

104TH CONGRESS
2D SESSION

S. 2129

To provide for the immediate application of certain orders relating to the amendment, modification, suspension, or revocation of certificates under chapter 447 of title 49, United States Code.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 25, 1996

Mr. INHOFE introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To provide for the immediate application of certain orders relating to the amendment, modification, suspension, or revocation of certificates under chapter 447 of title 49, United States Code.

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. AMENDMENTS, MODIFICATIONS, SUSPENSIONS,**

4 **AND REVOCATIONS OF CERTIFICATES.**

5 Section 44709 of title 49, United States Code, is
6 amended—

7 (1) in subsection (e)—

1 (A) by striking “When” and inserting “(1)
2 Except as provided in paragraph (2), if”; and

3 (B) by striking “However, if” and all that
4 follows through the end of the subsection and
5 inserting the following:

6 “(2) If the Administrator determines, in the order,
7 that an emergency exists and safety in air commerce or
8 air transportation requires the order to be effective imme-
9 diately—

10 “(A) subject to subparagraph (B), the order
11 shall be in effect unless the Administrator is not
12 able to prove to the Board, upon an inquiry of the
13 Board, the existence of an emergency that requires
14 the immediate application of the order in the inter-
15 est of safety in air commerce and air transportation;
16 and

17 “(B) the Board shall—

18 “(i) not later than 5 days after the filing
19 of an appeal under paragraph (1), make a dis-
20 position concerning the issues of the appeal
21 that are related to the existence of an emer-
22 gency referred to in subparagraph (A); and

23 “(ii) not later than 60 days after the filing
24 of an appeal under paragraph (1), make a final
25 disposition of the appeal.

1 “(3) If the Administrator determines, in the order,
2 the existence of an emergency described in paragraph
3 (2)(A), the appellant may request a hearing by the Board
4 on the issues of the appeal that are related to the existence
5 of the emergency. Such request shall be made not later
6 than 48 hours after the issuance of the order. If an appel-
7 lant requests a hearing under this paragraph, the Board
8 shall hold the hearing not later than 48 hours after receiv-
9 ing that request.”; and

10 (2) in subsection (f), by inserting “by further
11 order” after “the Administrator decides”.

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