exceed the Federal Aviation Administration and Environmental Protection Agency ozone levels;

Air that contains elevated ozone concentrations is associated with airway irritation, decreased lung function, exacerbation of asthma, and impairments of the immune system;

Since carbon monoxide is an indicator of mechanical fluids contaminating the aircraft’s equipment, the FAA should require aircraft to install monitors and establish procedures for responding to elevated levels of carbon monoxide; and

The FAA should establish a passenger aircraft air quality and health surveillance program to determine compliance with existing FAA regulations and document health effects and complaints so that data is collected in a way that allows analysis of the relationships between health effects and aircraft air quality.

The amendment I rise to introduce today addresses several findings on cabin air quality. It incorporates the original House language plus two additional provisions:

The House language is as follows:

(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 exceedances;

(2) collect pesticide exposure data to determine exposures of passengers and crew; and

(3) analyze samples of residue from aircraft ventilation systems or deicing fluids after air quality incidents to identify the 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.

My amendment builds on the above language by adding the following two provisions:

Authorizes an FAA study to analyze cabin air pressure and altitude; and

Requires the FAA to establish an air quality incident reporting system.

Poor air quality in flight cabins poses a health risk for the flying public and crew members who spend most of their working hours onboard commercial aircraft. Passengers should feel confident that they are not endangering their health when they fly, and airline industry workers should not feel their health is threatened as they earn a living. I hope you will join me in supporting this legislation. And finally I want to thank Senator McCain and Senator Rockefeller for allowing me to introduce this amendment.

Mr. HOLLINGS. This has to do with air quality of new equipment that has been cleared.

I urge its adoption.

The PRESIDENT pro tempore of the Senate, Mr. HOLLINGS, for Mr. ROCKEFELLER, proposes an amendment numbered 918.

The amendment (No. 918) was agreed to.

Mr. HOLLINGS. On behalf of the distinguished Senator from West Virginia, Senator ROCKEFELLER, I send an amendment to the desk and ask the clerk to report. It has to do with credit cards, which one of the carriers is in default and the other carrier has to pick up or honor the tickets. Since there is a peculiar situation, this is taking care of that situation. It has been cleared on both sides.

The PRESIDENT pro tempore of the Senate, Mr. HOLLINGS, for Mr. INOUYE and Mr. VOINOVICH, proposes an amendment numbered 919.

Mr. HOLLOWS. On behalf of the distinguished Senator from Hawaii, Senator MCCAIN and Senator ROCKEFELLER, I send an amendment to the desk and ask the clerk to report. It has to do with credit cards, which one of the carriers is in default and the other carrier has to pick up or honor the tickets. Since there is a peculiar situation, this is taking care of that situation. It has been cleared on both sides.

The PRESIDENT pro tempore of the Senate, Mr. HOLLINGS, for Mr. INOUYE and Mr. VOINOVICH, proposes an amendment numbered 919.

Amendment (No. 919) was agreed to.

Mr. HOLLINGS, Mr. President, on behalf of the Senate from Hawaii, Senator INOUYE, and the Senator from Ohio, Senator VOINOVICH, I send an amendment to the desk and ask it be reported. It has to do with credit cards, which one of the carriers is in default and the other carrier has to pick up or honor the tickets. Since there is a peculiar situation, this is taking care of that situation. It has been cleared on both sides.

The PRESIDENT pro tempore of the Senate, Mr. HOLLINGS, for Mr. INOUYE and Mr. VOINOVICH, proposes an amendment numbered 919.

Mr. HOLLINGS. Mr. President, on behalf of the Senate from Hawaii, Senator INOUYE, and the Senator from Ohio, Senator VOINOVICH, I send an amendment to the desk and ask it be reported. It has to do with credit cards, which one of the carriers is in default and the other carrier has to pick up or honor the tickets. Since there is a peculiar situation, this is taking care of that situation. It has been cleared on both sides.

The PRESIDENT pro tempore of the Senate, Mr. HOLLINGS, for Mr. INOUYE and Mr. VOINOVICH, proposes an amendment numbered 919.

Mr. HOLLINGS. I urge its adoption.

The assistant legislative clerk read as follows:

The amendment (No. 919) was agreed to.

The assistant legislative clerk read as follows:

The amendment (No. 919) was agreed to.

The PRESIDENT pro tempore of the Senate, Mr. HOLLINGS, for Mr. INOUYE and Mr. VOINOVICH, proposes an amendment numbered 919.

Mr. HOLLINGS. Mr. President, on behalf of the Senator from Hawaii, Senator INOUYE, and the Senator from Ohio, Senator VOINOVICH, I send an amendment to the desk and ask it be reported. It has to do with credit cards, which one of the carriers is in default and the other carrier has to pick up or honor the tickets. Since there is a peculiar situation, this is taking care of that situation. It has been cleared on both sides.

The PRESIDENT pro tempore of the Senate, Mr. HOLLINGS, for Mr. INOUYE and Mr. VOINOVICH, proposes an amendment numbered 919.

Mr. HOLLINGS. On behalf of the distinguished Senator from West Virginia, Senator ROCKEFELLER, I send an amendment to the desk and ask the clerk to report. It has to do with credit cards, which one of the carriers is in default and the other carrier has to pick up or honor the tickets. Since there is a peculiar situation, this is taking care of that situation. It has been cleared on both sides.

The PRESIDENT pro tempore of the Senate, Mr. HOLLINGS, for Mr. INOUYE and Mr. VOINOVICH, proposes an amendment numbered 919.

Mr. HOLLINGS. Mr. President, on behalf of the Senator from Hawaii, Senator INOUYE, and the Senator from Ohio, Senator VOINOVICH, I send an amendment to the desk and ask it be reported. It has to do with credit cards, which one of the carriers is in default and the other carrier has to pick up or honor the tickets. Since there is a peculiar situation, this is taking care of that situation. It has been cleared on both sides.

The PRESIDENT pro tempore of the Senate, Mr. HOLLINGS, for Mr. INOUYE and Mr. VOINOVICH, proposes an amendment numbered 919.

Mr. HOLLINGS. The amendment is as follows:

SEC. 305. AIR CARRIERS REQUIRED TO HONOR TICKETS FOR SUSPENDED SERVICE.

(a) In General.—Section 145(a) of the Aviation and Transportation Security Act of 2001 (49 U.S.C. 40101 note) is amended by adding at the end the following:

(b) EXTENSION.—Section 145(c) of such Act (49 U.S.C. 40101 note) is amended by striking “more than” and all that follows through “and that the Secretary shall give favorable consideration to waiving the terms and conditions established by this section, including those set forth in the guidance provided by the Department in notices, dated August 8, 2002, November 14, 2002, and January 23, 2003, in cases where remaining carriers operate additional flights to accommodate passengers whose service was suspended, interrupted, or discontinued under circumstances described in the preceding sentence over routes located in isolated areas that are unusually dependent on air transportation.”.

(c) Extension.—Section 145(c) of such Act (49 U.S.C. 40101 note) is amended by striking “more than” and all that follows through “and that the Secretary shall give favorable consideration to waiving the terms and conditions established by this section, including those set forth in the guidance provided by the Department in notices, dated August 8, 2002, November 14, 2002, and January 23, 2003, in cases where remaining carriers operate additional flights to accommodate passengers whose service was suspended, interrupted, or discontinued under circumstances described in the preceding sentence over routes located in isolated areas that are unusually dependent on air transportation.”.

The amendment (No. 919) was agreed to.

Mr. McCAIN, Mr. President, Senator STEVENS is here to offer an amendment to the amendment.
First, before that, I ask unanimous consent that following the disposition of the previously mentioned amendments, which we will mention in a minute, the bill be read for the third time, and further, the Senate then proceed to the consideration of H.R. 2115, the House companion bill; provided further that all after the enacting clause be stricken and the text of S. 824, as amended, be inserted in lieu thereof; further, that the bill then be read the third time and the Senate proceed to a vote thereon in accordance with the rules, with no intervening action or debate. Finally, I ask unanimous consent that following that vote the Senate then insist on its amendment, request a conference with the House, and that the Chair be authorized to appoint conferences on the part of the Senate with a ratio of 5 to 4. I ask unanimous consent that following the vote, S. 824 be placed back on the calendar.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. McCAIN. It is my understanding the only amendments also remaining are an amendment by Senator STEVENS, an amendment by Senator SANTORUM, a Finance Committee amendment, and an amendment by Senator MURKOWSKI.

Mr. REID. And Senator HARKIN?

Mr. MCCAIN. An amendment by Senator HARKIN.

I ask unanimous consent that no amendments be considered other than those I just described.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, the subject matter of the amendments has been discussed on both sides so there are no surprises as to the subject matter of the amendments. The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alaska.

AMENDMENT NO. 907

(Purpose: To codify the requirement that United States air carriers be effectively controlled by United States citizens)

Ms. MURKOWSKI. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment (No. 907) was agreed to.

The assistant legislative clerk read as follows:

The Senator from Alaska [Ms. MURKOWSKI] proposes an amendment numbered 907.

Ms. MURKOWSKI. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the FAA to complete a study and report regarding the feasibility of consolidating the Anchorage Terminal Radar Approach Control and the Anchorage Air Route Traffic Control Center)

At the end of title II, add the following:

SEC. 217. ANCHORAGE AIR TRAFFIC CONTROL.

(a) IN GENERAL.—Not later than September 30, 2004, the Administrator of the Federal Aviation Administration shall complete a study and transmit a report to the appropriate committees regarding the feasibility of consolidating the Anchorage Terminal Radar Approach Control and the Anchorage Air Route Traffic Control Center at the existing Anchorage Air Route Traffic Control Center facility.

(b) APPROPRIATE COMMITTEES.—In this section the term ‘appropriate committees’ means the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

Ms. MURKOWSKI. Mr. President, the amendment I have sent to the desk gives the Federal Aviation Administration a year to complete the study of the consolidation of the Anchorage Terminal Radar Approach Control, TRACON, with the Anchorage Air Route Traffic Control Center at the center’s existing facility.

The current physical location will be facing significant demands this decade. In order to expand TRACON’s current control room, it needs to be housed in a larger facility. What we are asking is a year to give the FAA ample time to complete this study while the Ted Stevens International Airport is undergoing expansion.

I urge the adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 907) was agreed to.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, as far as I can see, we are waiting for Senator SANTORUM, who has a pending amendment, according to the unanimous consent agreement. Then there will be a Finance Committee amendment after the disposition of that amendment.

I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll. The senior assistant bill clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Santorum...
amendment be withheld at this time. That will leave us with the Harkin amendment, to my understanding.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I suggest the amendment be stricken here.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 921

Mr. HOLLINGS. Mr. President, on behalf of the distinguished Senator from Iowa, Mr. HARKIN, I extend the amendment to the desk and ask it be reported.

The assistant legislative clerk read as follows:

Mr. HOLLINGS. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. The amendment is as follows:

(Purpose: To impose a civil penalty for the closure of an airport without sufficient notice)

At the end of title II, insert the following:

SEC. 217. CIVIL PENALTY FOR CLOSURE OF AN AIRPORT WITHOUT PROVIDING SUFFICIENT NOTICE.

(a) IN GENERAL.—Chapter 463 is amended by adding at the end of subparagraph (A) the following: "or

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 9502(f) of the Internal Revenue Code of 1986 is amended by striking "October 1, 2006" and inserting "October 1, 2003".

Mr. MCCAIN. Mr. President, I urge adoption of the amendment.

Mr. President, I urge adoption of the amendment.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 922

Mr. HOLLINGS. Mr. President, on behalf of Mr. GRASSLEY, for Mr. HARKIN, for himself, Mr. INHOFE, and Mr. GRASSLEY, proposes an amendment numbered 921.

Mr. HOLLINGS. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. The amendment is as follows:

(Purpose: To extend the Airport and Airway Investment and Revitalization Trust Fund, and to the issue of local control)

I support the managers' amendment today, the language increasing flights at Reagan National has been dropped. I appreciate the chairman of the Committee's willingness to work with me to see that this provision was not included in the final bill on the Senate floor.

I have several very serious concerns about congress increasing the number of flights beyond the perimeter at National Airport, all of which were detailed in a letter I submitted to the majority leader on May 9, 2003.

There is a critical principle at stake here that cannot be overlooked by the Senate. The right of the people of Virginia to decide what is best for their communities without unwarranted Federal intrusion is at stake here. The responsibility for operating the airports at Reagan National and Dulles is up to the local and regional airport authority, not Congress. Yet each time this body considers FAA reauthorization, we must revisit attempts at Federal intrusion on an issue of local concern, the question of local control.

There is an extremely delicate balance between how Reagan National is designed to operate in conjunction with the international hub at Dulles Airport, Congressional intervention, even in the form of a few more flights, disrupts that balance and creates a slippery slope that undermines this region's ability to determine for itself what is in our own best interests. I believe that a permanent solution to this continual Federal intrusion into local affairs is long overdue.

The Senate and House of Representatives should strengthen the mandate we have already given to the local airport.
authority to make decisions on whether to increase flights at Reagan National or not, especially with respect to flying beyond the perimeter.

Mr. HOLLINGS. Will the Senator yield?

Mr. ALLEN. I would be glad to yield to the Senator from South Carolina.

Mr. HOLLINGS. I thank the Senator. As you know, I voted against this amendment when it came before the Senate Commerce Committee. I agree with the Senator from West Virginia that we should not change the slot rules at National whatsoever. It is foolhardy and is bad aviation policy. We should not change the rules just because of politics. They have served the local community well, enabling the expansion of Dulles while protecting those that live near the airport. Short hauls leave from National, and long hauls from Dulles. We may not like to drive all the way out to Dulles, but we built, with Federal airport grant moneys, that highway dedicated to access to Dulles. We used the law to plan for growth. We should not change it now at the behest of some. I yield back to the Senator from Virginia.

Mr. ALLEN. I thank the Senator from South Carolina.

Mr. ROCKEFELLER. Will the Senator yield time?

Mr. ALLEN. I yield time to the Senator from West Virginia.

Mr. ROCKEFELLER. I thank the Senator. Mr. President, I also rise in support of the managers’ amendment, and particularly for dropping the provision on adding long-haul flights at National Airport. The current aviation system, as it has evolved, is an intricately connected web of hubs, spokes, and direct flights. Some airlines thrive on the hub and spoke network, and some derive the ability to operate by flying directly between communities. However, I want to make clear on what is important that we maintain this balance between National Airport and Dulles Airport that was maintained by Congress in 1987, when we leased the facilities to the Metropolitan Washington Airports Authority. The slot rules have been in place since 1968 and should not be changed now.

When the Interstate Highway System was developed in the 1950s, many communities located in the path of the new interstate highways prospered by being directly connected to the rest of the nation. Communities that were once sound economic entities, but were left miles from any access to the interstate system suffered, shuttered their doors and many times just barely survived. The same is true in the aviation system. Not every community in this country can maintain an airport. Not every community can enjoy the economic benefits of a hub. But hub economics dictate that feed from small- and medium-sized communities is necessary for them to survive.

National Airport is an important asset for those, like my constituents in West Virginia, who are trying to reach the capital region. Obviously, however, it can never become an international hub. The airport has only one runway and no ability to expand. National Airport serves a good and valuable purpose. My greatest concern is that by amending the Commerce Committee report, Congress will hurt this area’s ability to serve small- and medium-sized communities on the east coast, including my home State, West Virginia. The slot rule and perimeter rule were put in place at National Airport to maintain its important function while at the same time allowing the DC area to create a major international hub serving both Europe and South America. I would look forward to working with the chairman of the Senate Commerce Committee, the ranking member Senator HOLLINGS and Senators ALLEN and WARNER to find a permanent solution to this issue. I yield back to the Senator from Virginia.

Mr. ALLEN. I thank the Senator from West Virginia and appreciate his support.

Mr. WARNER. Will the Senator yield?

Mr. ALLEN. I yield to the Senator from Virginia.

Mr. WARNER. I thank the Senator. Let me just say that I associate myself with the remarks of Senator ALLEN. Three years ago, during debate over this same bill, I stood on the floor of the Senate and fought this battle. I hope that we are not doing this again a few years down the road. I understand that despite the best efforts of counterparts in the House, Congressmen WOLF, DAVIS, MORAN and Delegate NORTON, the House of Representatives has unfortunately approved an FAA reauthorization bill that would increase flights at Reagan National by 12 slots beyond the perimeter and 8 slots within the perimeter. I thank my colleague from Virginia and join him in agreeing to work with the Commerce Committee chairman and ranking member to see that this issue is resolved once and for all at Reagan National Airport. I yield back to my friend from Virginia.

Mr. ALLEN. I appreciate the Senator’s comments. In sum, let me just say that this issue is very important to the people of the Commonwealth of Virginia. We have a long and proud tradition of protecting our interests and interests of our fellow Americans. I fought those battles every step of the way in my public life—from my service in the Virginia House of Delegates until now. It is my responsibility as an elected official of the Commonwealth of Virginia to adhere to principles, fight for the will of Virginia, and protect the sovereignty of our people and their rights. I yield back the remainder of my time.

Ms. CANTWELL. Mr. President, I rise this afternoon to strongly support the Aviation Investment and Revitalization Vision Act.

I want to first applaud the tremendous leadership on this bill from my chairman on the Commerce Committee, Senator MCCAIN, and Senator HOLLINGS, the ranking member.

This legislation reaffirms our Government’s critical commitment to a safe, efficient, and state-of-the-art air-line system for the 21st century—a commitment that is crucially important to my home State.

The Seattle-Tacoma International Airport is the principal airport for the Northwest region, making it the nation’s largest passenger airport, with over 26.5 million passengers annually on almost 40 different airlines going in and out of the Seattle-Tacoma airport.

Washington State is also the home to the ninth largest airline in the country, Alaska Airlines, which employs over 10,000 people and is one of the few airlines in the country actually posting growth rates over the last few years. In addition, Alaska is nationally recognized for its leadership to incorporate technology into its aircraft manufacturing.

As the proud home of Boeing’s commercial aviation division, Washington State leads the Nation in large civil aircraft manufacturing.

With Boeing and hundreds of smaller businesses in aeronautics and aviation, we have over 75,000 workers designing and manufacturing the present and future of U.S. aircraft industry. Obviously, a solid, well functioning, state-of-the-art national air traffic system, and particularly for dropping the provision on adding long-haul flights at National Airport, Congress should not change the slot rules at National. As the Senator from Virginia that we fought this battle, I am proud to say that this bipartisan legislation takes tremendous steps towards this goal in several ways.

First, this bill increases funding for airport infrastructure investments that will help our Nation’s airports make the improvements, upgrades and expansions necessary to meet our Nation’s airline demands in the 21st century.

The bill also increases the funding that will be used to upgrade the FAA air traffic control system, to ensure that our traffic controllers are given the resources they need to continue getting planes where they need to go—in the safest and most efficient manner.

In addition, this bill addresses a critical resource need facing our Nation’s airports since 9/11 increased security threats and a strong domestic aircraft manufacturing capability are critical to my State and our Nation.

I am proud to say that this bipartisan legislation takes tremendous steps towards this goal in several ways.

First, this bill increases funding for airport infrastructure investments that will help our Nation’s airports make the improvements, upgrades and expansions necessary to meet our Nation’s airline demands in the 21st century.

The bill also increases the funding that will be used to upgrade the FAA air traffic control system, to ensure that our traffic controllers are given the resources they need to continue getting planes where they need to go—in the safest and most efficient manner.

In addition, this bill addresses a critical resource need facing our Nation’s airports since 9/11 increased security threats and a strong domestic aircraft manufacturing capability are critical to my State and our Nation.

I am proud to say that this bipartisan legislation takes tremendous steps towards this goal in several ways.

First, this bill increases funding for airport infrastructure investments that will help our Nation’s airports make the improvements, upgrades and expansions necessary to meet our Nation’s airline demands in the 21st century.

The bill also increases the funding that will be used to upgrade the FAA air traffic control system, to ensure that our traffic controllers are given the resources they need to continue getting planes where they need to go—in the safest and most efficient manner.

In addition, this bill addresses a critical resource need facing our Nation’s airports since 9/11 increased security threats and a strong domestic aircraft manufacturing capability are critical to my State and our Nation.

I am proud to say that this bipartisan legislation takes tremendous steps towards this goal in several ways.

First, this bill increases funding for airport infrastructure investments that will help our Nation’s airports make the improvements, upgrades and expansions necessary to meet our Nation’s airline demands in the 21st century.

The bill also increases the funding that will be used to upgrade the FAA air traffic control system, to ensure that our traffic controllers are given the resources they need to continue getting planes where they need to go—in the safest and most efficient manner.

In addition, this bill addresses a critical resource need facing our Nation’s airports since 9/11 increased security threats and a strong domestic aircraft manufacturing capability are critical to my State and our Nation.

I am proud to say that this bipartisan legislation takes tremendous steps towards this goal in several ways.

First, this bill increases funding for airport infrastructure investments that will help our Nation’s airports make the improvements, upgrades and expansions necessary to meet our Nation’s airline demands in the 21st century.

The bill also increases the funding that will be used to upgrade the FAA air traffic control system, to ensure that our traffic controllers are given the resources they need to continue getting planes where they need to go—in the safest and most efficient manner.

In addition, this bill addresses a critical resource need facing our Nation’s airports since 9/11 increased security threats and a strong domestic aircraft manufacturing capability are critical to my State and our Nation.

I am proud to say that this bipartisan legislation takes tremendous steps towards this goal in several ways.

First, this bill increases funding for airport infrastructure investments that will help our Nation’s airports make the improvements, upgrades and expansions necessary to meet our Nation’s airline demands in the 21st century.

The bill also increases the funding that will be used to upgrade the FAA air traffic control system, to ensure that our traffic controllers are given the resources they need to continue getting planes where they need to go—in the safest and most efficient manner.

In addition, this bill addresses a critical resource need facing our Nation’s airports since 9/11 increased security threats and a strong domestic aircraft manufacturing capability are critical to my State and our Nation.

I am proud to say that this bipartisan legislation takes tremendous steps towards this goal in several ways.

First, this bill increases funding for airport infrastructure investments that will help our Nation’s airports make the improvements, upgrades and expansions necessary to meet our Nation’s airline demands in the 21st century.

The bill also increases the funding that will be used to upgrade the FAA air traffic control system, to ensure that our traffic controllers are given the resources they need to continue getting planes where they need to go—in the safest and most efficient manner.

In addition, this bill addresses a critical resource need facing our Nation’s airports since 9/11 increased security threats and a strong domestic aircraft manufacturing capability are critical to my State and our Nation.

I am proud to say that this bipartisan legislation takes tremendous steps towards this goal in several ways.

First, this bill increases funding for airport infrastructure investments that will help our Nation’s airports make the improvements, upgrades and expansions necessary to meet our Nation’s airline demands in the 21st century.

The bill also increases the funding that will be used to upgrade the FAA air traffic control system, to ensure that our traffic controllers are given the resources they need to continue getting planes where they need to go—in the safest and most efficient manner.

In addition, this bill addresses a critical resource need facing our Nation’s airports since 9/11 increased security threats and a strong domestic aircraft manufacturing capability are critical to my State and our Nation.
The Final Report of the Commission on the Future of the United States Aerospace Industry argued that current Federal aerospace R&D is “insufficient and unfocused” and recommended in the Federal Government significantly increase its investment in aerospace. This would foster an efficient, secure, and safe aerospace transportation system.

We must clearly recognize that if we are not willing to make the commitments to retain leadership in this realm, the other side of the Atlantic certainly are willing to take our place—in fact, this effort has become European policy.

Indeed, the European Commission has declared in its “STAR–21” report that it is willing to explore “all available means” to ensure the competitiveness of the European aerospace sector—including Airbus.

This support to the European aerospace sector comes in the form of substantial development grants but also in direct product development grants, concessionary financing, and other direct subsidies.

While we have chosen, as a matter of Government policy, not to pursue such direct subsidies to provide assistance for product development, we have been able to help the research and development effort through a variety of research programs that both of your agencies have pursued.

It is the United States to reinforce our Nation’s place as a leader in the aerospace sector—an industry is an absolutely crucial component of our domestic industrial base.

For this reason, I am very proud that this bill includes provisions originally introduced by Senator HOLLINGS, that would establish an Office of Aerospace and Aviation Liaison in the Department of Transportation that will draw upon staff from FAA, NASA, DHS, DOD, for appropriate agencies to coordinate Federal research programs, as well as establish goals and priorities for research.

Such an office will be well equipped to meet the challenge of the aerospace Commission and bring direction and coordination to our Federal support for long-term research and innovation.

In addition, this bill authorizes almost $3 billion over the next 3 years for FAA and NASA research priorities. This expansion of the research agenda, almost five times more than previously authorized funding—previous authorization was approximately $600 million over 3 years.

As part of these research provisions, I am particularly proud to have worked with the Commission to include funding and authority for future work on the durability and maintainability of advanced materials, such as composites.

These next generation materials have been called the aluminum of the future. Indeed, given their strength, durability, lightweight and unique properties, composites are currently used in most major defense aircraft.

Composites not only make for stronger, safer materials but also lighter and more efficient aircraft.

Already, the Boeing Company has increased its use of composites in the production of the 777 and Airbus is also using composites. Additionally, Boeing has plans for even greater use in the production of the next generation of commercial airplanes.

In addition to authorizing funds for general research in advanced materials, this legislation would direct the FAA Administrator to establish a “Center for Excellence” that would harness the great engineering research in materials science at path-breaking institutions like the University of Washington, which has taken great strides in pursuing work on how to advance the maintainability and durability of advanced materials and composites in large civilian aircraft.

While we know that these materials hold tremendous potential, we need to be absolutely sure that they are safe and that we have the technologies and processes necessary to maintain the materials and ensure their durability.

Such a center, which I have drafted in prior legislation, was supported by the University of Washington’s Department of Engineering, would address these issues by facilitating close, working collaboration among industry, the FAA’s Transportation Division, and academic institutions to ensure that research matches the practical manufacturing needs.

This center will advance efforts to capitalize on the potential of this field.

In closing, Mr. President, as a government, we need to step up to the plate to ensure that our aerospace industry remains competitive and capable of leading the world toward the future for aerospace.

This bill takes an important step in affirming our Nation’s leadership in the aerospace sector, said S. research, infrastructure, and security, and I am proud to support it.

Mrs. BOXER. Mr. President, I rise today in support of the FAA Authorization Act. However, I must express my serious concerns that two sections in the bill on streamlining, sections 47701 and 47703, may be interpreted in a manner that the committee never intended. The purpose of these sections is to cure delays that have occurred because of bureaucratic disputes. These sections call for the relevant agencies to undertake concurrent planning and environmental reviews for critical airport projects in order to ensure that the project moves forward expeditiously. They are not designed to circumvent NEPA and should be so used.

Ms. SNOWE. Mr. President, I rise today in support of the Senate’s Federal Aviation Administration, FAA, reauthorization bill, S. 824, the Aviation Investment and Modernization Act of 2003. Further, I share Senate Commerce Committee Chairman McCAIN’s and Ranking Member HOLLINGS’ goal of ensuring this legislation before the end of this fiscal year. If airports are going to plan for the future, Congress must avoid being forced into passing a series of stopgap measures that make such planning difficult.

This bill addresses the most critical component of FAA reauthorization—how to finance the operation and development of the nearly 3,500 airports eligible for Federal assistance. S. 824 authorizes a total of $10.5 billion over 3 years for the Airport Improvement Program, AIP, a critical program that funds airport safety and capacity projects, among other programs. Additionally, this bill authorizes $23.2 billion for FAA operations through fiscal year 2006.

At the same time we address the overall aviation funding challenges, I am pleased that this bill takes on the individual issues that go to the heart of securing commercial aviation against another terrorist attack. Installing Explosives Detection System, EDS, machines into airports is a necessity that we must grapple with and is part of a broader debate on the appropriate level of AIP funding that should go towards security-related projects. During the fiscal year 2004, $561 million was used over $561 million, or 17 percent of all of AIP funds, for security projects—this compared with an annual average of less than 2 percent through fiscal year 2001. As such, it is encouraging that S. 824 allows for pricing at the FAA’s discretion, the Airport Security Capital Fund to help airports cope with post-9/11 security requirements like EDS installation. Funding for this capital fund would come out of the security fees currently levied by the Transportation Security Administration, TSA, and not AIP grant funding.

S. 824 would also extend the Government’s authority to issue war-risk insurance through fiscal year 2006, which currently expires at the end of the fiscal year 2005, and modernize the Air Traffic Control System—which has tripled in cost to an estimated $7.6 billion since 1996. This bill also contains provisions designed to expedite the process for construction of airport capacity and safety projects, by allowing DOT to designate certain airport expansion proposals as National Capacity Projects, which would receive dedicated resources and expedited procedures for environmental reviews. This is an important role for DOT given the fact that, as the General Accounting Office, GAO, has reported, it takes anywhere between 10 and 14 years for new
As we consider this bill, I want to turn to the issue of small community air service. As we work to address the larger issues, we cannot ignore the challenges that small communities in Maine, and throughout the Nation, face in attracting and retaining air service. I have always believed that adequate, reliable air service in our Nation's rural areas is not just a luxury or a convenience. It is an imperative. And quite frankly, I have serious concerns about the impact deregulation of the airline industry has had on small- and medium-sized cities in rural areas, like Maine. The fact is, since deregulation, many of these communities, in Maine and elsewhere, have experienced a decrease in flights and size of aircraft while seeing an increase in fares. More than 300 have lost air service altogether.

Maine and others are experiencing an unprecedented financial crisis, and the first routes on the chopping block will be those to small- and medium-sized communities. This will only increase demand for the two existing Federal programs for Essential Air Service and the Small Community Air Service Grant Program.

Given the challenge faced by small communities in retaining their existing air service, I was pleased that, during our May 1 markup, the Commerce Committee unanimously accepted two amendments I authored to address this issue. The first amendment would create a new Small Community Air Service Ombudsman within DOT. The ombudsman's mission would be to work with carriers and communities to develop air service. This provision is intended to give small communities a seat at the table as DOT crafts national air transportation policy.

The amendment approved by the committee creates a National Commission on Small Community Air Service. The 9-member commission would report back to Congress after 2 years to describe the problems faced by small communities with regard to access to commercial air service and suggest legislative solutions. I believe that, given the complexity of the issue, having all of the stakeholders sit down and consider what can and can't be done will be essential as Congress exercises its aviation oversight authority.

I also wanted to address the Essential Air Service, EAS, provisions in the bill. EAS provides subsidized air service to 125 small communities in the country—including 4 in Maine—that would otherwise be cut off from the Nation's air transportation network. As approved by the committee, S. 824 reauthorized and flat-funds the program for 3 years, and includes certain changes to the program, which are drastically scaled back from what the administration proposed earlier this year for EAS "reform." The administration had called for EAS towns to provide up to 25 percent matching contributions to keep their air service. The committee bill creates a number of new programs to help EAS communities grow their ridership, including a marketing incentive program that would provide low interest loans to EAS towns for achieving ridership goals. With regard to local cost-sharing—the centerpiece of the administration's EAS proposal—the Commerce bill would create a pilot program to allow for a 10 percent local cost-share at numerous airports within 10 miles of a large airport.

While the cost-sharing provisions in the committee bill are much less strict than the administration proposal, and I believe only applied to cost EAS communities under certain specific conditions, I remain concerned about the concept of requiring EAS towns—some of which are cash strapped and economically depressed—from kicking in hundreds of thousands of dollars annually to keep their air service. For example, if Augusta or Rockland, ME, were to be chosen for the cost-sharing pilot program, they would have to come up with over $120,000 annually to retain their air service.

As such, I strongly supported Senator Bingaman's amendments to strike the cost-sharing section from the bill, and am pleased that it has been approved. The EAS program is not perfect, and Congress certainly need to do all we can to keep subsidy levels as low as possible. I look forward to working with members of the Commerce Committee and the Senate on the issue, but I believe that the best thing during our aviation environment is clearly a wrong headed approach.

In short, when considering this legislation, I believe that we need do all we can to help small communities maintain their access to the national transportation system during these difficult times.

Mr. President, in conclusion, I am hopeful that my colleagues will join me in taking this step toward strengthening and improving Federal aviation policy today. S. 824 enhances the Federal investment in our Nation's aviation system, and the funding in the bill is critical to the development of America's airports, big and small. Furthermore, quick passage of this 3-year legislation is key to allow airports to plan for the future. As such, I am pleased to support it.

Mr. ROCKEFELLER. Mr. President, I am pleased to join my friend and colleague, the Senator from Arizona, to bring before you S. 824, the Aviation Investment and Revitalization Vision Act, which reauthorizes the Federal Aviation Administration (FAA) and its programs for 3 years. The reauthorization of the FAA is a vitally important piece of legislation that the Senate must pass this year. It is the first real economic stimulus bill that the Senate has considered this year.

I cannot emphasize the importance of a vibrant and strong aviation industry. It is critical to our Nation's long-term economic growth. It is also vitally important to the economic future of countless small and local communities that are linked to the rest of the nation and world through aviation. Without a strong aviation system to our economy cannot be overstated. 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 our gross domestic product.

The growth of the modern aviation system has created vast economic efficiencies such as just in time delivery, allowed the air cargo industry to grow exponentially, and has opened up the world to millions of Americans.

Just as the aviation industry is a catalyst of growth for 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 and 38,000 tons of cargo pass through our nation's airports each day. In my State of West Virginia, aviation represents $3.4 billion of the State's gross domestic product and directly employ over 51,000 people.

Aviation also links our Nation's small and rural citizens and communities to the national and world marketplace. My home State of West Virginia has been able to attract firms from Asia and Europe because of reliable access to their West Virginia investments.

Without access to an integrated air transportation network, small communities can not attract the investment necessary to grow or allow home grown businesses to expand. A modern and adequately funded network is fundamental to making sure that all Americans can participate in the economy.

There exists that since the tragedy of September 11, aviation in this country has been permanently changed.

When the Senate debated the last FAA reauthorization bill, capacity and competition issues were at the forefront of that debate. We have seen a decrease in the demand for air travel, hundreds of thousand of aerospace and aviation employees have lost their jobs and the economic pain has rippled through the economy. We have seen an economic recovery in this country until we have a recovery in the aviation industry.

Even though these issues seem less important today, they will again become serious challenges for the industry. In the drive to expand our aviation infrastructure to meet future needs, the resources for aviation security will also have to increase. More passenger and cargo will add strains to aviation security.

It's up to the time to make the investments in air traffic modernization and airport development and research. Aviation security must be ready to...
handle the future growth that will occur. We must also continue to develop new aviation security processes and technologies to meet future challenges.

The legislation before us builds upon our commitment to improving the aviation infrastructure of the nation that started with the landmark Aviation Investment and Reform Act for the 21st Century. I believe that this legislation meets the challenges facing the FAA and the aviation industry in the years ahead.

This bill focuses on improving our nation's aviation safety and security, airport and air service development, and aeronautical research. While my distinguished colleague has provided an excellent overview of the bill, I would like to highlight some areas of the bill that I believe are particularly important.

In this bill, we have created a stable stream of funding for security upgrades at our airports. Not only will these funds allow airports to improve security, they will also allow airports to improve the efficiency of these security measures.

In addition, the legislation provides for increases in funding for airport safety and capacity projects, which are a true economic stimulus.

I am very proud that the bill expands upon our commitment to making sure small and rural communities have access to aviation services.

Finally, we have authorized a significant increase in aeronautical and aviation research in order to preserve America's leadership in these industries.

No higher goal exists than the safety and security of the Nation's airports and airspace. Over the past 18 months, we have worked every day to improve security in our airports and on our airplanes. However, until this bill, we have fallen short on providing the funding to make sure our Nation's airports have the resources available to make the required improvements.

Airports estimate that they have $3 billion in unmet security infrastructure needs. The administration's Homeland Security proposal did not include any provisions to address this huge need. Airports have been forced to tap their expansion and development funds to pay for security. It makes no sense to spend billions of dollars on safety improvements when the security of our Nation's airports is a true economic stimulus.

I am very pleased that the bill extends and expands the Small Community Air Service Development Program, which I fought for in AIR 21. One hundred forty communities applied for 40 available grants under this initiative. This program has assisted these 40 communities, including Charleston, WV, in attracting new air service. This program has proven an innovative and effective way for communities to address air service needs.

Another 120 communities will be able to participate.

Many of our most isolated and vulnerable communities whose only service is through the Essential Air Service Program have indicated that they would like to develop innovative and flexible programs similar to those communities who received Small Community Air Service Development grants to improve the quality of their air service.

It is for this reason that I, along with Senator LOTT, developed the Small Community and Rural Air Service Revitalization Act of 2003, which has been included in this legislation. The legislation reauthorizes the Essential Air Service (EAS) program and creates a series of new innovative pilot programs for EAS communities to participate in to stimulate passenger demand for air service in their communities.

Under the new programs, communities are given the option of continuing their EAS as is or they may apply to participate in new incentive programs to help them develop new and innovative solutions to increasing local demand for air service.

The EAS Marketing and Community Flexibility Programs would provide communities new resources and tools to implement locally developed plans to improve their air service.

Additionally, the new program ability to design their own service proposals, a community has the ability to develop a plan that meets its locally determined needs, improves air service choices, and gives the community a greater stake in the EAS program.

Small and rural communities are the first to bear the brunt of bad economic times and the last to see the benefits of good times. The general economic downturn and the dire straits of the aviation industry have placed exceptional burdens on air service to our most isolated communities. The Federal Government must provide additional resources and tools to small communities to help themselves attract air service.

Today, we also meet the challenge of making sure our small and rural communities have access to the nation's air transportation services. I am very concerned that air carriers have abandoned small and rural markets disproportionately when reducing their service levels. We cannot let these communities go without adequate and affordable service—our future depends on it.

I am vigorously pleased that the bill extends and expands the Small Community Air Service Development Program, which I fought for in AIR 21. One hundred forty communities applied for 40 available grants under this initiative. This program has assisted these 40 communities, including Charleston, WV, in attracting new air service. This program has proven an innovative and effective way for communities to address air service needs.

Another 120 communities will be able to participate.

Many of our most isolated and vulnerable communities whose only service is through the Essential Air Service Program have indicated that they would like to develop innovative and flexible programs similar to those communities who received Small Community Air Service Development grants to improve the quality of their air service.

It is for this reason that I, along with Senator LOTT, developed the Small Community and Rural Air Service Revitalization Act of 2003, which has been included in this legislation. The legislation reauthorizes the Essential Air Service (EAS) program and creates a series of new innovative pilot programs for EAS communities to participate in to stimulate passenger demand for air service in their communities.

Under the new programs, communities are given the option of continuing their EAS as is or they may apply to participate in new incentive programs to help them develop new and innovative solutions to increasing local demand for air service. The EAS Marketing and Community Flexibility Programs would provide communities new resources and tools to implement locally developed plans to improve their air service.

Small and rural communities are the first to bear the brunt of bad economic times and the last to see the benefits of good times. The general economic downturn and the dire straits of the aviation industry have placed exceptional burdens on air service to our most isolated communities. The Federal Government must provide additional resources and tools to small communities to help themselves attract air service, related economic development, and most importantly expand their connections to the national and global economy.

This bill meets the challenges facing our aviation system—increasing security, expanding airport safety and capacity, and making sure our smallest communities have access to the network. We can all be proud of this bill.

Finally, I would like to again thank Senator MCCAIN, Senator LOTT, and Senator HOLLINGS for all their hard work and commitment to developing and securing passage of this legislation.

Mr. MCCAIN. Mr. President, I understand we are waiting for the possibility of another amendment, other than that, we will be prepared, at the discretion of the leaders, to vote on the second-degree amendment to the Specter amendment, and then we would be prepared to go to final passage.

In anticipation of that, I would like to thank all who have been involved with this legislation, and specifically my dear friend from South Carolina. He and I have worked side by side for many years on many issues that have come before the Commerce Committee. I want to thank him for his courtesy, consideration, and efficiency.

I thank the staff on both sides for their excellent work.

Also, I thank Senators LOTT and ROCKEFELLER who really did the hard labor in bringing this legislation to the floor of the Senate. Senator ROCKEFELLER and Senator LOTT worked assiduously during numerous hearings with a full appreciation and understanding of the impact this legislation has on the United States of America. I thank all of them.

Again, I thank our loyal staff for all the great work they have done.
I look forward to swift passage of this legislation. I yield the floor.

Mr. HOLLINGS. Mr. President, let me also thank the distinguished chairman of our committee who has led the fight on the floor today. He did a most efficient job.

With respect to, of course, Senator LOTT and Senator ROCKEFELLER of the Subcommittee on Aviation of the Commerce Committee, they are the ones who did the lion's share of the work with the hearings and preparing us so that we could handle this with expedition today.

I thank staff on both sides.

Let me add this for my good friend, the Senator from Mississippi. I happen to favor the Specter amendment for the simple reason that I cannot understand the Federal Aviation Administration requiring rules of safety for repair facilities in the United States but not requiring those same rules of safety for repair facilities by the U.S. contractors for U.S. aircraft. I just can't get that separation in my mind. I have listened closely. I hate to not come down on the side of the Senator from Mississippi because he has been our chairman and has led the way all day here.

I say that publicly because, on the Democratic side of the aisle, there could be those who would favor language and the admonition of the Senator from Mississippi in the perfecting amendment.

Senator BOXER has spoken in behalf of Senator SPECTER's amendment. I happen to favor it. Usually we note at the desk the disposition on this side. I don't want to mislead.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCcAIN. Mr. President, I ask unanimous consent that with regard to the amendment that was proposed on behalf of Senators INOUYE and VOINOVICH, that Senator VOINOVICH's name be deleted from that amendment.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the vote on the Lott second-degree amendment take place at 5:45, immediately followed by either a voice vote or recorded vote on the underlying Specter amendment, followed by final passage.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes an amendment numbered 923.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend section 41703 of title 49, United States Code, to support the United States presence in the global air cargo industry)

At the end of title V, add the following new section:

SEC. 521. UNITED STATES PRESENCE IN GLOBAL AIR CARGO INDUSTRY.

Section 41703 of title 49, United States Code, is amended by adding at the end the following new subsection:

"(e) CARGO IN ALASKA.—

(1) IN GENERAL.—For the purposes of subsection (c), "eligible cargo" taken on or off of any aircraft at a place in Alaska in the course of transportation of that cargo by any combination of 2 or more air carriers or foreign air carrier (having been transported from, or thereafter being transported to, a place outside the United States on a different air carrier or foreign air carrier) that is—

(A) under the code of a U.S. air carrier providing air transportation to Alaska;

(B) on an international airway bill of U.S. air carrier providing air transportation to Alaska; or

(C) under a term arrangement or block space agreement with an air carrier.

(2) ELIGIBLE CARGO.—For purposes of paragraph (1), the term 'eligible cargo' means cargo transported between Alaska and any other place in the United States on a foreign air carrier (having been transported from, or thereafter being transported to, a place outside the United States on a different air carrier or foreign air carrier) that is—

(A) under the code of a U.S. air carrier providing air transportation to Alaska;

(B) on an international airway bill of U.S. air carrier providing air transportation to Alaska; or

(C) under a term arrangement or block space agreement with an air carrier.

(3) INCLUSION IN RULES.—Rules of safety for repair facilities by the U.S. contractor for U.S. aircraft are required by this section to include rules of safety for repair facilities in the United States but not those same rules of safety for repair facilities by the U.S. contractors for U.S. aircraft.

Mr. STEVENS. Mr. President, my amendment does not create more jobs nor does it create more flights by foreign carriers. It does not reduce the number of flights flown by U.S. carriers. All cargo moving under this authority must be shipped on a U.S. codeshare or similar arrangement, such as a U.S. waybill.

It preserves and creates U.S. jobs in the increasingly important global air cargo sector.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to amendment No. 923.

The amendment (No. 923) was agreed to.

Mr. REID. I move to reconsider the vote.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCAIN. Mr. President, I ask unanimous consent that with regard to the amendment that was proposed on behalf of Senators INOUYE and VOINOVICH, that Senator VOINOVICH's name be deleted from that amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the vote on the Lott second-degree amendment take place at 5:45, immediately followed by either a voice vote or recorded vote on the underlying Specter amendment, followed by final passage.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, have the yea and nay votes been ordered on the Lott amendment?

The PRESIDING OFFICER. They have.

Mr. REID. I thank the Chair.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Mississippi.
The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Vermont (Mr. JEFFORDS), the Senator from Massachusetts (Mr. KERRY) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ‘‘nay’’.

The PRESIDING OFFICE (Mr. CHAMBLISS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 42, nays 52, as follows:

[Rollcall Vote No. 224 Leg.]

YEAS—42

Alexander DeWine McCain
Allard Ensign McConnell
Allen Enzi Miller
Bennett Fitzgerald Murkowski
Bond Frist Nickles
Brownback Graham (KS) Roberts
Bunning Grassley Shelby
Burns Greg Smith
Chafee Hagel Stevens
Chambliss Hatch Sununu
Cooper Inhofe Talent
Corzine Kyle Thomas
Craig Lott Voinovich
Crasso Logan Warner

NAYS—52

Akaka Dole Mikulski
Baucus Domenici Murray
Bayh Dorgan Nelson (FL)
Biden Durbin Nelson (NE)
Bingaman Feingold Pryor
Boxer Feinstein Reed
Breaux Harrison Reid
Campbell Hollings Rockefeller
Cantwell Hutchison Santorum
Carper Inouye Santorum
Clinton Johnson Sarbanes
Collins Kohl Seiersen
Conrad Landrieu Snowe
Corzine Lautenberg Specter
Daschle Leahy Stabenow
Dayton Levin Wyden
Dodd Lincoln

NOT VOTING—6

Byrd Graham (FL) Kerry
Edwards Jeffords Lieberman

The Amendment (No. 914) was rejected.

Mr. MCCAIN. Mr. President, I ask unanimous consent to vitiate the yeas and nays on the Specter amendment.

The PRESIDING OFFICER (Mr. CHAMBLISS). Without objection, it is so ordered.

The question is on agreeing to the amendment numbered 905.

The amendment (No. 905) was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the committee substitute, as amended.

The committee substitute, as amended, was agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. Under the previous order, the clerk will report the House companion bill.

The bill clerk read as follows:

A bill (H.R. 2115) to amend Title 49, United States Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the text of the measure is inserted in lieu of the House language and the bill is read the third time.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, the next vote, final passage of the FAA reauthorization, will be the last vote of the evening. We will have a vote tomorrow morning at 10 a.m.

After that 10 a.m. we will not have further votes until Tuesday. No votes on Monday. We will be going to Medicare prescription drugs on Monday. We will come in early afternoon on Monday for opening statements. We will have no votes on Monday. I believe that is pretty much it for the schedule.

Later tonight, after talking to the Democratic leader, if there is any change in the schedule, we will let people know. The next vote is the last of the evening and we will vote at 10 a.m. tomorrow morning.

Mr. HOLLINGS. I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Vermont (Mr. JEFFORDS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ‘‘nay’’.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 225 Leg.]

YEAS—94

Akaka Coleman Grassley
Allard Collins Gregg
Allen Cornyn Hagel
Baucus Corzine Hatch
Bayh Dorgan Hollings
Bennett Crapo Inhofe
Biden Daschle Inouye
Brownback Graham (KS) Johnson
Bunning Durbin Johnson
Byrd DeWine Johnson
Boxer Dodd Kennedy
Breaux Dole Koch
Brownback Domenici Kyi
Bunning Dorgan Landrieu
Campbell Ensign Leavitt
Cantwell Enzi Levin
Carper Feingold Lincoln
Chafee Feinstein Lott
Chambliss Fitzgerald Logan
Clinton Frist McCaskill
Cooper Graham (SC) McConnell

NOT VOTING—6

Byrd Graham (FL) Kerry
Edwards Jeffords Lieberman

The bill (H.R. 2115), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Ms. COLLINS. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendments and requests a conference with the House.

The Presiding Officer (Mr. CHAMBLISS) appointed Mr. MCCAIN, Mr. STEVENS, Mr. BURTON, Mrs. HUTCHISON, Mr. HOLLINGS, Mr. INOUYE, Mr. ROCKEFELLER, and Mr. BREAUX to confer on the part of the Senate.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today’s Executive Calendar:

No. 223 and on the Secretary’s Desk, PN443 and PN182.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF JOHN W. WOODCOCK TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MAINE

Ms. COLLINS. Mr. President, for the information of my colleagues, Executive Item No. 223 is the nomination of John Woodcock to be a District Judge for the District of Maine. I am very pleased to rise tonight to speak on his behalf. Maine’s senior Senator, Olympia Snowe, and I are very proud to have recommended John for this prestigious position on the Federal bench.

I have known John Woodcock for many years. John, in fact, recruited me several years ago to serve as a trustee on the board of the Eastern Maine Medical Center, which he has chaired for 23 years. This is typical of John’s service to his community. He has devoted countless hours volunteering his time and energy to his alma mater, Bowdoin College; Eastern Maine Charities; the Maine State Commission on Arts and Humanities; the Good Samaritan Agency; and the Bangor Children’s Home, to name just a few.

The Woodcock family has a proud tradition of public service that spans generations. In fact, two of John’s sons have served as members of staff.