

106TH CONGRESS
1ST SESSION

S. 82

To authorize appropriations for the Federal Aviation Administration, and
for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 19, 1999

Mr. MCCAIN (for himself, Mr. HOLLINGS, Mr. LOTT, Mr. ROCKEFELLER, Mr. FRIST, Mr. BRYAN, Mr. WYDEN, Mr. AKAKA, Mr. GORTON, and Mr. DORGAN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To authorize appropriations for the Federal Aviation
Administration, and for other purposes.

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

3 **SECTION 1. SHORT TITLE; TABLE OF SECTIONS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Air Transportation Improvement Act”.

6 (b) TABLE OF SECTIONS.—The table of sections for
7 this Act is as follows:

Sec. 1. Short title; table of sections.

Sec. 2. Amendments to title 49, United States Code.

TITLE I—AUTHORIZATIONS

- Sec. 101. Federal Aviation Administration operations.
- Sec. 102. Air navigation facilities and equipment.
- Sec. 103. Airport planning and development and noise compatibility planning and programs.
- Sec. 104. Reprogramming notification requirement.
- Sec. 105. Airport security program.
- Sec. 106. Automated surface observation system stations.

TITLE II—AIRPORT IMPROVEMENT PROGRAM AMENDMENTS

- Sec. 201. Removal of the cap on discretionary fund.
- Sec. 202. Innovative use of airport grant funds.
- Sec. 203. Matching share.
- Sec. 204. Increase in apportionment for noise compatibility planning and programs.
- Sec. 205. Technical amendments.
- Sec. 206. Report on efforts to implement capacity enhancements.
- Sec. 207. Prioritization of discretionary projects.
- Sec. 208. Public notice before grant assurance requirement waived.
- Sec. 209. Definition of public aircraft.
- Sec. 210. Terminal development costs.
- Sec. 211. Airfield pavement conditions.
- Sec. 212. Discretionary grants.

TITLE III—AMENDMENTS TO AVIATION LAW

- Sec. 301. Severable services contracts for periods crossing fiscal years.
- Sec. 302. Foreign carriers eligible for waiver under Airport Noise and Capacity Act.
- Sec. 303. Government and industry consortia.
- Sec. 304. Implementation of Article 83 Bis of the Chicago Convention.
- Sec. 305. Foreign aviation services authority.
- Sec. 306. Flexibility to perform criminal history record checks; technical amendments to Pilot Records Improvement Act.
- Sec. 307. Extension of Aviation Insurance Program.
- Sec. 308. Technical corrections to civil penalty provisions.
- Sec. 309. Criminal penalty for pilots operating in air transportation without an airman's certificate.
- Sec. 310. Nondiscriminatory interline interconnection requirements.

TITLE IV—MISCELLANEOUS

- Sec. 401. Oversight of FAA response to year 2000 problem.
- Sec. 402. Cargo collision avoidance systems deadline.
- Sec. 403. Runway safety areas; precision approach path indicators.
- Sec. 404. Airplane emergency locators.
- Sec. 405. Counterfeit aircraft parts.
- Sec. 406. FAA may fine unruly passengers.
- Sec. 407. Higher standards for handicapped access.
- Sec. 408. Conveyances of United States Government land.
- Sec. 409. Flight operations quality assurance rules.
- Sec. 410. Wide area augmentation system.
- Sec. 411. Regulation of Alaska air guides.
- Sec. 412. Application of FAA regulations.
- Sec. 413. Human factors program.
- Sec. 414. Independent validation of FAA costs and allocations.

- Sec. 415. Whistleblower protection for FAA employees.
- Sec. 416. Report on modernization of oceanic ATC system.
- Sec. 417. Report on air transportation oversight system.
- Sec. 418. Recycling of EIS.
- Sec. 419. Protection of employees providing air safety information.
- Sec. 420. Improvements to air navigation facilities.
- Sec. 421. Denial of airport access to certain air carriers.
- Sec. 422. Tourism.
- Sec. 423. Equivalency of FAA and EU safety standards.
- Sec. 424. Sense of the Senate on property taxes on public-use airports.
- Sec. 425. Federal Aviation Administration Personnel Management System.
- Sec. 426. Aircraft and aviation component repair and maintenance advisory panel.
- Sec. 427. Report on enhanced domestic airline competition.
- Sec. 428. Aircraft situational display data.
- Sec. 429. To express the sense of the Senate concerning a bilateral agreement between the United States and the United Kingdom regarding Charlotte-London route.
- Sec. 430. To express the sense of the Senate concerning a bilateral agreement between the United States and the United Kingdom regarding Cleveland-London route.
- Sec. 431. Allocation of Trust Fund funding.
- Sec. 432. Taos Pueblo and Blue Lakes Wilderness Area demonstration project.
- Sec. 433. Airline marketing disclosure.
- Sec. 434. Certain air traffic control towers.
- Sec. 435. Compensation under the Death on the High Seas Act.

TITLE V—AVIATION COMPETITION PROMOTION

- Sec. 501. Purpose.
- Sec. 502. Establishment of small community aviation development program.
- Sec. 503. Community-carrier air service program.
- Sec. 504. Authorization of appropriations.
- Sec. 505. Marketing practices.
- Sec. 506. Slot exemptions for nonstop regional jet service.
- Sec. 507. Exemptions to perimeter rule at Ronald Reagan Washington National Airport.
- Sec. 508. Additional slot exemptions at Chicago O'Hare International Airport.
- Sec. 509. Consumer notification of e-ticket expiration dates.
- Sec. 510. Regional air service incentive options.
- Sec. 511. GAO study of air transportation needs.

TITLE VI—NATIONAL PARK OVERFLIGHTS

- Sec. 601. Findings.
- Sec. 602. Air tour management plans for national parks.
- Sec. 603. Advisory group.
- Sec. 604. Overflight fee report.
- Sec. 605. Prohibition of commercial air tours over the Rocky Mountain National Park.

TITLE VII—TITLE 49 TECHNICAL CORRECTIONS

- Sec. 701. Restatement of 49 U.S.C. 106(g).
- Sec. 702. Restatement of 49 U.S.C. 44909.

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

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

8 **TITLE I—AUTHORIZATIONS**

9 **SEC. 101. FEDERAL AVIATION ADMINISTRATION OPER-**
 10 **ATIONS.**

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

13 “(k) AUTHORIZATION OF APPROPRIATIONS FOR OP-
 14 ERATIONS.—

15 “(1) IN GENERAL.—There are authorized to be
 16 appropriated to the Secretary of Transportation for
 17 operations of the Administration \$5,631,000,000 for
 18 fiscal year 1999 and \$5,784,000,000 for fiscal year
 19 2000. Of the amounts authorized to be appropriated
 20 for fiscal year 1999, not more than \$9,100,000 shall
 21 be used to support air safety efforts through pay-
 22 ment of United States membership obligations, to be
 23 paid as soon as practicable.

24 “(2) AUTHORIZED EXPENDITURES.—Of the
 25 amounts appropriated under paragraph (1)
 26 \$450,000 may be used for wildlife hazard mitigation

1 measures and management of the wildlife strike
2 database of the Federal Aviation Administration.

3 “(3) UNIVERSITY CONSORTIUM.—There are au-
4 thorized to be appropriated not more than
5 \$9,100,000 for the 3 fiscal year period beginning
6 with fiscal year 1999 to support a university consor-
7 tium established to provide an air safety and secu-
8 rity management certificate program, working coop-
9 eratively with the Federal Aviation Administration
10 and United States air carriers. Funds authorized
11 under this paragraph—

12 “(A) may not be used for the construction
13 of a building or other facility; and

14 “(B) shall be awarded on the basis of open
15 competition.”.

16 (b) COORDINATION.—The authority granted the Sec-
17 retary under section 41720 of title 49, United States
18 Code, does not affect the Secretary’s authority under any
19 other provision of law.

20 **SEC. 102. AIR NAVIGATION FACILITIES AND EQUIPMENT.**

21 (a) IN GENERAL.—Section 48101(a) is amended by
22 striking paragraphs (1) and (2) and inserting the follow-
23 ing:

24 “(1) for fiscal year 1999—

1 “(A) \$222,800,000 for engineering, devel-
2 opment, test, and evaluation: en route pro-
3 grams;

4 “(B) \$74,700,000 for engineering, develop-
5 ment, test, and evaluation: terminal programs;

6 “(C) \$108,000,000 for engineering, devel-
7 opment, test, and evaluation: landing and navi-
8 gational aids;

9 “(D) \$17,790,000 for engineering, develop-
10 ment, test, and evaluation: research, test, and
11 evaluation equipment and facilities programs;

12 “(E) \$391,358,300 for air traffic control
13 facilities and equipment: en route programs;

14 “(F) \$492,315,500 for air traffic control
15 facilities and equipment: terminal programs;

16 “(G) \$38,764,400 for air traffic control fa-
17 cilities and equipment: flight services programs;

18 “(H) \$50,500,000 for air traffic control fa-
19 cilities and equipment: other ATC facilities pro-
20 grams;

21 “(I) \$162,400,000 for non-ATC facilities
22 and equipment programs;

23 “(J) \$14,500,000 for training and equip-
24 ment facilities programs;

1 “(K) \$280,800,000 for mission support
2 programs;

3 “(L) \$235,210,000 for personnel and re-
4 lated expenses; and

5 “(2) \$2,189,000,000 for fiscal year 2000.”.

6 (b) CONTINUATION OF ILS INVENTORY PROGRAM.—

7 Section 44502(a)(4)(B) is amended—

8 (1) by striking “fiscal years 1995 and 1996”
9 and inserting “fiscal years 1999 and 2000”; and

10 (2) by striking “acquisition,” and inserting “ac-
11 quisition under new or existing contracts,”.

12 (c) LIFE-CYCLE COST ESTIMATES.—The Adminis-
13 trator of the Federal Aviation Administration shall estab-
14 lish life-cycle cost estimates for any air traffic control
15 modernization project the total life-cycle costs of which
16 equal or exceed \$50,000,000.

17 **SEC. 103. AIRPORT PLANNING AND DEVELOPMENT AND**

18 **NOISE COMPATIBILITY PLANNING AND PRO-**

19 **GRAMS.**

20 (a) EXTENSION AND AUTHORIZATION.—Section

21 48103 is amended by striking “\$1,205,000,000 for the 6-
22 month period beginning October 1, 1998.” and inserting

23 “\$2,410,000,000 for fiscal years ending before October 1,
24 1999, and \$4,885,000,000 for fiscal years ending before

25 October 1, 2000.”.

1 (b) PROJECT GRANT AUTHORITY.—Section 47104(c)
2 is amended by striking “March 31, 1999,” and inserting
3 “September 30, 2000,”.

4 **SEC. 104. REPROGRAMMING NOTIFICATION REQUIREMENT.**

5 Before reprogramming any amounts appropriated
6 under section 106(k), 48101(a), or 48103 of title 49,
7 United States Code, for which notification of the Commit-
8 tees on Appropriations of the Senate and the House of
9 Representatives is required, the Secretary of Transpor-
10 tation shall submit a written explanation of the proposed
11 reprogramming to the Committee on Commerce, Science,
12 and Transportation of the Senate and the Committee on
13 Transportation and Infrastructure of the House of Rep-
14 resentatives.

15 **SEC. 105. AIRPORT SECURITY PROGRAM.**

16 (a) IN GENERAL.—Chapter 471 (as amended by sec-
17 tion 202(a) of this Act) is amended by adding at the end
18 thereof the following new section:

19 **“§ 47136. Airport security program**

20 “(a) GENERAL AUTHORITY.—To improve security at
21 public airports in the United States, the Secretary of
22 Transportation shall carry out not less than 1 project to
23 test and evaluate innovative airport security systems and
24 related technology.

1 “(b) PRIORITY.—In carrying out this section, the
2 Secretary shall give the highest priority to a request from
3 an eligible sponsor for a grant to undertake a project
4 that—

5 “(1) evaluates and tests the benefits of innova-
6 tive airport security systems or related technology,
7 including explosives detection systems, for the pur-
8 pose of improving airport and aircraft physical secu-
9 rity and access control; and

10 “(2) provides testing and evaluation of airport
11 security systems and technology in an operational,
12 test bed environment.

13 “(c) MATCHING SHARE.—Notwithstanding section
14 47109, the United States Government’s share of allowable
15 project costs for a project under this section is 100 per-
16 cent.

17 “(d) TERMS AND CONDITIONS.—The Secretary may
18 establish such terms and conditions as the Secretary de-
19 termines appropriate for carrying out a project under this
20 section, including terms and conditions relating to the
21 form and content of a proposal for a project, project assur-
22 ances, and schedule of payments.

23 “(e) ELIGIBLE SPONSOR DEFINED.—In this section,
24 the term ‘eligible sponsor’ means a nonprofit corporation
25 composed of a consortium of public and private persons,

1 including a sponsor of a primary airport, with the nec-
 2 essary engineering and technical expertise to successfully
 3 conduct the testing and evaluation of airport and aircraft
 4 related security systems.

5 “(f) AUTHORIZATION OF APPROPRIATIONS.—Of the
 6 amounts made available to the Secretary under section
 7 47115 in a fiscal year, the Secretary shall make available
 8 not less than \$5,000,000 for the purpose of carrying out
 9 this section.”.

10 (b) CONFORMING AMENDMENT.—The chapter analy-
 11 sis for such chapter (as amended by section 202(b) of this
 12 Act) is amended by inserting after the item relating to
 13 section 47135 the following:

“47136. Airport security program.”.

14 **SEC. 106. AUTOMATED SURFACE OBSERVATION SYSTEM**
 15 **STATIONS.**

16 The Administrator of the Federal Aviation Adminis-
 17 tration shall not terminate human weather observers for
 18 Automated Surface Observation System stations until—

19 (1) the Secretary of Transportation determines
 20 that the System provides consistent reporting of
 21 changing meteorological conditions and notifies the
 22 Congress in writing of that determination; and

23 (2) 60 days have passed since the report was
 24 submitted to the Congress.

1 **TITLE II—AIRPORT IMPROVE-**
2 **MENT PROGRAM AMEND-**
3 **MENTS**

4 **SEC. 201. REMOVAL OF THE CAP ON DISCRETIONARY FUND.**

5 Section 47115(g) is amended by striking paragraph
6 (4).

7 **SEC. 202. INNOVATIVE USE OF AIRPORT GRANT FUNDS.**

8 (a) CODIFICATION AND IMPROVEMENT OF 1996 PRO-
9 GRAM.—Subchapter I of chapter 471 is amended by add-
10 ing at the end thereof the following:

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

12 “(a) IN GENERAL.—The Secretary of Transportation
13 is authorized to carry out a demonstration program under
14 which the Secretary may approve applications under this
15 subchapter for not more than 20 projects for which grants
16 received under the subchapter may be used to implement
17 innovative financing techniques.

18 “(b) PURPOSE.—The purpose of the demonstration
19 program shall be to provide information on the use of in-
20 novative financing techniques for airport development
21 projects.

22 “(c) LIMITATION.—In no case shall the implementa-
23 tion of an innovative financing technique under this sec-
24 tion be used in a manner giving rise to a direct or indirect

1 guarantee of any airport debt instrument by the United
2 States Government.

3 “(d) INNOVATIVE FINANCING TECHNIQUE DE-
4 FINED.—In this section, the term ‘innovative financing
5 technique’ includes methods of financing projects that the
6 Secretary determines may be beneficial to airport develop-
7 ment, including—

8 “(1) payment of interest;

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

12 “(3) flexible non-Federal matching require-
13 ments.”.

14 (b) CONFORMING AMENDMENT.—The chapter analy-
15 sis for chapter 471 is amended by inserting after the item
16 relating to section 47134 the following:

“47135. Innovative financing techniques.”.

17 **SEC. 203. MATCHING SHARE.**

18 Section 47109(a)(2) is amended by inserting “not
19 more than” before “90 percent”.

20 **SEC. 204. INCREASE IN APPORTIONMENT FOR NOISE COM-
21 PATIBILITY PLANNING AND PROGRAMS.**

22 Section 47117(e)(1)(A) is amended by striking “31”
23 each time it appears and substituting “35”.

1 **SEC. 205. TECHNICAL AMENDMENTS.**

2 (a) USE OF APPORTIONMENTS FOR ALASKA, PUERTO
3 RICO, AND HAWAII.—Section 47114(d)(3) is amended to
4 read as follows:

5 “(3) An amount apportioned under paragraph
6 (2) of this subsection for airports in Alaska, Hawaii,
7 or Puerto Rico may be made available by the Sec-
8 retary for any public airport in those respective ju-
9 risdictions.”.

10 (b) SUPPLEMENTAL APPORTIONMENT FOR ALAS-
11 KA.—Section 47114(e) is amended—

12 (1) by striking “ALTERNATIVE” in the sub-
13 section caption and inserting “SUPPLEMENTAL”;

14 (2) in paragraph (1) by—

15 (A) striking “Instead of apportioning
16 amounts for airports in Alaska under” and in-
17 serting “Notwithstanding”; and

18 (B) striking “those airports” and inserting
19 “airports in Alaska”; and

20 (3) striking paragraph (3) and inserting the fol-
21 lowing:

22 “(3) An amount apportioned under this sub-
23 section may be used for any public airport in Alas-
24 ka.”.

25 (c) REPEAL OF APPORTIONMENT LIMITATION ON
26 COMMERCIAL SERVICE AIRPORTS IN ALASKA.—Section

1 47117 is amended by striking subsection (f) and redesignig-
2 nating subsections (g) and (h) as subsections (f) and (g),
3 respectively.

4 (d) DISCRETIONARY FUND DEFINITION.—

5 (1) Section 47115 is amended—

6 (A) by striking “25” in subsection (a) and
7 inserting “12.5”; and

8 (B) by striking the second sentence in sub-
9 section (b).

10 (2) Section 47116 is amended—

11 (A) by striking “75” in subsection (a) and
12 inserting “87.5”;

13 (B) by redesignating paragraphs (1) and
14 (2) in subsection (b) as subparagraphs (A) and
15 (B), respectively, and inserting before subpara-
16 graph (A), as so redesignated, the following:

17 “(1) one-seventh for grants for projects at small
18 hub airports (as defined in section 41731 of this
19 title); and

20 “(2) the remaining amounts based on the fol-
21 lowing:”.

22 (e) CONTINUATION OF PROJECT FUNDING.—Section
23 47108 is amended by adding at the end thereof the follow-
24 ing:

1 “(e) CHANGE IN AIRPORT STATUS.—If the status of
2 a primary airport changes to a nonprimary airport at a
3 time when a development project under a multiyear agree-
4 ment under subsection (a) is not yet completed, the project
5 shall remain eligible for funding from discretionary funds
6 under section 47115 of this title at the funding level and
7 under the terms provided by the agreement, subject to the
8 availability of funds.”.

9 (f) GRANT ELIGIBILITY FOR PRIVATE RELIEVER
10 AIRPORTS.—Section 47102(17)(B) is amended by—

11 (1) striking “or” at the end of clause (i) and
12 redesignating clause (ii) as clause (iii); and

13 (2) inserting after clause (i) the following:

14 “(ii) a privately-owned airport that, as
15 a reliever airport, received Federal aid for
16 airport development prior to October 9,
17 1996, but only if the Administrator issues
18 revised administrative guidance after July
19 1, 1998, for the designation of reliever air-
20 ports; or”.

21 (g) RELIEVER AIRPORTS NOT ELIGIBLE FOR LET-
22 TERS OF INTENT.—Section 47110(e)(1) is amended by
23 striking “or reliever”.

1 (h) PASSENGER FACILITY FEE WAIVER FOR CER-
2 TAIN CLASS OF CARRIERS.—Section 40117(e)(2) is
3 amended—

4 (1) by striking “and” after the semicolon in
5 subparagraph (B);

6 (2) by striking “payment.” in subparagraph (C)
7 and inserting “payment; and”; and

8 (3) by adding at the end thereof the following:

9 “(D) in Alaska aboard an aircraft having
10 a seating capacity of less than 20 passengers.”.

11 (i) PASSENGER FACILITY FEE WAIVER FOR CERTAIN
12 CLASS OF CARRIERS OR FOR SERVICE TO AIRPORTS IN
13 ISOLATED COMMUNITIES.—Section 40117(i) is
14 amended—

15 (1) by striking “and” at the end of paragraph
16 (1);

17 (2) by striking “transportation.” in paragraph
18 (2)(D) and inserting “transportation; and”; and

19 (3) by adding at the end thereof the following:

20 “(3) may permit a public agency to request that
21 collection of a passenger facility fee be waived for—

22 “(A) passengers enplaned by any class of
23 air carrier or foreign air carrier if the number
24 of passengers enplaned by the carriers in the
25 class constitutes not more than one percent of

1 the total number of passengers enplaned annu-
 2 ally at the airport at which the fee is imposed;
 3 or

4 “(B) passengers enplaned on a flight to an
 5 airport—

6 “(i) that has fewer than 2,500 pas-
 7 senger boardings each year and receives
 8 scheduled passenger service; or

9 “(ii) in a community which has a pop-
 10 ulation of less than 10,000 and is not con-
 11 nected by a land highway or vehicular way
 12 to the land-connected National Highway
 13 System within a State.”.

14 (j) USE OF THE WORD “GIFT” AND PRIORITY FOR
 15 AIRPORTS IN SURPLUS PROPERTY DISPOSAL.—

16 (1) Section 47151 is amended—

17 (A) by striking “give” in subsection (a)
 18 and inserting “convey to”;

19 (B) by striking “gift” in subsection (a)(2)
 20 and inserting “conveyance”;

21 (C) by striking “giving” in subsection (b)
 22 and inserting “conveying”;

23 (D) by striking “gift” in subsection (b)
 24 and inserting “conveyance”; and

1 (E) by adding at the end thereof the fol-
 2 lowing:

3 “(d) PRIORITY FOR PUBLIC AIRPORTS.—Except for
 4 requests from another Federal agency, a department,
 5 agency, or instrumentality of the Executive Branch of the
 6 United States Government shall give priority to a request
 7 by a public agency (as defined in section 47102 of this
 8 title) for surplus property described in subsection (a) of
 9 this section for use at a public airport.”.

10 (2) Section 47152 is amended—

11 (A) by striking “**gifts**” in the section cap-
 12 tion and inserting “**conveyances**”; and

13 (B) by striking “gift” in the first sentence
 14 and inserting “conveyance”.

15 (3) The chapter analysis for chapter 471 is
 16 amended by striking the item relating to section
 17 47152 and inserting the following:

“47152. Terms of conveyances.”.

18 (4) Section 47153(a) is amended—

19 (A) by striking “gift” in paragraph (1)
 20 and inserting “conveyance”;

21 (B) by striking “given” in paragraph
 22 (1)(A) and inserting “conveyed”; and

23 (C) by striking “gift” in paragraph (1)(B)
 24 and inserting “conveyance”.

1 (k) APPORTIONMENT FOR CARGO ONLY AIRPORTS.—
2 Section 47114(c)(2)(A) is amended by striking “2.5 per-
3 cent” and inserting “3 percent”.

4 (l) FLEXIBILITY IN PAVEMENT DESIGN STAND-
5 ARDS.—Section 47114(d) is amended by adding at the end
6 thereof the following:

7 “(4) The Secretary may permit the use of State
8 highway specifications for airfield pavement con-
9 struction using funds made available under this sub-
10 section at nonprimary airports with runways of
11 5,000 feet or shorter serving aircraft that do not ex-
12 ceed 60,000 pounds gross weight, if the Secretary
13 determines that—

14 “(A) safety will not be negatively affected;
15 and

16 “(B) the life of the pavement will not be
17 shorter than it would be if constructed using
18 Administration standards.

19 An airport may not seek funds under this sub-
20 chapter for runway rehabilitation or reconstruction
21 of any such airfield pavement constructed using
22 State highway specifications for a period of 10 years
23 after construction is completed.”.

1 **SEC. 206. REPORT ON EFFORTS TO IMPLEMENT CAPACITY**
2 **ENHANCEMENTS.**

3 Within 9 months after the date of enactment of this
4 Act, the Secretary of Transportation shall report to the
5 Committee on Commerce, Science, and Transportation of
6 the Senate and the Committee on Transportation and In-
7 frastructure of the House of Representatives on efforts by
8 the Federal Aviation Administration to implement capac-
9 ity enhancements and improvements, such as precision
10 runway monitoring systems, and the time frame for imple-
11 mentation of such enhancements and improvements.

12 **SEC. 207. PRIORITIZATION OF DISCRETIONARY PROJECTS.**

13 Section 47120 is amended by—

14 (1) inserting “(a) IN GENERAL.—” before
15 “In”; and

16 (2) adding at the end thereof the following:

17 “(b) DISCRETIONARY FUNDING TO BE USED FOR
18 HIGHER PRIORITY PROJECTS.—The Administrator of the
19 Federal Aviation Administration shall discourage airport
20 sponsors and airports from using entitlement funds for
21 lower priority projects by giving lower priority to discre-
22 tionary projects submitted by airport sponsors and air-
23 ports that have used entitlement funds for projects that
24 have a lower priority than the projects for which discre-
25 tionary funds are being requested.”.

1 **SEC. 208. PUBLIC NOTICE BEFORE GRANT ASSURANCE RE-**
2 **QUIREMENT WAIVED.**

3 (a) IN GENERAL.—Notwithstanding any other provi-
4 sion of law to the contrary, the Secretary of Transpor-
5 tation may not waive any assurance required under section
6 47107 of title 49, United States Code, that requires prop-
7 erty to be used for aeronautical purposes unless the Sec-
8 retary provides notice to the public not less than 30 days
9 before issuing any such waiver. Nothing in this section
10 shall be construed to authorize the Secretary to issue a
11 waiver of any assurance required under that section.

12 (b) EFFECTIVE DATE.—This section applies to any
13 request filed on or after the date of enactment of this Act.

14 **SEC. 209. DEFINITION OF PUBLIC AIRCRAFT.**

15 Section 40102(a)(37)(B)(ii) is amended—

16 (1) by striking “or” at the end of subclause (I);

17 (2) by striking the “States.” in subclause (II)

18 and inserting “States; or”; and

19 (3) by adding at the end thereof the following:

20 “(III) transporting persons
21 aboard the aircraft if the aircraft is
22 operated for the purpose of prisoner
23 transport.”.

24 **SEC. 210. TERMINAL DEVELOPMENT COSTS.**

25 Section 40117 is amended by adding at the end
26 thereof the following:

1 “(j) SHELL OF TERMINAL BUILDING.—In order to
2 enable additional air service by an air carrier with less
3 than 50 percent of the scheduled passenger traffic at an
4 airport, the Secretary may consider the shell of a terminal
5 building (including heating, ventilation, and air condi-
6 tioning) and aircraft fueling facilities adjacent to an air-
7 port terminal building to be an eligible airport-related
8 project under subsection (a)(3)(E).”.

9 **SEC. 211. AIRFIELD PAVEMENT CONDITIONS.**

10 (a) EVALUATION OF OPTIONS.—The Administrator
11 of the Federal Aviation Administration shall evaluate op-
12 tions for improving the quality of information available to
13 the Administration on airfield pavement conditions for air-
14 ports that are part of the national air transportation sys-
15 tem, including—

16 (1) improving the existing runway condition in-
17 formation contained in the Airport Safety Data Pro-
18 gram by reviewing and revising rating criteria and
19 providing increased training for inspectors;

20 (2) requiring such airports to submit pavement
21 condition index information as part of their airport
22 master plan or as support in applications for airport
23 improvement grants; and

24 (3) requiring all such airports to submit pave-
25 ment condition index information on a regular basis

1 and using this information to create a pavement
2 condition database that could be used in evaluating
3 the cost-effectiveness of project applications and
4 forecasting anticipated pavement needs.

5 (b) REPORT TO CONGRESS.—The Administrator shall
6 transmit a report, containing an evaluation of such op-
7 tions, to the Senate Committee on Commerce, Science,
8 and Transportation and the House of Representatives
9 Committee on Transportation and Infrastructure not later
10 than 12 months after the date of enactment of this Act.

11 **SEC. 212. DISCRETIONARY GRANTS.**

12 Notwithstanding any limitation on the amount of
13 funds that may be expended for grants for noise abate-
14 ment, if any funds made available under section 48103
15 of title 49, United States Code, remain available at the
16 end of the fiscal year for which those funds were made
17 available, and are not allocated under section 47115 of
18 that title, or under any other provision relating to the
19 awarding of discretionary grants from unobligated funds
20 made available under section 48103 of that title, the Sec-
21 retary of Transportation may use those funds to make dis-
22 cretionary grants for noise abatement activities.

1 **TITLE III—AMENDMENTS TO**
 2 **AVIATION LAW**

3 **SEC. 301. SEVERABLE SERVICES CONTRACTS FOR PERIODS**
 4 **CROSSING FISCAL YEARS.**

5 (a) Chapter 401 is amended by adding at the end
 6 thereof the following:

7 **“§ 40125. Severable services contracts for periods**
 8 **crossing fiscal years**

9 “(a) IN GENERAL.—The Administrator of the Fed-
 10 eral Aviation Administration may enter into a contract for
 11 procurement of severable services for a period that begins
 12 in one fiscal year and ends in the next fiscal year if (with-
 13 out regard to any option to extend the period of the con-
 14 tract) the contract period does not exceed one year.

15 “(b) OBLIGATION OF FUNDS.—Funds made available
 16 for a fiscal year may be obligated for the total amount
 17 of a contract entered into under the authority of sub-
 18 section (a) of this section.”.

19 (b) CONFORMING AMENDMENT.—The chapter analy-
 20 sis for chapter 401 is amended by adding at the end there-
 21 of the following:

“40125. Severable services contracts for periods crossing fiscal years.”.

1 **SEC. 302. FOREIGN CARRIERS ELIGIBLE FOR WAIVER**
 2 **UNDER AIRPORT NOISE AND CAPACITY ACT.**

3 The first sentence of section 47528(b)(1) is amended
 4 by inserting “or foreign air carrier” after “air carrier”
 5 the first place it appears and after “carrier” the first place
 6 it appears.

7 **SEC. 303. GOVERNMENT AND INDUSTRY CONSORTIA.**

8 Section 44903 is amended by adding at the end
 9 thereof the following:

10 “(f) GOVERNMENT AND INDUSTRY CONSORTIA.—
 11 The Administrator may establish at airports such consor-
 12 tia of government and aviation industry representatives as
 13 the Administrator may designate to provide advice on mat-
 14 ters related to aviation security and safety. Such consortia
 15 shall not be considered federal advisory committees for
 16 purposes of the Federal Advisory Committee Act (5
 17 U.S.C. App.).”.

18 **SEC. 304. IMPLEMENTATION OF ARTICLE 83 BIS OF THE**
 19 **CHICAGO CONVENTION.**

20 Section 44701 is amended—

21 (1) by redesignating subsection (e) as sub-
 22 section (f); and

23 (2) by inserting after subsection (d) the follow-
 24 ing:

25 “(e) BILATERAL EXCHANGES OF SAFETY OVER-
 26 SIGHT RESPONSIBILITIES.—

1 “(1) Notwithstanding the provisions of this
2 chapter, and pursuant to Article 83 bis of the Con-
3 vention on International Civil Aviation, the Adminis-
4 trator may, by a bilateral agreement with the aero-
5 nautical authorities of another country, exchange
6 with that country all or part of their respective func-
7 tions and duties with respect to aircraft described in
8 subparagraphs (A) and (B), under the following ar-
9 ticles of the Convention:

10 “(A) Article 12 (Rules of the Air).

11 “(B) Article 31 (Certificates of Airworthi-
12 ness).

13 “(C) Article 32a (Licenses of Personnel).

14 “(2) The agreement under paragraph (1) may
15 apply to—

16 “(A) aircraft registered in the United
17 States operated pursuant to an agreement for
18 the lease, charter, or interchange of the aircraft
19 or any similar arrangement by an operator that
20 has its principal place of business, or, if it has
21 no such place of business, its permanent resi-
22 dence, in another country; or

23 “(B) aircraft registered in a foreign coun-
24 try operated under an agreement for the lease,
25 charter, or interchange of the aircraft or any

1 similar arrangement by an operator that has its
2 principal place of business, or, if it has no such
3 place of business, its permanent residence, in
4 the United States.

5 “(3) The Administrator relinquishes responsibil-
6 ity with respect to the functions and duties trans-
7 ferred by the Administrator as specified in the bilat-
8 eral agreement, under the Articles listed in para-
9 graph (1) of this subsection for United States-reg-
10 istered aircraft transferred abroad as described in
11 subparagraph (A) of that paragraph, and accepts re-
12 sponsibility with respect to the functions and duties
13 under those Articles for aircraft registered abroad
14 that are transferred to the United States as de-
15 scribed in subparagraph (B) of that paragraph.

16 “(4) The Administrator may, in the agreement
17 under paragraph (1), predicate the transfer of these
18 functions and duties on any conditions the Adminis-
19 trator deems necessary and prudent.”.

20 **SEC. 305. FOREIGN AVIATION SERVICES AUTHORITY.**

21 Section 45301 is amended by striking “government.”
22 in subsection (a)(2) and inserting “government or to any
23 entity obtaining services outside the United States.”.

1 **SEC. 306. FLEXIBILITY TO PERFORM CRIMINAL HISTORY**
2 **RECORD CHECKS; TECHNICAL AMENDMENTS**
3 **TO PILOT RECORDS IMPROVEMENT ACT.**

4 Section 44936 is amended—

5 (1) by striking “subparagraph (C))” in sub-
6 section (a)(1)(B) and inserting “subparagraph (C),
7 or in the case of passenger, baggage, or property
8 screening at airports, the Administrator decides it is
9 necessary to ensure air transportation security)”;

10 (2) by striking “individual” in subsection
11 (f)(1)(B)(ii) and inserting “individual’s performance
12 as a pilot”; and

13 (3) by inserting “or from a foreign government
14 or entity that employed the individual,” in sub-
15 section (f)(14)(B) after “exists,”.

16 **SEC. 307. EXTENSION OF AVIATION INSURANCE PROGRAM.**

17 Section 44310 is amended by striking “March 31,
18 1999.” and inserting “December 31, 2003.”.

19 **SEC. 308. TECHNICAL CORRECTIONS TO CIVIL PENALTY**
20 **PROVISIONS.**

21 Section 46301 is amended—

22 (1) by striking “46302, 46303, or” in sub-
23 section (a)(1)(A);

24 (2) by striking “individual” the first time it ap-
25 pears in subsection (d)(7)(A) and inserting “per-
26 son”; and

1 (3) by inserting “or the Administrator” in sub-
2 section (g) after “Secretary”.

3 **SEC. 309. CRIMINAL PENALTY FOR PILOTS OPERATING IN**
4 **AIR TRANSPORTATION WITHOUT AN AIR-**
5 **MAN’S CERTIFICATE.**

6 (a) IN GENERAL.—Chapter 463 is amended by add-
7 ing at the end the following:

8 **“§ 46317. Criminal penalty for pilots operating in air**
9 **transportation without an airman’s cer-**
10 **tificate**

11 “(a) APPLICATION.—This section applies only to air-
12 craft used to provide air transportation.

13 “(b) GENERAL CRIMINAL PENALTY.—An individual
14 shall be fined under title 18, imprisoned for not more than
15 3 years, or both, if that individual—

16 “(1) knowingly and willfully serves or attempts
17 to serve in any capacity as an airman without an
18 airman’s certificate authorizing the individual to
19 serve in that capacity; or

20 “(2) knowingly and willfully employs for service
21 or uses in any capacity as an airman an individual
22 who does not have an airman’s certificate authoriz-
23 ing the individual to serve in that capacity.

24 “(c) CONTROLLED SUBSTANCE CRIMINAL PEN-
25 ALTY.—(1) In this subsection, the term ‘controlled sub-

1 stance' has the same meaning given that term in section
 2 102 of the Comprehensive Drug Abuse Prevention and
 3 Control Act of 1970 (21 U.S.C. 802).

4 “(2) An individual violating subsection (b) shall be
 5 fined under title 18, imprisoned for not more than 5 years,
 6 or both, if the violation is related to transporting a con-
 7 trolled substance by aircraft or aiding or facilitating a con-
 8 trolled substance violation and that transporting, aiding,
 9 or facilitating—

10 “(A) is punishable by death or imprisonment of
 11 more than 1 year under a Federal or State law; or

12 “(B) is related to an act punishable by death or
 13 imprisonment for more than 1 year under a Federal
 14 or State law related to a controlled substance (ex-
 15 cept a law related to simple possession (as that term
 16 is used in section 46306(c)) of a controlled sub-
 17 stance).

18 “(3) A term of imprisonment imposed under para-
 19 graph (2) shall be served in addition to, and not concur-
 20 rently with, any other term of imprisonment imposed on
 21 the individual subject to the imprisonment.”.

22 (b) CLERICAL AMENDMENT.—The chapter analysis
 23 for chapter 463 is amended by adding at the end thereof
 24 the following:

“46317. Criminal penalty for pilots operating in air transportation without an
 airman's certificate.”.

1 **SEC. 310. NONDISCRIMINATORY INTERLINE INTERCONNEC-**
2 **TION REQUIREMENTS.**

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

5 **“§ 41717. Interline agreements for domestic transpor-**
6 **tation**

7 “(a) NONDISCRIMINATORY REQUIREMENTS.—If a
8 major air carrier that provides air service to an essential
9 airport facility has any agreement involving ticketing, bag-
10 gage and ground handling, and terminal and gate access
11 with another carrier, it shall provide the same services to
12 any requesting air carrier that offers service to a commu-
13 nity selected for participation in the program under sec-
14 tion 41743 under similar terms and conditions and on a
15 nondiscriminatory basis within 30 days after receiving the
16 request, as long as the requesting air carrier meets such
17 safety, service, financial, and maintenance requirements,
18 if any, as the Secretary may by regulation establish con-
19 sistent with public convenience and necessity. The Sec-
20 retary must review any proposed agreement to determine
21 if the requesting carrier meets operational requirements
22 consistent with the rules, procedures, and policies of the
23 major carrier. This agreement may be terminated by ei-
24 ther party in the event of failure to meet the standards
25 and conditions outlined in the agreement.”.

1 “(b) DEFINITIONS.—In this section the term ‘essen-
 2 tial airport facility’ means a large hub airport (as defined
 3 in section 41731(a)(3)) in the contiguous 48 States in
 4 which one carrier has more than 50 percent of such air-
 5 port’s total annual enplanements.”.

6 (b) CLERICAL AMENDMENT.—The chapter analysis
 7 for subchapter I of chapter 417 is amended by adding at
 8 the end thereof the following:

“41717. Interline agreements for domestic transportation.”.

9 **TITLE IV—MISCELLANEOUS**

10 **SEC. 401. OVERSIGHT OF FAA RESPONSE TO YEAR 2000**

11 **PROBLEM.**

12 The Administrator of the Federal Aviation Adminis-
 13 tration shall report to the Senate Committee on Com-
 14 merce, Science, and Transportation and the House Com-
 15 mittee on Transportation and Infrastructure every 3
 16 months, in oral or written form, on electronic data proc-
 17 essing problems associated with the year 2000 within the
 18 Administration.

19 **SEC. 402. CARGO COLLISION AVOIDANCE SYSTEMS DEAD-**

20 **LINE.**

21 (a) IN GENERAL.—The Administrator of the Federal
 22 Aviation Administration shall require by regulation that,
 23 not later than December 31, 2002, collision avoidance
 24 equipment be installed on each cargo aircraft with a pay-
 25 load capacity of 15,000 kilograms or more.

1 (b) EXTENSION.—The Administrator may extend the
 2 deadline imposed by subsection (a) for not more than 2
 3 years if the Administrator finds that the extension is need-
 4 ed to promote—

5 (1) a safe and orderly transition to the oper-
 6 ation of a fleet of cargo aircraft equipped with colli-
 7 sion avoidance equipment; or

8 (2) other safety or public interest objectives.

9 (c) COLLISION AVOIDANCE EQUIPMENT.—For pur-
 10 poses of this section, the term “collision avoidance equip-
 11 ment” means TCAS II equipment (as defined by the Ad-
 12 ministrator), or any other similar system approved by the
 13 Administration for collision avoidance purposes.

14 **SEC. 403. RUNWAY SAFETY AREAS; PRECISION APPROACH**
 15 **PATH INDICATORS.**

16 Within 6 months after the date of enactment of this
 17 Act, the Administrator of the Federal Aviation Adminis-
 18 tration shall solicit comments on the need for—

19 (1) the improvement of runway safety areas;
 20 and

21 (2) the installation of precision approach path
 22 indicators.

23 **SEC. 404. AIRPLANE EMERGENCY LOCATORS.**

24 (a) REQUIREMENT.—Section 44712(b) is amended to
 25 read as follows:

1 “(b) NONAPPLICATION.—Subsection (a) does not
2 apply to aircraft when used in—

3 “(1) scheduled flights by scheduled air carriers
4 holding certificates issued by the Secretary of Trans-
5 portation under subpart II of this part;

6 “(2) training operations conducted entirely
7 within a 50-mile radius of the airport from which
8 the training operations begin;

9 “(3) flight operations related to the design and
10 testing, manufacture, preparation, and delivery of
11 aircraft;

12 “(4) showing compliance with regulations, exhi-
13 bition, or air racing; or

14 “(5) the aerial application of a substance for an
15 agricultural purpose.”.

16 (b) COMPLIANCE.—Section 44712 is amended by re-
17 designating subsection (c) as subsection (d), and by insert-
18 ing after subsection (b) the following:

19 “(c) COMPLIANCE.—An aircraft is deemed to meet
20 the requirement of subsection (a) if it is equipped with
21 an emergency locator transmitter that transmits on the
22 121.5/243 megahertz frequency or the 406 megahertz fre-
23 quency, or with other equipment approved by the Sec-
24 retary for meeting the requirement of subsection (a).”.

25 (c) EFFECTIVE DATE; REGULATIONS.—

1 “(B) subject to a controlling or ownership
2 interest of an individual convicted of such a vio-
3 lation.

4 “(2) EXCEPTION.—Notwithstanding paragraph
5 (1), the Administrator may issue a certificate under
6 this chapter to a person described in paragraph (1)
7 if issuance of the certificate will facilitate law en-
8 forcement efforts.

9 “(b) REVOCATION OF CERTIFICATE.—

10 “(1) IN GENERAL.—Except as provided in sub-
11 sections (f) and (g) of this section, the Adminis-
12 trator shall issue an order revoking a certificate
13 issued under this chapter if the Administrator finds
14 that the holder of the certificate, or an individual
15 who has a controlling or ownership interest in the
16 holder—

17 “(A) was convicted of a violation of a law
18 of the United States or of a State relating to
19 the installation, production, repair, or sale of a
20 counterfeit or falsely-represented aviation part
21 or material; or

22 “(B) knowingly carried out or facilitated
23 an activity punishable under such a law.

24 “(2) NO AUTHORITY TO REVIEW VIOLATION.—

25 In carrying out paragraph (1) of this subsection, the

1 Administrator may not review whether a person vio-
2 lated such a law.

3 “(c) NOTICE REQUIREMENT.—Before the Adminis-
4 trator revokes a certificate under subsection (b), the Ad-
5 ministrator shall—

6 “(1) advise the holder of the certificate of the
7 reason for the revocation; and

8 “(2) provide the holder of the certificate an op-
9 portunity to be heard on why the certificate should
10 not be revoked.

11 “(d) APPEAL.—The provisions of section 44710(d)
12 apply to the appeal of a revocation order under subsection
13 (b). For the purpose of applying that section to such an
14 appeal, ‘person’ shall be substituted for ‘individual’ each
15 place it appears.

16 “(e) ACQUITTAL OR REVERSAL.—

17 “(1) IN GENERAL.—The Administrator may not
18 revoke, and the Board may not affirm a revocation
19 of, a certificate under subsection (b)(1)(B) of this
20 section if the holder of the certificate, or the individ-
21 ual, is acquitted of all charges related to the viola-
22 tion.

23 “(2) REISSUANCE.—The Administrator may re-
24 issue a certificate revoked under subsection (b) of
25 this section to the former holder if—

1 “(A) the former holder otherwise satisfies
2 the requirements of this chapter for the certifi-
3 cate;

4 “(B) the former holder, or individual, is
5 acquitted of all charges related to the violation
6 on which the revocation was based; or

7 “(C) the conviction of the former holder,
8 or individual, of the violation on which the rev-
9 ocation was based is reversed.

10 “(f) WAIVER.—The Administrator may waive revoca-
11 tion of a certificate under subsection (b) of this section
12 if—

13 “(1) a law enforcement official of the United
14 States Government, or of a State (with respect to
15 violations of State law), requests a waiver; or

16 “(2) the waiver will facilitate law enforcement
17 efforts.

18 “(g) AMENDMENT OF CERTIFICATE.—If the holder
19 of a certificate issued under this chapter is other than an
20 individual and the Administrator finds that—

21 “(1) an individual who had a controlling or
22 ownership interest in the holder committed a viola-
23 tion of a law for the violation of which a certificate
24 may be revoked under this section, or knowingly car-

1 ried out or facilitated an activity punishable under
2 such a law; and

3 “(2) the holder satisfies the requirements for
4 the certificate without regard to that individual,
5 then the Administrator may amend the certificate to im-
6 pose a limitation that the certificate will not be valid if
7 that individual has a controlling or ownership interest in
8 the holder. A decision by the Administrator under this
9 subsection is not reviewable by the Board.”.

10 (2) CONFORMING AMENDMENT.—The chapter
11 analysis for chapter 447 is amended by adding at
12 the end thereof the following:

“44725. Denial and revocation of certificate for counterfeit parts violations”.

13 (b) PROHIBITION ON EMPLOYMENT.—Section 44711
14 is amended by adding at the end thereof the following:

15 “(c) PROHIBITION ON EMPLOYMENT OF CONVICTED
16 COUNTERFEIT PART DEALERS.—No person subject to
17 this chapter may employ anyone to perform a function re-
18 lated to the procurement, sale, production, or repair of a
19 part or material, or the installation of a part into a civil
20 aircraft, who has been convicted of a violation of any Fed-
21 eral or State law relating to the installation, production,
22 repair, or sale of a counterfeit or falsely-represented avia-
23 tion part or material.”.

1 **SEC. 406. FAA MAY FINE UNRULY PASSENGERS.**

2 (a) IN GENERAL.—Chapter 463 is amended by redес-
3 ignating section 46316 as section 46317, and by inserting
4 after section 46315 the following:

5 **“§ 46316. Interference with cabin or flight crew**

6 “(a) IN GENERAL.—An individual who interferes
7 with the duties or responsibilities of the flight crew or
8 cabin crew of a civil aircraft, or who poses an imminent
9 threat to the safety of the aircraft or other individuals on
10 the aircraft, is liable to the United States Government for
11 a civil penalty of not more than \$10,000, which shall be
12 paid to the Federal Aviation Administration and deposited
13 in the account established by section 45303(c).

14 “(b) COMPROMISE AND SETOFF.—

15 “(1) The Secretary of Transportation or the
16 Administrator may compromise the amount of a civil
17 penalty imposed under subsection (a).

18 “(2) The Government may deduct the amount
19 of a civil penalty imposed or compromised under this
20 section from amounts it owes the individual liable
21 for the penalty.”.

22 (b) CONFORMING CHANGE.—The chapter analysis
23 for chapter 463 is amended by striking the item relating
24 to section 46316 and inserting after the item relating to
25 section 46315 the following:

“46316. Interference with cabin or flight crew.

“46317. General criminal penalty when specific penalty not provided.”.

1 **SEC. 407. HIGHER STANDARDS FOR HANDICAPPED ACCESS.**

2 (a) ESTABLISHMENT OF HIGHER INTERNATIONAL
3 STANDARDS.—The Secretary of Transportation shall work
4 with appropriate international organizations and the avia-
5 tion authorities of other nations to bring about their estab-
6 lishment of higher standards for accommodating handi-
7 capped passengers in air transportation, particularly with
8 respect to foreign air carriers that code-share with domes-
9 tic air carriers.

10 (b) INCREASED CIVIL PENALTIES.—Section
11 46301(a) is amended by—

12 (1) inserting “41705,” after “41704,” in para-
13 graph (1)(A); and

14 (2) adding at the end thereof the following:

15 “(7) Unless an air carrier that violates section
16 41705 with respect to an individual provides that in-
17 dividual a credit or voucher for the purchase of a
18 ticket on that air carrier or any affiliated air carrier
19 in an amount (determined by the Secretary) of—

20 “(A) not less than \$500 and not more
21 than \$2,500 for the first violation; or

22 “(B) not less than \$2,500 and not more
23 than \$5,000 for any subsequent violation, then
24 that air carrier is liable to the United States

1 Government for a civil penalty, determined by
 2 the Secretary, of not more than 100 percent of
 3 the amount of the credit or voucher so deter-
 4 mined. For purposes of this paragraph, each
 5 act of discrimination prohibited by section
 6 41705 constitutes a separate violation of that
 7 section.”.

8 **SEC. 408. CONVEYANCES OF UNITED STATES GOVERNMENT**
 9 **LAND.**

10 (a) IN GENERAL.—Section 47125(a) is amended to
 11 read as follows:

12 “(a) CONVEYANCES TO PUBLIC AGENCIES.—

13 “(1) REQUEST FOR CONVEYANCE.—Except as
 14 provided in subsection (b) of this section, the Sec-
 15 retary of Transportation—

16 “(A) shall request the head of the depart-
 17 ment, agency, or instrumentality of the United
 18 States Government owning or controlling land
 19 or airspace to convey a property interest in the
 20 land or airspace to the public agency sponsoring
 21 the project or owning or controlling the airport
 22 when necessary to carry out a project under
 23 this subchapter at a public airport, to operate
 24 a public airport, or for the future development

1 of an airport under the national plan of inte-
2 grated airport systems; and

3 “(B) may request the head of such a de-
4 partment, agency, or instrumentality to convey
5 a property interest in the land or airspace to
6 such a public agency for a use that will com-
7 plement, facilitate, or augment airport develop-
8 ment, including the development of additional
9 revenue from both aviation and nonaviation
10 sources.

11 “(2) RESPONSE TO REQUEST FOR CERTAIN
12 CONVEYANCES.—Within 4 months after receiving a
13 request from the Secretary under paragraph (1), the
14 head of the department, agency, or instrumentality
15 shall—

16 “(A) decide whether the requested convey-
17 ance is consistent with the needs of the depart-
18 ment, agency, or instrumentality;

19 “(B) notify the Secretary of the decision;
20 and

21 “(C) make the requested conveyance if—

22 “(i) the requested conveyance is con-
23 sistent with the needs of the department,
24 agency, or instrumentality;

1 “(ii) the Attorney General approves
2 the conveyance; and

3 “(iii) the conveyance can be made
4 without cost to the United States Govern-
5 ment.

6 “(3) REVERSION.—Except as provided in sub-
7 section (b), a conveyance under this subsection may
8 only be made on the condition that the property in-
9 terest conveyed reverts to the Government, at the
10 option of the Secretary, to the extent it is not devel-
11 oped for an airport purpose or used consistently with
12 the conveyance.”.

13 (b) RELEASE OF CERTAIN CONDITIONS.—Section
14 47125 is amended—

15 (1) by redesignating subsection (b) as sub-
16 section (c); and

17 (2) by inserting the following after subsection
18 (a):

19 “(b) RELEASE OF CERTAIN CONDITIONS.—The Sec-
20 retary may grant a release from any term, condition, res-
21 ervation, or restriction contained in any conveyance exe-
22 cuted under this section, section 16 of the Federal Airport
23 Act, section 23 of the Airport and Airway Development
24 Act of 1970, or section 516 of the Airport and Airway
25 Improvement Act of 1982, to facilitate the development

1 of additional revenue from aeronautical and nonaeronauti-
2 cal sources if the Secretary—

3 “(1) determines that the property is no longer
4 needed for aeronautical purposes;

5 “(2) determines that the property will be used
6 solely to generate revenue for the public airport;

7 “(3) provides preliminary notice to the head of
8 the department, agency, or instrumentality that con-
9 veyed the property interest at least 30 days before
10 executing the release;

11 “(4) provides notice to the public of the re-
12 quested release;

13 “(5) includes in the release a written justifica-
14 tion for the release of the property; and

15 “(6) determines that release of the property will
16 advance civil aviation in the United States.”.

17 (c) EFFECTIVE DATE.—Section 47125(b) of title 49,
18 United States Code, as added by subsection (b) of this
19 section, applies to property interests conveyed before, on,
20 or after the date of enactment of this Act.

21 (d) IDITAROD AREA SCHOOL DISTRICT.—Notwith-
22 standing any other provision of law (including section
23 47125 of title 49, United States Code, as amended by this
24 section), the Administrator of the Federal Aviation Ad-
25 ministration, or the Administrator of the General Services

1 Administration, may convey to the Iditarod Area School
2 District without reimbursement all right, title, and inter-
3 est in 12 acres of property at Lake Minchumina, Alaska,
4 identified by the Administrator of the Federal Aviation
5 Administration, including the structures known as housing
6 units 100 through 105 and as utility building 301.

7 **SEC. 409. FLIGHT OPERATIONS QUALITY ASSURANCE**
8 **RULES.**

9 Not later than 90 days after the date of enactment
10 of this Act, the Administrator shall issue a notice of pro-
11 posed rulemaking to develop procedures to protect air car-
12 riers and their employees from civil enforcement action
13 under the program known as Flight Operations Quality
14 Assurance. Not later than 1 year after the last day of the
15 period for public comment provided for in the notice of
16 proposed rulemaking, the Administrator shall issue a final
17 rule establishing those procedures.

18 **SEC. 410. WIDE AREA AUGMENTATION SYSTEM.**

19 (a) PLAN.—The Administrator shall identify or de-
20 velop a plan to implement WAAS to provide navigation
21 and landing approach capabilities for civilian use and
22 make a determination as to whether a backup system is
23 necessary. Until the Administrator determines that WAAS
24 is the sole means of navigation, the Administration shall
25 continue to develop and maintain a backup system.

1 (b) REPORT.—Within 6 months after the date of en-
2 actment of this Act, the Administrator shall—

3 (1) report to the Senate Committee on Com-
4 merce, Science, and Transportation and the House
5 of Representatives Committee on Transportation
6 and Infrastructure, on the plan developed under sub-
7 section (a);

8 (2) submit a timetable for implementing
9 WAAS; and

10 (3) make a determination as to whether WAAS
11 will ultimately become a primary or sole means of
12 navigation and landing approach capabilities.

13 (c) WAAS DEFINED.—For purposes of this section,
14 the term “WAAS” means wide area augmentation system.

15 (d) FUNDING AUTHORIZATION.—There are author-
16 ized to be appropriated to the Secretary of Transportation
17 such sums as may be necessary to carry out this section.

18 **SEC. 411. REGULATION OF ALASKA AIR GUIDES.**

19 The Administrator shall reissue the notice to opera-
20 tors originally published in the Federal Register on Janu-
21 ary 2, 1998, which advised Alaska guide pilots of the ap-
22 plicability of part 135 of title 14, Code of Federal Regula-
23 tions, to guide pilot operations. In reissuing the notice,
24 the Administrator shall provide for not less than 60 days
25 of public comment on the Federal Aviation Administration

1 action. If, notwithstanding the public comments, the Ad-
2 ministrator decides to proceed with the action, the Admin-
3 istrator shall publish in the Federal Register a notice jus-
4 tifying the Administrator’s decision and providing at least
5 90 days for compliance.

6 **SEC. 412. APPLICATION OF FAA REGULATIONS.**

7 Section 40113 is amended by adding at the end
8 thereof the following:

9 “(f) APPLICATION OF CERTAIN REGULATIONS TO
10 ALASKA.—In amending title 14, Code of Federal Regula-
11 tions, in a manner affecting intrastate aviation in Alaska,
12 the Administrator of the Federal Aviation Administration
13 shall consider the extent to which Alaska is not served by
14 transportation modes other than aviation, and shall estab-
15 lish such regulatory distinctions as the Administrator con-
16 siders appropriate.”.

17 **SEC. 413. HUMAN FACTORS PROGRAM.**

18 (a) IN GENERAL.—Chapter 445 is amended by add-
19 ing at the end thereof the following:

20 **“§ 44516. Human factors program**

21 “(a) OVERSIGHT COMMITTEE.—The Administrator
22 of the Federal Aviation Administration shall establish an
23 advanced qualification program oversight committee to ad-
24 vise the Administrator on the development and execution
25 of Advanced Qualification Programs for air carriers under

1 this section, and to encourage their adoption and imple-
2 mentation.

3 “(b) HUMAN FACTORS TRAINING.—

4 “(1) AIR TRAFFIC CONTROLLERS.—The Admin-
5 istrator shall—

6 “(A) address the problems and concerns
7 raised by the National Research Council in its
8 report ‘The Future of Air Traffic Control’ on
9 air traffic control automation; and

10 “(B) respond to the recommendations
11 made by the National Research Council.

12 “(2) PILOTS AND FLIGHT CREWS.—The Admin-
13 istrator shall work with the aviation industry to de-
14 velop specific training curricula, within 12 months
15 after the date of enactment of the Air Transpor-
16 tation Improvement Act, to address critical safety
17 problems, including problems of pilots—

18 “(A) in recovering from loss of control of
19 the aircraft, including handling unusual atti-
20 tudes and mechanical malfunctions;

21 “(B) in deviating from standard operating
22 procedures, including inappropriate responses to
23 emergencies and hazardous weather;

1 “(C) in awareness of altitude and location
2 relative to terrain to prevent controlled flight
3 into terrain; and

4 “(D) in landing and approaches, including
5 nonprecision approaches and go-around proce-
6 dures.

7 “(c) ACCIDENT INVESTIGATIONS.—The Adminis-
8 trator, working with the National Transportation Safety
9 Board and representatives of the aviation industry, shall
10 establish a process to assess human factors training as
11 part of accident and incident investigations.

12 “(d) TEST PROGRAM.—The Administrator shall es-
13 tablish a test program in cooperation with United States
14 air carriers to use model Jeppesen approach plates or
15 other similar tools to improve nonprecision landing ap-
16 proaches for aircraft.

17 “(e) ADVANCED QUALIFICATION PROGRAM DE-
18 FINED.—For purposes of this section, the term ‘advanced
19 qualification program’ means an alternative method for
20 qualifying, training, certifying, and ensuring the com-
21 petency of flight crews and other commercial aviation op-
22 erations personnel subject to the training and evaluation
23 requirements of Parts 121 and 135 of title 14, Code of
24 Federal Regulations.”.

1 (b) AUTOMATION AND ASSOCIATED TRAINING.—The
 2 Administrator shall complete the Administration’s updat-
 3 ing of training practices for automation and associated
 4 training requirements within 12 months after the date of
 5 enactment of this Act.

6 (c) CONFORMING AMENDMENT.—The chapter analy-
 7 sis for chapter 445 is amended by adding at the end there-
 8 of the following:

“44516. Human factors program.”.

9 **SEC. 414. INDEPENDENT VALIDATION OF FAA COSTS AND**
 10 **ALLOCATIONS.**

11 (a) INDEPENDENT ASSESSMENT.—

12 (1) INITIATION.—Not later than 90 days after
 13 the date of enactment of this Act, the Inspector
 14 General of the Department of Transportation shall
 15 initiate the analyses described in paragraph (2). In
 16 conducting the analyses, the Inspector General shall
 17 ensure that the analyses are carried out by 1 or
 18 more entities that are independent of the Federal
 19 Aviation Administration. The Inspector General may
 20 use the staff and resources of the Inspector General
 21 or may contract with independent entities to conduct
 22 the analyses.

23 (2) ASSESSMENT OF ADEQUACY AND ACCURACY
 24 OF FAA COST DATA AND ATTRIBUTIONS.—To ensure
 25 that the method for capturing and distributing the

1 overall costs of the Federal Aviation Administration
2 is appropriate and reasonable, the Inspector General
3 shall conduct an assessment that includes the follow-
4 ing:

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

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

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

18 (iv) An assessment of the Federal Aviation
19 Administration's system of internal controls for
20 ensuring the consistency and reliability of re-
21 ported data to begin immediately after full
22 operational capability of the cost accounting
23 system.

24 (B) A review and validation of the Federal
25 Aviation Administration's definition of the serv-

1 ices to which the Federal Aviation Administra-
2 tion ultimately attributes its costs, and the
3 methods used to identify direct costs associated
4 with the services.

5 (C) An assessment and validation of the
6 general cost pools used by the Federal Aviation
7 Administration, including the rationale for and
8 reliability of the bases on which the Federal
9 Aviation Administration proposes to allocate
10 costs of services to users and the integrity of
11 the cost pools as well as any other factors con-
12 sidered important by the Inspector General. Ap-
13 propriate statistical tests shall be performed to
14 assess relationships between costs in the various
15 cost pools and activities and services to which
16 the costs are attributed by the Federal Aviation
17 Administration.

18 (b) DEADLINE.—The independent analyses described
19 in this section shall be completed no later than 270 days
20 after the contracts are awarded to the outside independent
21 contractors. The Inspector General shall submit a final re-
22 port combining the analyses done by its staff with those
23 of the outside independent contractors to the Secretary of
24 Transportation, the Administrator, the Committee on
25 Commerce, Science, and Transportation of the Senate,

1 **SEC. 417. REPORT ON AIR TRANSPORTATION OVERSIGHT**
2 **SYSTEM.**

3 Beginning in 2000, the Administrator of the Federal
4 Aviation Administration shall report biannually to the
5 Congress on the air transportation oversight system pro-
6 gram announced by the Administration on May 13, 1998,
7 in detail on the training of inspectors, the number of in-
8 spectors using the system, air carriers subject to the sys-
9 tem, and the budget for the system.

10 **SEC. 418. RECYCLING OF EIS.**

11 Notwithstanding any other provision of law to the
12 contrary, the Secretary of Transportation may authorize
13 the use, in whole or in part, of a completed environmental
14 assessment or environmental impact study for a new air-
15 port construction project on the air operations area, that
16 is substantially similar in nature to one previously con-
17 structed pursuant to the completed environmental assess-
18 ment or environmental impact study in order to avoid un-
19 necessary duplication of expense and effort, and any such
20 authorized use shall meet all requirements of Federal law
21 for the completion of such an assessment or study.

22 **SEC. 419. PROTECTION OF EMPLOYEES PROVIDING AIR**
23 **SAFETY INFORMATION.**

24 (a) GENERAL RULE.—Chapter 421 is amended by
25 adding at the end the following new subchapter:

1 “SUBCHAPTER III—WHISTLEBLOWER
2 PROTECTION PROGRAM

3 **“§ 42121. Protection of employees providing air safe-**
4 **ty information**

5 “(a) DISCRIMINATION AGAINST AIRLINE EMPLOY-
6 EES.—No air carrier or contractor or subcontractor of an
7 air carrier may discharge an employee of the air carrier
8 or the contractor or subcontractor of an air carrier or oth-
9 erwise discriminate against any such employee with re-
10 spect to compensation, terms, conditions, or privileges of
11 employment because the employee (or any person acting
12 pursuant to a request of the employee)—

13 “(1) provided, caused to be provided, or is
14 about to provide or cause to be provided to the Fed-
15 eral Government information relating to any viola-
16 tion or alleged violation of any order, regulation, or
17 standard of the Federal Aviation Administration or
18 any other provision of Federal law relating to air
19 carrier safety under this subtitle or any other law of
20 the United States;

21 “(2) has filed, caused to be filed, or is about to
22 file or cause to be filed a proceeding relating to any
23 violation or alleged violation of any order, regulation,
24 or standard of the Federal Aviation Administration
25 or any other provision of Federal law relating to air

1 carrier safety under this subtitle or any other law of
2 the United States;

3 “(3) testified or will testify in such a proceed-
4 ing; or

5 “(4) assisted or participated or is about to as-
6 sist or participate in such a proceeding.

7 “(b) DEPARTMENT OF LABOR COMPLAINT PROCE-
8 DURE.—

9 “(1) FILING AND NOTIFICATION.—

10 “(A) IN GENERAL.—In accordance with
11 this paragraph, a person may file (or have a
12 person file on behalf of that person) a com-
13 plaint with the Secretary of Labor if that per-
14 son believes that an air carrier or contractor or
15 subcontractor of an air carrier discharged or
16 otherwise discriminated against that person in
17 violation of subsection (a).

18 “(B) REQUIREMENTS FOR FILING COM-
19 PLAINTS.—A complaint referred to in subpara-
20 graph (A) may be filed not later than 90 days
21 after an alleged violation occurs. The complaint
22 shall state the alleged violation.

23 “(C) NOTIFICATION.—Upon receipt of a
24 complaint submitted under subparagraph (A),
25 the Secretary of Labor shall notify the air car-

1 rier, contractor, or subcontractor named in the
2 complaint and the Administrator of the Federal
3 Aviation Administration of the—

4 “(i) filing of the complaint;

5 “(ii) allegations contained in the com-
6 plaint;

7 “(iii) substance of evidence supporting
8 the complaint; and

9 “(iv) opportunities that are afforded
10 to the air carrier, contractor, or sub-
11 contractor under paragraph (2).

12 “(2) INVESTIGATION; PRELIMINARY ORDER.—

13 “(A) IN GENERAL.—

14 “(i) INVESTIGATION.—Not later than
15 60 days after receipt of a complaint filed
16 under paragraph (1) and after affording
17 the person named in the complaint an op-
18 portunity to submit to the Secretary of
19 Labor a written response to the complaint
20 and an opportunity to meet with a rep-
21 resentative of the Secretary to present
22 statements from witnesses, the Secretary
23 of Labor shall conduct an investigation
24 and determine whether there is reasonable
25 cause to believe that the complaint has

1 merit and notify in writing the complain-
2 ant and the person alleged to have commit-
3 ted a violation of subsection (a) of the Sec-
4 retary's findings.

5 “(ii) ORDER.—Except as provided in
6 subparagraph (B), if the Secretary of
7 Labor concludes that there is reasonable
8 cause to believe that a violation of sub-
9 section (a) has occurred, the Secretary
10 shall accompany the findings referred to in
11 clause (i) with a preliminary order provid-
12 ing the relief prescribed under paragraph
13 (3)(B).

14 “(iii) OBJECTIONS.—Not later than
15 30 days after the date of notification of
16 findings under this paragraph, the person
17 alleged to have committed the violation or
18 the complainant may file objections to the
19 findings or preliminary order and request a
20 hearing on the record.

21 “(iv) EFFECT OF FILING.—The filing
22 of objections under clause (iii) shall not op-
23 erate to stay any reinstatement remedy
24 contained in the preliminary order.

1 “(v) HEARINGS.—Hearings conducted
2 pursuant to a request made under clause
3 (iii) shall be conducted expeditiously. If a
4 hearing is not requested during the 30-day
5 period prescribed in clause (iii), the pre-
6 liminary order shall be deemed a final
7 order that is not subject to judicial review.

8 “(B) REQUIREMENTS.—

9 “(i) REQUIRED SHOWING BY COM-
10 PLAINANT.—The Secretary of Labor shall
11 dismiss a complaint filed under this sub-
12 section and shall not conduct an investiga-
13 tion otherwise required under subpara-
14 graph (A) unless the complainant makes a
15 prima facie showing that any behavior de-
16 scribed in paragraphs (1) through (4) of
17 subsection (a) was a contributing factor in
18 the unfavorable personnel action alleged in
19 the complaint.

20 “(ii) SHOWING BY EMPLOYER.—Not-
21 withstanding a finding by the Secretary
22 that the complainant has made the show-
23 ing required under clause (i), no investiga-
24 tion otherwise required under subpara-
25 graph (A) shall be conducted if the em-

1 ployer demonstrates, by clear and convinc-
2 ing evidence, that the employer would have
3 taken the same unfavorable personnel ac-
4 tion in the absence of that behavior.

5 “(iii) CRITERIA FOR DETERMINATION
6 BY SECRETARY.—The Secretary may de-
7 termine that a violation of subsection (a)
8 has occurred only if the complainant dem-
9 onstrates that any behavior described in
10 paragraphs (1) through (4) of subsection
11 (a) was a contributing factor in the unfa-
12 vorable personnel action alleged in the
13 complaint.

14 “(iv) PROHIBITION.—Relief may not
15 be ordered under subparagraph (A) if the
16 employer demonstrates by clear and con-
17 vincing evidence that the employer would
18 have taken the same unfavorable personnel
19 action in the absence of that behavior.

20 “(3) FINAL ORDER.—

21 “(A) DEADLINE FOR ISSUANCE; SETTLE-
22 MENT AGREEMENTS.—

23 “(i) IN GENERAL.—Not later than
24 120 days after conclusion of a hearing

1 under paragraph (2), the Secretary of
2 Labor shall issue a final order that—

3 “(I) provides relief in accordance
4 with this paragraph; or

5 “(II) denies the complaint.

6 “(ii) SETTLEMENT AGREEMENT.—At
7 any time before issuance of a final order
8 under this paragraph, a proceeding under
9 this subsection may be terminated on the
10 basis of a settlement agreement entered
11 into by the Secretary of Labor, the com-
12 plainant, and the air carrier, contractor, or
13 subcontractor alleged to have committed
14 the violation.

15 “(B) REMEDY.—If, in response to a com-
16 plaint filed under paragraph (1), the Secretary
17 of Labor determines that a violation of sub-
18 section (a) has occurred, the Secretary of Labor
19 shall order the air carrier, contractor, or sub-
20 contractor that the Secretary of Labor deter-
21 mines to have committed the violation to—

22 “(i) take action to abate the violation;

23 “(ii) reinstate the complainant to the
24 former position of the complainant and en-
25 sure the payment of compensation (includ-

1 ing back pay) and the restoration of terms,
2 conditions, and privileges associated with
3 the employment; and

4 “(iii) provide compensatory damages
5 to the complainant.

6 “(C) COSTS OF COMPLAINT.—If the Sec-
7 retary of Labor issues a final order that pro-
8 vides for relief in accordance with this para-
9 graph, the Secretary of Labor, at the request of
10 the complainant, shall assess against the air
11 carrier, contractor, or subcontractor named in
12 the order an amount equal to the aggregate
13 amount of all costs and expenses (including at-
14 torney and expert witness fees) reasonably in-
15 curred by the complainant (as determined by
16 the Secretary of Labor) for, or in connection
17 with, the bringing of the complaint that re-
18 sulted in the issuance of the order.

19 “(4) REVIEW.—

20 “(A) APPEAL TO COURT OF APPEALS.—

21 “(i) IN GENERAL.—Not later than 60
22 days after a final order is issued under
23 paragraph (3), a person adversely affected
24 or aggrieved by that order may obtain re-
25 view of the order in the United States

1 court of appeals for the circuit in which
2 the violation allegedly occurred or the cir-
3 cuit in which the complainant resided on
4 the date of that violation.

5 “(ii) REQUIREMENTS FOR JUDICIAL
6 REVIEW.—A review conducted under this
7 paragraph shall be conducted in accord-
8 ance with chapter 7 of title 5. The com-
9 mencement of proceedings under this sub-
10 paragraph shall not, unless ordered by the
11 court, operate as a stay of the order that
12 is the subject of the review.

13 “(B) LIMITATION ON COLLATERAL AT-
14 TACK.—An order referred to in subparagraph
15 (A) shall not be subject to judicial review in any
16 criminal or other civil proceeding.

17 “(5) ENFORCEMENT OF ORDER BY SECRETARY
18 OF LABOR.—

19 “(A) IN GENERAL.—If an air carrier, con-
20 tractor, or subcontractor named in an order
21 issued under paragraph (3) fails to comply with
22 the order, the Secretary of Labor may file a
23 civil action in the United States district court
24 for the district in which the violation occurred
25 to enforce that order.

1 “(B) RELIEF.—In any action brought
2 under this paragraph, the district court shall
3 have jurisdiction to grant any appropriate form
4 of relief, including injunctive relief and compen-
5 satory damages.

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

7 “(A) COMMENCEMENT OF ACTION.—A per-
8 son on whose behalf an order is issued under
9 paragraph (3) may commence a civil action
10 against the air carrier, contractor, or sub-
11 contractor named in the order to require com-
12 pliance with the order. The appropriate United
13 States district court shall have jurisdiction,
14 without regard to the amount in controversy or
15 the citizenship of the parties, to enforce the
16 order.

17 “(B) ATTORNEY FEES.—In issuing any
18 final order under this paragraph, the court may
19 award costs of litigation (including reasonable
20 attorney and expert witness fees) to any party
21 if the court determines that the awarding of
22 those costs is appropriate.

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

1 “(d) **NONAPPLICABILITY TO DELIBERATE VIOLA-**
 2 **TIONS.**—Subsection (a) shall not apply with respect to an
 3 employee of an air carrier, or contractor or subcontractor
 4 of an air carrier who, acting without direction from the
 5 air carrier (or an agent, contractor, or subcontractor of
 6 the air carrier), deliberately causes a violation of any re-
 7 quirement relating to air carrier safety under this subtitle
 8 or any other law of the United States.”.

9 (b) **CONFORMING AMENDMENT.**—The chapter analy-
 10 sis for chapter 421 is amended by adding at the end the
 11 following:

“SUBCHAPTER III—WHISTLEBLOWER PROTECTION PROGRAM
 “42121. Protection of employees providing air safety information.”.

12 (c) **CIVIL PENALTY.**—Section 46301(a)(1)(A) is
 13 amended by striking “subchapter II of chapter 421,” and
 14 inserting “subchapter II or III of chapter 421,”.

15 **SEC. 420. IMPROVEMENTS TO AIR NAVIGATION FACILITIES.**

16 Section 44502(a) is amended by adding at the end
 17 thereof the following:

18 “(5) The Administrator may improve real prop-
 19 erty leased for air navigation facilities without re-
 20 gard to the costs of the improvements in relation to
 21 the cost of the lease if—

22 “(A) the improvements primarily benefit
 23 the government;

1 “(B) are essential for mission accomplish-
2 ment; and

3 “(C) the government’s interest in the im-
4 provements is protected.”.

5 **SEC. 421. DENIAL OF AIRPORT ACCESS TO CERTAIN AIR**
6 **CARRIERS.**

7 Section 47107 is amended by adding at the end
8 thereof the following:

9 “(q) DENIAL OF ACCESS.—

10 “(1) EFFECT OF DENIAL.—If an owner or oper-
11 ator of an airport described in paragraph (2) denies
12 access to an air carrier described in paragraph (3),
13 that denial shall not be considered to be unreason-
14 able or unjust discrimination or a violation of this
15 section.

16 “(2) AIRPORTS TO WHICH SUBSECTION AP-
17 PLIES.—An airport is described in this paragraph if
18 it—

19 “(A) is designated as a reliever airport by
20 the Administrator of the Federal Aviation Ad-
21 ministration;

22 “(B) does not have an operating certificate
23 issued under part 139 of title 14, Code of Fed-
24 eral Regulations (or any subsequent similar reg-
25 ulations); and

1 “(C) is located within a 35-mile radius of
2 an airport that has—

3 “(i) at least 0.05 percent of the total
4 annual boardings in the United States; and

5 “(ii) current gate capacity to handle
6 the demands of a public charter operation.

7 “(3) AIR CARRIERS DESCRIBED.—An air carrier
8 is described in this paragraph if it conducts oper-
9 ations as a public charter under part 380 of title 14,
10 Code of Federal Regulations (or any subsequent
11 similar regulations) with aircraft that is designed to
12 carry more than 9 passengers per flight.

13 “(4) DEFINITIONS.—In this subsection:

14 “(A) AIR CARRIER; AIR TRANSPORTATION;
15 AIRCRAFT; AIRPORT.—The terms ‘air carrier’,
16 ‘air transportation’, ‘aircraft’, and ‘airport’
17 have the meanings given those terms in section
18 40102 of this title.

19 “(B) PUBLIC CHARTER.—The term ‘public
20 charter’ means charter air transportation for
21 which the general public is provided in advance
22 a schedule containing the departure location,
23 departure time, and arrival location of the
24 flights.”.

1 **SEC. 422. TOURISM.**

2 (a) FINDINGS.—Congress finds that—

3 (1) through an effective public-private partner-
4 ship, Federal, State, and local governments and the
5 travel and tourism industry can successfully market
6 the United States as the premiere international tour-
7 ist destination in the world;

8 (2) in 1997, the travel and tourism industry
9 made a substantial contribution to the health of the
10 Nation's economy, as follows:

11 (A) The industry is one of the Nation's
12 largest employers, directly employing 7,000,000
13 Americans, throughout every region of the
14 country, heavily concentrated among small busi-
15 nesses, and indirectly employing an additional
16 9,200,000 Americans, for a total of 16,200,000
17 jobs.

18 (B) The industry ranks as the first, sec-
19 ond, or third largest employer in 32 States and
20 the District of Columbia, generating a total
21 tourism-related annual payroll of
22 \$127,900,000,000.

23 (C) The industry has become the Nation's
24 third-largest retail sales industry, generating a
25 total of \$489,000,000,000 in total expenditures.

1 (D) The industry generated
2 \$71,700,000,000 in tax revenues for Federal,
3 State, and local governments;

4 (3) the more than \$98,000,000,000 spent by
5 foreign visitors in the United States in 1997 gen-
6 erated a trade services surplus of more than
7 \$26,000,000,000;

8 (4) the private sector, States, and cities cur-
9 rently spend more than \$1,000,000,000 annually to
10 promote particular destinations within the United
11 States to international visitors;

12 (5) because other nations are spending hun-
13 dreds of millions of dollars annually to promote the
14 visits of international tourists to their countries, the
15 United States will miss a major marketing oppor-
16 tunity if it fails to aggressively compete for an in-
17 creased share of international tourism expenditures
18 as they continue to increase over the next decade;

19 (6) a well-funded, well-coordinated international
20 marketing effort—combined with additional public
21 and private sector efforts—would help small and
22 large businesses, as well as State and local govern-
23 ments, share in the anticipated phenomenal growth
24 of the international travel and tourism market in the
25 21st century;

1 (7) by making permanent the successful visa
2 waiver pilot program, Congress can facilitate the in-
3 creased flow of international visitors to the United
4 States;

5 (8) Congress can increase the opportunities for
6 attracting international visitors and enhancing their
7 stay in the United States by—

8 (A) improving international signage at air-
9 ports, seaports, land border crossings, high-
10 ways, and bus, train, and other public transit
11 stations in the United States;

12 (B) increasing the availability of multi-
13 lingual tourist information; and

14 (C) creating a toll-free, private-sector oper-
15 ated, telephone number, staffed by multilingual
16 operators, to provide assistance to international
17 tourists coping with an emergency;

18 (9) by establishing a satellite system of ac-
19 counting for travel and tourism, the Secretary of
20 Commerce could provide Congress and the President
21 with objective, thorough data that would help policy-
22 makers more accurately gauge the size and scope of
23 the domestic travel and tourism industry and its sig-
24 nificant impact on the health of the Nation's econ-
25 omy; and

1 (10) having established the United States Na-
2 tional Tourism Organization under the United
3 States National Tourism Organization Act of 1996
4 (22 U.S.C. 2141 et seq.) to increase the United
5 States share of the international tourism market by
6 developing a national travel and tourism strategy,
7 Congress should support a long-term marketing ef-
8 fort and other important regulatory reform initia-
9 tives to promote increased travel to the United
10 States for the benefit of every sector of the economy.

11 (b) PURPOSES.—The purposes of this section are to
12 provide international visitor initiatives and an inter-
13 national marketing program to enable the United States
14 travel and tourism industry and every level of government
15 to benefit from a successful effort to make the United
16 States the premiere travel destination in the world.

17 (c) INTERNATIONAL VISITOR ASSISTANCE TASK
18 FORCE.—

19 (1) ESTABLISHMENT.—Not later than 9
20 months after the date of enactment of this Act, the
21 Secretary of Commerce shall establish an Intergov-
22 ernmental Task Force for International Visitor As-
23 sistance (hereafter in this subsection referred to as
24 the “Task Force”).

25 (2) DUTIES.—The Task Force shall examine—

1 (A) signage at facilities in the United
2 States, including airports, seaports, land border
3 crossings, highways, and bus, train, and other
4 public transit stations, and shall identify exist-
5 ing inadequacies and suggest solutions for such
6 inadequacies, such as the adoption of uniform
7 standards on international signage for use
8 throughout the United States in order to facili-
9 tate international visitors' travel in the United
10 States;

11 (B) the availability of multilingual travel
12 and tourism information and means of dissemi-
13 nating, at no or minimal cost to the Govern-
14 ment, of such information; and

15 (C) facilitating the establishment of a toll-
16 free, private-sector operated, telephone number,
17 staffed by multilingual operators, to provide as-
18 sistance to international tourists coping with an
19 emergency.

20 (3) MEMBERSHIP.—The Task Force shall be
21 composed of the following members:

22 (A) The Secretary of Commerce.

23 (B) The Secretary of State.

24 (C) The Secretary of Transportation.

1 (D) The Chair of the Board of Directors
2 of the United States National Tourism Organi-
3 zation.

4 (E) Such other representatives of other
5 Federal agencies and private-sector entities as
6 may be determined to be appropriate to the
7 mission of the Task Force by the Chairman.

8 (4) CHAIRMAN.—The Secretary of Commerce
9 shall be Chairman of the Task Force. The Task
10 Force shall meet at least twice each year. Each
11 member of the Task Force shall furnish necessary
12 assistance to the Task Force.

13 (5) REPORT.—Not later than 18 months after
14 the date of the enactment of this Act, the Chairman
15 of the Task Force shall submit to the President and
16 to Congress a report on the results of the review, in-
17 cluding proposed amendments to existing laws or
18 regulations as may be appropriate to implement
19 such recommendations.

20 (d) TRAVEL AND TOURISM INDUSTRY SATELLITE
21 SYSTEM OF ACCOUNTING.—

22 (1) IN GENERAL.—The Secretary of Commerce
23 shall complete, as soon as may be practicable, a sat-
24 ellite system of accounting for the travel and tour-
25 ism industry.

1 (2) FUNDING.—To the extent any costs or ex-
2 penditures are incurred under this subsection, they
3 shall be covered to the extent funds are available to
4 the Department of Commerce for such purpose.

5 (e) AUTHORIZATION OF APPROPRIATIONS.—

6 (1) AUTHORIZATION.—Subject to paragraph
7 (2), there are authorized to be appropriated such
8 sums as may be necessary for the purpose of fund-
9 ing international promotional activities by the
10 United States National Tourism Organization to
11 help brand, position, and promote the United States
12 as the premiere travel and tourism destination in the
13 world.

14 (2) RESTRICTIONS ON USE OF FUNDS.—None
15 of the funds appropriated under paragraph (1) may
16 be used for purposes other than marketing, research,
17 outreach, or any other activity designed to promote
18 the United States as the premiere travel and tour-
19 ism destination in the world, except that the general
20 and administrative expenses of operating the United
21 States National Tourism Organization shall be borne
22 by the private sector through such means as the
23 Board of Directors of the Organization shall deter-
24 mine.

1 (3) REPORT TO CONGRESS.—Not later than
2 March 30 of each year in which funds are made
3 available under subsection (a), the Secretary shall
4 submit to the Committee on Commerce of the House
5 of Representatives and the Committee on Commerce,
6 Science, and Transportation of the Senate a detailed
7 report setting forth—

8 (A) the manner in which appropriated
9 funds were expended;

10 (B) changes in the United States market
11 share of international tourism in general and as
12 measured against specific countries and regions;

13 (C) an analysis of the impact of inter-
14 national tourism on the United States economy,
15 including, as specifically as practicable, an anal-
16 ysis of the impact of expenditures made pursu-
17 ant to this section;

18 (D) an analysis of the impact of inter-
19 national tourism on the United States trade
20 balance and, as specifically as practicable, an
21 analysis of the impact on the trade balance of
22 expenditures made pursuant to this section; and

23 (E) an analysis of other relevant economic
24 impacts as a result of expenditures made pursu-
25 ant to this section.

1 **SEC. 423. EQUIVALENCY OF FAA AND EU SAFETY STAND-**
2 **ARDS.**

3 The Administrator of the Federal Aviation Adminis-
4 tration shall determine whether the Administration's safe-
5 ty regulations are equivalent to the safety standards set
6 forth in European Union Directive 89/336EEC. If the Ad-
7 ministrator determines that the standards are equivalent,
8 the Administrator shall work with the Secretary of Com-
9 merce to gain acceptance of that determination pursuant
10 to the Mutual Recognition Agreement between the United
11 States and the European Union of May 18, 1998, in order
12 to ensure that aviation products approved by the Adminis-
13 tration are acceptable under that Directive.

14 **SEC. 424. SENSE OF THE SENATE ON PROPERTY TAXES ON**
15 **PUBLIC-USE AIRPORTS.**

16 It is the sense of the Senate that—

17 (1) property taxes on public-use airports should
18 be assessed fairly and equitably, regardless of the lo-
19 cation of the owner of the airport; and

20 (2) the property tax recently assessed on the
21 City of The Dalles, Oregon, as the owner and opera-
22 tor of the Columbia Gorge Regional/The Dalles Mu-
23 nicipal Airport, located in the State of Washington,
24 should be repealed.

1 **SEC. 425. FEDERAL AVIATION ADMINISTRATION PERSON-**
2 **NEL MANAGEMENT SYSTEM.**

3 (a) APPLICABILITY OF MERIT SYSTEMS PROTECTION
4 BOARD PROVISIONS.—Section 347(b) of the Department
5 of Transportation and Related Agencies Appropriations
6 Act, 1996 (109 Stat. 460) is amended—

7 (1) by striking “and” at the end of paragraph
8 (6);

9 (2) by striking the period at the end of para-
10 graph (7) and inserting a semicolon and “and”; and

11 (3) by adding at the end thereof the following:

12 “(8) sections 1204, 1211–1218, 1221, and
13 7701–7703, relating to the Merit Systems Protec-
14 tion Board.”.

15 (b) APPEALS TO MERIT SYSTEMS PROTECTION
16 BOARD.—Section 347(c) of the Department of Transpor-
17 tation and Related Agencies Appropriations Act, 1996 is
18 amended to read as follows:

19 “(c) APPEALS TO MERIT SYSTEMS PROTECTION
20 BOARD.—Under the new personnel management system
21 developed and implemented under subsection (a), an em-
22 ployee of the Federal Aviation Administration may submit
23 an appeal to the Merit Systems Protection Board and may
24 seek judicial review of any resulting final orders or deci-
25 sions of the Board from any action that was appealable

1 to the Board under any law, rule, or regulation as of
2 March 31, 1996.”.

3 **SEC 426. AIRCRAFT AND AVIATION COMPONENT REPAIR**
4 **AND MAINTENANCE ADVISORY PANEL.**

5 (a) ESTABLISHMENT OF PANEL.—The Administrator
6 of the Federal Aviation Administration—

7 (1) shall establish an Aircraft Repair and Main-
8 tenance Advisory Panel to review issues related to
9 the use and oversight of aircraft and aviation com-
10 ponent repair and maintenance facilities located
11 within, or outside of, the United States; and

12 (2) may seek the advice of the panel on any
13 issue related to methods to improve the safety of do-
14 mestic or foreign contract aircraft and aviation com-
15 ponent repair facilities.

16 (b) MEMBERSHIP.—The panel shall consist of—

17 (1) 8 members, appointed by the Administrator
18 as follows:

19 (A) 3 representatives of labor organiza-
20 tions representing aviation mechanics;

21 (B) 1 representative of cargo air carriers;

22 (C) 1 representative of passenger air car-
23 riers;

24 (D) 1 representative of aircraft and avia-
25 tion component repair stations;

1 (E) 1 representative of aircraft manufac-
2 turers; and

3 (F) 1 representative of the aviation indus-
4 try not described in the preceding subpara-
5 graphs;

6 (2) 1 representative from the Department of
7 Transportation, designated by the Secretary of
8 Transportation;

9 (3) 1 representative from the Department of
10 State, designated by the Secretary of State; and

11 (4) 1 representative from the Federal Aviation
12 Administration, designated by the Administrator.

13 (c) RESPONSIBILITIES.—The panel shall—

14 (1) determine how much aircraft and aviation
15 component repair work and what type of aircraft
16 and aviation component repair work is being per-
17 formed by aircraft and aviation component repair
18 stations located within, and outside of, the United
19 States to better understand and analyze methods to
20 improve the safety and oversight of such facilities;
21 and

22 (2) provide advice and counsel to the Adminis-
23 trator with respect to aircraft and aviation compo-
24 nent repair work performed by those stations, staff-

1 ing needs, and any safety issues associated with that
2 work.

3 (d) FAA TO REQUEST INFORMATION FROM FOR-
4 EIGN AIRCRAFT REPAIR STATIONS.—

5 (1) COLLECTION OF INFORMATION.—The Ad-
6 ministrator shall by regulation request aircraft and
7 aviation component repair stations located outside
8 the United States to submit such information as the
9 Administrator may require in order to assess safety
10 issues and enforcement actions with respect to the
11 work performed at those stations on aircraft used by
12 United States air carriers.

13 (2) DRUG AND ALCOHOL TESTING INFORMA-
14 TION.—Included in the information the Adminis-
15 trator requests under paragraph (1) shall be infor-
16 mation on the existence and administration of em-
17 ployee drug and alcohol testing programs in place at
18 such stations, if applicable.

19 (3) DESCRIPTION OF WORK DONE.—Included in
20 the information the Administrator requests under
21 paragraph (1) shall be information on the amount
22 and type of aircraft and aviation component repair
23 work performed at those stations on aircraft reg-
24 istered in the United States.

1 (e) FAA TO REQUEST INFORMATION ABOUT DOMES-
2 TIC AIRCRAFT REPAIR STATIONS.—If the Administrator
3 determines that information on the volume of the use of
4 domestic aircraft and aviation component repair stations
5 is needed in order to better utilize Federal Aviation Ad-
6 ministration resources, the Administrator may—

7 (1) require United States air carriers to submit
8 the information described in subsection (d) with re-
9 spect to their use of contract and noncontract air-
10 craft and aviation component repair facilities located
11 in the United States; and

12 (2) obtain information from such stations about
13 work performed for foreign air carriers.

14 (f) FAA TO MAKE INFORMATION AVAILABLE TO
15 PUBLIC.—The Administrator shall make any information
16 received under subsection (d) or (e) available to the public.

17 (g) TERMINATION.—The panel established under
18 subsection (a) shall terminate on the earlier of—

19 (1) the date that is 2 years after the date of en-
20 actment of this Act; or

21 (2) December 31, 2000.

22 (h) ANNUAL REPORT TO CONGRESS.—The Adminis-
23 trator shall report annually to the Congress on the number
24 and location of air agency certificates that were revoked,
25 suspended, or not renewed during the preceding year.

1 (i) DEFINITIONS.—Any term used in this section that
2 is defined in subtitle VII of title 49, United States Code,
3 has the meaning given that term in that subtitle.

4 **SEC. 427. REPORT ON ENHANCED DOMESTIC AIRLINE COM-**
5 **PETITION.**

6 (a) FINDINGS.—The Congress makes the following
7 findings:

8 (1) There has been a reduction in the level of
9 competition in the domestic airline business brought
10 about by mergers, consolidations, and proposed do-
11 mestic alliances.

12 (2) Foreign citizens and foreign air carriers
13 may be willing to invest in existing or start-up air-
14 lines if they are permitted to acquire a larger equity
15 share of a United States airline.

16 (b) STUDY.—The Secretary of Transportation, after
17 consulting the appropriate Federal agencies, shall study
18 and report to the Congress not later than June 30, 1999,
19 on the desirability and implications of—

20 (1) decreasing the foreign ownership provision
21 in section 40102(a)(15) of title 49, United States
22 Code, to 51 percent from 75 percent; and

23 (2) changing the definition of air carrier in sec-
24 tion 40102(a)(2) of such title by substituting “a

1 company whose principal place of business is in the
2 United States” for “a citizen of the United States”.

3 **SEC. 428. AIRCRAFT SITUATIONAL DISPLAY DATA.**

4 (a) IN GENERAL.—A memorandum of agreement be-
5 tween the Administrator of the Federal Aviation Adminis-
6 tration and any person directly that obtains aircraft situa-
7 tional display data from the Administration shall require
8 that—

9 (1) the person demonstrate to the satisfaction
10 of the Administrator that such person is capable of
11 selectively blocking the display of any aircraft-situa-
12 tion-display-to-industry derived data related to any
13 identified aircraft registration number; and

14 (2) the person agree to block selectively the air-
15 craft registration numbers of any aircraft owner or
16 operator upon the Administration’s request.

17 (b) EXISTING MEMORANDA TO BE CONFORMED.—

18 The Administrator shall conform any memoranda of
19 agreement, in effect on the date of enactment of this Act,
20 between the Administration and a person under which that
21 person obtains such data to incorporate the requirements
22 of subsection (a) within 30 days after that date.

1 **SEC. 429. TO EXPRESS THE SENSE OF THE SENATE CON-**
2 **CERNING A BILATERAL AGREEMENT BE-**
3 **TWEEN THE UNITED STATES AND THE**
4 **UNITED KINGDOM REGARDING CHARLOTTE-**
5 **LONDON ROUTE.**

6 (a) DEFINITIONS.—In this section:

7 (1) AIR CARRIER.—The term “air carrier” has
8 the meaning given that term in section 40102 of
9 title 49, United States Code.

10 (2) BERMUDA II AGREEMENT.—The term “Ber-
11 muda II Agreement” means the Agreement Between
12 the United States of America and United Kingdom
13 of Great Britain and Northern Ireland Concerning
14 Air Services, signed at Bermuda on July 23, 1977
15 (TIAS 8641).

16 (3) CHARLOTTE-LONDON (GATWICK) ROUTE.—
17 The term “Charlotte-London (Gatwick) route”
18 means the route between Charlotte, North Carolina,
19 and the Gatwick Airport in London, England.

20 (4) FOREIGN AIR CARRIER.—The term “foreign
21 air carrier” has the meaning given that term in sec-
22 tion 40102 of title 49, United States Code.

23 (5) SECRETARY.—The term “Secretary” means
24 the Secretary of Transportation.

25 (b) FINDINGS.—Congress finds that—

1 (1) under the Bermuda II Agreement, the
2 United States has a right to designate an air carrier
3 of the United States to serve the Charlotte-London
4 (Gatwick) route;

5 (2) the Secretary awarded the Charlotte-Lon-
6 don (Gatwick) route to US Airways on September
7 12, 1997, and on May 7, 1998, US Airways an-
8 nounced plans to launch nonstop service in competi-
9 tion with the monopoly held by British Airways on
10 the route and to provide convenient single-carrier
11 one-stop service to the United Kingdom from dozens
12 of cities in North Carolina and South Carolina and
13 the surrounding region;

14 (3) US Airways was forced to cancel service for
15 the Charlotte-London (Gatwick) route for the sum-
16 mer of 1998 and the following winter because the
17 Government of the United Kingdom refused to pro-
18 vide commercially viable access to Gatwick Airport;

19 (4) British Airways continues to operate mo-
20 nopoly service on the Charlotte-London (Gatwick)
21 route and recently upgraded the aircraft for that
22 route to B-777 aircraft;

23 (5) British Airways had been awarded an addi-
24 tional monopoly route between London, England and
25 Denver, Colorado, resulting in a total of 10 monop-

1 oly routes operated by British Airways between the
2 United Kingdom and points in the United States;

3 (6) monopoly service results in higher fares to
4 passengers; and

5 (7) US Airways is prepared, and officials of the
6 air carrier are eager, to initiate competitive air serv-
7 ice on the Charlotte-London (Gatwick) route as soon
8 as the Government of the United Kingdom provides
9 commercially viable access to the Gatwick Airport.

10 (c) SENSE OF THE SENATE.—It is the sense of the
11 Senate that the Secretary should—

12 (1) act vigorously to ensure the enforcement of
13 the rights of the United States under the Bermuda
14 II Agreement;

15 (2) intensify efforts to obtain the necessary as-
16 surances from the Government of the United King-
17 dom to allow an air carrier of the United States to
18 operate commercially viable, competitive service for
19 the Charlotte-London (Gatwick) route; and

20 (3) ensure that the rights of the Government of
21 the United States and citizens and air carriers of
22 the United States are enforced under the Bermuda
23 II Agreement before seeking to renegotiate a broad-
24 er bilateral agreement to establish additional rights

1 for air carriers of the United States and foreign air
2 carriers of the United Kingdom.

3 **SEC. 430. TO EXPRESS THE SENSE OF THE SENATE CON-**
4 **CERNING A BILATERAL AGREEMENT BE-**
5 **TWEEN THE UNITED STATES AND THE**
6 **UNITED KINGDOM REGARDING CLEVELAND-**
7 **LONDON ROUTE.**

8 (a) DEFINITIONS.—In this section:

9 (1) AIR CARRIER.—The term “air carrier” has
10 the meaning given that term in section 40102 of
11 title 49, United States Code.

12 (2) AIRCRAFT.—The term “aircraft” has the
13 meaning given that term in section 40102 of title
14 49, United States Code.

15 (3) AIR TRANSPORTATION.—The term “air
16 transportation” has the meaning given that term in
17 section 40102 of title 49, United States Code.

18 (4) BERMUDA II AGREEMENT.—The term “Ber-
19 muda II Agreement” means the Agreement Between
20 the United States of America and United Kingdom
21 of Great Britain and Northern Ireland Concerning
22 Air Services, signed at Bermuda on July 23, 1977
23 (TIAS 8641).

24 (5) CLEVELAND-LONDON (GATWICK) ROUTE.—
25 The term “Cleveland-London (Gatwick) route”

1 means the route between Cleveland, Ohio, and the
2 Gatwick Airport in London, England.

3 (6) FOREIGN AIR CARRIER.—The term “foreign
4 air carrier” has the meaning given that term in sec-
5 tion 40102 of title 49, United States Code.

6 (7) SECRETARY.—The term “Secretary” means
7 the Secretary of Transportation.

8 (8) SLOT.—The term “slot” means a reserva-
9 tion for an instrument flight rule takeoff or landing
10 by an air carrier of an aircraft in air transportation.

11 (b) FINDINGS.—Congress finds that—

12 (1) under the Bermuda II Agreement, the
13 United States has a right to designate an air carrier
14 of the United States to serve the Cleveland-London
15 (Gatwick) route;

16 (2)(A) on December 3, 1996, the Secretary
17 awarded the Cleveland-London (Gatwick) route to
18 Continental Airlines;

19 (B) on June 15, 1998, Continental Airlines an-
20 nounced plans to launch nonstop service on that
21 route on February 19, 1999, and to provide single-
22 carrier one-stop service between London, England
23 (from Gatwick Airport) and dozens of cities in Ohio
24 and the surrounding region; and

1 (C) on August 4, 1998, the Secretary ten-
2 tatively renewed the authority of Continental Air-
3 lines to carry out the nonstop service referred to in
4 subparagraph (B) and selected Cleveland, Ohio, as a
5 new gateway under the Bermuda II Agreement;

6 (3) unless the Government of the United King-
7 dom provides Continental Airlines commercially via-
8 ble access to Gatwick Airport, Continental Airlines
9 will not be able to initiate service on the Cleveland-
10 London (Gatwick) route; and

11 (4) Continental Airlines is prepared to initiate
12 competitive air service on the Cleveland-London
13 (Gatwick) route when the Government of the United
14 Kingdom provides commercially viable access to the
15 Gatwick Airport.

16 (c) SENSE OF THE SENATE.—It is the sense of the
17 Senate that the Secretary should—

18 (1) act vigorously to ensure the enforcement of
19 the rights of the United States under the Bermuda
20 II Agreement;

21 (2) intensify efforts to obtain the necessary as-
22 surances from the Government of the United King-
23 dom to allow an air carrier of the United States to
24 operate commercially viable, competitive service for
25 the Cleveland-London (Gatwick) route; and

1 (3) ensure that the rights of the Government of
2 the United States and citizens and air carriers of
3 the United States are enforced under the Bermuda
4 II Agreement before seeking to renegotiate a broad-
5 er bilateral agreement to establish additional rights
6 for air carriers of the United States and foreign air
7 carriers of the United Kingdom, including the right
8 to commercially viable competitive slots at Gatwick
9 Airport and Heathrow Airport in London, England,
10 for air carriers of the United States.

11 **SEC. 431. ALLOCATION OF TRUST FUND FUNDING.**

12 (a) DEFINITIONS.—In this section:

13 (1) AIRPORT AND AIRWAY TRUST FUND.—The
14 term “Airport and Airway Trust Fund” means the
15 trust fund established under section 9502 of the In-
16 ternal Revenue Code of 1986.

17 (2) SECRETARY.—The term “Secretary” means
18 the Secretary of Transportation.

19 (3) STATE.—The term “State” means each of
20 the States, the District of Columbia, and the Com-
21 monwealth of Puerto Rico.

22 (4) STATE DOLLAR CONTRIBUTION TO THE AIR-
23 PORT AND AIRWAY TRUST FUND.—The term “State
24 dollar contribution to the Airport and Airway Trust
25 Fund”, with respect to a State and fiscal year,

1 means the amount of funds equal to the amounts
2 transferred to the Airport and Airway Trust Fund
3 under section 9502 of the Internal Revenue Code of
4 1986 that are equivalent to the taxes described in
5 section 9502(b) of the Internal Revenue Code of
6 1986 that are collected in that State.

7 (b) REPORTING.—

8 (1) IN GENERAL.—As soon as practicable after
9 the date of enactment of this Act, and annually
10 thereafter, the Secretary of the Treasury shall report
11 to the Secretary the amount equal to the amount of
12 taxes collected in each State during the preceding
13 fiscal year that were transferred to the Airport and
14 Airway Trust Fund.

15 (2) REPORT BY SECRETARY.—Not later than
16 90 days after the date of enactment of this Act, and
17 annually thereafter, the Secretary shall prepare and
18 submit to Congress a report that provides, for each
19 State, for the preceding fiscal year—

20 (A) the State dollar contribution to the
21 Airport and Airway Trust Fund; and

22 (B) the amount of funds (from funds made
23 available under section 48103 of title 49,
24 United States Code) that were made available
25 to the State (including any political subdivision

1 thereof) under chapter 471 of title 49, United
2 States Code.

3 **SEC. 432. TAOS PUEBLO AND BLUE LAKES WILDERNESS**
4 **AREA DEMONSTRATION PROJECT.**

5 Within 18 months after the date of enactment of this
6 Act, the Administrator of the Federal Aviation Adminis-
7 tration shall work with the Taos Pueblo to study the fea-
8 sibility of conducting a demonstration project to require
9 all aircraft that fly over Taos Pueblo and the Blue Lake
10 Wilderness Area of Taos Pueblo, New Mexico, to maintain
11 a mandatory minimum altitude of at least 5,000 feet above
12 ground level.

13 **SEC. 433. AIRLINE MARKETING DISCLOSURE.**

14 (a) DEFINITIONS.—In this section:

15 (1) AIR CARRIER.—The term “air carrier” has
16 the meaning given that term in section 40102 of
17 title 49, United States Code.

18 (2) AIR TRANSPORTATION.—The term “air
19 transportation” has the meaning given that term in
20 section 40102 of title 49, United States Code.

21 (b) FINAL REGULATIONS.—Not later than 90 days
22 after the date of enactment of this Act, the Secretary of
23 Transportation shall promulgate final regulations to pro-
24 vide for improved oral and written disclosure to each con-
25 sumer of air transportation concerning the corporate name

1 of the air carrier that provides the air transportation pur-
2 chased by that consumer. In issuing the regulations issued
3 under this subsection, the Secretary shall take into ac-
4 count the proposed regulations issued by the Secretary on
5 January 17, 1995, published at page 3359, volume 60,
6 Federal Register.

7 **SEC. 434. CERTAIN AIR TRAFFIC CONTROL TOWERS.**

8 Notwithstanding any other provision of law, regula-
9 tion, intergovernmental circular advisories or other proc-
10 ess, or any judicial proceeding or ruling to the contrary,
11 the Federal Aviation Administration shall use such funds
12 as necessary to contract for the operation of air traffic
13 control towers, located in Salisbury, Maryland; Bozeman,
14 Montana; and Boca Raton, Florida: *Provided*, That the
15 Federal Aviation Administration has made a prior deter-
16 mination of eligibility for such towers to be included in
17 the contract tower program.

18 **SEC. 435. COMPENSATION UNDER THE DEATH ON THE**

19 **HIGH SEAS ACT.**

20 (a) IN GENERAL.—Section 2 of the Death on the
21 High Seas Act (46 U.S.C. App. 762) is amended by—

22 (1) inserting “(a) IN GENERAL.—” before “The
23 recovery”; and

24 (2) adding at the end thereof the following:

25 “(b) COMMERCIAL AVIATION.—

1 “(1) IN GENERAL.—If the death was caused
2 during commercial aviation, additional compensation
3 for nonpecuniary damages for wrongful death of a
4 decedent is recoverable in a total amount, for all
5 beneficiaries of that decedent, that shall not exceed
6 the greater of the pecuniary loss sustained or a sum
7 total of \$750,000 from all defendants for all claims.
8 Punitive damages are not recoverable.

9 “(2) INFLATION ADJUSTMENT.—The \$750,000
10 amount shall be adjusted, beginning in calendar year
11 2000 by the increase, if any, in the Consumer Price
12 Index for all urban consumers for the prior year
13 over the Consumer Price Index for all urban con-
14 sumers for the calendar year 1998.

15 “(3) NONPECUNIARY DAMAGES.—For purposes
16 of this subsection, the term ‘nonpecuniary damages’
17 means damages for loss of care, comfort, and com-
18 panionship.”.

19 (b) EFFECTIVE DATE.—The amendment made by
20 subsection (a) applies to any death caused during commer-
21 cial aviation occurring after July 16, 1996.

1 **TITLE V—AVIATION**
2 **COMPETITION PROMOTION**

3 **SEC. 501. PURPOSE.**

4 The purpose of this title is to facilitate, through a
5 4-year pilot program, incentives and projects that will help
6 up to 40 communities or consortia of communities to im-
7 prove their access to the essential airport facilities of the
8 national air transportation system through public-private
9 partnerships and to identify and establish ways to over-
10 come the unique policy, economic, geographic, and market-
11 place factors that may inhibit the availability of quality,
12 affordable air service to small communities.

13 **SEC. 502. ESTABLISHMENT OF SMALL COMMUNITY AVIA-**
14 **TION DEVELOPMENT PROGRAM.**

15 Section 102 is amended by adding at the end thereof
16 the following:

17 “(g) **SMALL COMMUNITY AIR SERVICE DEVELOP-**
18 **MENT PROGRAM.—**

19 “(1) **ESTABLISHMENT.—**The Secretary shall es-
20 tablish a 4-year pilot aviation development program
21 to be administered by a program director designated
22 by the Secretary.

23 “(2) **FUNCTIONS.—**The program director
24 shall—

1 “(A) function as a facilitator between
2 small communities and air carriers;

3 “(B) carry out section 41743 of this title;

4 “(C) carry out the airline service restora-
5 tion program under sections 41744, 41745, and
6 41746 of this title;

7 “(D) ensure that the Bureau of Transpor-
8 tation Statistics collects data on passenger in-
9 formation to assess the service needs of small
10 communities;

11 “(E) work with and coordinate efforts with
12 other Federal, State, and local agencies to in-
13 crease the viability of service to small commu-
14 nities and the creation of aviation development
15 zones; and

16 “(F) provide policy recommendations to
17 the Secretary and the Congress that will ensure
18 that small communities have access to quality,
19 affordable air transportation services.

20 “(3) REPORTS.—The program director shall
21 provide an annual report to the Secretary and the
22 Congress beginning in 2000 that—

23 “(A) analyzes the availability of air trans-
24 portation services in small communities, includ-
25 ing, but not limited to, an assessment of the air

1 fares charged for air transportation services in
 2 small communities compared to air fares
 3 charged for air transportation services in larger
 4 metropolitan areas and an assessment of the
 5 levels of service, measured by types of aircraft
 6 used, the availability of seats, and scheduling of
 7 flights, provided to small communities;

8 “(B) identifies the policy, economic, geo-
 9 graphic and marketplace factors that inhibit the
 10 availability of quality, affordable air transpor-
 11 tation services to small communities; and

12 “(C) provides policy recommendations to
 13 address the policy, economic, geographic, and
 14 marketplace factors inhibiting the availability of
 15 quality, affordable air transportation services to
 16 small communities.”.

17 **SEC. 503. COMMUNITY-CARRIER AIR SERVICE PROGRAM.**

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

20 **“§ 41743. Air service program for small communities**

21 “(a) COMMUNITIES PROGRAM.—Under advisory
 22 guidelines prescribed by the Secretary of Transportation,
 23 a small community or a consortia of small communities
 24 or a State may develop an assessment of its air service
 25 requirements, in such form as the program director des-

1 ignited by the Secretary under section 102(g) may re-
2 quire, and submit the assessment and service proposal to
3 the program director.

4 “(b) SELECTION OF PARTICIPANTS.—In selecting
5 community programs for participation in the communities
6 program under subsection (a), the program director shall
7 apply criteria, including geographical diversity and the
8 presentation of unique circumstances, that will dem-
9 onstrate the feasibility of the program. For purposes of
10 this subsection, the application of geographical diversity
11 criteria means criteria that—

12 “(1) will promote the development of a national
13 air transportation system; and

14 “(2) will involve the participation of commu-
15 nities in all regions of the country.

16 “(c) CARRIERS PROGRAM.—The program director
17 shall invite part 121 air carriers and regional/commuter
18 carriers (as such terms are defined in section 41715(d)
19 of this title) to offer service proposals in response to, or
20 in conjunction with, community aircraft service assess-
21 ments submitted to the office under subsection (a). A serv-
22 ice proposal under this paragraph shall include—

23 “(1) an assessment of potential daily passenger
24 traffic, revenues, and costs necessary for the carrier
25 to offer the service;

1 “(2) a forecast of the minimum percentage of
2 that traffic the carrier would require the community
3 to garner in order for the carrier to start up and
4 maintain the service; and

5 “(3) the costs and benefits of providing jet serv-
6 ice by regional or other jet aircraft.

7 “(d) PROGRAM SUPPORT FUNCTION.—The program
8 director shall work with small communities and air car-
9 riers, taking into account their proposals and needs, to
10 facilitate the initiation of service. The program director—

11 “(1) may work with communities to develop in-
12 novative means and incentives for the initiation of
13 service;

14 “(2) may obligate funds authorized under sec-
15 tion 504 of the Air Transportation Improvement Act
16 to carry out this section;

17 “(3) shall continue to work with both the car-
18 riers and the communities to develop a combination
19 of community incentives and carrier service levels
20 that—

21 “(A) are acceptable to communities and
22 carriers; and

23 “(B) do not conflict with other Federal or
24 State programs to facilitate air transportation
25 to the communities;

1 “(4) designate an airport in the program as an
2 Air Service Development Zone and work with the
3 community on means to attract business to the area
4 surrounding the airport, to develop land use options
5 for the area, and provide data, working with the De-
6 partment of Commerce and other agencies;

7 “(5) take such other action under this chapter
8 as may be appropriate.

9 “(e) LIMITATIONS.—

10 “(1) COMMUNITY SUPPORT.—The program di-
11 rector may not provide financial assistance under
12 subsection (c)(2) to any community unless the pro-
13 gram director determines that—

14 “(A) a public-private partnership exists at
15 the community level to carry out the commu-
16 nity’s proposal;

17 “(B) the community will make a substan-
18 tial financial contribution that is appropriate
19 for that community’s resources, but of not less
20 than 25 percent of the cost of the project in
21 any event;

22 “(C) the community has established an
23 open process for soliciting air service proposals;
24 and

1 “(D) the community will accord similar
2 benefits to air carriers that are similarly situ-
3 ated.

4 “(2) AMOUNT.—The program director may not
5 obligate more than \$30,000,000 of the amounts au-
6 thorized under 504 of the Air Transportation Im-
7 provement Act over the 4 years of the program.

8 “(3) NUMBER OF PARTICIPANTS.—The pro-
9 gram established under subsection (a) shall not in-
10 volve more than 40 communities or consortia of
11 communities.

12 “(f) REPORT.—The program director shall report
13 through the Secretary to the Congress annually on the
14 progress made under this section during the preceding
15 year in expanding commercial aviation service to smaller
16 communities.

17 **“§ 41744. Pilot program project authority**

18 “(a) IN GENERAL.—The program director designated
19 by the Secretary of Transportation under section
20 102(g)(1) shall establish a 4-year pilot program—

21 “(1) to assist communities and States with in-
22 adequate access to the national transportation sys-
23 tem to improve their access to that system; and

24 “(2) to facilitate better air service link-ups to
25 support the improved access.

1 “(b) PROJECT AUTHORITY.—Under the pilot pro-
2 gram established pursuant to subsection (a), the program
3 director may—

4 “(1) out of amounts authorized under section
5 504 of the Air Transportation Improvement Act,
6 provide financial assistance by way of grants to
7 small communities or consortia of small communities
8 under section 41743 of up to \$500,000 per year;
9 and

10 “(2) take such other action as may be appro-
11 priate.

12 “(c) OTHER ACTION.—Under the pilot program es-
13 tablished pursuant to subsection (a), the program director
14 may facilitate service by—

15 “(1) working with airports and air carriers to
16 ensure that appropriate facilities are made available
17 at essential airports;

18 “(2) collecting data on air carrier service to
19 small communities; and

20 “(3) providing policy recommendations to the
21 Secretary to stimulate air service and competition to
22 small communities.

23 “(d) ADDITIONAL ACTION.—Under the pilot program
24 established pursuant to subsection (a), the Secretary shall
25 work with air carriers providing service to participating

1 communities and major air carriers serving large hub air-
2 ports (as defined in section 41731(a)(3)) to facilitate joint
3 fare arrangements consistent with normal industry prac-
4 tice.

5 **“§ 41745. Assistance to communities for service**

6 “(a) IN GENERAL.—Financial assistance provided
7 under section 41743 during any fiscal year as part of the
8 pilot program established under section 41744(a) shall be
9 implemented for not more than—

10 “(1) 4 communities within any State at any
11 given time; and

12 “(2) 40 communities in the entire program at
13 any time.

14 For purposes of this subsection, a consortium of commu-
15 nities shall be treated as a single community.

16 “(b) ELIGIBILITY.—In order to participate in a pilot
17 project under this subchapter, a State, community, or
18 group of communities shall apply to the Secretary in such
19 form and at such time, and shall supply such information,
20 as the Secretary may require, and shall demonstrate to
21 the satisfaction of the Secretary that—

22 “(1) the applicant has an identifiable need for
23 access, or improved access, to the national air trans-
24 portation system that would benefit the public;

1 “(2) the pilot project will provide material bene-
2 fits to a broad section of the travelling public, busi-
3 nesses, educational institutions, and other enter-
4 prises whose access to the national air transpor-
5 tation system is limited;

6 “(3) the pilot project will not impede competi-
7 tion; and

8 “(4) the applicant has established, or will estab-
9 lish, public-private partnerships in connection with
10 the pilot project to facilitate service to the public.

11 “(c) COORDINATION WITH OTHER PROVISIONS OF
12 SUBCHAPTER.—The Secretary shall carry out the 4-year
13 pilot program authorized by this subchapter in such a
14 manner as to complement action taken under the other
15 provisions of this subchapter. To the extent the Secretary
16 determines to be appropriate, the Secretary may adopt cri-
17 teria for implementation of the 4-year pilot program that
18 are the same as, or similar to, the criteria developed under
19 the preceding sections of this subchapter for determining
20 which airports are eligible under those sections. The Sec-
21 retary shall also, to the extent possible, provide incentives
22 where no direct, viable, and feasible alternative service ex-
23 ists, taking into account geographical diversity and appro-
24 priate market definitions.

1 “(d) MAXIMIZATION OF PARTICIPATION.—The Sec-
2 retary shall structure the program established pursuant
3 to section 41744(a) in a way designed to—

4 “(1) permit the participation of the maximum
5 feasible number of communities and States over a 4-
6 year period by limiting the number of years of par-
7 ticipation or otherwise; and

8 “(2) obtain the greatest possible leverage from
9 the financial resources available to the Secretary and
10 the applicant by—

11 “(A) progressively decreasing, on a project-
12 by-project basis, any Federal financial incen-
13 tives provided under this chapter over the 4-
14 year period; and

15 “(B) terminating as early as feasible Fed-
16 eral financial incentives for any project deter-
17 mined by the Secretary after its implementation
18 to be—

19 “(i) viable without further support
20 under this subchapter; or

21 “(ii) failing to meet the purposes of
22 this chapter or criteria established by the
23 Secretary under the pilot program.

24 “(e) SUCCESS BONUS.—If Federal financial incen-
25 tives to a community are terminated under subsection

1 (d)(2)(B) because of the success of the program in that
2 community, then that community may receive a one-time
3 incentive grant to ensure the continued success of that
4 program.

5 “(f) PROGRAM TO TERMINATE IN 4 YEARS.—No new
6 financial assistance may be provided under this sub-
7 chapter for any fiscal year beginning more than 4 years
8 after the date of enactment of the Air Transportation Im-
9 provement Act.

10 **“§ 41746. Additional authority**

11 “In carrying out this chapter, the Secretary—

12 “(1) may provide assistance to States and com-
13 munities in the design and application phase of any
14 project under this chapter, and oversee the imple-
15 mentation of any such project;

16 “(2) may assist States and communities in put-
17 ting together projects under this chapter to utilize
18 private sector resources, other Federal resources, or
19 a combination of public and private resources;

20 “(3) may accord priority to service by jet air-
21 craft;

22 “(4) take such action as may be necessary to
23 ensure that financial resources, facilities, and admin-
24 istrative arrangements made under this chapter are

1 used to carry out the purposes of title V of the Air
2 Transportation Improvement Act; and

3 “(5) shall work with the Federal Aviation Ad-
4 ministration on airport and air traffic control needs
5 of communities in the program.

6 **“§ 41747. Air traffic control services pilot program**

7 “(a) IN GENERAL.—To further facilitate the use of,
8 and improve the safety at, small airports, the Adminis-
9 trator of the Federal Aviation Administration shall estab-
10 lish a pilot program to contract for Level I air traffic con-
11 trol services at 20 facilities not eligible for participation
12 in the Federal Contract Tower Program.

13 “(b) PROGRAM COMPONENTS.—In carrying out the
14 pilot program established under subsection (a), the Ad-
15 ministrator may—

16 “(1) utilize current, actual, site-specific data,
17 forecast estimates, or airport system plan data pro-
18 vided by a facility owner or operator;

19 “(2) take into consideration unique aviation
20 safety, weather, strategic national interest, disaster
21 relief, medical and other emergency management re-
22 lief services, status of regional airline service, and
23 related factors at the facility;

24 “(3) approve for participation any facility will-
25 ing to fund a pro rata share of the operating costs

1 used by the Federal Aviation Administration to cal-
2 culate, and, as necessary, a 1:1 benefit-to-cost ratio,
3 as required for eligibility under the Federal Contract
4 Tower Program; and

5 “(4) approve for participation no more than 3
6 facilities willing to fund a pro rata share of con-
7 struction costs for an air traffic control tower so as
8 to achieve, at a minimum, a 1:1 benefit-to-cost ratio,
9 as required for eligibility under the Federal Contract
10 Tower Program, and for each of such facilities the
11 Federal share of construction costs does not exceed
12 \$1,000,000.

13 “(c) REPORT.—One year before the pilot program es-
14 tablished under subsection (a) terminates, the Adminis-
15 trator shall report to the Congress on the effectiveness of
16 the program, with particular emphasis on the safety and
17 economic benefits provided to program participants and
18 the national air transportation system.”.

19 (b) CONFORMING AMENDMENT.—The chapter analy-
20 sis for subchapter II of chapter 417 is amended by insert-
21 ing after the item relating to section 41742 the following:

“41743. Air service program for small communities.

“41744. Pilot program project authority.

“41745. Assistance to communities for service.

“41746. Additional authority.

“41747. Air traffic control services pilot program.”.

1 (c) WAIVER OF LOCAL CONTRIBUTION.—Section
2 41736(b) is amended by inserting after paragraph (4) the
3 following:

4 “Paragraph (4) does not apply to any community ap-
5 proved for service under this section during the period be-
6 ginning October 1, 1991, and ending December 31,
7 1997.”.

8 (d) AUTHORIZATION OF APPROPRIATIONS.—There
9 are authorized to be appropriated to the Secretary of
10 Transportation such sums as may be necessary to carry
11 out section 41747 of title 49, United States Code.

12 **SEC. 504. AUTHORIZATION OF APPROPRIATIONS.**

13 To carry out sections 41743 through 41746 of title
14 49, United States Code, for the 4 fiscal-year period begin-
15 ning with fiscal year 2000—

16 (1) there are authorized to be appropriated to
17 the Secretary of Transportation not more than
18 \$10,000,000; and

19 (2) not more than \$20,000,000 shall be made
20 available, if available, to the Secretary for obligation
21 and expenditure out of the account established under
22 section 45303(a) of title 49, United States Code.

23 To the extent that amounts are not available in such ac-
24 count, there are authorized to be appropriated such sums
25 as may be necessary to provide the amount authorized to

1 be obligated under paragraph (2) to carry out those sec-
2 tions for that 4 fiscal-year period.

3 **SEC. 505. MARKETING PRACTICES.**

4 Section 41712 is amended by—

5 (1) inserting “(a) IN GENERAL.—” before
6 “On”; and

7 (2) adding at the end thereof the following:

8 “(b) MARKETING PRACTICES THAT ADVERSELY AF-
9 FECT SERVICE TO SMALL OR MEDIUM COMMUNITIES.—

10 Within 180 days after the date of enactment of the Air
11 Transportation Improvement Act, the Secretary shall re-
12 view the marketing practices of air carriers that may in-
13 hibit the availability of quality, affordable air transpor-
14 tation services to small and medium-sized communities,
15 including—

16 “(1) marketing arrangements between airlines
17 and travel agents;

18 “(2) code-sharing partnerships;

19 “(3) computer reservation system displays;

20 “(4) gate arrangements at airports;

21 “(5) exclusive dealing arrangements; and

22 “(6) any other marketing practice that may
23 have the same effect.

24 “(c) REGULATIONS.—If the Secretary finds, after
25 conducting the review required by subsection (b), that

1 marketing practices inhibit the availability of such service
 2 to such communities, then, after public notice and an op-
 3 portunity for comment, the Secretary shall promulgate
 4 regulations that address the problem.”.

5 **SEC. 506. SLOT EXEMPTIONS FOR NONSTOP REGIONAL JET**
 6 **SERVICE.**

7 (a) IN GENERAL.—Subchapter I of chapter 417, as
 8 amended by section 310, is amended by adding at the end
 9 thereof the following:

10 **“§41718. Slot exemptions for nonstop regional jet**
 11 **service.**

12 “(a) IN GENERAL.—Within 90 days after receiving
 13 an application for an exemption to provide nonstop re-
 14 gional jet air service between—

15 “(1) an airport with fewer than 2,000,000 an-
 16 nual enplanements; and

17 “(2) a high density airport subject to the ex-
 18 emption authority under section 41714(a),

19 the Secretary of Transportation shall grant or deny the
 20 exemption in accordance with established principles of
 21 safety and the promotion of competition.

22 “(b) EXISTING SLOTS TAKEN INTO ACCOUNT.—In
 23 deciding to grant or deny an exemption under subsection
 24 (a), the Secretary may take into consideration the slots
 25 and slot exemptions already used by the applicant.

1 “(c) CONDITIONS.—The Secretary may grant an ex-
2 emption to an air carrier under subsection (a)—

3 “(1) for a period of not less than 12 months;

4 “(2) for a minimum of 2 daily roundtrip flights;

5 and

6 “(3) for a maximum of 3 daily roundtrip
7 flights.

8 “(d) CHANGE OF NONHUB, SMALL HUB, OR MEDIUM
9 HUB AIRPORT; JET AIRCRAFT.—The Secretary may,
10 upon application made by an air carrier operating under
11 an exemption granted under subsection (a)—

12 “(1) authorize the air carrier or an affiliated air
13 carrier to upgrade service under the exemption to a
14 larger jet aircraft; or

15 “(2) authorize an air carrier operating under
16 such an exemption to change the nonhub airport or
17 small hub airport for which the exemption was
18 granted to provide the same service to a different
19 airport that is smaller than a large hub airport (as
20 defined in section 47134(d)(2)) if—

21 “(A) the air carrier has been operating
22 under the exemption for a period of not less
23 than 12 months; and

24 “(B) the air carrier can demonstrate
25 unmitigatable losses.

1 “(e) FORFEITURE FOR MISUSE.—Any exemption
2 granted under subsection (a) shall be terminated imme-
3 diately by the Secretary if the air carrier to which it was
4 granted uses the slot for any purpose other than the pur-
5 pose for which it was granted or in violation of the condi-
6 tions under which it was granted.

7 “(f) RESTORATION OF AIR SERVICE.—To the extent
8 that—

9 “(1) slots were withdrawn from an air carrier
10 under section 41714(b);

11 “(2) the withdrawal of slots under that section
12 resulted in a net loss of slots; and

13 “(3) the net loss of slots and slot exemptions
14 resulting from the withdrawal had an adverse effect
15 on service to nonhub airports and in other domestic
16 markets,

17 the Secretary shall give priority consideration to the re-
18 quest of any air carrier from which slots were withdrawn
19 under that section for an equivalent number of slots at
20 the airport where the slots were withdrawn. No priority
21 consideration shall be given under this subsection to an
22 air carrier described in paragraph (1) when the net loss
23 of slots and slot exemptions is eliminated.

24 “(g) PRIORITY TO NEW ENTRANTS AND LIMITED IN-
25 CUMBENT CARRIERS.—

1 “(1) IN GENERAL.—In granting slot exemptions
2 under this section the Secretary shall give priority
3 consideration to an application from an air carrier
4 that, as of July 1, 1998, operated or held fewer than
5 20 slots or slot exemptions at the high density air-
6 port for which it filed an exemption application.

7 “(2) LIMITATION.—No priority may be given
8 under paragraph (1) to an air carrier that, at the
9 time of application, operates or holds 20 or more
10 slots and slot exemptions at the airport for which
11 the exemption application is filed.

12 “(3) AFFILIATED CARRIERS.—The Secretary
13 shall treat all commuter air carriers that have coop-
14 erative agreements, including code-share agreements,
15 with other air carriers equally for determining eligi-
16 bility for exemptions under this section regardless of
17 the form of the corporate relationship between the
18 commuter air carrier and the other air carrier.

19 “(h) STAGE 3 AIRCRAFT REQUIRED.—An exemption
20 may not be granted under this section with respect to any
21 aircraft that is not a Stage 3 aircraft (as defined by the
22 Secretary).

23 “(i) REGIONAL JET DEFINED.—In this section, the
24 term ‘regional jet’ means a passenger, turbofan-powered

1 aircraft carrying not fewer than 30 and not more than
2 50 passengers.”.

3 (b) CONFORMING AMENDMENTS.—

4 (1) Section 40102 is amended by inserting after
5 paragraph (28) the following:

6 “(28A) LIMITED INCUMBENT AIR CARRIER.—

7 The term ‘limited incumbent air carrier’ has the
8 meaning given that term in subpart S of part 93 of
9 title 14, Code of Federal Regulations, except that
10 ‘20’ shall be substituted for ‘12’ in sections
11 93.213(a)(5), 93.223(e)(3), and 93.225(h) as such
12 sections were in effect on August 1, 1998.”.

13 (2) The chapter analysis for subchapter I of
14 chapter 417 is amended by adding at the end there-
15 of the following:

“41718. Slot exemptions for nonstop regional jet service.”.

16 **SEC. 507. EXEMPTIONS TO PERIMETER RULE AT RONALD**
17 **REAGAN WASHINGTON NATIONAL AIRPORT.**

18 (a) IN GENERAL.—Subchapter I of chapter 417, as
19 amended by section 506, is amended by adding at the end
20 thereof the following:

21 **“§ 41719. Special Rules for Ronald Reagan Washing-**
22 **ton National Airport**

23 “(a) BEYOND-PERIMETER EXEMPTIONS.—The Sec-
24 retary shall by order grant exemptions from the applica-
25 tion of sections 49104(a)(5), 49109, 49111(e), and 41714

1 of this title to air carriers to operate limited frequencies
2 and aircraft on select routes between Ronald Reagan
3 Washington National Airport and domestic hub airports
4 of such carriers and exemptions from the requirements of
5 subparts K and S of part 93, Code of Federal Regulations,
6 if the Secretary finds that the exemptions will—

7 “(1) provide air transportation service with do-
8 mestic network benefits in areas beyond the perim-
9 eter described in that section;

10 “(2) increase competition in multiple markets;

11 “(3) not reduce travel options for communities
12 served by small hub airports and medium hub air-
13 ports within the perimeter described in section
14 49109 of title 49, United States Code; and

15 “(4) not result in meaningfully increased travel
16 delays.

17 “(b) WITHIN-PERIMETER EXEMPTIONS.—The Sec-
18 retary shall by order grant exemptions from the require-
19 ments of sections 49104(a)(5), 49111(e), and 41714 of
20 this title and subparts K and S of part 93 of title 14,
21 Code of Federal Regulations, to commuter air carriers for
22 service to airports with fewer than 2,000,000 annual
23 enplanements within the perimeter established for civil air-
24 craft operations at Ronald Reagan Washington National
25 Airport under section 49109. The Secretary shall develop

1 criteria for distributing slot exemptions for flights within
2 the perimeter to such airports under this paragraph in a
3 manner consistent with the promotion of air transpor-
4 tation.

5 “(c) LIMITATIONS.—

6 “(1) STAGE 3 AIRCRAFT REQUIRED.—An ex-
7 emption may not be granted under this section with
8 respect to any aircraft that is not a Stage 3 aircraft
9 (as defined by the Secretary).

10 “(2) GENERAL EXEMPTIONS.—The exemptions
11 granted under subsections (a) and (b) may not in-
12 crease the number of operations at Ronald Reagan
13 Washington National Airport in any 1-hour period
14 during the hours between 7:00 a.m. and 9:59 p.m.
15 by more than 2 operations.”.

16 “(3) ADDITIONAL EXEMPTIONS.—The Sec-
17 retary shall grant exemptions under subsections (a)
18 and (b) that—

19 “(A) will result in 12 additional daily air
20 carrier slot exemptions at such airport for long-
21 haul service beyond the perimeter;

22 “(B) will result in 12 additional daily com-
23 muter slot exemptions at such airport; and

24 “(C) will not result in additional daily
25 commuter slot exemptions for service to any

1 within-the-perimeter airport that is not smaller
2 than a large hub airport (as defined in section
3 47134(d)(2)).

4 “(4) ASSESSMENT OF SAFETY, NOISE AND EN-
5 VIRONMENTAL IMPACTS.—The Secretary shall assess
6 the impact of granting exemptions, including the im-
7 pacts of the additional slots and flights at Ronald
8 Reagan Washington National Airport provided
9 under subsections (a) and (b) on safety, noise levels
10 and the environment within 90 days of the date of
11 the enactment of this Act. The environmental as-
12 sessment shall be carried out in accordance with
13 parts 1500–1508 of title 40, Code of Federal Regu-
14 lations. Such environmental assessment shall include
15 a public meeting.

16 “(5) APPLICABILITY WITH EXEMPTION 5133.—
17 Nothing in this section affects Exemption No. 5133,
18 as from time-to-time amended and extended.”.

19 (b) OVERRIDE OF MWAA RESTRICTION.—Section
20 49104(a)(5) is amended by adding at the end thereof the
21 following:

22 “(D) Subparagraph (C) does not apply to
23 any increase in the number of instrument flight
24 rule takeoffs and landings necessary to imple-

1 ment exemptions granted by the Secretary
2 under section 41719.”.

3 (c) MWAA NOISE-RELATED GRANT ASSURANCES.—

4 (1) IN GENERAL.—In addition to any condition
5 for approval of an airport development project that
6 is the subject of a grant application submitted to the
7 Secretary of Transportation under chapter 471 of
8 title 49, United States Code, by the Metropolitan
9 Washington Airports Authority, the Authority shall
10 be required to submit a written assurance that, for
11 each such grant made to the Authority for fiscal
12 year 2000 or any subsequent fiscal year—

13 (A) the Authority will make available for
14 that fiscal year funds for noise compatibility
15 planning and programs that are eligible to re-
16 ceive funding under chapter 471 of title 49,
17 United States Code, in an amount not less than
18 10 percent of the aggregate annual amount of
19 financial assistance provided to the Authority
20 by the Secretary as grants under chapter 471
21 of title 49, United States Code; and

22 (B) the Authority will not divert funds
23 from a high priority safety project in order to
24 make funds available for noise compatibility
25 planning and programs.

1 (2) WAIVER.—The Secretary of Transportation
2 may waive the requirements of paragraph (1) for
3 any fiscal year for which the Secretary determines
4 that the Metropolitan Washington Airports Author-
5 ity is in full compliance with applicable airport noise
6 compatibility planning and program requirements
7 under part 150 of title 14, Code of Federal Regula-
8 tions.

9 (3) SUNSET.—This subsection shall cease to be
10 in effect 5 years after the date of enactment of this
11 Act, if on that date the Secretary of Transportation
12 certifies that the Metropolitan Washington Airports
13 Authority has achieved full compliance with applica-
14 ble noise compatibility planning and program re-
15 quirements under part 150 of title 14, Code of Fed-
16 eral Regulations.

17 (d) NOISE COMPATIBILITY PLANNING AND PRO-
18 GRAMS.—Section 47117(e) is amended by adding at the
19 end the following:

20 “(3) The Secretary shall give priority in making
21 grants under paragraph (1)(A) to applications for
22 airport noise compatibility planning and programs at
23 and around airports where operations increase under
24 title V of the Air Transportation Improvement Act
25 and the amendments made by that title.”.

1 (e) CONFORMING AMENDMENTS.—

2 (1) Section 49111 is amended by striking sub-
3 section (e).

4 (2) The chapter analysis for subchapter I of
5 chapter 417, as amended by section 506(b) of this
6 Act, is amended by adding at the end thereof the
7 following:

“41719. Special Rules for Ronald Reagan Washington National Airport.”.

8 (f) REPORT.—Within 1 year after the date of enact-
9 ment of this Act, and biannually thereafter, the Secretary
10 shall certify to the United States Senate Committee on
11 Commerce, Science, and Transportation, the United
12 States House of Representatives Committee on Transpor-
13 tation and Infrastructure, the Governments of Maryland,
14 Virginia, and West Virginia and the metropolitan planning
15 organization for Washington, D.C., that noise standards,
16 air traffic congestion, airport-related vehicular congestion,
17 safety standards, and adequate air service to communities
18 served by small hub airports and medium hub airports
19 within the perimeter described in section 49109 of title
20 49, United States Code, have been maintained at appro-
21 priate levels.

1 **SEC. 508. ADDITIONAL SLOT EXEMPTIONS AT CHICAGO**
 2 **O'HARE INTERNATIONAL AIRPORT.**

3 (a) IN GENERAL.—Subchapter I of chapter 417, as
 4 amended by section 507, is amended by adding at the end
 5 thereof the following:

6 **“§41720. Special Rules for Chicago O'Hare Inter-**
 7 **national Airport**

8 “(a) IN GENERAL.—The Secretary of Transportation
 9 shall grant 30 slot exemptions over a 3-year period begin-
 10 ning on the date of enactment of the Air Transportation
 11 Improvement Act at Chicago O'Hare International Air-
 12 port.

13 “(b) EQUIPMENT AND SERVICE REQUIREMENTS.—

14 “(1) STAGE 3 AIRCRAFT REQUIRED.—An ex-
 15 emption may not be granted under this section with
 16 respect to any aircraft that is not a Stage 3 aircraft
 17 (as defined by the Secretary).

18 “(2) SERVICE PROVIDED.—Of the exemptions
 19 granted under subsection (a)—

20 “(A) 18 shall be used only for service to
 21 underserved markets, of which no fewer than 6
 22 shall be designated as commuter slot exemp-
 23 tions; and

24 “(B) 12 shall be air carrier slot exemp-
 25 tions.

1 “(c) PROCEDURAL REQUIREMENTS.—Before grant-
2 ing exemptions under subsection (a), the Secretary shall—

3 “(1) conduct an environmental review, taking
4 noise into account, and determine that the granting
5 of the exemptions will not cause a significant in-
6 crease in noise;

7 “(2) determine whether capacity is available
8 and can be used safely and, if the Secretary so de-
9 termines then so certify;

10 “(3) give 30 days notice to the public through
11 publication in the Federal Register of the Sec-
12 retary’s intent to grant the exemptions; and

13 “(4) consult with appropriate officers of the
14 State and local government on any related noise and
15 environmental issues.

16 “(d) UNDERSERVED MARKET DEFINED.—In this
17 section, the term ‘service to underserved markets’ means
18 passenger air transportation service to an airport that is
19 a nonhub airport or a small hub airport (as defined in
20 paragraphs (4) and (5), respectively, of section
21 41731(a)).”.

22 (b) STUDIES.—

23 (1) 3-YEAR REPORT.—The Secretary shall
24 study and submit a report 3 years after the first ex-
25 emption granted under section 41720(a) of title 49,

1 United States Code, is first used on the impact of
 2 the additional slots on the safety, environment,
 3 noise, access to underserved markets, and competi-
 4 tion at Chicago O’Hare International Airport.

5 (2) DOT STUDY IN 2000.—The Secretary of
 6 Transportation shall study community noise levels in
 7 the areas surrounding the 4 high-density airports
 8 after the 100 percent Stage 3 fleet requirements are
 9 in place, and compare those levels with the levels in
 10 such areas before 1991.

11 (c) CONFORMING AMENDMENT.—The chapter analy-
 12 sis for subchapter I of chapter 417, as amended by section
 13 507(b) of this Act, is amended by adding at the end there-
 14 of the following:

“41720. Special Rules for Chicago O’Hare International Airport.”.

15 **SEC. 509. CONSUMER NOTIFICATION OF E-TICKET EXPIRA-**
 16 **TION DATES.**

17 Section 41712, as amended by section 505 of this
 18 Act, is amended by adding at the end thereof the follow-
 19 ing:

20 “(d) E-TICKET EXPIRATION NOTICE.—It shall be an
 21 unfair or deceptive practice under subsection (a) for any
 22 air carrier utilizing electronically transmitted tickets to
 23 fail to notify the purchaser of such a ticket of its expira-
 24 tion date, if any.”.

1 **SEC. 510. REGIONAL AIR SERVICE INCENTIVE OPTIONS.**

2 (a) PURPOSE.—The purpose of this section is to pro-
3 vide the Congress with an analysis of means to improve
4 service by jet aircraft to underserved markets by authoriz-
5 ing a review of different programs of Federal financial as-
6 sistance, including loan guarantees like those that would
7 have been provided for by section 2 of S. 1353, 105th Con-
8 gress, as introduced, to commuter air carriers that would
9 purchase regional jet aircraft for use in serving those mar-
10 kets.

11 (b) STUDY.—The Secretary of Transportation shall
12 study the efficacy of a program of Federal loan guarantees
13 for the purchase of regional jets by commuter air carriers.
14 The Secretary shall include in the study a review of op-
15 tions for funding, including alternatives to Federal fund-
16 ing. In the study, the Secretary shall analyze—

- 17 (1) the need for such a program;
- 18 (2) its potential benefit to small communities;
- 19 (3) the trade implications of such a program;
- 20 (4) market implications of such a program for
21 the sale of regional jets;
- 22 (5) the types of markets that would benefit the
23 most from such a program;
- 24 (6) the competititve implications of such a pro-
25 gram; and
- 26 (7) the cost of such a program.

1 ronment by minimizing, mitigating, or preventing
2 the adverse effects of aircraft overflights on the pub-
3 lic and tribal lands;

4 (3) the National Park Service has the respon-
5 sibility of conserving the scenery and natural and
6 historic objects and wildlife in national parks and of
7 providing for the enjoyment of the national parks in
8 ways that leave the national parks unimpaired for
9 future generations;

10 (4) the protection of tribal lands from aircraft
11 overflights is consistent with protecting the public
12 health and welfare and is essential to the mainte-
13 nance of the natural and cultural resources of In-
14 dian tribes;

15 (5) the National Parks Overflights Working
16 Group, composed of general aviation, air tour, envi-
17 ronmental, and Native American representatives,
18 recommended that the Congress enact legislation
19 based on its consensus work product; and

20 (6) this title reflects the recommendations made
21 by that Group.

1 **SEC. 602. AIR TOUR MANAGEMENT PLANS FOR NATIONAL**
 2 **PARKS.**

3 (a) IN GENERAL.—Chapter 401, as amended by sec-
 4 tion 301 of this Act, is amended by adding at the end
 5 the following:

6 **“§ 40126. Overflights of national parks**

7 “(a) IN GENERAL.—

8 “(1) GENERAL REQUIREMENTS.—A commercial
 9 air tour operator may not conduct commercial air
 10 tour operations over a national park or tribal lands
 11 except—

12 “(A) in accordance with this section;

13 “(B) in accordance with conditions and
 14 limitations prescribed for that operator by the
 15 Administrator; and

16 “(C) in accordance with any effective air
 17 tour management plan for that park or those
 18 tribal lands.

19 “(2) APPLICATION FOR OPERATING AUTHOR-
 20 ITY.—

21 “(A) APPLICATION REQUIRED.—Before
 22 commencing commercial air tour operations
 23 over a national park or tribal lands, a commer-
 24 cial air tour operator shall apply to the Admin-
 25 istrator for authority to conduct the operations
 26 over that park or those tribal lands.

1 “(B) COMPETITIVE BIDDING FOR LIMITED
2 CAPACITY PARKS.—Whenever a commercial air
3 tour management plan limits the number of
4 commercial air tour flights over a national park
5 area during a specified time frame, the Admin-
6 istrator, in cooperation with the Director, shall
7 authorize commercial air tour operators to pro-
8 vide such service. The authorization shall speci-
9 fy such terms and conditions as the Adminis-
10 trator and the Director find necessary for man-
11 agement of commercial air tour operations over
12 the national park. The Administrator, in co-
13 operation with the Director, shall develop an
14 open competitive process for evaluating propos-
15 als from persons interested in providing com-
16 mercial air tour services over the national park.
17 In making a selection from among various pro-
18 posals submitted, the Administrator, in co-
19 operation with the Director, shall consider rel-
20 evant factors, including—

21 “(i) the safety record of the company
22 or pilots;

23 “(ii) any quiet aircraft technology pro-
24 posed for use;

1 “(iii) the experience in commercial air
2 tour operations over other national parks
3 or scenic areas;

4 “(iv) the financial capability of the
5 company;

6 “(v) any training programs for pilots;
7 and

8 “(vi) responsiveness to any criteria de-
9 veloped by the National Park Service or
10 the affected national park.

11 “(C) NUMBER OF OPERATIONS AUTHOR-
12 IZED.—In determining the number of author-
13 izations to issue to provide commercial air tour
14 service over a national park, the Administrator,
15 in cooperation with the Director, shall take into
16 consideration the provisions of the air tour
17 management plan, the number of existing com-
18 mercial air tour operators and current level of
19 service and equipment provided by any such
20 companies, and the financial viability of each
21 commercial air tour operation.

22 “(D) COOPERATION WITH NPS.—Before
23 granting an application under this paragraph,
24 the Administrator shall, in cooperation with the
25 Director, develop an air tour management plan

1 in accordance with subsection (b) and imple-
2 ment such plan.

3 “(E) TIME LIMIT ON RESPONSE TO ATMP
4 APPLICATIONS.—The Administrator shall act on
5 any such application and issue a decision on the
6 application not later than 24 months after it is
7 received or amended.

8 “(3) EXCEPTION.—Notwithstanding paragraph
9 (1), commercial air tour operators may conduct com-
10 mercial air tour operations over a national park
11 under part 91 of the Federal Aviation Regulations
12 (14 CFR 91.1 et seq.) if—

13 “(A) such activity is permitted under part
14 119 (14 CFR 119.1(e)(2));

15 “(B) the operator secures a letter of agree-
16 ment from the Administrator and the national
17 park superintendent for that national park de-
18 scribing the conditions under which the flight
19 operations will be conducted; and

20 “(C) the total number of operations under
21 this exception is limited to not more than 5
22 flights in any 30-day period over a particular
23 park.

24 “(4) SPECIAL RULE FOR SAFETY REQUIRE-
25 MENTS.—Notwithstanding subsection (c), an exist-

1 ing commercial air tour operator shall, not later
2 than 90 days after the date of enactment of the Air
3 Transportation Improvement Act, apply for operat-
4 ing authority under part 119, 121, or 135 of the
5 Federal Aviation Regulations (14 CFR Pt. 119, 121,
6 or 135). A new entrant commercial air tour operator
7 shall apply for such authority before conducting
8 commercial air tour operations over a national park
9 or tribal lands.

10 “(b) AIR TOUR MANAGEMENT PLANS.—

11 “(1) ESTABLISHMENT OF ATMPS.—

12 “(A) IN GENERAL.—The Administrator
13 shall, in cooperation with the Director, establish
14 an air tour management plan for any national
15 park or tribal land for which such a plan is not
16 already in effect whenever a person applies for
17 authority to operate a commercial air tour over
18 the park. The development of the air tour man-
19 agement plan is to be a cooperative undertaking
20 between the Federal Aviation Administration
21 and the National Park Service. The air tour
22 management plan shall be developed by means
23 of a public process, and the agencies shall de-
24 velop information and analysis that explains the
25 conclusions that the agencies make in the appli-

1 cation of the respective criteria. Such expla-
2 nations shall be included in the Record of Deci-
3 sion and may be subject to judicial review.

4 “(B) OBJECTIVE.—The objective of any
5 air tour management plan shall be to develop
6 acceptable and effective measures to mitigate or
7 prevent the significant adverse impacts, if any,
8 of commercial air tours upon the natural and
9 cultural resources and visitor experiences and
10 tribal lands.

11 “(2) ENVIRONMENTAL DETERMINATION.—In
12 establishing an air tour management plan under this
13 subsection, the Administrator and the Director shall
14 each sign the environmental decision document re-
15 quired by section 102 of the National Environmental
16 Policy Act of 1969 (42 U.S.C. 4332) which may in-
17 clude a finding of no significant impact, an environ-
18 mental assessment, or an environmental impact
19 statement, and the Record of Decision for the air
20 tour management plan.

21 “(3) CONTENTS.—An air tour management
22 plan for a national park—

23 “(A) may prohibit commercial air tour op-
24 erations in whole or in part;

1 “(B) may establish conditions for the con-
2 duct of commercial air tour operations, includ-
3 ing commercial air tour routes, maximum or
4 minimum altitudes, time-of-day restrictions, re-
5 strictions for particular events, maximum num-
6 ber of flights per unit of time, intrusions on pri-
7 vacy on tribal lands, and mitigation of noise,
8 visual, or other impacts;

9 “(C) shall apply to all commercial air tours
10 within ½ mile outside the boundary of a na-
11 tional park;

12 “(D) shall include incentives (such as pre-
13 ferred commercial air tour routes and altitudes,
14 relief from caps and curfews) for the adoption
15 of quiet aircraft technology by commercial air
16 tour operators conducting commercial air tour
17 operations at the park;

18 “(E) shall provide for the initial allocation
19 of opportunities to conduct commercial air
20 tours if the plan includes a limitation on the
21 number of commercial air tour flights for any
22 time period; and

23 “(F) shall justify and document the need
24 for measures taken pursuant to subparagraphs
25 (A) through (E).

1 “(4) PROCEDURE.—In establishing a commer-
2 cial air tour management plan for a national park,
3 the Administrator and the Director shall—

4 “(A) initiate at least one public meeting
5 with interested parties to develop a commercial
6 air tour management plan for the park;

7 “(B) publish the proposed plan in the Fed-
8 eral Register for notice and comment and make
9 copies of the proposed plan available to the
10 public;

11 “(C) comply with the regulations set forth
12 in sections 1501.3 and 1501.5 through 1501.8
13 of title 40, Code of Federal Regulations (for
14 purposes of complying with those regulations,
15 the Federal Aviation Administration is the lead
16 agency and the National Park Service is a co-
17 operating agency); and

18 “(D) solicit the participation of any Indian
19 tribe whose tribal lands are, or may be,
20 overflowed by aircraft involved in commercial air
21 tour operations over a national park or tribal
22 lands, as a cooperating agency under the regu-
23 lations referred to in paragraph (4)(C).

24 “(5) AMENDMENTS.—Any amendment of an air
25 tour management plan shall be published in the

1 Federal Register for notice and comment. A request
2 for amendment of an air tour management plan
3 shall be made in such form and manner as the Ad-
4 ministrator may prescribe.

5 “(c) INTERIM OPERATING AUTHORITY.—

6 “(1) IN GENERAL.—Upon application for oper-
7 ating authority, the Administrator shall grant in-
8 terim operating authority under this paragraph to a
9 commercial air tour operator for a national park or
10 tribal lands for which the operator is an existing
11 commercial air tour operator.

12 “(2) REQUIREMENTS AND LIMITATIONS.—In-
13 terim operating authority granted under this
14 subsection—

15 “(A) shall provide annual authorization
16 only for the greater of—

17 “(i) the number of flights used by the
18 operator to provide such tours within the
19 12-month period prior to the date of enact-
20 ment of the Air Transportation Improve-
21 ment Act; or

22 “(ii) the average number of flights per
23 12-month period used by the operator to
24 provide such tours within the 36-month pe-
25 riod prior to such date of enactment, and,

1 for seasonal operations, the number of
2 flights so used during the season or sea-
3 sons covered by that 12-month period;

4 “(B) may not provide for an increase in
5 the number of operations conducted during any
6 time period by the commercial air tour operator
7 to which it is granted unless the increase is
8 agreed to by the Administrator and the Direc-
9 tor;

10 “(C) shall be published in the Federal Reg-
11 ister to provide notice and opportunity for com-
12 ment;

13 “(D) may be revoked by the Administrator
14 for cause;

15 “(E) shall terminate 180 days after the
16 date on which an air tour management plan is
17 established for that park or those tribal lands;
18 and

19 “(F) shall—

20 “(i) promote protection of national
21 park resources, visitor experiences, and
22 tribal lands;

23 “(ii) promote safe operations of the
24 commercial air tour;

1 “(iii) promote the adoption of quiet
2 technology, as appropriate; and

3 “(iv) allow for modifications of the op-
4 eration based on experience if the modi-
5 fication improves protection of national
6 park resources and values and of tribal
7 lands.

8 “(3) NEW ENTRANT AIR TOUR OPERATORS.—

9 “(A) IN GENERAL.—The Administrator, in
10 cooperation with the Director, may grant in-
11 terim operating authority under this paragraph
12 to an air tour operator for a national park for
13 which that operator is a new entrant air tour
14 operator if the Administrator determines the
15 authority is necessary to ensure competition in
16 the provision of commercial air tours over that
17 national park or those tribal lands.

18 “(B) SAFETY LIMITATION.—The Adminis-
19 trator may not grant interim operating author-
20 ity under subparagraph (A) if the Adminis-
21 trator determines that it would create a safety
22 problem at that park or on tribal lands, or the
23 Director determines that it would create a noise
24 problem at that park or on tribal lands.

1 “(C) ATMP LIMITATION.—The Adminis-
2 trator may grant interim operating authority
3 under subparagraph (A) of this paragraph only
4 if the air tour management plan for the park or
5 tribal lands to which the application relates has
6 not been developed within 24 months after the
7 date of enactment of the Air Transportation
8 Improvement Act.

9 “(d) DEFINITIONS.—In this section, the following
10 definitions apply:

11 “(1) COMMERCIAL AIR TOUR.—The term ‘com-
12 mercial air tour’ means any flight conducted for
13 compensation or hire in a powered aircraft where a
14 purpose of the flight is sightseeing. If the operator
15 of a flight asserts that the flight is not a commercial
16 air tour, factors that can be considered by the Ad-
17 ministrator in making a determination of whether
18 the flight is a commercial air tour, include, but are
19 not limited to—

20 “(A) whether there was a holding out to
21 the public of willingness to conduct a sightsee-
22 ing flight for compensation or hire;

23 “(B) whether a narrative was provided
24 that referred to areas or points of interest on
25 the surface;

1 “(C) the area of operation;

2 “(D) the frequency of flights;

3 “(E) the route of flight;

4 “(F) the inclusion of sightseeing flights as
5 part of any travel arrangement package; or

6 “(G) whether the flight or flights in ques-
7 tion would or would not have been canceled
8 based on poor visibility of the surface.

9 “(2) COMMERCIAL AIR TOUR OPERATOR.—The
10 term ‘commercial air tour operator’ means any per-
11 son who conducts a commercial air tour.

12 “(3) EXISTING COMMERCIAL AIR TOUR OPERA-
13 TOR.—The term ‘existing commercial air tour opera-
14 tor’ means a commercial air tour operator that was
15 actively engaged in the business of providing com-
16 mercial air tours over a national park at any time
17 during the 12-month period ending on the date of
18 enactment of the Air Transportation Improvement
19 Act.

20 “(4) NEW ENTRANT COMMERCIAL AIR TOUR
21 OPERATOR.—The term ‘new entrant commercial air
22 tour operator’ means a commercial air tour operator
23 that—

1 “(A) applies for operating authority as a
2 commercial air tour operator for a national
3 park; and

4 “(B) has not engaged in the business of
5 providing commercial air tours over that na-
6 tional park or those tribal lands in the 12-
7 month period preceding the application.

8 “(5) COMMERCIAL AIR TOUR OPERATIONS.—
9 The term ‘commercial air tour operations’ means
10 commercial air tour flight operations conducted—

11 “(A) over a national park or within ½ mile
12 outside the boundary of any national park;

13 “(B) below a minimum altitude, deter-
14 mined by the Administrator in cooperation with
15 the Director, above ground level (except solely
16 for purposes of takeoff or landing, or necessary
17 for safe operation of an aircraft as determined
18 under the rules and regulations of the Federal
19 Aviation Administration requiring the pilot-in-
20 command to take action to ensure the safe op-
21 eration of the aircraft); and

22 “(C) less than 1 mile laterally from any
23 geographic feature within the park (unless more
24 than ½ mile outside the boundary).

1 “(6) NATIONAL PARK.—The term ‘national
2 park’ means any unit of the National Park System.

3 “(7) TRIBAL LANDS.—The term ‘tribal lands’
4 means ‘Indian country’, as defined by section 1151
5 of title 18, United States Code, that is within or
6 abutting a national park.

7 “(8) ADMINISTRATOR.—The term ‘Adminis-
8 trator’ means the Administrator of the Federal Avia-
9 tion Administration.

10 “(9) DIRECTOR.—The term ‘Director’ means
11 the Director of the National Park Service.”.

12 (b) EXEMPTIONS.—

13 (1) GRAND CANYON.—Section 40126 of title
14 49, United States Code, as added by subsection (a),
15 does not apply to—

16 (A) the Grand Canyon National Park; or

17 (B) Indian country within or abutting the
18 Grand Canyon National Park.

19 (2) ALASKA.—The provisions of this title and
20 section 40126 of title 49, United States Code, as
21 added by subsection (a), do not apply to any land
22 or waters located in Alaska.

23 (3) COMPLIANCE WITH OTHER REGULATIONS.—
24 For purposes of section 40126 of title 49, United
25 States Code—

1 (A) regulations issued by the Secretary of
2 Transportation and the Administrator of the
3 Federal Aviation Administration under section
4 3 of Public Law 100–91 (16 U.S.C. 1a–1,
5 note); and

6 (B) commercial air tour operations carried
7 out in compliance with the requirements of
8 those regulations,
9 shall be deemed to meet the requirements of such
10 section 40126.

11 (c) CLERICAL AMENDMENT.—The table of sections
12 for chapter 401 is amended by adding at the end thereof
13 the following:

“40126. Overflights of national parks.”.

14 **SEC. 603. ADVISORY GROUP.**

15 (a) ESTABLISHMENT.—Not later than 1 year after
16 the date of enactment of this Act, the Administrator of
17 the Federal Aviation Administration and the Director of
18 the National Park Service shall jointly establish an advi-
19 sory group to provide continuing advice and counsel with
20 respect to the operation of commercial air tours over and
21 near national parks.

22 (b) MEMBERSHIP.—

23 (1) IN GENERAL.—The advisory group shall be
24 composed of—

25 (A) a balanced group of —

- 1 (i) representatives of general aviation;
2 (ii) representatives of commercial air
3 tour operators;
4 (iii) representatives of environmental
5 concerns; and
6 (iv) representatives of Indian tribes;
7 (B) a representative of the Federal Avia-
8 tion Administration; and
9 (C) a representative of the National Park
10 Service.

11 (2) EX-OFFICIO MEMBERS.—The Administrator
12 and the Director shall serve as ex-officio members.

13 (3) CHAIRPERSON.—The representative of the
14 Federal Aviation Administration and the representa-
15 tive of the National Park Service shall serve alter-
16 nating 1-year terms as chairman of the advisory
17 group, with the representative of the Federal Avia-
18 tion Administration serving initially until the end of
19 the calendar year following the year in which the ad-
20 visory group is first appointed.

21 (c) DUTIES.—The advisory group shall provide ad-
22 vice, information, and recommendations to the Adminis-
23 trator and the Director—

- 24 (1) on the implementation of this title;

1 (2) on the designation of appropriate and fea-
2 sible quiet aircraft technology standards for quiet
3 aircraft technologies under development for commer-
4 cial purposes, which will receive preferential treat-
5 ment in a given air tour management plan;

6 (3) on other measures that might be taken to
7 accommodate the interests of visitors to national
8 parks; and

9 (4) on such other national park or tribal lands-
10 related safety, environmental, and air touring issues
11 as the Administrator and the Director may request.

12 (d) COMPENSATION; SUPPORT; FACA.—

13 (1) COMPENSATION AND TRAVEL.—Members of
14 the advisory group who are not officers or employees
15 of the United States, while attending conferences or
16 meetings of the group or otherwise engaged in its
17 business, or while serving away from their homes or
18 regular places of business, each member may be al-
19 lowed travel expenses, including per diem in lieu of
20 subsistence, as authorized by section 5703 of title 5,
21 United States Code, for persons in the Government
22 service employed intermittently.

23 (2) ADMINISTRATIVE SUPPORT.—The Federal
24 Aviation Administration and the National Park

1 Service shall jointly furnish to the advisory group
2 clerical and other assistance.

3 (3) NONAPPLICATION OF FACA.—Section 14 of
4 the Federal Advisory Committee Act (5 U.S.C.
5 App.) does not apply to the advisory group.

6 (e) REPORT.—The Administrator and the Director
7 shall jointly report to the Congress within 24 months after
8 the date of enactment of this Act on the success of this
9 title in providing incentives for quiet aircraft technology.

10 **SEC. 604. OVERFLIGHT FEE REPORT.**

11 Not later than 180 days after the date of enactment
12 of this Act, the Administrator of the Federal Aviation Ad-
13 ministration shall transmit to Congress a report on the
14 effects proposed overflight fees are likely to have on the
15 commercial air tour industry. The report shall include, but
16 shall not be limited to—

17 (1) the viability of a tax credit for the commer-
18 cial air tour operators equal to the amount of the
19 proposed fee charged by the National Park Service;
20 and

21 (2) the financial effects proposed offsets are
22 likely to have on Federal Aviation Administration
23 budgets and appropriations.

1 **SEC. 605. PROHIBITION OF COMMERCIAL AIR TOURS OVER**
2 **THE ROCKY MOUNTAIN NATIONAL PARK.**

3 Effective beginning on the date of enactment of this
4 Act, no commercial air tour may be operated in the air-
5 space over the Rocky Mountain National Park notwith-
6 standing any other provision of this Act or section 40126
7 of title 49, United States Code, as added by this Act.

8 **TITLE VII—TITLE 49 TECHNICAL**
9 **CORRECTIONS**

10 **SEC. 701. RESTATEMENT OF 49 U.S.C. 106(g).**

11 (a) IN GENERAL.—Section 106(g) is amended by
12 striking “40113(a), (c), and (d), 40114(a), 40119,
13 44501(a) and (c), 44502(a)(1), (b) and (c), 44504, 44505,
14 44507, 44508, 44511–44513, 44701–44716, 44718(c),
15 44721(a), 44901, 44902, 44903(a)–(c) and (e), 44906,
16 44912, 44935–44937, and 44938(a) and (b), chapter 451,
17 sections 45302–45304,” and inserting “40113(a), (c)–(e),
18 40114(a), and 40119, and chapter 445 (except sections
19 44501(b), 44502(a)(2)–(4), 44503, 44506, 44509, 44510,
20 44514, and 44515), chapter 447 (except sections 44717,
21 44718(a) and (b), 44719, 44720, 44721(b), 44722, and
22 44723), chapter 449 (except sections 44903(d), 44904,
23 44905, 44907–44911, 44913, 44915, and 44931–44934),
24 chapter 451, chapter 453, sections”.

1 (b) TECHNICAL CORRECTION.—The amendment
2 made by this section may not be construed as making a
3 substantive change in the language replaced.

4 **SEC. 702. RESTATEMENT OF 49 U.S.C. 44909.**

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

○