

**Calendar No. 282**

103D CONGRESS  
1ST SESSION

**S. 1491**

[Report No. 103-181]

---

---

**A BILL**

To amend the Airport and Airway Improvement Act of 1982 to authorize appropriations, and for other purposes.

---

---

NOVEMBER 12, 1993

Reported with an amendment

## Calendar No. 282

103D CONGRESS  
1ST SESSION

# S. 1491

[Report No. 103-181]

To amend the Airport and Airway Improvement Act of 1982 to authorize appropriations, and for other purposes.

---

### IN THE SENATE OF THE UNITED STATES

SEPTEMBER 24 (legislative day, SEPTEMBER 7), 1993

Mr. FORD (for himself and Mr. EXON) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

NOVEMBER 12, 1993

Reported under authority of the order of the Senate of November 11 (legislative day, November 2), 1993 by Mr. HOLLINGS, with an amendment

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

---

## A BILL

To amend the Airport and Airway Improvement Act of 1982 to authorize appropriations, and for other purposes.

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

3 **SECTION. 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Aviation Ad-  
5 ministration Authorization Act of 1993”.

1 **SEC. 2. AIRPORT IMPROVEMENT PROGRAM AUTHORIZA-**  
2 **TION.**

3 (a) AUTHORIZATION.—The second sentence of sec-  
4 tion 505(a) of the Airport and Airway Improvement Act  
5 of 1982 (49 App. U.S.C. 2204(a)) is amended—

6 (1) by striking “and” immediately after  
7 “1992,”; and

8 (2) by inserting “, and \$18,016,700,000 for fis-  
9 cal years ending before October 1, 1994” imme-  
10 diately before the period at the end.

11 (b) DISCRETIONARY FUND.—Section 505(a) of the  
12 Airport and Airway Improvement Act of 1982 (49 App.  
13 U.S.C. 2204(a)) is further amended by inserting imme-  
14 diately after the second sentence the following new sen-  
15 tence: “If the obligation limitation on the amount made  
16 available under this subsection for fiscal year 1994 is less  
17 than \$1,800,000,000 and not less than \$1,700,000,000,  
18 then \$50,000,000 of such amount shall be credited to the  
19 discretionary fund established by section 507(c), without  
20 apportionment; and if the obligation limitation on the  
21 amount made available under this subsection for fiscal  
22 year 1994 is less than \$1,700,000,000, then \$100,000,000  
23 of such amount shall be credited to such discretionary  
24 fund, without apportionment.”.

25 (c) OBLIGATIONAL AUTHORITY.—Section 505(b)(1)  
26 of the Airport and Airway Improvement Act of 1982 (49

1 App. U.S.C. 2204(b)(1)) is amended by striking “1993”  
 2 and inserting in lieu thereof “1994”.

3 **SEC. 3. DEFINITION OF AIRPORT DEVELOPMENT.**

4 Section 503(a)(2)(B)(ii) of the Airport and Airway  
 5 Improvement Act of 1982 (49 App. U.S.C.  
 6 2202(a)(2)(B)(ii)) is amended by inserting “(including ex-  
 7 plosive detection devices) and universal access systems”  
 8 immediately after “safety or security equipment”.

9 **SEC. 4. AUTHORITY TO CONTINUE LETTERS OF INTENT.**

10 Notwithstanding any other provision of law, the Sec-  
 11 retary of Transportation may issue letters of intent under  
 12 section 513(d) of the Airport and Airway Improvement  
 13 Act of 1982 (49 App. U.S.C. 2212(d)) and use Airport  
 14 Improvement Program funds for planning, approving, and  
 15 administering such letters of intent.

16 **SEC. 5. LANDING AIDS AND NAVIGATIONAL EQUIPMENT IN-**  
 17 **VENTORY POOL.**

18 Section 506(a) of the Airport and Airway Improve-  
 19 ment Act of 1982 (49 App. U.S.C. 2205(a)) is amended  
 20 by adding at the end the following new paragraph:

21 “(4) LANDING AIDS AND NAVIGATIONAL EQUIP-  
 22 MENT INVENTORY POOL.—

23 “(A) ESTABLISHMENT OF PROGRAM.—Not  
 24 later than December 31, 1993, and notwith-  
 25 standing any other provision of this title, the

1 Secretary shall establish and implement a pro-  
2 gram to purchase and reserve an inventory of  
3 precision approach instrument landing system  
4 equipment, to be made available on an expe-  
5 dited basis for installation at airports.

6 “(B) AUTHORIZATION.—No less than  
7 \$30,000,000 of the amounts appropriated  
8 under paragraph (1) for each of the fiscal years  
9 1994 and 1995 shall be available for the pur-  
10 pose of carrying out this paragraph, including  
11 acquisition, site preparation work, installation,  
12 and related expenditures.”.

13 **SEC. 6. MICROWAVE LANDING SYSTEM.**

14 Section 506(a) of the Airport and Airway Improve-  
15 ment Act of 1982 (49 App. U.S.C. 2205(a)), as amended  
16 by this Act, is further amended by adding at the end the  
17 following new paragraph:

18 “(5) MICROWAVE LANDING SYSTEM.—Notwith-  
19 standing any other provision of law, none of the  
20 amounts appropriated under this subsection may be  
21 used for the development or procurement of the  
22 microwave landing system, except as necessary to  
23 meet obligations of the Government under contracts  
24 in effect on January 1, 1994.”.

1 **SEC. 7. ASSISTANCE TO FOREIGN AVIATION AUTHORITIES.**

2 (a) ~~IN GENERAL.~~—Section 313 of the Federal Avia-  
3 tion Act of 1958 (49 App. U.S.C. 1354) is amended by  
4 adding at the end the following new subsection:

5 “~~(g) ASSISTANCE TO FOREIGN AVIATION AUTHORI-~~  
6 ~~TIES.~~—The Administrator may provide safety-related  
7 training and operational services to foreign aviation au-  
8 thorities with or without reimbursement, if the Adminis-  
9 trator determines that providing such services promotes  
10 aviation safety. To the extent practicable, air travel reim-  
11 bursed under this subsection shall be conducted on United  
12 States air carriers.”

13 (b) ~~CONFORMING AMENDMENT.~~—The table of con-  
14 tents of the Federal Aviation Act of 1958 is amended by  
15 adding at the end of the item relating to section 313 the  
16 following:

“~~(g) Assistance to foreign aviation authorities.~~”

17 **SEC. 8. FOREIGN FEE COLLECTION.**

18 Section 313(f) of the Federal Aviation Act of 1958  
19 (49 App. U.S.C. 1354(f)) is amended—

20 (1) by redesignating paragraphs (3) and (4) as  
21 paragraphs (4) and (5), respectively; and

22 (2) by inserting immediately after paragraph  
23 (2) the following new paragraph:

24 “~~(3) RECOVERY OF COST OF FOREIGN AVIATION~~  
25 ~~SERVICES.~~—

1           “(A) ESTABLISHMENT OF FEES.—Not  
2           withstanding the limitation of paragraph (4),  
3           the Administrator may establish and collect fees  
4           for providing or carrying out the following avia-  
5           tion services outside the United States: any  
6           test, authorization, certificate, permit, rating,  
7           evaluation, approval, inspection, or review. Such  
8           fees shall be established as necessary to recover  
9           the additional cost of providing or carrying out  
10          such services outside the United States, as com-  
11          pared to the cost of providing or carrying out  
12          such services within the United States.

13          “(B) CREDITING OF PREESTABLISHED  
14          FEES.—Fees described in subparagraph (A)  
15          that were not established before the date of en-  
16          actment of the Federal Aviation Administration  
17          Authorization Act of 1993 may be credited in  
18          accordance with paragraph (5).”.

19 **SEC. 9. REVIEW OF FEDERAL AVIATION ADMINISTRATION.**

20          The Administrator of the Federal Aviation Adminis-  
21          tration shall conduct a review of the Federal Aviation Ad-  
22          ministration’s personnel administration, procurement  
23          process, and overall organizational structure. The Admin-  
24          istrator shall, not later than March 30, 1994, report on  
25          the results of the review to the Committee on Commerce,

1 Science, and Transportation of the Senate and the Com-  
2 mittee on Public Works and Transportation of the House  
3 of Representatives.

4 **SEC. 10. REPEAL OF ANNUAL REPORT REQUIREMENT.**

5 Section 401 of the Aviation Safety and Noise Abate-  
6 ment Act of 1979 (Public Law 96-193; 94 Stat. 57) is  
7 repealed.

8 **SEC. 11. DISCONTINUATION OF AVIATION SAFETY JOUR-**  
9 **NAL.**

10 The Administrator of the Federal Aviation Adminis-  
11 tration may not publish, nor contract with any other orga-  
12 nization for the publication of, the magazine known as the  
13 “Aviation Safety Journal”. Any existing contract for pub-  
14 lication of the magazine shall be cancelled within 30 days  
15 after the date of enactment of this Act.

16 **SEC. 12. ACCESS OF FOREIGN AIR CARRIERS TO HIGH DEN-**  
17 **SITY AIRPORTS.**

18 (a) IN GENERAL.—Title IV of the Federal Aviation  
19 Act of 1958 (49 App. U.S.C. 1371 et seq.) is amended  
20 by adding at the end the following:

21 **“SEC. 420. ACCESS OF FOREIGN AIR CARRIERS TO HIGH**  
22 **DENSITY AIRPORTS.**

23 “(a) IN GENERAL.—The Secretary shall not take a  
24 slot at a high density airport from an air carrier and  
25 award such slot to a foreign air carrier if the Secretary

1 determines that air carriers are not provided equivalent  
 2 rights of access to airports in the country of which such  
 3 foreign air carrier is a citizen.

4 “(b) DEFINITIONS.—For purposes of this section—

5 “(1) HIGH DENSITY AIRPORT.—The term ‘high  
 6 density airport’ means an airport at which the Ad-  
 7 ministrator limits the number of instrument flight  
 8 rule takeoffs and landings of an aircraft.

9 “(2) SECRETARY.—The term ‘Secretary’ means  
 10 the Secretary of Transportation.

11 “(3) SLOT.—The term ‘slot’ means a reserva-  
 12 tion, by an air carrier at an airport, for an instru-  
 13 ment flight rule takeoff or landing of an aircraft in  
 14 air transportation.”.

15 (b) CONFORMING AMENDMENT.—The portion of the  
 16 table of contents of the Federal Aviation Act of 1958 re-  
 17 lating to title IV is amended by adding at the end the  
 18 following new item:

“Sec. 420. Access of foreign air carriers to high density airports.

“(a) In general.

“(b) Definitions.”.

19 **SEC. 13. AIR SERVICE TERMINATION NOTICE.**

20 (a) IN GENERAL.—(1) Title IV of the Federal Avia-  
 21 tion Act of 1958 (49 App. U.S.C. 1371 et seq.), as amend-  
 22 ed by this Act, is further amended by adding at the end  
 23 the following new section:

1 ~~“SEC. 421. AIR SERVICE TERMINATION NOTICE.~~

2       ~~“(a) IN GENERAL.—An air carrier may not terminate~~  
 3 ~~air transportation to any point, unless such air carrier has~~  
 4 ~~given the Secretary, each appropriate State agency, and~~  
 5 ~~each affected community at least 60 days’ notice before~~  
 6 ~~such termination.~~

7       ~~“(b) EMERGENCY EXCEPTION.—On a case-by-case~~  
 8 ~~basis, the Secretary may modify or waive the requirements~~  
 9 ~~of subsection (a) for an air carrier experiencing a sudden~~  
 10 ~~and unforeseen financial emergency, if the Secretary finds~~  
 11 ~~that such requirements impose undue hardship on such~~  
 12 ~~air carrier.”.~~

13       ~~(2) The portion of the table of contents of the Federal~~  
 14 ~~Aviation Act of 1958 relating to title IV, as amended by~~  
 15 ~~this Act, is further amended by inserting immediately~~  
 16 ~~after the item relating to section 420 the following new~~  
 17 ~~item:~~

~~“Sec. 421. Air service termination notice.~~

~~“(a) In general.~~

~~“(b) Emergency exceptions.”.~~

18       ~~(b) CIVIL PENALTIES.—Section 901(a)(1) of the~~  
 19 ~~Federal Aviation Act of 1958 (49 App. U.S.C. 1471(a)(1))~~  
 20 ~~is amended by inserting “section 421 or” immediately~~  
 21 ~~after “\$10,000 for each violation of”.~~

1 **SEC. 14. COOPERATIVE AGREEMENTS FOR RESEARCH, EN-**  
2 **GINEERING, AND DEVELOPMENT.**

3 (a) ~~IN GENERAL.~~—Section 312 of the Federal Avia-  
4 tion Act of 1958 (49 App. U.S.C. 1353) is amended by  
5 adding at the end the following new subsection:

6 “(j) ~~COOPERATIVE AGREEMENTS.~~—The Adminis-  
7 trator may enter into cooperative agreements on a cost-  
8 shared basis with Federal and non-Federal entities that  
9 the Administrator may select in order to conduct, encour-  
10 age, and promote aviation research, engineering, and de-  
11 velopment, including the development of prototypes and  
12 demonstration models.”.

13 (b) ~~CONFORMING AMENDMENT.~~—The table of con-  
14 tents of the Federal Aviation Act of 1958 is amended by  
15 adding at the end of the item relating to section 312 the  
16 following:

“(j) Cooperative agreements.”.

17 **SEC. 15. SAFETY OF JUNEAU INTERNATIONAL AIRPORT.**

18 (a) ~~STUDY.~~—(1) Within thirty days after the date of  
19 enactment of this Act, the Secretary of Transportation,  
20 in cooperation with the National Transportation Safety  
21 Board, the National Guard, and the Juneau International  
22 Airport, shall undertake a study of the safety of the ap-  
23 proaches to the Juneau International Airport.

24 (2) Such study shall examine—

1           (A) the crash of Alaska Airlines Flight 1866 on  
2           September 4, 1971;

3           (B) the crash of a Lear Jet on October 22,  
4           1985;

5           (C) the crash of an Alaska Army National  
6           Guard aircraft on November 12, 1992;

7           (D) the adequacy of NAVAIDS in the vicinity  
8           of the Juneau International Airport;

9           (E) the possibility of confusion between the Sis-  
10          ters Island directional beacon and the Coghlan Is-  
11          land directional beacon;

12          (F) the need for a singular Approach Surveil-  
13          lance Radar site on top of Heintzleman Ridge;

14          (G) the need for a Terminal Very High Fre-  
15          quency Omni-Directional Range (Terminal VOR)  
16          navigational aid in Gastineau Channel; and

17          (H) any other matters any of the parties named  
18          in paragraph (1) think appropriate to the safety of  
19          aircraft approaching or leaving the Juneau Inter-  
20          national Airport.

21          (b) REPORT.—(1) Within six months after the date  
22          of enactment of this Act, the Secretary of Transportation  
23          shall submit to the Committee on Commerce, Science, and  
24          Transportation of the Senate and the Committee on Pub-

1 lie Works and Transportation of the House of Representa-  
2 tives a report which—

3           (A) details the matters considered by the study;

4           (B) summarizes any conclusions reached by the  
5 participants in the study;

6           (C) proposes specific recommendations to im-  
7 prove or enhance the safety of aircraft approaching  
8 or leaving the Juneau International Airport, or con-  
9 tains a detailed explanation of why no recommenda-  
10 tions are being proposed;

11           (D) estimates the cost of any proposed rec-  
12 ommendations; and

13           (E) includes any other matters the Secretary  
14 deems appropriate.

15       (2) The report shall include any minority views if con-  
16 sensus is not reached among the parties listed in sub-  
17 section (a)(1).

18 **SEC. 16. SOLDOTNA AIRPORT IMPROVEMENT.**

19       (a) ~~RELEASE.~~—Notwithstanding section 16 of the  
20 Federal Airport Act (as in effect on December 12, 1963),  
21 the Secretary of Transportation is authorized, subject to  
22 the provisions of section 4 of the Act of October 1, 1949  
23 (50 App. U.S.C. 1622c), and the provisions of subsection  
24 (b) of this section, to grant releases from any of the terms,  
25 conditions, reservations, and restrictions contained in the

1 deed of conveyance dated December 12, 1963, under  
2 which the United States conveyed certain property to the  
3 city of Soldotna, Alaska, for airport purposes.

4 (b) **CONDITIONS.**—Any release granted under sub-  
5 section (a) shall be subject to the following conditions:

6 (1) The city of Soldotna, Alaska, shall agree  
7 that, in conveying any interest in the property which  
8 the United States conveyed to the city by deed dated  
9 December 12, 1963, the city will receive an amount  
10 for such interest which is equal to the fair market  
11 value (as determined pursuant to regulations issued  
12 by the Secretary of Transportation).

13 (2) Any such amount so received by the city  
14 shall be used by the city for the development, im-  
15 provement, operation, or maintenance of a public  
16 airport.

17 **SEC. 17. TECHNICAL AMENDMENTS.**

18 (a) **DEFINITIONS.**—Section 503(a)(2)(B) of the Air-  
19 port and Airway Improvement Act of 1982 (49 App.  
20 U.S.C. 2202(a)(2)(B)) is amended by moving clauses (vii)  
21 and (viii) 2 ems to the right.

22 (b) **AIRPORT PLANS.**—Section 504(a)(1) of the Air-  
23 port and Airway Improvement Act of 1982 (49 App.  
24 U.S.C. 2203(a)(1)) is amended by redesignating clauses  
25 (1), (2), and (3) as clauses (A), (B), and (C), respectively.

1       (c) CERTAIN PROJECT COSTS.—Section 513(b)(4) of  
 2 the Airport and Airway Improvement Act of 1982 (49  
 3 App. U.S.C. 2212(b)(4)) is amended—

4           (1) by inserting “or (in the case of a commer-  
 5 cial service airport which annually has less than 0.05  
 6 percent of the total enplanements in the United  
 7 States) between January 1, 1992, and October 31,  
 8 1992,” immediately after “July 12, 1976,”; and

9           (2) by adding at the end the following new sub-  
 10 paragraph:

11           “(D) That, with respect to a project at a com-  
 12 mercial service airport which annually has less than  
 13 0.05 percent of the total enplanements in the United  
 14 States, the Secretary may approve the use of the  
 15 funds described under paragraph (2), notwithstand-  
 16 ing the provisions of section 511(a)(16) and 515.”.

17 **SEC. 18. EXPENDITURES FROM AIRPORT AND AIRWAY**  
 18 **TRUST FUND.**

19       Section 9502(d)(1)(A) of the Internal Revenue Code  
 20 of 1986 (relating to expenditure from Airport and Airway  
 21 Trust Fund) is amended by striking “(as such Acts were  
 22 in effect on the date of the enactment of the Airport and  
 23 Airway Safety, Capacity, Noise Improvement, and Inter-  
 24 modal Transportation Act of 1992)” and inserting in lieu  
 25 thereof “(as such Acts were in effect on the date of the

1 enactment of the Federal Aviation Administration Author-  
2 ization Act of 1993)”.  
3

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Federal Aviation Ad-  
5 ministration Authorization Act of 1993”.*

6 **SEC. 2. AIRPORT IMPROVEMENT PROGRAM AUTHORIZA-  
7 TION.**

8 (a) *AUTHORIZATION.*—*The second sentence of section  
9 505(a) of the Airport and Airway Improvement Act of 1982  
10 (49 App. U.S.C. 2204(a)) is amended—*

11 (1) *by striking “and” immediately after “1992,”;*  
12 *and*

13 (2) *by inserting “, and \$18,016,700,000 for fiscal  
14 years ending before October 1, 1994” immediately be-  
15 fore the period at the end.*

16 (b) *DISCRETIONARY FUND.*—*Section 505(a) of the Air-  
17 port and Airway Improvement Act of 1982 (49 App. U.S.C.  
18 2204(a)) is further amended by inserting immediately after  
19 the second sentence the following new sentence: “If the obli-  
20 gation limitation on the amount made available under this  
21 subsection for fiscal year 1994 is less than \$1,800,000,000  
22 and not less than \$1,700,000,000, then \$50,000,000 of such  
23 amount shall be credited to the discretionary fund estab-  
24 lished by section 507(c), without apportionment and with-  
25 out regard to the distribution requirements of sections 507*

1 *and 508; and if the obligation limitation on the amount*  
2 *made available under this subsection for fiscal year 1994*  
3 *is less than \$1,700,000,000, then \$100,000,000 of such*  
4 *amount shall be credited to such discretionary fund, with-*  
5 *out apportionment and without regard to the distribution*  
6 *requirements of sections 507 and 508.”.*

7 (c) *OBLIGATIONAL AUTHORITY.—Section 505(b)(1) of*  
8 *the Airport and Airway Improvement Act of 1982 (49 App.*  
9 *U.S.C. 2204(b)(1)) is amended by striking “1993” and in-*  
10 *serting in lieu thereof “1994”.*

11 **SEC. 3. DEFINITION OF AIRPORT DEVELOPMENT.**

12 *Section 503(a)(2)(B)(ii) of the Airport and Airway*  
13 *Improvement Act of 1982 (49 App. U.S.C.*  
14 *2202(a)(2)(B)(ii)) is amended by inserting “(including ex-*  
15 *plosive detection devices) and universal access systems” im-*  
16 *mediately after “safety or security equipment”.*

17 **SEC. 4. AUTHORITY TO CONTINUE LETTERS OF INTENT.**

18 *Notwithstanding any other provision of law, the Sec-*  
19 *retary of Transportation may issue letters of intent under*  
20 *section 513(d) of the Airport and Airway Improvement Act*  
21 *of 1982 (49 App. U.S.C. 2212(d)) and use Airport Improve-*  
22 *ment Program funds for planning, approving, and admin-*  
23 *istering such letters of intent.*

1 **SEC. 5. LANDING AIDS AND NAVIGATIONAL EQUIPMENT IN-**  
2 **VENTORY POOL.**

3 *Section 506(a) of the Airport and Airway Improve-*  
4 *ment Act of 1982 (49 App. U.S.C. 2205(a)) is amended by*  
5 *adding at the end the following new paragraph:*

6 “(4) *LANDING AIDS AND NAVIGATIONAL EQUIP-*  
7 *MENT INVENTORY POOL.—*

8 “(A) *ESTABLISHMENT OF PROGRAM.—Not*  
9 *later than December 31, 1993, and notwithstand-*  
10 *ing any other provision of this title, the Sec-*  
11 *retary shall establish and implement a program*  
12 *to purchase and reserve an inventory of preci-*  
13 *sion approach instrument landing system equip-*  
14 *ment, to be made available on an expedited basis*  
15 *for installation at airports.*

16 “(B) *AUTHORIZATION.—No less than*  
17 *\$30,000,000 of the amounts appropriated under*  
18 *paragraph (1) for each of the fiscal years 1994*  
19 *and 1995 shall be available for the purpose of*  
20 *carrying out this paragraph, including acquisi-*  
21 *tion, site preparation work, installation, and re-*  
22 *lated expenditures.”.*

23 **SEC. 6. MICROWAVE LANDING SYSTEM.**

24 *Section 506(a) of the Airport and Airway Improve-*  
25 *ment Act of 1982 (49 App. U.S.C. 2205(a)), as amended*

1 *by this Act, is further amended by adding at the end the*  
2 *following new paragraph:*

3           “(5) *MICROWAVE LANDING SYSTEM.*—Notwith-  
4           *standing any other provision of law, none of the*  
5           *amounts appropriated under this subsection may be*  
6           *used for the development or procurement of the micro-*  
7           *wave landing system, except as necessary to meet obli-*  
8           *gations of the Government that may arise under con-*  
9           *tracts in effect on January 1, 1994.”.*

10 ***SEC. 7. ASSISTANCE TO FOREIGN AVIATION AUTHORITIES.***

11           (a) *IN GENERAL.*—Section 313 of the Federal Aviation  
12 *Act of 1958 (49 App. U.S.C. 1354) is amended by adding*  
13 *at the end the following new subsection:*

14           “(g) *ASSISTANCE TO FOREIGN AVIATION AUTHORI-*  
15 *TIES.*—The Administrator may provide safety-related  
16 *training and operational services to foreign aviation au-*  
17 *thorities with or without reimbursement, if the Adminis-*  
18 *trator determines that providing such services promotes*  
19 *aviation safety. To the extent practicable, air travel reim-*  
20 *bursed under this subsection shall be conducted on United*  
21 *States air carriers.”.*

22           (b) *CONFORMING AMENDMENT.*—The table of contents  
23 *of the Federal Aviation Act of 1958 is amended by adding*  
24 *at the end of the item relating to section 313 the following:*

          “(g) *Assistance to foreign aviation authorities.”.*

1 **SEC. 8. FOREIGN FEE COLLECTION.**

2 *Section 313(f) of the Federal Aviation Act of 1958 (49*  
3 *App. U.S.C. 1354(f)) is amended—*

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

6 *(2) by inserting immediately after paragraph (2)*  
7 *the following new paragraph:*

8 *“(3) RECOVERY OF COST OF FOREIGN AVIATION*  
9 *SERVICES.—*

10 *“(A) ESTABLISHMENT OF FEES.—Notwith-*  
11 *standing the limitation of paragraph (4), the*  
12 *Administrator may establish and collect fees for*  
13 *providing or carrying out the following aviation*  
14 *services outside the United States: any test, au-*  
15 *thorization, certificate, permit, rating, evalua-*  
16 *tion, approval, inspection, or review. Such fees*  
17 *shall be established as necessary to recover the*  
18 *additional cost of providing or carrying out such*  
19 *services outside the United States, as compared*  
20 *to the cost of providing or carrying out such*  
21 *services within the United States. The provisions*  
22 *of this paragraph do not limit the Administra-*  
23 *tor’s authority to establish and collect fees per-*  
24 *mitted under section 334 of title 49, United*  
25 *States Code.*



1 “Aviation Safety Journal”. Any existing contract for publi-  
2 cation of the magazine shall be cancelled within 30 days  
3 after the date of enactment of this Act.

4 **SEC. 12. ACCESS OF FOREIGN AIR CARRIERS TO HIGH DEN-**  
5 **SITY AIRPORTS.**

6 (a) *IN GENERAL.*—Title IV of the Federal Aviation Act  
7 of 1958 (49 App. U.S.C. 1371 et seq.) is amended by adding  
8 at the end the following:

9 **“SEC. 420. ACCESS OF FOREIGN AIR CARRIERS TO HIGH**  
10 **DENSITY AIRPORTS.**

11 “(a) *IN GENERAL.*—The Secretary shall not take a slot  
12 at a high density airport from an air carrier and award  
13 such slot to a foreign air carrier if the Secretary determines  
14 that air carriers are not provided equivalent rights of access  
15 to airports in the country of which such foreign air carrier  
16 is a citizen.

17 “(b) *DEFINITIONS.*—For purposes of this section—

18 “(1) *HIGH DENSITY AIRPORT.*—The term ‘high  
19 density airport’ means an airport at which the Ad-  
20 ministrator limits the number of instrument flight  
21 rule takeoffs and landings of an aircraft.

22 “(2) *SECRETARY.*—The term ‘Secretary’ means  
23 the Secretary of Transportation.

24 “(3) *SLOT.*—The term ‘slot’ means a reservation,  
25 by an air carrier at an airport, for an instrument

1       *flight rule takeoff or landing of an aircraft in air*  
 2       *transportation.”.*

3       **(b) CONFORMING AMENDMENT.**—*The portion of the*  
 4       *table of contents of the Federal Aviation Act of 1958 relat-*  
 5       *ing to title IV is amended by adding at the end the follow-*  
 6       *ing new item:*

*“Sec. 420. Access of foreign air carriers to high density airports.*

*“(a) In general.*

*“(b) Definitions.”.*

7       **SEC. 13. AIR SERVICE TERMINATION NOTICE.**

8       **(a) IN GENERAL.**—*(1) Title IV of the Federal Aviation*  
 9       *Act of 1958 (49 App. U.S.C. 1371 et seq.), as amended by*  
 10       *this Act, is further amended by adding at the end the follow-*  
 11       *ing new section:*

12       **“SEC. 421. AIR SERVICE TERMINATION NOTICE.**

13       **“(a) IN GENERAL.**—*An air carrier may not terminate*  
 14       *air transportation from a nonhub airport included on the*  
 15       *Secretary’s latest published list of such airports, unless such*  
 16       *air carrier has given the Secretary at least 60 days’ notice*  
 17       *before such termination.*

18       **“(b) EXCEPTIONS.**—*The Secretary shall not apply the*  
 19       *requirements of subsection (a) when—*

20                *“(1) the carrier involved is experiencing a sud-*  
 21                *den or unforeseen financial emergency, including nat-*  
 22                *ural weather-related emergencies, equipment-related*  
 23                *emergencies, and strikes;*

1           “(2) *the termination of transportation is made*  
2 *for seasonal purposes only;*

3           “(3) *the transportation subject to termination is*  
4 *a new service and the termination is made pursuant*  
5 *to an agreement between the carrier and the local air-*  
6 *port authority concerning the circumstances under*  
7 *which the new service may be terminated;*

8           “(4) *the carrier involved provides other transpor-*  
9 *tation by jet from another airport serving the same*  
10 *community as the affected nonhub airport; or*

11           “(5) *the carrier involved makes alternative ar-*  
12 *rangements, such as a change of aircraft size, or other*  
13 *types of arrangements with a part 121 or part 135*  
14 *air carrier, that continues uninterrupted service from*  
15 *the affected nonhub airport.*

16           “(c) *WAIVERS FOR REGIONAL/COMMUTER CAR-*  
17 *RIERS.—Prior to April 1, 1994, the Secretary shall estab-*  
18 *lish terms and conditions under which regional/commuter*  
19 *carriers can be excluded from the termination notice re-*  
20 *quirement.*

21           “(d) *DEFINITIONS.—For purposes of this section—*

22           “(1) *NONHUB AIRPORT.—The term ‘nonhub air-*  
23 *port’ has the meaning that term has under section*  
24 *419(k)(4).*

1           “(2) *PART 121 AIR CARRIER.*—The term ‘part  
2           121 air carrier’ means an air carrier to which part  
3           121 of title 14, Code of Federal Regulations, applies.

4           “(3) *PART 135 AIR CARRIER.*—The term ‘part  
5           135 air carrier’ means an air carrier to which part  
6           135 of title 14, Code of Federal Regulations, applies.

7           “(4) *REGIONAL/COMMUTER CARRIERS.*—The  
8           term ‘regional/commuter carrier’ means—

9                   “(A) a part 135 air carrier; or

10                   “(B) a part 121 air carrier that provides  
11                   air transportation exclusively with aircraft hav-  
12                   ing a seating capacity of no more than 70 pas-  
13                   sengers.

14           “(5) *TERMINATION.*—The term ‘termination’  
15           means the cessation of all service at an airport by an  
16           air carrier.”.

17           (2) *The portion of the table of contents of the Federal*  
18 *Aviation Act of 1958 relating to title IV, as amended by*  
19 *this Act, is further amended by inserting immediately after*  
20 *the item relating to section 420 the following new item:*

“Sec. 421. Air service termination notice.

“(a) In general.

“(b) Exceptions.

“(c) Waivers for regional/commuter carriers.

“(d) Definitions.”.

21           (b) *CIVIL PENALTIES.*—Section 901(a)(1) of the Fed-  
22 *eral Aviation Act of 1958 (49 App. U.S.C. 1471(a)(1)) is*

1 amended by inserting “section 421 or” immediately after  
2 “\$10,000 for each violation of”.

3 (c) *EFFECTIVE DATE.*—The amendments made by this  
4 section shall be effective beginning on April 1, 1994.

5 **SEC. 14. COOPERATIVE AGREEMENTS FOR RESEARCH, EN-**  
6 **GINEERING, AND DEVELOPMENT.**

7 (a) *IN GENERAL.*—Section 312 of the Federal Aviation  
8 Act of 1958 (49 App. U.S.C. 1353) is amended by adding  
9 at the end the following new subsection:

10 “(j) *COOPERATIVE AGREEMENTS.*—The Administrator  
11 may enter into cooperative agreements on a cost-shared  
12 basis with Federal and non-Federal entities that the Ad-  
13 ministrator may select in order to conduct, encourage, and  
14 promote aviation research, engineering, and development,  
15 including the development of prototypes and demonstration  
16 models.”.

17 (b) *CONFORMING AMENDMENT.*—The table of contents  
18 of the Federal Aviation Act of 1958 is amended by adding  
19 at the end of the item relating to section 312 the following:

“(j) Cooperative agreements.”.

20 **SEC. 15. SAFETY OF JUNEAU INTERNATIONAL AIRPORT.**

21 (a) *STUDY.*—(1) Within 30 days after the date of en-  
22 actment of this Act, the Secretary of Transportation, in co-  
23 operation with the National Transportation Safety Board,  
24 the National Guard, and the Juneau International Airport,

1 *shall undertake a study of the safety of the approaches to*  
2 *the Juneau International Airport.*

3 *(2) Such study shall examine—*

4 *(A) the crash of Alaska Airlines Flight 1866 on*  
5 *September 4, 1971;*

6 *(B) the crash of a Lear Jet on October 22, 1985;*

7 *(C) the crash of an Alaska Army National*  
8 *Guard aircraft on November 12, 1992;*

9 *(D) the adequacy of NAVAIDS in the vicinity of*  
10 *the Juneau International Airport;*

11 *(E) the possibility of confusion between the Sis-*  
12 *ters Island directional beacon and the Coghlan Island*  
13 *directional beacon;*

14 *(F) the need for a singular Approach Surveil-*  
15 *lance Radar site on top of Heintzleman Ridge;*

16 *(G) the need for a Terminal Very High Fre-*  
17 *quency Omni-Directional Range (Terminal VOR)*  
18 *navigational aid in Gastineau Channel; and*

19 *(H) any other matters any of the parties named*  
20 *in paragraph (1) think appropriate to the safety of*  
21 *aircraft approaching or leaving the Juneau Inter-*  
22 *national Airport.*

23 *(b) REPORT.—(1) Within 6 months after the date of*  
24 *enactment of this Act, the Secretary of Transportation shall*  
25 *submit to the Committee on Commerce, Science, and Trans-*

1 *portation of the Senate and the Committee on Public Works*  
2 *and Transportation of the House of Representatives a re-*  
3 *port which—*

4 *(A) details the matters considered by the study;*

5 *(B) summarizes any conclusions reached by the*  
6 *participants in the study;*

7 *(C) proposes specific recommendations to im-*  
8 *prove or enhance the safety of aircraft approaching or*  
9 *leaving the Juneau International Airport, or contains*  
10 *a detailed explanation of why no recommendations*  
11 *are being proposed;*

12 *(D) estimates the cost of any proposed rec-*  
13 *ommendations; and*

14 *(E) includes any other matters the Secretary*  
15 *deems appropriate.*

16 *(2) The report shall include any minority views if con-*  
17 *sensus is not reached among the parties listed in subsection*  
18 *(a)(1).*

19 **SEC. 16. SOLDOTNA AIRPORT IMPROVEMENT.**

20 *(a) RELEASE.—Notwithstanding section 16 of the Fed-*  
21 *eral Airport Act (as in effect on December 12, 1963), the*  
22 *Secretary of Transportation is authorized, subject to the*  
23 *provisions of section 4 of the Act of October 1, 1949 (50*  
24 *App. U.S.C. 1622c), and the provisions of subsection (b)*  
25 *of this section, to grant releases from any of the terms, con-*

1 *ditions, reservations, and restrictions contained in the deed*  
2 *of conveyance dated December 12, 1963, under which the*  
3 *United States conveyed certain property to the city of*  
4 *Soldotna, Alaska, for airport purposes.*

5 *(b) CONDITIONS.—Any release granted under sub-*  
6 *section (a) shall be subject to the following conditions:*

7 *(1) The city of Soldotna, Alaska, shall agree*  
8 *that, in conveying any interest in the property which*  
9 *the United States conveyed to the city by deed dated*  
10 *December 12, 1963, the city will receive an amount*  
11 *for such interest which is equal to the fair market*  
12 *value (as determined pursuant to regulations issued*  
13 *by the Secretary of Transportation).*

14 *(2) Any such amount so received by the city*  
15 *shall be used by the city for the development, improve-*  
16 *ment, operation, or maintenance of a public airport.*

17 **SEC. 17. ROLLA AIRPORT IMPROVEMENT.**

18 *(a) AUTHORIZATION TO GRANT RELEASES.—Notwith-*  
19 *standing section 16 of the Federal Airport Act (as in effect*  
20 *on December 30, 1957), the Secretary of Transportation is*  
21 *authorized, subject to the provisions of section 4 of the Act*  
22 *of October 1, 1949 (50 App. U.S.C. 1622c), and the provi-*  
23 *sions of subsection (b) of this section, to grant releases from*  
24 *any of the terms, conditions, reservations, and restrictions*  
25 *contained in the deed of conveyance dated December 30,*

1 1957, or any other deed of conveyance dated after such date  
2 and before the date of enactment of this Act, under which  
3 the United States conveyed certain property to the city of  
4 Rolla, Missouri, for airport purposes.

5 (b) *CONDITIONS.*—Any release granted under sub-  
6 section (a) shall be subject to the following conditions:

7 (1) The city of Rolla, Missouri, shall agree that,  
8 in conveying any interest in the property which the  
9 United States conveyed to the city by a deed described  
10 in subsection (a), the city will receive an amount for  
11 such interest which is equal to the fair market value  
12 (as determined pursuant to regulations issued by the  
13 Secretary of Transportation).

14 (2) Any such amount so received by the city  
15 shall be used by the city for the development, improve-  
16 ment, operation, or maintenance of a public airport.

17 **SEC. 18. PALM SPRINGS, CALIFORNIA.**

18 (a) *AUTHORITY TO GRANT RELEASE.*—Notwithstand-  
19 ing section 4 of the Act of October 1, 1949 (50 App. U.S.C.  
20 1622c), and subject to the provisions of subsection (b), the  
21 Administrator of the Federal Aviation Administration shall  
22 grant releases from all of the terms, conditions, reservations,  
23 and restrictions contained in the deed of conveyance dated  
24 September 15, 1949, under which the United States con-  
25 veyed certain property to Palm Springs, California, for air-

1 port purposes. The releases shall apply only to approxi-  
2 mately 11 acres of lot 16 of section 13, and approximately  
3 39.07 acres of lots 19 and 20 of section 19, used by the  
4 city of Palm Springs, California, for general governmental  
5 purposes.

6 (b) *CONDITIONS.*—Any release granted by the Admin-  
7 istrator of the Federal Aviation Administration under sub-  
8 section (a) shall be subject to the following conditions:

9 (1) The Administrator shall waive any require-  
10 ment that there be credited to the account of the air-  
11 port any amount attributable to the city's use for gov-  
12 ernmental purposes of any land conveyed under the  
13 deed of conveyance referred to in subsection (a) before  
14 the date of enactment of this section.

15 (2) The city shall abandon all claims, against  
16 income of the Palm Springs Regional Airport or other  
17 assets of that airport, for reimbursement of general  
18 revenue funds that the city may have expended before  
19 the date of enactment of this Act for acquisition of  
20 523.39 acres of land conveyed August 28, 1961, for  
21 airport purposes and for expenses incurred at any  
22 time in connection with such acquisition, and such  
23 claims shall not be eligible for reimbursement under  
24 the Airport and Airway Improvement Act of 1982 or  
25 any successor Act.

1 **SEC. 19. NOISE ABATEMENT PROGRAMS.**

2 (a) *SOUNDPROOFING OF CERTAIN RESIDENTIAL*  
3 *BUILDINGS.—Section 104(c)(2) of the Aviation Safety and*  
4 *Noise Abatement Act of 1979 (49 App. U.S.C. 2104(c)(2))*  
5 *is amended—*

6 (1) *by inserting “(A)” immediately before “to*  
7 *operators of airports”; and*

8 (2) *by striking the period at the end and insert-*  
9 *ing in lieu thereof “; and (B) for projects to sound-*  
10 *proof residential buildings—*

11 *“(i) if the operator of the airport involved re-*  
12 *ceived approval for a grant for a project to sound-*  
13 *proof residential buildings pursuant to section*  
14 *301(d)(4)(B) of the Airport and Airway Safety and*  
15 *Capacity Expansion Act of 1987;*

16 *“(ii) if the operator of the airport involved sub-*  
17 *mits updated noise exposure contours, as required by*  
18 *the Secretary; and*

19 *“(iii) if the Secretary determines that the pro-*  
20 *posed projects are compatible with the purposes of this*  
21 *Act.”.*

22 (b) *SOUNDPROOFING AND ACQUISITION OF CERTAIN*  
23 *RESIDENTIAL PROPERTIES.—Section 104(c) of the Avia-*  
24 *tion Safety and Noise Abatement Act of 1979 (49 App.*  
25 *U.S.C. 2104(c)) is amended by adding at the end the follow-*  
26 *ing new paragraph:*

1           “(4) *SOUNDPROOFING AND ACQUISITION OF CER-*  
2           *TAIN RESIDENTIAL PROPERTIES.*—*The Secretary is*  
3           *authorized under this section to make grants to opera-*  
4           *tors of airports and to units of local government re-*  
5           *ferred to in paragraph (1) for projects to soundproof*  
6           *residential buildings located on residential properties,*  
7           *and for projects to acquire residential properties, at*  
8           *which noise levels are not compatible with normal op-*  
9           *erations of an airport—*

10                   “(A) *if the operator of the airport involved*  
11                   *amended an existing local aircraft noise regula-*  
12                   *tion during calendar year 1993 to increase the*  
13                   *maximum permitted noise levels for scheduled*  
14                   *air carrier aircraft as a direct result of imple-*  
15                   *mentation of revised aircraft noise departure*  
16                   *procedures mandated for aircraft safety purposes*  
17                   *by the Administrator of the Federal Aviation*  
18                   *Administration for standardized application at*  
19                   *airports served by scheduled air carriers;*

20                   “(B) *if the operator of the airport involved*  
21                   *submits updated noise exposure contours, as re-*  
22                   *quired by the Secretary; and*

23                   “(C) *if the Secretary determines that the*  
24                   *proposed projects are compatible with the pur-*  
25                   *poses of this Act.”.*

1 **SEC. 20. RELOCATION OF AIRWAY FACILITIES.**

2       *Compensation received by the United States for trans-*  
3 *fer of the San Jacinto Disposal Area by the United States*  
4 *to the City of Galveston, Texas, shall include compensation*  
5 *to be provided to the Federal Aviation Administration for*  
6 *all costs of establishing airway facilities to replace existing*  
7 *airway facilities on the San Jacinto Disposal Area. Such*  
8 *compensation shall include but is not limited to the replace-*  
9 *ment of the land, clear zones, buildings and equipment, and*  
10 *demolition and disposal of the existing facilities on the San*  
11 *Jacinto Disposal Area.*

12 **SEC. 21. AUGUSTA STATE AIRPORT WEATHER SERVICES.**

13       (a) *REQUIREMENT.*—(1) *The Secretary of Transpor-*  
14 *tation shall provide for weather observation services, includ-*  
15 *ing direct radio contact between weather observers and pi-*  
16 *lots, at Augusta State Airport in Maine.*

17       (2) *The Secretary of Transportation shall be respon-*  
18 *sible for the operation and maintenance of equipment nec-*  
19 *essary to carry out paragraph (1).*

20       (b) *REIMBURSABLE AGREEMENTS.*—*The Secretary of*  
21 *Transportation is authorized to enter into a reimbursable*  
22 *agreement with the Maine Department of Transportation*  
23 *for the provision of weather services pursuant to subsection*  
24 (a).

1 **SEC. 22. STUDY ON CHILD RESTRAINT SYSTEMS.**

2 (a) *STUDY.*—*The Administrator of the Federal Avia-*  
3 *tion Administration shall conduct a study on the availabil-*  
4 *ity and effectiveness of restraint systems that may offer pro-*  
5 *tection to a child carried in the lap of an adult aboard*  
6 *an air carrier aircraft or provide for the attachment of a*  
7 *child restraint device to the aircraft.*

8 (b) *REPORT.*—*The Administrator shall submit to the*  
9 *Senate Committee on Commerce, Science, and Transpor-*  
10 *tation of the Senate and the Committee on Public Works*  
11 *and Transportation of the House of Representatives a re-*  
12 *port on the results of the study required in subsection (a).*  
13 *The report shall be submitted within 6 months after the date*  
14 *of enactment of this Act.*

15 **SEC. 23. EXCEPTIONS APPLICABLE TO STATE OF HAWAII.**

16 (a) *DEFINITIONS.*—(1) *Section 101(24) of the Federal*  
17 *Aviation Act of 1958 (49 App. U.S.C. 1301(24)) is amended*  
18 *by adding at the end the following new sentence: “For pur-*  
19 *poses of title IV, the term ‘interstate air transportation’*  
20 *does not include air transportation of passengers commenc-*  
21 *ing and terminating in the State of Hawaii.”.*

22 (2) *Section 101(26) of the Federal Aviation Act of*  
23 *1958 (49 App. U.S.C. 1301(26)) is amended by adding at*  
24 *the end the following: “With respect to transportation of*  
25 *passengers by air within the State of Hawaii, the term*  
26 *‘intrastate air transportation’ means the carriage of per-*

1 *sons by a common carrier for compensation or hire, by such*  
 2 *aircraft, commencing and terminating in the State of Ha-*  
 3 *waii; except that the carriage of passengers moving as a*  
 4 *part of a single itinerary on a single ticket for transpor-*  
 5 *tation on an air carrier or air carriers, beginning and/or*  
 6 *ending outside the State of Hawaii, is deemed to be in*  
 7 *interstate transportation.”.*

8 *(b) FEDERAL PREEMPTION.—(1) Section 105(a) of the*  
 9 *Federal Aviation Act of 1958 (49 App. U.S.C. 1305(a)) is*  
 10 *amended by adding at the end the following new paragraph:*

11 *“(3) The provisions of paragraph (1) shall not apply*  
 12 *to any transportation by air of persons commencing and*  
 13 *terminating within the State of Hawaii.”.*

14 *(2) Section 105(b)(2) of the Federal Aviation Act of*  
 15 *1958 (49 App. U.S.C. 1305(b)(2)) is amended by striking*  
 16 *“(other than the State of Hawaii)”.*

17 **SEC. 24. TECHNICAL AMENDMENTS.**

18 *(a) DEFINITIONS.—Section 503(a)(2)(B) of the Air-*  
 19 *port and Airway Improvement Act of 1982 (49 App. U.S.C.*  
 20 *2202(a)(2)(B)) is amended by moving clauses (vii) and*  
 21 *(viii) 2 ems to the right.*

22 *(b) AIRPORT PLANS.—Section 504(a)(1) of the Airport*  
 23 *and Airway Improvement Act of 1982 (49 App. U.S.C.*  
 24 *2203(a)(1)) is amended by redesignating clauses (1), (2),*  
 25 *and (3) as clauses (A), (B), and (C), respectively.*

1       (c) *CERTAIN PROJECT COSTS.*—Section 513(b)(4) of  
2 the Airport and Airway Improvement Act of 1982 (49 App.  
3 U.S.C. 2212(b)(4)) is amended—

4           (1) by inserting “or (in the case of a commercial  
5 service airport which annually has less than 0.05 per-  
6 cent of the total enplanements in the United States)  
7 between January 1, 1992, and October 31, 1992,” im-  
8 mediately after “July 12, 1976,”; and

9           (2) by adding at the end the following new sub-  
10 paragraph:

11           “(D) That, with respect to a project at a com-  
12 mercial service airport which annually has less than  
13 0.05 percent of the total enplanements in the United  
14 States, the Secretary may approve the use of the  
15 funds described under paragraph (2), notwithstand-  
16 ing the provisions of sections 505(d), 511(a)(16), and  
17 515.”.

18 **SEC. 25. EXPENDITURES FROM AIRPORT AND AIRWAY**  
19 **TRUST FUND.**

20       Section 9502(d)(1)(A) of the Internal Revenue Code of  
21 1986 (relating to expenditure from Airport and Airway  
22 Trust Fund) is amended by striking “(as such Acts were  
23 in effect on the date of the enactment of the Airport and  
24 Airway Safety, Capacity, Noise Improvement, and Inter-  
25 modal Transportation Act of 1992)” and inserting in lieu

1 *thereof “(as such Acts were in effect on the date of the enact-*  
2 *ment of the Federal Aviation Administration Authorization*  
3 *Act of 1993)”*.

S 1491 RS—2

S 1491 RS—3

S 1491 RS—4