

105TH CONGRESS
2^D SESSION

H. R. 3312

To establish the Federal Aviation Research and Evaluation Board.

IN THE HOUSE OF REPRESENTATIVES

MARCH 3, 1998

Mr. QUINN (for himself, Mr. LATHAM, Mr. LAFALCE, Mr. RAHALL, Mr. WALSH, and Mr. MCHUGH) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish the Federal Aviation Research and Evaluation Board.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Aviation Re-
5 search and Evaluation Act” (the FARE Act).

6 **SEC. 2. ESTABLISHMENT.**

7 There is established a commission to be known as the
8 “Federal Aviation Research and Evaluation Board” (re-
9 ferred to in this Act as the “Commission”).

1 **SEC. 3. DUTIES OF COMMISSION.**

2 The duties of the Commission shall be as follows:

3 (1) To review any complaint submitted to the
4 Commission which alleges a predatory practice by an
5 air carrier.

6 (2) To study the airfare marketing and pricing
7 practices and service availability in the airline indus-
8 try.

9 (3) To submit to Congress interim reports as
10 the Commission considers appropriate. Such reports
11 shall contain a detailed statement of the findings
12 and conclusions of the Commission relating to re-
13 views and studies conducted pursuant to this sec-
14 tion, together with recommendations of the Commis-
15 sion for legislation or administrative actions.

16 **SEC. 4. MEMBERS; COMPENSATION; MEETINGS.**

17 (a) COMPOSITION.—The Commission shall be com-
18 posed of 7 members selected from representatives of the
19 airline industry, consumer advocate groups, labor unions,
20 and the business community and local, State, and Federal
21 Government employees and elected officials, who shall be
22 appointed as follows:

23 (1) The President shall appoint 3 individuals.

24 (2) The President Pro Tempore of the Senate
25 shall appoint 2 individuals.

1 (3) The Speaker of the House of Representa-
2 tives shall appoint 2 individuals.

3 (b) DEADLINE FOR INITIAL APPOINTMENTS.—All
4 initial appointments to the Commission shall be made not
5 later than 30 days after the date of the enactment of this
6 Act.

7 (c) PERIOD OF APPOINTMENT.—

8 (1) IN GENERAL.—Each member shall be ap-
9 pointed for the life of the Commission.

10 (2) VACANCIES.—

11 (A) AUTHORITY OF COMMISSION.—A va-
12 cancy in the membership of the Commission
13 shall not affect the power of the remaining
14 members to carry out the duties of the Commis-
15 sion under section 3.

16 (B) APPOINTMENT OF SUCCESSORS.—A
17 vacancy in the membership of the Commission
18 shall be filled in the manner in which the origi-
19 nal appointment was made.

20 (d) COMPENSATION.—

21 (1) RATES OF PAY.—Except as provided in
22 paragraph (2), members shall not be paid for their
23 service on the Commission.

24 (2) TRAVEL EXPENSES.—Each member shall
25 receive travel expenses, including per diem in lieu of

1 subsistence, in accordance with sections 5702 and
2 5703 of title 5, United States Code.

3 (e) QUORUM.—

4 (1) IN GENERAL.—Five members of the Com-
5 mission shall constitute a quorum but a lesser num-
6 ber may hold hearings.

7 (2) AFFECT OF PROXY.—A member of the
8 Commission may vote by means of a signed proxy
9 exercised by another member of the Commission, but
10 any member so voting shall not be considered
11 present for purposes of establishing a quorum.

12 (f) CHAIRPERSON.—The Chairperson of the Commis-
13 sion shall be elected by the members at the initial meeting
14 of the Commission.

15 (g) MEETINGS.—

16 (1) INITIAL MEETING.—The Commission shall
17 hold its initial meeting not later than 60 days after
18 the date that the last of the initial seven members
19 the Commission is appointed.

20 (2) SUBSEQUENT MEETINGS.—After the initial
21 meeting required by paragraph (1), the Commission
22 shall meet at the call of the Chairperson or a major-
23 ity of its members.

1 **SEC. 5. STAFF OF COMMISSION; EXPERTS AND CONSULT-**
2 **ANTS.**

3 (a) STAFF.—The Commission may appoint and fix
4 the pay of personnel as it considers appropriate.

5 (b) APPLICABILITY OF CERTAIN CIVIL SERVICE
6 LAWS.—The staff of the Commission may be appointed
7 without regard to the provisions of title 5, United States
8 Code, governing appointments in the competitive service,
9 and may be paid without regard to the provisions of chap-
10 ter 51 and subchapter III of chapter 53 of that title relat-
11 ing to classification and General Schedule pay rates.

12 (c) EXPERTS AND CONSULTANTS.—The Commission
13 may procure temporary and intermittent services under
14 section 3109(b) of title 5, United States Code.

15 (d) STAFF OF FEDERAL AGENCIES.—Upon request
16 of the Commission, the head of any Federal department
17 or agency may detail, on a reimbursable basis, any of the
18 personnel of that department or agency to the Commission
19 to assist it in carrying out its duties under this Act.

20 **SEC. 6. POWERS OF COMMISSION.**

21 (a) HEARINGS AND SESSIONS.—The Commission
22 may, for the purpose of carrying out this Act, hold hear-
23 ings, sit and act at times and places, take testimony, and
24 receive evidence as the Commission considers appropriate.
25 The Commission may administer oaths or affirmations to
26 witnesses appearing before it.

1 (b) POWERS OF MEMBERS AND AGENTS.—Any mem-
2 ber or agent of the Commission may, if authorized by the
3 Commission, take any action which the Commission is au-
4 thorized to take by this section.

5 (c) OBTAINING OFFICIAL DATA.—Subject to sections
6 552, 552a, and 552b of title 5, United States Code, the
7 Commission may secure, directly from any department or
8 agency of the United States, information necessary to en-
9 able it to carry out this Act.

10 (d) MAILS.—The Commission may use the United
11 States mails in the same manner and under the same con-
12 ditions as other departments and agencies of the United
13 States.

14 (e) ADMINISTRATIVE SUPPORT SERVICES.—Upon
15 the request of the Commission, the Administrator of Gen-
16 eral Services shall provide to the Commission, on a reim-
17 bursable basis, the administrative support services nec-
18 essary for the Commission to carry out its duties under
19 this Act.

20 (f) SUBPOENA POWER.—

21 (1) IN GENERAL.—The Commission may issue
22 subpoenas requiring the attendance and testimony of
23 witnesses and the production of any evidence relat-
24 ing to any matter under investigation by the Com-
25 mission. The attendance of witnesses and the pro-

1 duction of evidence may be required from any place
2 within the United States at any designated place of
3 hearing within the United States.

4 (2) FAILURE TO OBEY A SUBPOENA.—If a per-
5 son refuses to obey a subpoena issued under para-
6 graph (1), the Commission may apply to a United
7 States district court for an order requiring that per-
8 son to appear before the Commission to give testi-
9 mony, produce evidence, or both, relating to the
10 matter under investigation. The application may be
11 made within the judicial district where the hearing
12 is conducted or where that person is found, resides,
13 or transacts business. Any failure to obey the order
14 of the court may be punished by the court as civil
15 contempt.

16 (3) SERVICE OF SUBPOENAS.—The subpoenas
17 of the Commission shall be served in the manner
18 provided for subpoenas issued by a United States
19 district court under the Federal Rules of Civil Pro-
20 cedure for the United States district courts.

21 (4) SERVICE OF PROCESS.—All process of any
22 court to which application is to be made under para-
23 graph (2) may be served in the judicial district in
24 which the person required to be served resides or
25 may be found.

1 (g) IMMUNITY.—The Commission is an agency of the
2 United States for the purpose of part V of title 18, United
3 States Code (relating to immunity of witnesses).

4 (h) CONTRACT AUTHORITY.—The Commission may
5 contract with and compensate government and private
6 agencies or persons for services necessary to carry out this
7 Act, without regard to section 3709 of the Revised Stat-
8 utes (41 U.S.C. 5).

9 **SEC. 7. TERMINATION.**

10 The Commission shall terminate 3 years after the
11 date of the initial meeting of the Commission.

12 **SEC. 8. APPLICABILITY OF FEDERAL TORT CLAIMS PROVI-**
13 **SIONS.**

14 For purposes of sections 1346(b) and 2401(b) and
15 chapter 171 of title 28, United States Code, the Commis-
16 sion is a “Federal agency” and each of the members and
17 personnel of the Commission is an “employee of the Gov-
18 ernment”.

19 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

20 There are authorized to be appropriated to carry out
21 this Act \$4,000,000 for each of fiscal years 1999, 2000,
22 2001, and 2002.

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