

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. DUNCAN) that the House suspend the rules and pass the bill, H.R. 717, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

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**SENSE OF CONGRESS REGARDING
EUROPEAN COUNCIL NOISE RULE
AFFECTING HUSHKITTED AND
REENGINED AIRCRAFT**

Mr. DUNCAN. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 187) expressing the sense of Congress regarding the European Council noise rule affecting hushkitted and reengined aircraft, as amended.

The Clerk read as follows:

H. CON. RES. 187

Whereas for more than 50 years, the International Civil Aviation Organization (in this resolution referred to as the "ICAO") has been the single entity vested with authority to establish international noise and emissions standards and, through the ICAO's efforts, aircraft noise has decreased by an average of 40 percent since 1970;

Whereas the ICAO is currently working on an expedited basis on even more stringent international noise standards, taking into account economic reasonableness, technical feasibility, and environmental benefits;

Whereas international noise and emissions standards are critical to maintaining the economic viability of United States aeronautical industries and to obtaining their ongoing commitment to progressively more stringent noise reduction efforts;

Whereas European Council Regulation No. 925/1999, banning certain aircraft meeting the highest internationally recognized noise standards from flying in Europe, undermines the integrity of the ICAO process and undercuts the likelihood that new Stage 4 aircraft noise standards will be developed;

Whereas while no regional standard is acceptable, European Council Regulation No. 925/1999 is particularly offensive because there is no scientific basis for the regulation and because the regulation has been carefully crafted to protect European aviation interests while imposing arbitrary, substantial, and unfounded cost burdens on United States aeronautical industries;

Whereas the vast majority of aircraft that will be affected by European Council Regulation No. 925/1999 are operated by United States flag carriers; and

Whereas implementation of European Council Regulation No. 925/1999 will result in a loss of jobs in the United States and may cost United States aeronautical industries in excess of \$2,000,000,000: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that—

(1) if European Council Regulation No. 925/1999 is not rescinded by the European Council at the earliest possible date, the Secre-

taries of Transportation and State should take all appropriate actions to ensure that a petition regarding the regulation is filed with the International Civil Aviation Organization pursuant to Article 84 of the Chicago Convention; and

(2) the Secretaries of Commerce, State, and Transportation and other appropriate parties should use all reasonable means available to them to ensure that the goal of having the regulation rescinded is achieved.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. DUNCAN) and the gentleman from Massachusetts (Mr. MCGOVERN) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this is a very good resolution. I think also a very strong resolution. It targets a European Union regulation that unfairly restricts the use of hushkitted and reengined aircraft in the European Union. The EU seeks to ban these aircraft, which are mostly U.S.-owned, from use beginning in 2002. The European Union claims that the regulation is written to target excessively noisy aircraft.

However, its argument ignores the fact that the aircraft it seeks to ban have been modified to meet all U.S. and international noise restrictions. It also ignores the fact that the regulation allows noisier aircraft to operate in Europe than those it seeks to ban. Let me repeat that, Madam Speaker. This regulation by the EU bans primarily U.S. aircraft, almost exclusively U.S. aircraft, and would allow noisier European aircraft than those U.S. aircraft that this rule would ban.

The resolution directs the U.S. Government to take all immediate steps available to ensure that the regulation is rescinded as soon as possible.

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If this is not done, Madam Speaker, the resolution also directs the Department of Transportation to take all available steps to ensure that a dispute resolution petition is filed with the International Civil Aviation Association.

We are making a small change in the resolution and directing the Department of State to take a role in beginning the dispute resolution process also. There has been strong interest recently regarding the status of this regulation. The House Subcommittee on Aviation, which I have the privilege to chair, held a hearing on the issue earlier this month. The subcommittee heard testimony about the great chilling effect of the regulation on the U.S. aviation industry. The European regulation has already cost the industry many, many millions in lost hushkit sales. It expects to lose much more in engine and spare parts sales.

The estimates are that the industry could lose as much as \$2 billion. In fact, some people estimate that the losses already total over 1 billion and that ultimately U.S. industry could lose as much as \$2 billion if this European Union regulation is not eliminated.

This issue has already been visited by this body at one time. Earlier this year, the House passed legislation sponsored by my good friend, the gentleman from Minnesota (Mr. OBERSTAR), that would ban the use of the Concorde in the U.S. if the EU regulation was passed. The EU passed its regulation anyway but agreed to defer its implementation for a year. The regulation, though, is adversely affecting U.S. industry even though the EU deferred the implementation of the regulation. Further deferral will only magnify this effect. This discriminatory regulation must be rescinded, and it must be done quickly.

I would like to thank the gentleman from New York (Mr. GILMAN) and the gentleman from Connecticut (Mr. GEJDENSON) of the Committee on International Relations for all their hard work and cooperation on this issue. In addition, the chairman, the gentleman from Pennsylvania (Mr. SHUSTER), the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), and the gentleman from Illinois (Mr. LIPINSKI) have devoted a great deal of time and attention to this issue. I strongly support this resolution, and I urge all of my colleagues to do the same.

Madam Speaker I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I yield myself such time as I may consume.

I would like to commend the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR), my distinguished subcommittee chairman, the gentleman from Tennessee (Mr. DUNCAN), and the gentleman from Illinois (Mr. LIPINSKI) for introducing House Concurrent Resolution 187 expressing the sense of Congress regarding the European Council Noise Rule affecting hushkitted and reengined aircraft. I urge my colleagues to support this swift and decisive response to a harsh and unjustified European Union noise-reduction regulation which would harm American industry.

The International Civil Aviation Organization, ICAO, created by the Chicago Convention, sets and administers international certification standards for aircraft. Once an aircraft is certified as having met ICAO standards, there should be no restrictions on an operator's use of that aircraft in ICAO member countries. Simply put, ICAO certification gives operators and investors assurances of worldwide marketability.

ICAO has promulgated international noise restrictions known as Chapter 3

noise restrictions. Chapter 3 noise restrictions, similar to U.S. Stage 3 noise restrictions, are currently the most stringent noise restriction in the world. An aircraft may meet Chapter 3 noise restriction by various means. The most common means are, one, purchasing new, quieter aircraft; two, modifying a noisy engine with a device known as a hushkit; or, three, putting quieter Stage 3-compliant engines on Stage 2 aircraft, a process known as reengining.

The European Union has adopted a regulation that will severely restrict the use of hushkitted and reengined aircraft in Europe despite the fact that these aircraft meet all Stage 3 and Chapter 3 noise compliance regulations. The European Union regulation targets and prohibits long-standing and generally accepted measures for bringing older engines into compliance with current noise regulations; and in doing so, this European Union regulation violates universally recognized international obligations.

Article 33 of the Chicago Convention mandates universal recognition of an airline's air worthiness certificate where an aircraft conforms with ICAO standards. Further, the hushkit industry is almost entirely U.S. based. This regulation would have a discriminatory impact on U.S. hushkit manufacturers and U.S. owners of hushkitted aircraft.

The European Union cites noise pollution and adverse environmental impact as a justification for imposing the hushkit ban. However, there has been no credible evidence that the regulation has any environmental basis. Additionally, the aircraft targeted by the regulation would be banned from airports where noise is not a problem.

I urge my colleagues to support the gentleman from Pennsylvania (Mr. SHUSTER), the gentleman from Tennessee (Mr. DUNCAN), the gentleman from Minnesota (Mr. OBERSTAR), and the gentleman from Illinois (Mr. LIPINSKI) in expressing a sense of Congress that we expect the European Union to comply with international law and abandon its efforts to promulgate this protectionist measure. If this does not happen, we urge the administration to use all options available, including filing an article 84 petition with ICAO to ensure that the goal of rescinding this regulation is met.

Madam Speaker, I reserve the balance of my time.

Mr. DUNCAN. Madam Speaker, I yield such time as he may consume to the gentleman from New York (Mr. GILMAN), the Chairman of the Committee on International Relations.

Mr. GILMAN. Madam Speaker, the European Union has passed regrettable legislation that is supposed to help control noise around their airports; but the European legislation will, in fact, let noisy European airplanes fly and will ban quieter American planes. It

imposes a design standard rather than a performance standard that oddly enough favors European interests.

Europeans often accuse us of unilateralism, but this regulation strikes at the very heart of an international agreement on whether airplanes can fly internationally or not. The European legislation will come into full effect this spring if nothing is done. There are negotiations under way to achieve this settlement acceptable to both sides; but while the European legislation will come into effect automatically, we will have no ready response.

One response that has passed the House is a measure that would result in a ban on the Concorde landing in our Nation if this law does take effect. Banning the Concorde would result in a lowering by about 20 percent of the airport noise in New York City, by the way. This legislation asks the administration to bring a case under the International Civil Aviation Organization, ICAO, and determine what our rights are. I believe that this procedure, which will take some time, Madam Speaker, is a good counterweight to the impending European legislation.

We do hope that a less solution that permits an improvement in noise control standards over time by an international consensus can be reached. It may be that bringing this ICAO case will help put some pressure on the Europeans to come to a reasonable solution. Accordingly, I hope that members will support this resolution.

We marked this resolution up in our Committee on International Relations just last week, Madam Speaker, and our committee has asked me to support its coming up on suspension.

I appreciate the leadership by the gentleman from Tennessee (Mr. DUNCAN), the gentleman from Illinois (Mr. LIPINSKI), the gentleman from Pennsylvania (Mr. SHUSTER), the chairman of the full committee, and the gentleman from Minnesota (Mr. OBERSTAR), the ranking Democrat on the full committee, all of whom, Madam Speaker, have taken a great interest in this matter. We will continue to work with the Europeans on this through every available channel.

Again, we hope that this measure will pass by an overwhelming vote, and I urge my colleagues to be supportive.

I thank the gentleman for having yielded the time to me.

Mr. MCGOVERN. Madam Speaker, I yield 4 minutes to the gentleman from Connecticut (Mr. GEJDENSON), the distinguished ranking member of the Committee on International Relations.

Mr. GEJDENSON. Madam Speaker, I would like to thank particularly the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Pennsylvania (Mr. SHUSTER) for their great help on this legislation. This is not just about aircraft or engines, it is not sim-

ply about the impact on a Pratt and Whitney in my State or other companies in other States. This is a telling sign of how the Europeans plan to restrict American access, American products' access, Madam Speaker, to the European market.

We have all seen that international trade agreements have lowered tariff and other barriers, and sometimes we hear debate about nontariff barriers. Well, what does that mean? Well, what that means is when Americans have a better product, our jet engines are better, they are priced better, they perform better, and they meet the noise standards which are measured in decibels. The Europeans come up with a standard that does not use decibels in the measurement; and as a result of that, they go to a design mechanism and use that to restrict access of American jet engines to the European market.

For my colleagues who may not be involved in jet engine or airplane manufacturing, if the Europeans are successful here in blocking an American product by using not the standard with which we measure noise, but a fabricated standard based on construction that has nothing to do with noise, then we will see the same kind of restrictions for every other American product in every other sector; and, Madam Speaker, that will have an incredibly adverse impact on each and every one of our districts and this country.

The United States is among the most open markets in the world, and we expect to see challenges from developing and poor nations. But when we are competing with the wealthiest nations, the most developed nations on the face of the Earth, to see the European Union trying to use this ruse as an attempt to keep out our products, it foretells of dangerous times ahead in trade. We have a healthy economy, the American economy is strong, our budget surplus is strong. All those things can become in danger if we do not act now.

Again let me commend my colleagues, the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from Pennsylvania (Mr. SHUSTER), for their excellent work; and I thank the gentleman from New York (Mr. GILMAN) for his cooperation and support on this effort.

Mr. DUNCAN. Madam Speaker, I have no other speakers at this point, and I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Madam Speaker, I thank the gentleman for yielding this time to me, and I want to express my great appreciation to the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Tennessee (Mr. DUNCAN) for moving again so quickly

on this issue of EU hushkit discriminatory regulation and express my appreciation to the gentleman from Illinois (Mr. LIPINSKI) for his strong support, as one ranking member of the Subcommittee on Aviation, and to our colleagues on the Committee on International Relations, the gentleman from New York (Mr. GILMAN) and the gentleman from Connecticut (Mr. GEJDENSON).

Earlier last year, Madam Speaker, the European Parliament passed a regulation restricting the use of aircraft that would operate within the EU territory that used either hushkitted or reengined engines on their aircraft even though such aircraft comply with the U.S. Stage 3 noise reduction requirements.

As you look at it, on the face of it, the EU says this is legislation necessary to reduce aircraft noise in our congested metropolitan areas that are close to airports. But looking deeper beneath the surface, this is simply economic discrimination masquerading as noise regulation.

I would just take my colleagues back a few years to 1990 when in this Chamber on this floor we debated extensively, and there are members of the staff who can recall it very clearly. I see the majority Counsel of the Subcommittee on Aviation, Mr. Schaffer, smiling who was here at the time; Mr. Heymsfeld on our side, who was chief of staff at the time. We hassled our way through; we chiseled it out of stone word by word, issue by issue, a far-ranging noise regulation that was 2 years ahead of anything Europe was even contemplating, or ICAO in the international arena.

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We worked it out, to reduce from 2,360 Stage 2 aircraft in 1990 to zero by the end of this year, reducing from 7.5 million the number of people impacted by unacceptable noise to roughly 500,000 or 600,000 by the end of this year, a 90-plus percent reduction in noise, 2 years ahead of Europe. Along comes the European community and complains that the United States forced the technology, forced a particular kind of engine and hushkitting so as to gain economic advantage over Europe.

There is one word for that argument: Baloney. They knew what we were doing; they knew they could not meet our standards; and they did not want to get up to speed with the United States. They still have not achieved a Stage 3 standard all throughout the European community, and now they want to discriminate against American aircraft that our airlines have equipped to meet our Stage 3 requirements and wish to sell to non-EU countries who wish to operate those aircraft within the European community.

It is that simple. So when the word became very clear about what the Eu-

ropean community was up to, the Clinton Administration acted very quickly, moved decisively to complain about the blatantly discriminatory attack on U.S. air carriers and equipment and aviation trade, but Europe did not budge.

So, again it was our committee that moved quickly and decisively earlier this year, again with the support of the gentleman from Pennsylvania (Chairman SHUSTER) and the gentleman from Tennessee (Mr. DUNCAN), to act quickly on legislation that I introduced with their and Mr. LIPINSKI's support to ban the operation of the Concorde in U.S. airspace.

If you want something that violates noise rules, the Concorde is it. If you take the Concorde out of the New York air space, you reduce 20 percent of the noise inflicted upon people living in the New York air space.

Well, that quick action by our committee and by the House got the attention of the European community and they moved to negotiate with the United States to allow U.S. aircraft to be sold and operated into the European Union through May of next year, but without protective language that guarantees the purchaser of such aircraft the right to operate the aircraft within the EU. So they created a hollow shell, and they have refused to move any further.

Now, I understand there have been elections within the European parliament electing a whole new body. They have not reconstituted their Transport Committee. The European Parliament has to take certain steps to reformulate that committee and then the new committee should have a proper period of time to reconsider the healthiest rule. But there is a ministerial group within the EU that could have acted a long time ago decisively to move to show good faith, and they have not shown good faith.

That is why we have to have this legislation, to press upon the Secretary of Transportation and the Secretary of State to protest the EU regulation by filing an Article 84 petition under ICAO. I urge the administration, without waiting for the Senate to act on this legislation, to move decisively. File the Section 84 petition. File that notice of total discontent and disapproval of European inaction and discriminatory posture toward the United States, and the Europeans will see the light.

What is at stake is nothing less than the \$100 billion U.S. airlines have invested to convert our Stage 2 fleet to Stage 3, and the hundreds of millions of dollars more that U.S. air carriers and the FAA and others have invested in research and development of quieter engines and air frames to move to stage 3 and the next stage, which will be called Stage 4. But unless the EU acts, we are going to see U.S. carriers

deprived of something in the neighborhood of \$1.6 billion in sales of aircraft, engines, and spare parts to countries who wish to operate these aircraft into the EU air space, aircraft that are quieter than aircraft operated by European carriers.

Now, I will be happy to engage in a debate with the European Union members of parliament at any time. I will be happy to take on any number of them who wish to debate the issue of compliance with Stage 3, the move toward Stage 4 and who has the better technology, because I guarantee you, U.S. air carriers, U.S. manufacturers, are ahead of the field, ahead of anything in Europe, ahead of any other country in the world.

So, Madam Speaker, I commend the gentleman from Tennessee (Mr. DUNCAN) and the gentleman from Pennsylvania (Mr. SHUSTER) for standing up for what is right, for what is fair, for American leadership in aviation, to restore this country and maintain its leadership in aviation throughout the world.

We ought to pass this resolution; the administration ought to act decisively; and we ought to wait no longer for word from a European community that is determined to support a cartel in the sector of aviation airframe and engine technology.

Mr. MCGOVERN. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DUNCAN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, let me first of all say I want to commend the gentleman from Minnesota (Mr. OBERSTAR), the ranking member, for his strong and decisive leadership on this particular issue. As has been pointed out by Mr. OBERSTAR and several other speakers and myself, this is not a noise issue, it is a trade issue, and one that is aimed squarely and unfairly at the U.S. It could cost our economy as much as \$2 billion in a very short time. As several speakers have pointed out, the EU regulation allows noisier European aircraft while banning quieter U.S. aircraft. This is a very good resolution, and I urge all Members to support it.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Tennessee (Mr. DUNCAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 187, as amended.

The question was taken.

Mr. DUNCAN. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further

proceedings on this motion will be postponed.

CENTENNIAL OF FLIGHT COMMEMORATION ACT CORRECTIONS

Mr. DUNCAN. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 1072) to make certain technical and other corrections relating to the Centennial of Flight Commemoration Act (36 U.S.C. 143 note; 112 Stat. 3486 et seq.).

The Clerk read as follows:

S. 1072

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

SECTION 1. CENTENNIAL OF FLIGHT COMMISSION.

The Centennial of Flight Commemoration Act (36 U.S.C. 143 note; 112 Stat. 3486 et seq.) is amended—

- (1) in section 4—
 - (A) in subsection (a)—
 - (i) in paragraphs (1) and (2) by striking “or his designee”;
 - (ii) in paragraph (3) by striking “, or his designee” and inserting “to represent the interests of the Foundation”; and in paragraph (3) strike the word “chairman” and insert the word “president”;
 - (iii) in paragraph (4) by striking “, or his designee” and inserting “to represent the interests of the 2003 Committee”;
 - (iv) in paragraph (5) by inserting before the period “and shall represent the interests of such aeronautical entities”; and
 - (v) in paragraph (6) by striking “, or his designee”;
 - (B) by striking subsection (f);
 - (C) by redesignating subsections (b) through (e) as subsections (c) through (f), respectively; and
 - (D) by inserting after subsection (a) the following:

“(b) ALTERNATES.—Each member described under subsection (a) may designate an alternate who may act in lieu of the member to the extent authorized by the member, including attending meetings and voting.”;
- (2) in section 5—
 - (A) in subsection (a)—
 - (i) by inserting “provide recommendations and advice to the President, Congress, and Federal agencies on the most effective ways to” after “The Commission shall”;
 - (ii) by striking paragraph (1); and
 - (iii) by redesignating paragraphs (2) through (7) as paragraphs (1) through (6), respectively;
 - (B) by redesignating subsection (b) as subsection (c) and inserting after subsection (a) the following:

“(b) INTERNATIONAL ACTIVITIES.—The Commission may—

 - “(1) advise the United States with regard to gaining support for and facilitating international recognition of the importance of aviation history in general and the centennial of powered flight in particular; and
 - “(2) attend international meetings regarding such activities as advisors to official United States representatives or to gain or provide information for or about the activities of the Commission.”; and
 - (C) by adding at the end the following:

“(d) ADDITIONAL DUTIES.—The Commission may—

 - “(1)(A) assemble, write, and edit a calendar of events in the United States (and significant events in the world) dealing with the

commemoration of the centennial of flight or the history of aviation;

“(B) actively solicit event information; and

“(C) disseminate the calendar by printing and distributing hard and electronic copies and making the calendar available on a web page on the Internet;

“(2) maintain a web page on the Internet for the public that includes activities related to the centennial of flight celebration and the history of aviation;

“(3) write and produce press releases about the centennial of flight celebration and the history of aviation;

“(4) solicit and respond to media inquiries and conduct media interviews on the centennial of flight celebration and the history of aviation;

“(5) initiate contact with individuals and organizations that have an interest in aviation to encourage such individuals and organizations to conduct their own activities in celebration of the centennial of flight;

“(6) provide advice and recommendations, through the Administrator of the National Aeronautics and Space Administration or the Administrator of the Federal Aviation Administration (or any employee of such an agency head under the direction of that agency head), to individuals and organizations that wish to conduct their own activities in celebration of the centennial of flight, and maintain files of information and lists of experts on related subjects that can be disseminated on request;

“(7) sponsor meetings of Federal agencies, State and local governments, and private individuals and organizations for the purpose of coordinating their activities in celebration of the centennial of flight; and

“(8) encourage organizations to publish works related to the history of aviation.”;

(3) in section 6(a)—

(A) in paragraph (2)—

(i) by striking the first sentence; and

(ii) in the second sentence—

(I) by striking “the Federal” and inserting “a Federal”; and

(II) by striking “the information” and inserting “information”; and

(B) in paragraph (3) by striking “section 4(c)(2)” and inserting “section 4(d)(2)”;

(4) in section 6(c)(1) by striking “the Commission may” and inserting “the Administrator of the National Aeronautics and Space Administration or the Administrator of the Federal Aviation Administration (or an employee of the respective administration as designated by either Administrator) may, on behalf of the Commission,”;

(5) in section 7—

(A) in subsection (a) in the first sentence—

- (i) by striking “There” and inserting “Subject to subsection (h), there”; and
- (ii) by inserting before the period “or represented on the Advisory Board under section 12(b)(1) (A) through (E)”;

(B) in subsection (b) by striking “The Commission” and inserting “Subject to subsection (h), the Commission”;

(C) by striking subsection (g);

(D) by redesignating subsection (h) as subsection (g); and

(E) by adding at the end the following:

“(h) LIMITATION.—Each member of the Commission described under section 4(a) (3), (4), and (5) may not make personnel decisions, including hiring, termination, and setting terms and conditions of employment.”;

(6) in section 9—

(A) in subsection (a)—

(i) by striking “The Commission may” and inserting “After consultation with the Com-

mission, the Administrator of the National Aeronautics and Space Administration may”;

(ii) by striking “its duties or that it” and inserting “the duties under this Act or that the Administrator of the National Aeronautics and Space Administration”;

(B) in subsection (b)—

(i) in the first sentence by striking “The Commission shall have” and inserting “After consultation with the Commission, the Administrator of the National Aeronautics and Space Administration may exercise”; and

(ii) in the second sentence by striking “that the Commission lawfully adopts” and inserting “adopted under subsection (a)”;

(C) by amending subsection (d) to read as follows:

“(d) USE OF FUNDS.—

“(1) IN GENERAL.—Subject to paragraph (2), funds from licensing royalties received under this section shall be used by the Commission to carry out the duties of the Commission specified by this Act.

“(2) EXCESS FUNDS.—The Commission shall transfer any portion of funds in excess of funds necessary to carry out the duties described under paragraph (1), to the National Aeronautics and Space Administration to be used for the sole purpose of commemorating the history of aviation or the centennial of powered flight.”;

(7) in section 10—

(A) in subsection (a)—

(i) in the first sentence, by striking “activities of the Commission” and inserting “actions taken by the Commission in fulfillment of the Commission’s duties under this Act”;

(ii) in paragraph (3), by adding “and” after the semicolon;

(iii) in paragraph (4), by striking the semicolon and “and” and inserting a period; and

(iv) by striking paragraph (5); and

(B) in subsection (b)(1) by striking “activities” and inserting “recommendations”;

(8) in section 12—

(A) in subsection (b)—

(i) in paragraph (1)—

(I) in subparagraphs (A), (C), (D), and (E), by striking “, or the designee of the Secretary”;

(II) in subparagraph (B), by striking “, or the designee of the Librarian”; and

(III) in subparagraph (F)—

(aa) in clause (i) by striking “government” and inserting “governmental entity”; and

(bb) by amending clause (ii) to read as follows:

“(ii) shall be selected among individuals who—

“(I) have earned an advanced degree related to aerospace history or science, or have actively and primarily worked in an aerospace related field during the 5-year period before appointment by the President; and

“(II) specifically represent 1 or more of the persons or groups enumerated under section 5(a)(1).”;

(ii) by adding at the end the following:

“(2) ALTERNATES.—Each member described under paragraph (1) (A) through (E) may designate an alternate who may act in lieu of the member to the extent authorized by the member, including attending meetings and voting.”; and

(B) in subsection (h) by striking “section 4(e)” and inserting “section 4(d)”;

(9) in section 13—

(A) by striking paragraph (4); and

(B) by redesignating paragraph (5) as paragraph (4).