Public Law 106–181
106th Congress

An Act

To amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes.

Apr. 5, 2000
[H.R. 1000]

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

Wendell H. Ford Aviation Investment and Reform Act for the 21st Century. 49 USC 40101 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Wendell H. Ford Aviation Investment and Reform Act for the 21st Century".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

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

Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

49 USC 106 note.

SEC. 3. APPLICABILITY.

Except as otherwise specifically provided, this Act and the amendments made by this Act shall apply only to fiscal years beginning after September 30, 1999.

49 USC 40102 note.

SEC. 4. DEFINITIONS.

Except as otherwise provided in this Act, the following definitions apply:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Federal Aviation Administration.

(2) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

TITLE I—AIRPORT AND AIRWAY IMPROVEMENTS

Subtitle A—Funding

SEC. 101. AIRPORT IMPROVEMENT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 48103 is amended by striking "shall be" the last place it appears and all that follows and inserting the following: "shall be—

"(1) $2,410,000,000 for fiscal year 1999;
"(2) $2,475,000,000 for fiscal year 2000;
"(3) $3,200,000,000 for fiscal year 2001;
"(4) $3,300,000,000 for fiscal year 2002; and
"(5) $3,400,000,000 for fiscal year 2003.

Such sums shall remain available until expended.".

(b) OBLIGATIONAL AUTHORITY.—Section 47104(c) is amended by striking "After" and all that follows through "1999," and inserting "After September 30, 2003,".

(c) REIMBURSEMENT.—Upon enactment of this Act, amounts for administration funded by the appropriation for "Federal Aviation Administration, Operations", pursuant to the third proviso under the heading "Grants-in-Aid for Airports (Liquidation of Contract Authorization) (Airport and Airway Trust Fund)" in the Department of Transportation and Related Agencies Appropriations Act, 2000, may be reimbursed from funds limited under such heading.

SEC. 102. AIRWAY FACILITIES IMPROVEMENT PROGRAM.

(a) GENERAL AUTHORIZATION AND APPROPRIATIONS.—Section 48101(a) is amended by striking paragraphs (1), (2), and (3) and inserting the following:

"(1) $2,131,000,000 for fiscal year 1999.
"(2) $2,689,000,000 for fiscal year 2000.
"(3) $2,656,765,000 for fiscal year 2001.
"(4) $2,914,000,000 for fiscal year 2002.
"(5) $2,981,022,000 for fiscal year 2003.".

(b) UNIVERSAL ACCESS SYSTEMS.—Section 48101 is amended by adding at the end the following:

"(d) UNIVERSAL ACCESS SYSTEMS.—Of the amounts appropriated under subsection (a) for fiscal year 2001, $8,000,000 may be used for the voluntary purchase and installation of universal access systems.".

(c) ALASKA NATIONAL AIR SPACE COMMUNICATIONS SYSTEM.—Section 48101 is further amended by adding at the end the following:

"(e) ALASKA NATIONAL AIR SPACE COMMUNICATIONS SYSTEM.—Of the amounts appropriated under subsection (a) for fiscal year 2001, $7,200,000 may be used by the Administrator of the Federal Aviation Administration for the Alaska National Air Space Interfacility Communications System if the Administrator issues a report supporting the use of such funds for the System.".

(d) AUTOMATED SURFACE OBSERVATION SYSTEM/AUTOMATED WEATHER OBSERVING SYSTEM UPGRADE.—Section 48101 is further amended by adding at the end the following:

"(f) AUTOMATED SURFACE OBSERVATION SYSTEM/AUTOMATED WEATHER OBSERVING SYSTEM UPGRADE.—Of the amounts appropriated under subsection (a) for fiscal years beginning after September 30, 2000, such sums as may be necessary for the implementation and use of upgrades to the current automated surface observation system/automated weather observing system, if the upgrade is successfully demonstrated.".

(e) LIFE-CYCLE COST ESTIMATES.—Section 48101 is further amended by adding at the end the following:

"(g) LIFE-CYCLE COST ESTIMATES.—The Administrator of the Federal Aviation Administration shall establish life-cycle cost estimates for any air traffic control modernization project the total life-cycle costs of which equal or exceed $50,000,000.".

SEC. 103. FAA OPERATIONS.

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

"(k) AUTHORIZATION OF APPROPRIATIONS FOR OPERATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated to the Secretary of Transportation for operations of the Administration—

"(A) such sums as may be necessary for fiscal year 2000;

"(B) $6,592,235,000 for fiscal year 2001;

"(C) $6,886,000,000 for fiscal year 2002; and

"(D) $7,357,000,000 for fiscal year 2003.

Such sums shall remain available until expended.

"(2) AUTHORIZED EXPENDITURES.—Out of amounts appropriated under paragraph (1), the following expenditures are authorized:

"(A) $450,000 for each of fiscal years 2000 through 2003 for wildlife hazard mitigation measures and management of the wildlife strike database of the Federal Aviation Administration.

"(B) $9,100,000 for the 3-fiscal-year period beginning with fiscal year 2001 to support a university consortium established to provide an air safety and security management certificate program, working cooperatively with the Federal Aviation Administration and United States air carriers, except that funds under this subparagraph—

"(i) may not be used for the construction of a building or other facility; and

"(ii) may only be awarded on the basis of open competition.

"(C) Such sums as may be necessary for fiscal years 2000 through 2003 to support infrastructure systems development for both general aviation and the vertical flight industry.

"(D) Such sums as may be necessary for fiscal years 2000 through 2003 to establish helicopter approach procedures using current technologies (such as the Global Positioning System) to support all-weather, emergency medical service for trauma patients.

"(E) Such sums as may be necessary for fiscal years 2000 through 2003 to revise existing terminal and en route procedures and instrument flight rules to facilitate the takeoff, flight, and landing of tiltrotor aircraft and to

improve the national airspace system by separating such aircraft from congested flight paths of fixed-wing aircraft.

"(F) $3,300,000 for fiscal year 2000 and $3,000,000 for each of fiscal years 2001 through 2003 to implement the 1998 airport surface operations safety action plan of the Federal Aviation Administration.

"(G) $9,100,000 for fiscal year 2001 to support air safety efforts through payment of United States membership obligations in the International Civil Aviation Organization, to be paid as soon as practicable.

"(H) Such sums as may be necessary for fiscal years 2000 through 2003 for the Secretary to hire additional inspectors in order to enhance air cargo security programs.

"(I) Such sums as may be necessary for fiscal years 2000 through 2003 to develop and improve training programs (including model training programs and curriculum) for security screening personnel at airports that will be used by airlines to meet regulatory requirements relating to the training and testing of such personnel.".

(b) OFFICE OF AIRLINE INFORMATION.—There is authorized to be appropriated from the Airport and Airway Trust Fund to the Secretary $4,000,000 for fiscal years beginning after September 30, 2000, to fund the activities of the Office of Airline Information in the Bureau of Transportation Statistics of the Department of Transportation. 49 USC 111 note.

SEC. 104. AIP FORMULA CHANGES.

(a) AMOUNTS APPORTIONED TO SPONSORS.—

(1) AMOUNTS TO BE APPORTIONED.—Section 47114(c)(1) is amended—

(A) in subparagraph (B) by striking "$500,000" and inserting "$650,000"; and

(B) by adding at the end the following:

"(C) SPECIAL RULE.—In any fiscal year in which the total amount made available under section 48103 is $3,200,000,000 or more—

"(i) the amount to be apportioned to a sponsor under subparagraph (A) shall be increased by doubling the amount that would otherwise be apportioned;

"(ii) the minimum apportionment to a sponsor under subparagraph (B) shall be $1,000,000 rather than $650,000; and

"(iii) the maximum apportionment to a sponsor under subparagraph (B) shall be $26,000,000 rather than $22,000,000.

"(D) NEW AIRPORTS.—Notwithstanding subparagraph (A), the Secretary shall apportion on the first day of the first fiscal year following the official opening of a new airport with scheduled passenger air transportation an amount equal to the minimum amount set forth in subparagraph (B) or (C), as appropriate, to the sponsor of such airport.

"(E) USE OF PREVIOUS FISCAL YEAR'S APPORTIONMENT.—Notwithstanding subparagraph (A), the Secretary may apportion to an airport sponsor in a fiscal year an amount equal to the amount apportioned to that sponsor in the previous fiscal year if the Secretary finds that—

"(i) passenger boardings at the airport fell below 10,000 in the calendar year used to calculate the apportionment;

"(ii) the airport had at least 10,000 passenger boardings in the calendar year prior to the calendar year used to calculate apportionments to airport sponsors in a fiscal year; and

"(iii) the cause of the shortfall in passenger boardings was a temporary but significant interruption in service by an air carrier to that airport due to an employment action, natural disaster, or other event unrelated to the demand for air transportation at the affected airport.".

(2) CONFORMING AMENDMENTS.—Section 47114(c)(1) is amended—

(A) by striking "(1)(A) The Secretary" and inserting the following:

"(1) PRIMARY AIRPORTS.—

"(A) APPORTIONMENT.—The Secretary";

(B) in subparagraph (B) by striking "(B) Not less" and inserting the following:

"(B) MINIMUM AND MAXIMUM APPORTIONMENTS.—Not less"; and

(C) by aligning the left margin of subparagraph (A) (including clauses (i) through (v)) and subparagraph (B) with subparagraphs (C) and (D) (as added by paragraph (1)(B) of this subsection).

(b) CARGO ONLY AIRPORTS.—Section 47114(c)(2) is amended—

(1) in subparagraph (A) by striking "2.5 percent" and inserting "3 percent"; and

(2) in subparagraph (C) by striking "Not more than" and inserting "In any fiscal year in which the total amount made available under section 48103 is less than $3,200,000,000, not more than".

(c) ENTITLEMENT FOR GENERAL AVIATION AIRPORTS.—Section 47114(d) is amended to read as follows:

"(d) AMOUNTS APPORTIONED FOR GENERAL AVIATION AIRPORTS.—

"(1) DEFINITIONS.—In this subsection, the following definitions apply:

"(A) AREA.—The term 'area' includes land and water.

"(B) POPULATION.—The term 'population' means the population stated in the latest decennial census of the United States.

"(2) APPORTIONMENT.—Except as provided in paragraph (3), the Secretary shall apportion to the States 18.5 percent of the amount subject to apportionment for each fiscal year as follows:

"(A) 0.66 percent of the apportioned amount to Guam, American Samoa, the Northern Mariana Islands, and the Virgin Islands.

"(B) Except as provided in paragraph (4), 49.67 percent of the apportioned amount for airports, excluding primary airports but including reliever and nonprimary commercial service airports, in States not named in subparagraph (A) in the proportion that the population of each of those States bears to the total population of all of those States.

"(C) Except as provided in paragraph (4), 49.67 percent of the apportioned amount for airports, excluding primary airports but including reliever and nonprimary commercial service airports, in States not named in subparagraph (A) in the proportion that the area of each of those States bears to the total area of all of those States.

"(3) SPECIAL RULE.—In any fiscal year in which the total amount made available under section 48103 is $3,200,000,000 or more, rather than making an apportionment under paragraph (2), the Secretary shall apportion 20 percent of the amount subject to apportionment for each fiscal year as follows:

"(A) To each airport, excluding primary airports but including reliever and nonprimary commercial service airports, in States the lesser of—

"(i) $150,000; or

"(ii) ⅙ of the most recently published estimate of the 5-year costs for airport improvement for the airport, as listed in the national plan of integrated airport systems developed by the Federal Aviation Administration under section 47103.

"(B) Any remaining amount to States as follows:

"(i) 0.62 percent of the remaining amount to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Virgin Islands.

"(ii) Except as provided in paragraph (4), 49.69 percent of the remaining amount for airports, excluding primary airports but including reliever and nonprimary commercial service airports, in States not named in clause (i) in the proportion that the population of each of those States bears to the total population of all of those States.

"(iii) Except as provided in paragraph (4), 49.69 percent of the remaining amount for airports, excluding primary airports but including reliever and nonprimary commercial service airports, in States not named in clause (i) in the proportion that the area of each of those States bears to the total area of all of those States.

"(4) AIRPORTS IN ALASKA, PUERTO RICO, AND HAWAII.—An amount apportioned under paragraph (2) or (3) to Alaska, Puerto Rico, or Hawaii for airports in such State may be made available by the Secretary for any public airport in those respective jurisdictions.

"(5) USE OF STATE HIGHWAY SPECIFICATIONS.—

"(A) IN GENERAL.—The Secretary may permit the use of State highway specifications for airfield pavement construction using funds made available under this subsection at nonprimary airports with runways of 5,000 feet or shorter serving aircraft that do not exceed 60,000 pounds gross weight if the Secretary determines that—

"(i) safety will not be negatively affected; and

"(ii) the life of the pavement will not be shorter than it would be if constructed using Administration standards.

"(B) LIMITATION.—An airport may not seek funds under this subchapter for runway rehabilitation or reconstruction

of any such airfield pavement constructed using State highway specifications for a period of 10 years after construction is completed unless the Secretary determines that the rehabilitation or reconstruction is required for safety reasons.

"(6) INTEGRATED AIRPORT SYSTEM PLANNING.—Notwithstanding any other provision of this subsection, funds made available under this subsection may be used for integrated airport system planning that encompasses one or more primary airports.".

(d) SUPPLEMENTAL APPORTIONMENT FOR ALASKA.—Section 47114(e) is amended—

(1) in the subsection heading by striking "ALTERNATIVE" and inserting "SUPPLEMENTAL";

(2) in paragraph (1)—

(A) by striking "Instead of apportioning amounts for airports in Alaska under" and inserting "IN GENERAL.—Notwithstanding"; and

(B) by striking "those airports" and inserting "airports in Alaska";

(3) in paragraph (2) by inserting "AUTHORITY FOR DISCRETIONARY GRANTS.—" before "This subsection";

(4) by striking paragraph (3) and inserting the following:

"(3) AIRPORTS ELIGIBLE FOR FUNDS.—An amount apportioned under this subsection may be used for any public airport in Alaska.

"(4) SPECIAL RULE.—In any fiscal year in which the total amount made available under section 48103 is $3,200,000,000 or more, the amount that may be apportioned for airports in Alaska under paragraph (1) shall be increased by doubling the amount that would otherwise be apportioned."; and

(5) by indenting paragraph (1) and aligning paragraph (1) (and its subparagraphs) and paragraph (2) with paragraphs (3) and (4) (as added by paragraph (4) of this subsection).

(e) GRANTS FOR AIRPORT NOISE COMPATIBILITY PLANNING.—Section 47117(e)(1)(A) is amended by striking "31 percent" each place it appears and inserting "34 percent".

(f) GRANTS FOR RELIEVER AIRPORTS.—Section 47117(e)(1) is amended by adding at the end the following:

"(C) In any fiscal year in which the total amount made available under section 48103 is $3,200,000,000 or more, at least two-thirds of 1 percent for grants to sponsors of reliever airports which have—

"(i) more than 75,000 annual operations;

"(ii) a runway with a minimum usable landing distance of 5,000 feet;

"(iii) a precision instrument landing procedure;

"(iv) a minimum number of aircraft, to be determined by the Secretary, based at the airport; and

"(v) been designated by the Secretary as a reliever airport to an airport with 20,000 hours of annual delays in commercial passenger aircraft takeoffs and landings.".

(g) REPEAL OF APPORTIONMENT LIMITATION ON COMMERCIAL SERVICE AIRPORTS IN ALASKA.—Section 47117 is amended by striking subsection (f) and by redesignating subsections (g) and (h) as subsections (f) and (g), respectively.

SEC. 105. PASSENGER FACILITY FEES.

(a) AUTHORITY TO IMPOSE HIGHER FEE.—Section 40117(b) is amended by adding at the end the following:

"(4) In lieu of authorizing a fee under paragraph (1), the Secretary may authorize under this section an eligible agency to impose a passenger facility fee of $4.00 or $4.50 on each paying passenger of an air carrier or foreign air carrier boarding an aircraft at an airport the agency controls to finance an eligible airport-related project, including making payments for debt service on indebtedness incurred to carry out the project, if the Secretary finds—

"(A) in the case of an airport that has more than .25 percent of the total number of annual boardings in the United States, that the project will make a significant contribution to improving air safety and security, increasing competition among air carriers, reducing current or anticipated congestion, or reducing the impact of aviation noise on people living near the airport; and

"(B) that the project cannot be paid for from funds reasonably expected to be available for the programs referred to in section 48103.".

(b) LIMITATION ON APPROVAL OF CERTAIN APPLICATIONS.—Section 40117(d) is amended—

(1) by striking "and" at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting "; and"; and

(3) by adding at the end the following:

"(4) in the case of an application to impose a fee of more than $3.00 for an eligible surface transportation or terminal project, the agency has made adequate provision for financing the airside needs of the airport, including runways, taxiways, aprons, and aircraft gates.".

(c) REDUCING APPORTIONMENTS.—Section 47114(f) is amended—

(1) by striking "An amount" and inserting "(1) IN GENERAL.—Subject to paragraph (3), an amount";

(2) by striking "an amount equal to" and all that follows through the period at the end and inserting the following: "an amount equal to—

"(A) in the case of a fee of $3.00 or less, 50 percent of the projected revenues from the fee in the fiscal year but not by more than 50 percent of the amount that otherwise would be apportioned under this section; and

"(B) in the case of a fee of more than $3.00, 75 percent of the projected revenues from the fee in the fiscal year but not by more than 75 percent of the amount that otherwise would be apportioned under this section.";

(3) by adding at the end the following:

"(2) EFFECTIVE DATE OF REDUCTION.—A reduction in an apportionment required by paragraph (1) shall not take effect until the first fiscal year following the year in which the collection of the fee imposed under section 40117 is begun.

"(3) SPECIAL RULE FOR TRANSITIONING AIRORTS.—

"(A) IN GENERAL.—Beginning with the fiscal year following the first calendar year in which the sponsor of an airport has more than .25 percent of the total number of boardings in the United States, the sum of the amount

that would be apportioned under this section after application of paragraph (1) in a fiscal year to such sponsor and the projected revenues to be derived from the fee in such fiscal year shall not be less than the sum of the apportionment to such airport for the preceding fiscal year and the revenues derived from such fee in the preceding fiscal year.

"(B) EFFECTIVE PERIOD.—Subparagraph (A) shall be in effect for fiscal years 2000 through 2003."; and

(4) by aligning paragraph (1) of such section (as designated by paragraph (1) of this section) with paragraph (2) of such section (as added by paragraph (3) of this section).

49 USC 48101 note.

SEC. 106. FUNDING FOR AVIATION PROGRAMS.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) AIRPORT AND AIRWAY TRUST FUND GUARANTEE.—

(A) IN GENERAL.—The total budget resources made available from the Airport and Airway Trust Fund each fiscal year through fiscal year 2003 pursuant to sections 48101, 48102, 48103, and 106(k) of title 49, United States Code, shall be equal to the level of receipts plus interest credited to the Airport and Airway Trust Fund for that fiscal year. Such amounts may be used only for aviation investment programs listed in subsection (b).

(B) GUARANTEE.—No funds may be appropriated or limited for aviation investment programs listed in subsection (b) unless the amount described in subparagraph (A) has been provided.

(2) ADDITIONAL AUTHORIZATIONS OF APPROPRIATIONS FROM THE GENERAL FUND.—In any fiscal year through fiscal year 2003, if the amount described in paragraph (1) is appropriated, there is further authorized to be appropriated from the general fund of the Treasury such sums as may be necessary for the Federal Aviation Administration Operations account.

(b) DEFINITIONS.—In this section, the following definitions apply:

(1) TOTAL BUDGET RESOURCES.—The term "total budget resources" means the total amount made available from the Airport and Airway Trust Fund for the sum of obligation limitations and budget authority made available for a fiscal year for the following budget accounts that are subject to the obligation limitation on contract authority provided in this Act and for which appropriations are provided pursuant to authorizations contained in this Act:

(A) 69–8106–0–7–402 (Grants in Aid for Airports).

(B) 69–8107–0–7–402 (Facilities and Equipment).

(C) 69–8108–0–7–402 (Research and Development).

(D) 69–8104–0–7–402 (Trust Fund Share of Operations).

(2) LEVEL OF RECEIPTS PLUS INTEREST.—The term "level of receipts plus interest" means the level of excise taxes and interest credited to the Airport and Airway Trust Fund under section 9502 of the Internal Revenue Code of 1986 for a fiscal year as set forth in the President's budget baseline projection as defined in section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177) (Treasury

identification code 20–8103–0–7–402) for that fiscal year submitted pursuant to section 1105 of title 31, United States Code.

(c) ENFORCEMENT OF GUARANTEES.—

(1) TOTAL AIRPORT AND AIRWAY TRUST FUND FUNDING.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report that would cause total budget resources in a fiscal year for aviation investment programs described in subsection (b) to be less than the amount required by subsection (a)(1)(A) for such fiscal year.

(2) CAPITAL PRIORITY.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report that provides an appropriation (or any amendment thereto) for any fiscal year through fiscal year 2003 for Research and Development or Operations if the sum of the obligation limitation for Grants-in-Aid for Airports and the appropriation for Facilities and Equipment for such fiscal year is below the sum of the authorized levels for Grants-in-Aid for Airports and for Facilities and Equipment for such fiscal year.

(d) CONFORMING AMENDMENT.—Section 48104 is amended—

(1) by striking "Except as provided in this section," in subsection (a); and

(2) by striking subsections (b) and (c).

SEC. 107. ADJUSTMENT TO AIP PROGRAM FUNDING.

(a) IN GENERAL.—Chapter 481 is amended by adding at the end the following:

"§ 48112. Adjustment to AIP program funding

"On the effective date of a general appropriations Act providing appropriations for a fiscal year beginning after September 30, 2000, for the Federal Aviation Administration, the amount made available for a fiscal year under section 48103 shall be increased by the amount, if any, by which—

"(1) the amount authorized to be appropriated under section 48101 for such fiscal year; exceeds

"(2) the amounts appropriated for programs funded under such section for such fiscal year.

Any contract authority made available by this section shall be subject to an obligation limitation.".

(b) CONFORMING AMENDMENT.—The analysis for such chapter is amended by adding at the end the following:

"48112. Adjustment to AIP program funding.".

SEC. 108. REPROGRAMMING NOTIFICATION REQUIREMENT.

(a) IN GENERAL.—Chapter 481 is further amended by adding at the end the following:

"§ 48113. Reprogramming notification requirement

"Before reprogramming any amounts appropriated under section 106(k), 48101(a), or 48103, for which notification of the Committees on Appropriations of the Senate and the House of Representatives is required, the Secretary of Transportation shall transmit a written explanation of the proposed reprogramming to the Committee on Commerce, Science, and Transportation of the Senate

and the Committee on Transportation and Infrastructure of the House of Representatives.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 481 is amended by adding at the end the following:

"48113. Reprogramming notification requirement.".

Subtitle B—Airport Development

SEC. 121. RUNWAY INCURSION PREVENTION DEVICES AND EMERGENCY CALL BOXES.

(a) POLICY.—Section 47101(a)(11) is amended by inserting "(including integrated in-pavement lighting systems for runways and taxiways and other runway and taxiway incursion prevention devices)" after "technology" the first place it appears.

(b) MAXIMUM USE OF SAFETY FACILITIES.—Section 47101(f) is amended—

(1) by striking "and" at the end of paragraph (9);

(2) by striking the period at the end of paragraph (10) and inserting "; and"; and

(3) by adding at the end the following:

"(11) runway and taxiway incursion prevention devices, including integrated in-pavement lighting systems for runways and taxiways.".

(c) INCLUSION OF UNIVERSAL ACCESS SYSTEMS AND EMERGENCY CALL BOXES AS AIRPORT DEVELOPMENT.—Section 47102(3)(B) is amended—

(1) in clause (ii)—

(A) by striking "and universal access systems," and inserting ", universal access systems, and emergency call boxes,"; and

(B) by inserting "and integrated in-pavement lighting systems for runways and taxiways and other runway and taxiway incursion prevention devices" before the semicolon at the end; and

(2) by inserting before the semicolon at the end of clause (iii) the following: ", including closed circuit weather surveillance equipment if the airport is located in Alaska".

SEC. 122. WINDSHEAR DETECTION EQUIPMENT AND ADJUSTABLE LIGHTING EXTENSIONS.

Section 47102(3)(B) is amended—

(1) by striking "and" at the end of clause (v);

(2) by striking the period at the end of clause (vi) and inserting a semicolon; and

(3) by adding at the end the following:

"(vii) windshear detection equipment that is certified by the Administrator of the Federal Aviation Administration;

"(viii) stainless steel adjustable lighting extensions approved by the Administrator; and".

SEC. 123. PAVEMENT MAINTENANCE.

(a) REPEAL OF PILOT PROGRAM.—

(1) IN GENERAL.—Section 47132 is repealed.

(2) CONFORMING AMENDMENT.—The analysis for chapter 471 is amended by striking the item relating to section 47132.

(b) ELIGIBILITY AS AIRPORT DEVELOPMENT.—Section 47102(3) is amended by adding at the end the following:

"(H) routine work to preserve and extend the useful life of runways, taxiways, and aprons at airports that are not primary airports, under guidelines issued by the Administrator of the Federal Aviation Administration.".

SEC. 124. ENHANCED VISION TECHNOLOGIES.

49 USC 44502 note.
Deadlines.
Contracts.

(a) STUDY.—The Administrator shall enter into a cooperative research and development agreement to study the benefits of utilizing enhanced vision technologies to replace, enhance, or add to conventional airport approach and runway lighting systems.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall transmit to Congress a progress report on the work accomplished under the cooperative agreements detailing the evaluations performed to determine the potential of enhanced vision technology to meet the operational requirements of the intended application.

(c) CERTIFICATION.—Not later than 180 days after the conclusion of work under the research agreements, the Administrator shall transmit to Congress a report on the potential of enhanced vision technology to satisfy the operational requirements of the Federal Aviation Administration and a schedule for the development of performance standards for certification appropriate to the application of the enhanced vision technologies. If the Administrator certifies an enhanced vision technology as meeting such performance standards, the technology shall be treated as a navigation aid or other aid for purposes of section 47102(3)(B)(i) of title 49, United States Code.

SEC. 125. PUBLIC NOTICE BEFORE WAIVER WITH RESPECT TO LAND.

(a) WAIVER OF GRANT ASSURANCE.—Section 47107(h) is amended to read as follows:

"(h) MODIFYING ASSURANCES AND REQUIRING COMPLIANCE WITH ADDITIONAL ASSURANCES.—

"(1) IN GENERAL.—Subject to paragraph (2), before modifying an assurance required of a person receiving a grant under this subchapter and in effect after December 29, 1987, or to require compliance with an additional assurance from the person, the Secretary of Transportation must—

"(A) publish notice of the proposed modification in the Federal Register; and

Federal Register, publication.

"(B) provide an opportunity for comment on the proposal.

"(2) PUBLIC NOTICE BEFORE WAIVER OF AERONAUTICAL LAND-USE ASSURANCE.—Before modifying an assurance under subsection (c)(2)(B) that requires any property to be used for an aeronautical purpose, the Secretary must provide notice to the public not less than 30 days before making such modification.".

Deadline.

(b) WAIVER OF CONDITION ON CONVEYANCE OF LAND.—Section 47125(a) is amended by adding at the end the following: "Before waiving a condition that property be used for an aeronautical purpose under the preceding sentence, the Secretary must provide notice to the public not less than 30 days before waiving such condition.".

Deadline.

(c) SURPLUS PROPERTY.—Section 47151 is amended by adding at the end the following:

Deadline.

"(d) WAIVER OF CONDITION.—Before the Secretary may waive any condition imposed on an interest in surplus property conveyed under subsection (a) that such interest be used for an aeronautical purpose, the Secretary must provide notice to the public not less than 30 days before waiving such condition.".

(d) WAIVER OF CERTAIN TERM.—Section 47153 is amended by adding at the end the following:

Deadline.

"(c) PUBLIC NOTICE BEFORE WAIVER.—Notwithstanding subsections (a) and (b), before the Secretary may waive any term imposed under this section that an interest in land be used for an aeronautical purpose, the Secretary must provide notice to the public not less than 30 days before waiving such term.".

49 USC 47107 note.

(e) LIMITATION.—Nothing in any amendment made by this section shall be construed to authorize the Secretary to issue a waiver or make a modification referred to in such amendment.

SEC. 126. MATCHING SHARE.

Section 47109(a) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following:

"(2) not more than 90 percent for a project funded by a grant issued to and administered by a State under section 47128, relating to the State block grant program;".

SEC. 127. LETTERS OF INTENT.

Section 47110(e) is amended—

(1) by striking paragraph (2)(C) and inserting the following:

"(C) that meets the criteria of section 47115(d) and, if for a project at a commercial service airport having at least 0.25 percent of the boardings each year at all such airports, the Secretary decides will enhance system-wide airport capacity significantly."; and

(2) by striking paragraph (5) and inserting the following:

"(5) LETTERS OF INTENT.—The Secretary may not require an eligible agency to impose a passenger facility fee under section 40117 in order to obtain a letter of intent under this section.".

SEC. 128. GRANTS FROM SMALL AIRPORT FUND.

(a) SET-ASIDE FOR MEETING SAFETY TERMS IN AIRPORT OPERATING CERTIFICATES.—Section 47116 is amended by adding at the end the following:

"(e) SET-ASIDE FOR MEETING SAFETY TERMS IN AIRPORT OPERATING CERTIFICATES.—In the first fiscal year beginning after the effective date of regulations issued to carry out section 44706(b) with respect to airports described in section 44706(a)(2), and in each of the next 4 fiscal years, the lesser of $15,000,000 or 20 percent of the amounts that would otherwise be distributed to sponsors of airports under subsection (b)(2) shall be used to assist the airports in meeting the terms established by the regulations. If the Secretary publishes in the Federal Register a finding that all the terms established by the regulations have been met, this subsection shall cease to be effective as of the date of such publication.".

(b) NOTIFICATION OF SOURCE OF GRANT.—Section 47116 is further amended by adding at the end the following:

"(f) NOTIFICATION OF SOURCE OF GRANT.—Whenever the Secretary makes a grant under this section, the Secretary shall notify

the recipient of the grant, in writing, that the source of the grant is from the small airport fund.".

(c) TECHNICAL AMENDMENTS.—Section 47116(d) is amended—

(1) by striking "In making" and inserting the following: "(1) CONSTRUCTION OF NEW RUNWAYS.—In making";

(2) by adding at the end the following:

"(2) AIRPORT DEVELOPMENT FOR TURBINE POWERED AIRCRAFT.—In making grants to sponsors described in subsection (b)(1), the Secretary shall give priority consideration to airport development projects to support operations by turbine powered aircraft if the non-Federal share of the project is at least 40 percent."; and

(3) by aligning the remainder of paragraph (1) (as designated by paragraph (1) of this subsection) with paragraph (2) (as added by paragraph (2) of this subsection).

SEC. 129. DISCRETIONARY USE OF UNUSED APPORTIONMENTS.

Section 47117(f) (as redesignated by section 104(g) of this Act) is amended to read as follows:

"(f) DISCRETIONARY USE OF APPORTIONMENTS.—

"(1) IN GENERAL.—Subject to paragraph (2), if the Secretary finds that all or part of an amount of an apportionment under section 47114 is not required during a fiscal year to fund a grant for which the apportionment may be used, the Secretary may use during such fiscal year the amount not so required to make grants for any purpose for which grants may be made under section 48103. The finding may be based on the notifications that the Secretary receives under section 47105(f) or on other information received from airport sponsors.

"(2) RESTORATION OF APPORTIONMENTS.—

"(A) IN GENERAL.—If the fiscal year for which a finding is made under paragraph (1) with respect to an apportionment is not the last fiscal year of availability of the apportionment under subsection (b), the Secretary shall restore to the apportionment an amount equal to the amount of the apportionment used under paragraph (1) for a discretionary grant whenever a sufficient amount is made available under section 48103.

"(B) PERIOD OF AVAILABILITY.—If restoration under this paragraph is made in the fiscal year for which the finding is made or the succeeding fiscal year, the amount restored shall be subject to the original period of availability of the apportionment under subsection (b). If the restoration is made thereafter, the amount restored shall remain available in accordance with subsection (b) for the original period of availability of the apportionment plus the number of fiscal years during which a sufficient amount was not available for the restoration.

"(3) NEWLY AVAILABLE AMOUNTS.—

"(A) RESTORED AMOUNTS TO BE UNAVAILABLE FOR DISCRETIONARY GRANTS.—Of an amount newly available under section 48103 of this title, an amount equal to the amounts restored under paragraph (2) shall not be available for discretionary grant obligations under section 47115.

"(B) USE OF REMAINING AMOUNTS.—Subparagraph (A) does not impair the Secretary's authority under paragraph

(1), after a restoration under paragraph (2), to apply all or part of a restored amount that is not required to fund a grant under an apportionment to fund discretionary grants.

"(4) LIMITATIONS ON OBLIGATIONS APPLY.—Nothing in this subsection shall be construed to authorize the Secretary to incur grant obligations under section 47104 for a fiscal year in an amount greater than the amount made available under section 48103 for such obligations for such fiscal year.".

SEC. 130. DESIGNATING CURRENT AND FORMER MILITARY AIRPORTS.

(a) IN GENERAL.—Section 47118 is amended—

(1) in subsection (a)—

(A) by striking "12" and inserting "15"; and

(B) by striking paragraph (2) and inserting the following:

"(2) the airport is a military installation with both military and civil aircraft operations.";

(2) by striking subsection (c) and inserting the following:

"(c) CONSIDERATIONS.—In carrying out this section, the Secretary shall consider only current or former military airports for designation under this section if a grant under section 47117(e)(1)(B) would—

"(1) reduce delays at an airport with more than 20,000 hours of annual delays in commercial passenger aircraft take-offs and landings; or

"(2) enhance airport and air traffic control system capacity in a metropolitan area or reduce current and projected flight delays.";

(3) in subsection (d)—

(A) by striking "47117(e)(1)(E)" and inserting "47117(e)(1)(B)";

(B) by striking "5-fiscal-year periods" and inserting "periods, each not to exceed 5 fiscal years,"; and

(C) by striking "each such subsequent 5-fiscal-year period" and inserting "each such subsequent period"; and

(4) by adding at the end the following:

"(g) DESIGNATION OF GENERAL AVIATION AIRPORT.—Notwithstanding any other provision of this section, one of the airports bearing a designation under subsection (a) may be a general aviation airport that was a former military installation closed or realigned under a section referred to in subsection (a)(1).".

(b) TERMINAL BUILDING FACILITIES.—Section 47118(e) is amended by striking "$5,000,000" and inserting "$7,000,000".

(c) ELIGIBILITY OF AIR CARGO TERMINALS.—Section 47118(f) is amended—

(1) in subsection heading by striking "AND HANGARS" and inserting "HANGARS, AND AIR CARGO TERMINALS";

(2) by striking "$4,000,000" and inserting "$7,000,000"; and

(3) by inserting after "hangars" the following: "and air cargo terminals of an area that is 50,000 square feet or less".

SEC. 131. CONTRACT TOWER COST-SHARING.

Section 47124(b) is amended by adding at the end the following:

"(3) CONTRACT AIR TRAFFIC CONTROL TOWER PILOT PROGRAM.—

"(A) IN GENERAL.—The Secretary shall establish a pilot program to contract for air traffic control services at Level

I air traffic control towers, as defined by the Secretary, that do not qualify for the contract tower program established under subsection (a) and continued under paragraph (1) (in this paragraph referred to as the 'Contract Tower Program').

"(B) PROGRAM COMPONENTS.—In carrying out the pilot program, the Secretary shall—

"(i) utilize for purposes of cost-benefit analyses, current, actual, site-specific data, forecast estimates, or airport master plan data provided by a facility owner or operator and verified by the Secretary; and

"(ii) approve for participation only facilities willing to fund a pro rata share of the operating costs of the air traffic control tower to achieve a 1-to-1 benefit-to-cost ratio using actual site-specific contract tower operating costs in any case in which there is an operating air traffic control tower, as required for eligibility under the Contract Tower Program.

"(C) PRIORITY.—In selecting facilities to participate in the pilot program, the Secretary shall give priority to the following facilities:

"(i) Air traffic control towers that are participating in the Contract Tower Program but have been notified that they will be terminated from such program because the Secretary has determined that the benefit-to-cost ratio for their continuation in such program is less than 1.0.

"(ii) Air traffic control towers that the Secretary determines have a benefit-to-cost ratio of at least .50.

"(iii) Air traffic control towers of the Federal Aviation Administration that are closed as a result of the air traffic controllers strike in 1981.

"(iv) Air traffic control towers located at airports or points at which an air carrier is receiving compensation under the essential air service program under this chapter.

"(v) Air traffic control towers located at airports that are prepared to assume partial responsibility for maintenance costs.

"(vi) Air traffic control towers located at airports with safety or operational problems related to topography, weather, runway configuration, or mix of aircraft.

"(vii) Air traffic control towers located at an airport at which the community has been operating the tower at its own expense.

"(D) COSTS EXCEEDING BENEFITS.—If the costs of operating an air traffic tower under the pilot program exceed the benefits, the airport sponsor or State or local government having jurisdiction over the airport shall pay the portion of the costs that exceed such benefit.

"(E) FUNDING.—Subject to paragraph (4)(D), of the amounts appropriated pursuant to section 106(k), not more than $6,000,000 per fiscal year may be used to carry out this paragraph.

"(4) CONSTRUCTION OF AIR TRAFFIC CONTROL TOWERS.—

"(A) IN GENERAL.—Notwithstanding any other provision of this subchapter, the Secretary may provide grants under this subchapter to not more than two airport sponsors for the construction of a low-level activity visual flight rule (level 1) air traffic control tower, as defined by the Secretary.

"(B) ELIGIBILITY.—A sponsor shall be eligible for a grant under this paragraph if—

"(i) the sponsor would otherwise be eligible to participate in the pilot program established under paragraph (3) except for the lack of the air traffic control tower proposed to be constructed under this subsection; and

"(ii) the sponsor agrees to fund not less than 25 percent of the costs of construction of the air traffic control tower.

"(C) PROJECT COSTS.—Grants under this paragraph shall be paid only from amounts apportioned to the sponsor under section 47114(c)(1).

"(D) FEDERAL SHARE.—The Federal share of the cost of construction of an air traffic control tower under this paragraph may not exceed $1,100,000.".

SEC. 132. INNOVATIVE USE OF AIRPORT GRANT FUNDS.

(a) IN GENERAL.—Subchapter I of chapter 471 is amended by adding at the end the following:

"§ 47135. Innovative financing techniques

"(a) IN GENERAL.—The Secretary of Transportation may approve applications for not more than 20 airport development projects for which grants received under this subchapter may be used for innovative financing techniques. Such projects shall be located at airports that each year have less than .25 percent of the total number of passenger boardings each year at all commercial service airports in the most recent calendar year for which data is available.

"(b) PURPOSE.—The purpose of grants made under this section shall be to provide information on the benefits and difficulties of using innovative financing techniques for airport development projects.

"(c) LIMITATIONS.—

"(1) NO GUARANTEES.—In no case shall the implementation of an innovative financing technique under this section be used in a manner giving rise to a direct or indirect guarantee of any airport debt instrument by the United States Government.

"(2) TYPES OF TECHNIQUES.—In this section, innovative financing techniques are limited to—

"(A) payment of interest;

"(B) commercial bond insurance and other credit enhancement associated with airport bonds for eligible airport development;

"(C) flexible non-Federal matching requirements; and

"(D) use of funds apportioned under section 47114 for the payment of principal and interest of terminal development for costs incurred before the date of the enactment of this section.".

(b) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 471 is amended by adding at the end the following:

"47135. Innovative financing techniques.".

SEC. 133. INHERENTLY LOW-EMISSION AIRPORT VEHICLE PILOT PROGRAM.

(a) IN GENERAL.—Subchapter I of chapter 471 is further amended by adding at the end the following:

"§ 47136. Inherently low-emission airport vehicle pilot program

"(a) IN GENERAL.—The Secretary of Transportation shall carry out a pilot program at not more than 10 public-use airports under which the sponsors of such airports may use funds made available under section 48103 for use at such airports to carry out inherently low-emission vehicle activities. Notwithstanding any other provision of this subchapter, inherently low-emission vehicle activities shall for purposes of the pilot program be treated as eligible for assistance under this subchapter.

"(b) LOCATION IN AIR QUALITY NONATTAINMENT AREAS.—

"(1) IN GENERAL.—A public-use airport shall be eligible for participation in the pilot program only if the airport is located in an air quality nonattainment area (as defined in section 171(2) of the Clean Air Act (42 U.S.C. 7501(2)).

"(2) SHORTAGE OF CANDIDATES.—If the Secretary receives an insufficient number of applications from public-use airports located in such areas, then the Secretary may consider applications from public-use airports that are not located in such areas.

"(c) SELECTION CRITERIA.—In selecting from among applicants for participation in the pilot program, the Secretary shall give priority consideration to applicants that will achieve the greatest air quality benefits measured by the amount of emissions reduced per dollar of funds expended under the pilot program.

"(d) UNITED STATES GOVERNMENT'S SHARE.—Notwithstanding any other provision of this subchapter, the United States Government's share of the costs of a project carried out under the pilot program shall be 50 percent.

"(e) MAXIMUM AMOUNT.—Not more than $2,000,000 may be expended under the pilot program at any single public-use airport.

"(f) TECHNICAL ASSISTANCE.—

"(1) IN GENERAL.—The sponsor of a public-use airport carrying out inherently low-emission vehicle activities under the pilot program may use not more than 10 percent of the amounts made available for expenditure at the airport in a fiscal year under the pilot program to receive technical assistance in carrying out such activities.

"(2) ELIGIBLE CONSORTIUM.—To the maximum extent practicable, participants in the pilot program shall use an eligible consortium (as defined in section 5506 of this title) in the region of the airport to receive technical assistance described in paragraph (1).

"(g) MATERIALS IDENTIFYING BEST PRACTICES.—The Administrator may develop and make available materials identifying best practices for carrying out low-emission vehicle activities based on the projects carried out under the pilot program and other sources.

Deadline.

"(h) REPORT TO CONGRESS.—Not later than 18 months after the date of the enactment of this section, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing—

"(1) an evaluation of the effectiveness of the pilot program;

"(2) an identification of other public-use airports that expressed an interest in participating in the pilot program; and

"(3) a description of the mechanisms used by the Secretary to ensure that the information and know-how gained by participants in the pilot program is transferred among the participants and to other interested parties, including other public-use airports.

"(i) INHERENTLY LOW-EMISSION VEHICLE ACTIVITY DEFINED.—In this section, the term 'inherently low-emission vehicle activity' means—

"(1) the construction of infrastructure or modifications at public-use airports to enable the delivery of fuel and services necessary for the use of vehicles that are certified as inherently low-emission vehicles under title 40 of the Code of Federal Regulations and that—

"(A) operate exclusively on compressed natural gas, liquefied natural gas, liquefied petroleum gas, electricity, hydrogen, or a blend at least 85 percent of which is methanol;

"(B) are labeled in accordance with section 88.312–93(c) of such title; and

"(C) are located or primarily used at public-use airports;

"(2) the construction of infrastructure or modifications at public-use airports to enable the delivery of fuel and services necessary for the use of nonroad vehicles that—

"(A) operate exclusively on compressed natural gas, liquefied natural gas, liquefied petroleum gas, electricity, hydrogen, or a blend at least 85 percent of which is methanol;

"(B) meet or exceed the standards set forth in section 86.1708–99 of such title or the standards set forth in section 89.112(a) of such title, and are in compliance with the requirements of section 89.112(b) of such title; and

"(C) are located or primarily used at public-use airports;

"(3) the payment of that portion of the cost of acquiring vehicles described in this subsection that exceeds the cost of acquiring other vehicles or engines that would be used for the same purpose; or

"(4) the acquisition of technological capital equipment to enable the delivery of fuel and services necessary for the use of vehicles described in paragraph (1).".

(b) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 471 is further amended by adding at the end the following:

"47136. Inherently low-emission airport vehicle pilot program.".

SEC. 134. AIRPORT SECURITY PROGRAM.

(a) IN GENERAL.—Subchapter I of chapter 471 is further amended by adding at the end the following:

"§ 47137. Airport security program

"(a) GENERAL AUTHORITY.—To improve security at public airports in the United States, the Secretary of Transportation shall carry out not less than one project to test and evaluate innovative aviation security systems and related technology.

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

"(1) evaluates and tests the benefits of innovative aviation security systems or related technology, including explosives detection systems, for the purpose of improving aviation and aircraft physical security, access control, and passenger and baggage screening; and

"(2) provides testing and evaluation of airport security systems and technology in an operational, testbed environment.

"(c) MATCHING SHARE.—Notwithstanding section 47109, the United States Government's share of allowable project costs for a project under this section shall be 100 percent.

"(d) TERMS AND CONDITIONS.—The Secretary may establish such terms and conditions as the Secretary determines appropriate for carrying out a project under this section, including terms and conditions relating to the form and content of a proposal for a project, project assurances, and schedule of payments.

"(e) ELIGIBLE SPONSOR DEFINED.—In this section, the term 'eligible sponsor' means a nonprofit corporation composed of a consortium of public and private persons, including a sponsor of a primary airport, with the necessary engineering and technical expertise to successfully conduct the testing and evaluation of airport and aircraft related security systems.

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

(b) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 471 is further amended by adding at the end the following:

"47137. Airport security program.".

SEC. 135. TECHNICAL AMENDMENTS.

(a) PASSENGER FACILITY FEE WAIVER FOR CERTAIN CLASS OF CARRIERS.—Section 40117(e)(2) is amended—

(1) in subparagraph (B) by striking "and" at the end; and

(2) by adding at the end the following:

"(D) on flights, including flight segments, between 2 or more points in Hawaii; and

"(E) in Alaska aboard an aircraft having a seating capacity of less than 60 passengers.".

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

(1) in subsection (i)(1) by striking "and" at the end;

(2) in subsection (i)(2)(D) by striking the period at the end and inserting "; and";

(3) by adding at the end of subsection (i) the following:

"(3) may permit an eligible agency to request that collection of a passenger facility fee be waived for—

"(A) passengers enplaned by any class of air carrier or foreign air carrier if the number of passengers enplaned by the carriers in the class constitutes not more than one percent of the total number of passengers enplaned annually at the airport at which the fee is imposed; or

"(B) passengers enplaned on a flight to an airport—

"(i) that has fewer than 2,500 passenger boardings each year and receives scheduled passenger service; or

"(ii) in a community which has a population of less than 10,000 and is not connected by a land highway or vehicular way to the land-connected National Highway System within a State."; and

(4) by adding at the end the following:

"(j) LIMITATION ON CERTAIN ACTIONS.—A State, political subdivision of a State, or authority of a State or political subdivision that is not the eligible agency may not tax, regulate, or prohibit or otherwise attempt to control in any manner, the imposition or collection of a passenger facility fee or the use of the revenue from the passenger facility fee.".

(c) CONTINUATION OF PROJECT FUNDING.—Section 47108 is amended by adding at the end the following:

"(e) CHANGE IN AIRPORT STATUS.—

"(1) CHANGES TO NONPRIMARY AIRPORT STATUS.—If the status of a primary airport changes to a nonprimary airport at a time when a development project under a multiyear agreement under subsection (a) is not yet completed, the project shall remain eligible for funding from discretionary funds under section 47115 at the funding level and under the terms provided by the agreement, subject to the availability of funds.

"(2) CHANGES TO NONCOMMERCIAL SERVICE AIRPORT STATUS.—If the status of a commercial service airport changes to a noncommercial service airport at a time when a terminal development project under a phased-funding arrangement is not yet completed, the project shall remain eligible for funding from discretionary funds under section 47115 at the funding level and under the terms provided by the arrangement subject to the availability of funds.".

(d) REFERENCES TO GIFTS.—Chapter 471 is amended—

(1) in section 47151—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1) by striking "give" and inserting "convey to"; and

(ii) in paragraph (2) by striking "gift" and inserting "conveyance";

(B) in subsection (b)—

(i) by striking "giving" and inserting "conveying"; and

(ii) by striking "gift" and inserting "conveyance"; and

(C) in subsection (c)—

(i) in the subsection heading by striking "GIVEN" and inserting "CONVEYED"; and

(ii) by striking "given" and inserting "conveyed";

(2) in section 47152—

(A) in the section heading by striking "**gifts**" and inserting "**conveyances**"; and

(B) in the matter preceding paragraph (1) by striking "gift" and inserting "conveyance";

(3) in section 47153(a)(1)—

(A) by striking "gift" each place it appears and inserting "conveyance"; and

(B) by striking "given" and inserting "conveyed"; and

(4) in the analysis for such chapter by striking the item relating to section 47152 and inserting the following:

"47152. Terms of conveyances.".

SEC. 136. CONVEYANCES OF AIRPORT PROPERTY FOR PUBLIC AIRPORTS.

Section 47151 (as amended by section 125(c) of this Act) is further amended by adding at the end the following:

"(e) REQUESTS BY PUBLIC AGENCIES.—Except with respect to a request made by another department, agency, or instrumentality of the executive branch of the United States Government, such a department, agency, or instrumentality shall give priority consideration to a request made by a public agency (as defined in section 47102) for surplus property described in subsection (a) (other than real property that is subject to section 2687 of title 10, section 201 of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note), or section 2905 of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note)) for use at a public airport.".

SEC. 137. INTERMODAL CONNECTIONS.

(a) AIRPORT IMPROVEMENT POLICY.—Section 47101(a)(5) is amended to read as follows:

"(5) to encourage the development of intermodal connections on airport property between aeronautical and other transportation modes and systems to serve air transportation passengers and cargo efficiently and effectively and promote economic development;".

(b) AIRPORT DEVELOPMENT DEFINED.—Section 47102(3) (as amended by section 123(b)) is further amended by adding at the end the following:

"(I) constructing, reconstructing, or improving an airport, or purchasing nonrevenue generating capital equipment to be owned by an airport, for the purpose of transferring passengers, cargo, or baggage between the aeronautical and ground transportation modes on airport property.".

SEC. 138. STATE BLOCK GRANT PROGRAM.

Section 47128(a) is amended by striking "8 qualified States for fiscal year 1997 and 9 qualified States for each fiscal year thereafter" and insert "9 qualified States for fiscal years 2000 and 2001 and 10 qualified States for each fiscal year thereafter".

SEC. 139. DESIGN-BUILD CONTRACTING.

49 USC 47104 note.

(a) PILOT PROGRAM.—The Administrator may establish a pilot program under which design-build contracts may be used to carry out up to 7 projects at airports in the United States with a grant awarded under section 47104 of title 49, United States Code. A

sponsor of an airport may submit an application to the Administrator to carry out a project otherwise eligible for assistance under chapter 471 of such title under the pilot program.

(b) USE OF DESIGN-BUILD CONTRACTS.—Under the pilot program, the Administrator may approve an application of an airport sponsor under this section to authorize the airport sponsor to award a design-build contract using a selection process permitted under applicable State or local law if—

(1) the Administrator approves the application using criteria established by the Administrator;

(2) the design-build contract is in a form that is approved by the Administrator;

(3) the Administrator is satisfied that the contract will be executed pursuant to competitive procedures and contains a schematic design adequate for the Administrator to approve the grant;

(4) use of a design-build contract will be cost effective and expedite the project;

(5) the Administrator is satisfied that there will be no conflict of interest; and

(6) the Administrator is satisfied that the selection process will be as open, fair, and objective as the competitive bid system and that at least three or more bids will be submitted for each project under the selection process.

(c) REIMBURSEMENT OF COSTS.—The Administrator may reimburse an airport sponsor for design and construction costs incurred before a grant is made pursuant to this section if the project is approved by the Administrator in advance and is carried out in accordance with all administrative and statutory requirements that would have been applicable under chapter 471 of title 49, United States Code, if the project were carried out after a grant agreement had been executed.

(d) DESIGN-BUILD CONTRACT DEFINED.—In this section, the term "design-build contract" means an agreement that provides for both design and construction of a project by a contractor.

(e) EXPIRATION OF AUTHORITY.—The authority of the Administrator to carry out the pilot program under this section shall expire on September 30, 2003.

Subtitle C—Miscellaneous

SEC. 151. TREATMENT OF CERTAIN FACILITIES AS AIRPORT-RELATED PROJECTS.

Section 40117(a) is amended to read as follows:

"(a) DEFINITIONS.—In this section, the following definitions apply:

"(1) AIRPORT, COMMERCIAL SERVICE AIRPORT, AND PUBLIC AGENCY.—The terms 'airport', 'commercial service airport', and 'public agency' have the meaning those terms have under section 47102.

"(2) ELIGIBLE AGENCY.—The term 'eligible agency' means a public agency that controls a commercial service airport.

"(3) ELIGIBLE AIRPORT-RELATED PROJECT.—The term 'eligible airport-related project' means any of the following projects:

"(A) A project for airport development or airport planning under subchapter I of chapter 471.

"(B) A project for terminal development described in section 47110(d).

"(C) A project for airport noise capability planning under section 47505.

"(D) A project to carry out noise compatibility measures eligible for assistance under section 47504, whether or not a program for those measures has been approved under section 47504.

"(E) A project for constructing gates and related areas at which passengers board or exit aircraft. In the case of a project required to enable additional air service by an air carrier with less than 50 percent of the annual passenger boardings at an airport, the project for constructing gates and related areas may include structural foundations and floor systems, exterior building walls and load-bearing interior columns or walls, windows, door and roof systems, building utilities (including heating, air conditioning, ventilation, plumbing, and electrical service), and aircraft fueling facilities adjacent to the gate.

"(4) PASSENGER FACILITY FEE.—The term 'passenger facility fee' means a fee imposed under this section.

"(5) PASSENGER FACILITY REVENUE.—The term 'passenger facility revenue' means revenue derived from a passenger facility fee.".

SEC. 152. TERMINAL DEVELOPMENT COSTS.

(a) WITH RESPECT TO PASSENGER FACILITY CHARGES.—Section 40117(a)(3) is further amended—

(1) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively; and

(2) by inserting after subparagraph (B) the following:

"(C) for costs of terminal development referred to in subparagraph (B) incurred after August 1, 1986, at an airport that did not have more than .25 percent of the total annual passenger boardings in the United States in the most recent calendar year for which data is available and at which total passenger boardings declined by at least 16 percent between calendar year 1989 and calendar year 1997;".

(b) NONPRIMARY COMMERCIAL SERVICE AIRPORTS.—Section 47119 is amended by adding at the end the following:

"(d) DETERMINATION OF PASSENGER BOARDING AT COMMERCIAL SERVICE AIRPORTS.—For the purpose of determining whether an amount may be distributed for a fiscal year from the discretionary fund in accordance with subsection (b)(2)(A) to a commercial service airport, the Secretary shall make the determination of whether or not a public airport is a commercial service airport on the basis of the number of passenger boardings and type of air service at the public airport in the calendar year that includes the first day of such fiscal year or the preceding calendar year, whichever is more beneficial to the airport.".

SEC. 153. CONTINUATION OF ILS INVENTORY PROGRAM.

Section 44502(a)(4)(B) is amended—

(1) by striking "each of fiscal years 1995 and 1996" and inserting "each of fiscal years 2000 through 2002"; and

(2) by inserting "under new or existing contracts" after "including acquisition".

SEC. 154. AIRCRAFT NOISE PRIMARILY CAUSED BY MILITARY AIRCRAFT.

Section 47504(c) is amended by adding at the end the following:

"(6) AIRCRAFT NOISE PRIMARILY CAUSED BY MILITARY AIRCRAFT.—The Secretary may make a grant under this subsection for a project even if the purpose of the project is to mitigate the effect of noise primarily caused by military aircraft at an airport.".

SEC. 155. COMPETITION PLANS.

49 USC 40117 note.

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

(1) Major airports must be available on a reasonable basis to all air carriers wishing to serve those airports.

(2) 15 large hub airports today are each dominated by one air carrier, with each such carrier controlling more than 50 percent of the traffic at the hub.

(3) The General Accounting Office has found that such levels of concentration lead to higher air fares.

(4) The United States Government must take every step necessary to reduce those levels of concentration.

(5) Consistent with air safety, spending at these airports must be directed at providing opportunities for carriers wishing to serve such facilities on a commercially viable basis.

(b) IN GENERAL.—Section 47106 is amended by adding at the end the following:

"(f) COMPETITION PLANS.—

"(1) PROHIBITION.—Beginning in fiscal year 2001, no passenger facility fee may be approved for a covered airport under section 40117 and no grant may be made under this subchapter for a covered airport unless the airport has submitted to the Secretary a written competition plan in accordance with this subsection.

"(2) CONTENTS.—A competition plan under this subsection shall include information on the availability of airport gates and related facilities, leasing and sub-leasing arrangements, gate-use requirements, patterns of air service, gate-assignment policy, financial constraints, airport controls over air- and ground-side capacity, whether the airport intends to build or acquire gates that would be used as common facilities, and airfare levels (as compiled by the Department of Transportation) compared to other large airports.

"(3) COVERED AIRPORT DEFINED.—In this subsection, the term 'covered airport' means a commercial service airport—

"(A) that has more than .25 percent of the total number of passenger boardings each year at all such airports; and

"(B) at which one or two air carriers control more than 50 percent of the passenger boardings.".

(c) CROSS REFERENCE.—Section 40117 (as amended by section 135(b) of this Act) is further amended by adding at the end the following:

"(k) COMPETITION PLANS.—

"(1) IN GENERAL.—Beginning in fiscal year 2001, no eligible agency may impose a passenger facility fee under this section with respect to a covered airport (as such term is defined in section 47106(f)) unless the agency has submitted to the

Secretary a written competition plan in accordance with such section. This subsection does not apply to passenger facility fees in effect before the date of the enactment of this subsection.

"(2) SECRETARY SHALL ENSURE IMPLEMENTATION AND COMPLIANCE.—The Secretary shall review any plan submitted under paragraph (1) to ensure that it meets the requirements of this section, and shall review its implementation from time-to-time to ensure that each covered airport successfully implements its plan.".

(d) AVAILABILITY OF GATES AND OTHER ESSENTIAL SERVICES.—The Secretary shall ensure that gates and other facilities are made available at costs that are fair and reasonable to air carriers at covered airports (as defined in section 47106(f)(4) of title 49, United States Code) where a "majority-in-interest clause" of a contract or other agreement or arrangement inhibits the ability of the local airport authority to provide or build new gates or other facilities. 49 USC 47101 note.

SEC. 156. ALASKA RURAL AVIATION IMPROVEMENT.

(a) APPLICATION OF FAA REGULATIONS.—Section 40113 is amended by adding at the end the following:

"(f) APPLICATION OF CERTAIN REGULATIONS TO ALASKA.—In amending title 14, Code of Federal Regulations, in a manner affecting intrastate aviation in Alaska, the Administrator of the Federal Aviation Administration shall consider the extent to which Alaska is not served by transportation modes other than aviation, and shall establish such regulatory distinctions as the Administrator considers appropriate.".

(b) MIKE-IN-HAND WEATHER OBSERVATION.—The Administrator and the Assistant Administrator of the National Weather Service, in consultation with the National Transportation Safety Board and the Governor of the State of Alaska, shall continue efforts to develop and implement a "mike-in-hand" weather observation program in Alaska under which Federal Aviation Administration employees, National Weather Service employees, other Federal or State employees sited at an airport, or persons contracted specifically for such purpose (including part-time contract employees who are not sited at such airport), will provide near-real time aviation weather information via radio and otherwise to pilots who request such information.

SEC. 157. USE OF RECYCLED MATERIALS. 49 USC 44505 note.

(a) STUDY.—The Administrator shall conduct a study of the use of recycled materials (including recycled pavements, waste materials, and byproducts) in pavement used for runways, taxiways, and aprons and the specification standards in tests necessary for the use of recycled materials in such pavement. The primary focus of the study shall be on the long-term physical performance, safety implications, and environmental benefits of using recycled materials in aviation pavement.

(b) CONTRACTING.—The Administrator may carry out the study by entering into a contract with a university of higher education with expertise necessary to carry out the study.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study, together with recommendations concerning the use of recycled materials in aviation pavement. Deadline.

(d) FUNDING.—Of the amounts appropriated pursuant to section 106(k) of title 49, United States Code, not to exceed $1,500,000 may be used to carry out this section.

49 USC 47101 note.

SEC. 158. CONSTRUCTION OF RUNWAYS.

Notwithstanding any provision of law that specifically restricts the number of runways at a single international airport, the Secretary may obligate funds made available under chapters 471 and 481 of title 49, United States Code, for any project to construct a new runway at such airport, unless this section is expressly repealed.

49 USC 48103 note.

SEC. 159. NOTICE OF GRANTS.

(a) TIMELY ANNOUNCEMENT.—The Secretary shall announce a grant to be made with funds made available under section 48103 of title 49, United States Code, in a timely fashion after receiving necessary documentation concerning the grant from the Administrator.

(b) NOTICE TO COMMITTEES.—If the Secretary provides any committee of Congress advance notice of a grant to be made with funds made available under section 48103 of title 49, United States Code, the Secretary shall provide, on the same date, such notice to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

49 USC 44505 note.

SEC. 160. AIRFIELD PAVEMENT CONDITIONS.

(a) EVALUATION OF OPTIONS.—The Administrator shall evaluate options for improving the quality of information available to the Federal Aviation Administration on airfield pavement conditions for airports that are part of the national air transportation system, including—

(1) improving the existing runway condition information contained in the airport safety data program by reviewing and revising rating criteria and providing increased training for inspectors;

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

(3) requiring all such airports to submit pavement condition index information on a regular basis and using this information to create a pavement condition database that could be used in evaluating the cost-effectiveness of project applications and forecasting anticipated pavement needs.

Deadline.

(b) REPORT TO CONGRESS.—Not later than 12 months after the date of the enactment of this Act, the Administrator shall transmit a report containing an evaluation of the options described in subsection (a) to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

SEC. 161. REPORT ON EFFORTS TO IMPLEMENT CAPACITY ENHANCEMENTS.

Not later than 9 months after the date of the enactment of this Act, the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on efforts by the Federal Aviation Administration to implement capacity enhancements and improvements, both technical and procedural, such as precision runway monitoring systems, and the timeframe for implementation of such enhancements and improvements. Deadline.

SEC. 162. PRIORITIZATION OF DISCRETIONARY PROJECTS.

Section 47120 is amended—

(1) by inserting "(a) IN GENERAL.—" before "In"; and

(2) by adding at the end the following:

"(b) DISCRETIONARY FUNDING TO BE USED FOR HIGHER PRIORITY PROJECTS.—The Administrator of the Federal Aviation Administration shall discourage airport sponsors and airports from using entitlement funds for lower priority projects by giving lower priority to discretionary projects submitted by airport sponsors and airports that have used entitlement funds for projects that have a lower priority than the projects for which discretionary funds are being requested.".

SEC. 163. CONTINUATION OF REPORTS.

Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) does not apply to any report required to be submitted under any of the following provisions of law:

(1) Section 44501 of title 49, United States Code.

(2) Section 47103 of such title.

(3) Section 47131 of such title.

TITLE II—AIRLINE SERVICE IMPROVEMENTS

Subtitle A—Small Communities

SEC. 201. POLICY FOR AIR SERVICE TO RURAL AREAS.

Section 40101(a) is amended by adding at the end the following:

"(16) ensuring that consumers in all regions of the United States, including those in small communities and rural and remote areas, have access to affordable, regularly scheduled air service.".

SEC. 202. WAIVER OF LOCAL CONTRIBUTION.

Section 41736(b) is amended by inserting after paragraph (4) the following:

"Paragraph (4) does not apply to any community approved for service under this section during the period beginning October 1, 1991, and ending December 31, 1997.".

SEC. 203. IMPROVED AIR CARRIER SERVICE TO AIRPORTS NOT RECEIVING SUFFICIENT SERVICE.

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

"§ 41743. Airports not receiving sufficient service

"(a) SMALL COMMUNITY AIR SERVICE DEVELOPMENT PILOT PROGRAM.—The Secretary of Transportation shall establish a pilot program that meets the requirements of this section for improving air carrier service to airports not receiving sufficient air carrier service.

"(b) APPLICATION REQUIRED.—In order to participate in the program established under subsection (a), a community or consortium of communities shall submit an application to the Secretary in such form, at such time, and containing such information as the Secretary may require, including—

"(1) an assessment of the need of the community or consortium for access, or improved access, to the national air transportation system; and

"(2) an analysis of the application of the criteria in subsection (c) to that community or consortium.

"(c) CRITERIA FOR PARTICIPATION.—In selecting communities, or consortia of communities, for participation in the program established under subsection (a), the Secretary shall apply the following criteria:

"(1) SIZE.—For calendar year 1997, the airport serving the community or consortium was not larger than a small hub airport (as that term is defined in section 41731(a)(5)), and—

"(A) had insufficient air carrier service; or

"(B) had unreasonably high air fares.

"(2) CHARACTERISTICS.—The airport presents characteristics, such as geographic diversity or unique circumstances, that will demonstrate the need for, and feasibility of, the program established under subsection (a).

"(3) STATE LIMIT.—No more than four communities or consortia of communities, or a combination thereof, may be located in the same State.

"(4) OVERALL LIMIT.—No more than 40 communities or consortia of communities, or a combination thereof, may be selected to participate in the program.

"(5) PRIORITIES.—The Secretary shall give priority to communities or consortia of communities where—

"(A) air fares are higher than the average air fares for all communities;

"(B) the community or consortium will provide a portion of the cost of the activity to be assisted under the program from local sources other than airport revenues;

"(C) the community or consortium has established, or will establish, a public-private partnership to facilitate air carrier service to the public; and

"(D) the assistance will provide material benefits to a broad segment of the travelling public, including business, educational institutions, and other enterprises, whose access to the national air transportation system is limited.

"(d) TYPES OF ASSISTANCE.—The Secretary may use amounts made available under this section—

"(1) to provide assistance to an air carrier to subsidize service to and from an underserved airport for a period not to exceed 3 years;

"(2) to provide assistance to an underserved airport to obtain service to and from the underserved airport; and

"(3) to provide assistance to an underserved airport to implement such other measures as the Secretary, in consultation with such airport, considers appropriate to improve air service both in terms of the cost of such service to consumers and the availability of such service, including improving air service through marketing and promotion of air service and enhanced utilization of airport facilities.

"(e) AUTHORITY TO MAKE AGREEMENTS.—

"(1) IN GENERAL.—The Secretary may make agreements to provide assistance under this section.

"(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $20,000,000 for fiscal year 2001 and $27,500,000 for each of fiscal years 2002 and 2003 to carry out this section. Such sums shall remain available until expended.

"(f) ADDITIONAL ACTION.—Under the pilot program established under subsection (a), the Secretary shall work with air carriers providing service to participating communities and major air carriers (as defined in section 41716(a)(2)) serving large hub airports (as defined in section 41731(a)(3)) to facilitate joint-fare arrangements consistent with normal industry practice.

"(g) DESIGNATION OF RESPONSIBLE OFFICIAL.—The Secretary shall designate an employee of the Department of Transportation—

"(1) to function as a facilitator between small communities and air carriers;

"(2) to carry out this section;

"(3) to ensure that the Bureau of Transportation Statistics collects data on passenger information to assess the service needs of small communities;

"(4) to work with and coordinate efforts with other Federal, State, and local agencies to increase the viability of service to small communities and the creation of aviation development zones; and

"(5) to provide policy recommendations to the Secretary and Congress that will ensure that small communities have access to quality, affordable air transportation services.

"(h) AIR SERVICE DEVELOPMENT ZONE.—The Secretary shall designate an airport in the program as an Air Service Development Zone and work with the community or consortium on means to attract business to the area surrounding the airport, to develop land use options for the area, and provide data, working with the Department of Commerce and other agencies.".

(b) CONFORMING AMENDMENT.—The analysis for subchapter II of chapter 417 is amended by adding at the end the following:

"41743. Airports not receiving sufficient service.".

SEC. 204. PRESERVATION OF ESSENTIAL AIR SERVICE AT SINGLE CARRIER DOMINATED HUB AIRPORTS.

(a) IN GENERAL.—Subchapter II of chapter 417 (as amended by section 203 of this Act) is further amended by adding at the end the following:

"§ 41744. Preservation of basic essential air service at single carrier dominated hub airports

"(a) IN GENERAL.—If the Secretary of Transportation determines that extraordinary circumstances jeopardize the reliable performance of essential air service under this subchapter from a subsidized essential air service community to and from an essential airport facility, the Secretary may require an air carrier that has more than 60 percent of the total annual enplanements at the essential airport facility to take action to enable another air carrier to provide reliable essential air service to that community. Actions required by the Secretary under this subsection may include interline agreements, ground services, subleasing of gates, and the provision of any other service or facility necessary for the performance of satisfactory essential air service to that community.

"(b) ESSENTIAL AIRPORT FACILITY DEFINED.—In this section, the term 'essential airport facility' means a large hub airport (as defined in section 41731) in the contiguous 48 States at which one air carrier has more than 60 percent of the total annual enplanements at that airport.".

(b) CONFORMING AMENDMENT.—The analysis for subchapter II of chapter 417 is further amended by adding at the end the following:

"41744. Preservation of basic essential air service at single carrier dominated hub airports.".

49 USC 41731 note.

SEC. 205. DETERMINATION OF DISTANCE FROM HUB AIRPORT.

The Secretary may provide assistance under subchapter II of chapter 417 of title 49, United States Code, with respect to a place that is located within 70 highway miles of a hub airport (as defined by section 41731 of such title) if the most commonly used highway route between the place and the hub airport exceeds 70 miles.

SEC. 206. REPORT ON ESSENTIAL AIR SERVICE.

(a) IN GENERAL.—The Secretary shall conduct an analysis of the difficulties faced by many smaller communities in retaining essential air service and shall develop a plan to facilitate the retention of such service.

(b) EXAMINATION OF NORTH DAKOTA COMMUNITIES.—In conducting the analysis and developing the plan under subsection (a), the Secretary shall pay particular attention to communities located in North Dakota.

Deadline.

(c) REPORT.—Not later than 60 days after the date of the enactment of this section, the Secretary shall transmit to Congress a report containing the analysis and plan described in subsection (a).

49 USC 41731 note.

SEC. 207. MARKETING PRACTICES.

Deadline.

(a) REVIEW OF MARKETING PRACTICES THAT ADVERSELY AFFECT SERVICE TO SMALL OR MEDIUM COMMUNITIES.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall review the marketing practices of air carriers that may inhibit the availability of quality, affordable air transportation services to small- and medium-sized communities, including—

(1) marketing arrangements between airlines and travel agents;

(2) code-sharing partnerships;

(3) computer reservation system displays;

(4) gate arrangements at airports;

(5) exclusive dealing arrangements; and

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

(b) REGULATIONS.—If the Secretary finds, after conducting the review, that marketing practices inhibit the availability of affordable air transportation services to small- and medium-sized communities, then, after public notice and an opportunity for comment, the Secretary may issue regulations that address the problem or take other appropriate action.

(c) STATUTORY CONSTRUCTION.—Nothing in this section expands the authority or jurisdiction of the Secretary to issue regulations under chapter 417 of title 49, United States Code, or under any other law.

SEC. 208. DEFINITION OF ELIGIBLE PLACE.

Section 41731(a)(1) is amended—

(1) by inserting "(i)" after "(A)";

(2) by striking "(B)" and inserting "(ii)";

(3) by striking "(C)" and inserting "(iii)";

(4) by striking "subchapter." and inserting "subchapter; or"; and

(5) by adding at the end the following:

"(B) determined, on or after October 1, 1988, and before the date of the enactment of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, under this subchapter by the Secretary to be eligible to receive subsidized small community air service under section 41736(a).".

SEC. 209. MAINTAINING THE INTEGRITY OF THE ESSENTIAL AIR SERVICE PROGRAM.

(a) AUTHORIZATION OF APPROPRIATION.—Section 41742(a) is amended—

(1) by striking "Out of" and inserting the following:

"(1) AUTHORIZATION.—Out of";

(2) by adding at the end the following:

"(2) ADDITIONAL FUNDS.—In addition to amounts authorized under paragraph (1), there is authorized to be appropriated $15,000,000 for each fiscal year to carry out the essential air service program under this subchapter."; and

(3) by aligning paragraph (1) (as designated by paragraph (1) of this subsection) with paragraph (2) (as added by paragraph (2) of this subsection).

(b) LIMITATION ON ADJUSTMENTS TO LEVELS OF SERVICE.—Section 41733(e) is amended by striking the period at the end and inserting ", to the extent such adjustments are to a level not less than the basic essential air service level established under subsection (a) for the airport that serves the community.".

(c) EFFECT ON CERTAIN ORDERS.—All orders issued by the Secretary after September 30, 1999, and before the date of the enactment of this Act establishing, modifying, or revoking essential air service levels shall be null and void beginning on the 90th day following such date of enactment. During the 90-day period, the Secretary shall reconsider such orders and shall issue new orders consistent with the amendments made by this section.

49 USC 41733 note.

SEC. 210. REGIONAL JET SERVICE FOR SMALL COMMUNITIES.

(a) IN GENERAL.—Chapter 417 is amended by adding at the end the following:

"SUBCHAPTER III—REGIONAL AIR SERVICE INCENTIVE PROGRAM

"§ 41761. Purpose

"The purpose of this subchapter is to improve service by jet aircraft to underserved markets by providing assistance, in the form of Federal credit instruments, to commuter air carriers that purchase regional jet aircraft for use in serving those markets.

"§ 41762. Definitions

"In this subchapter, the following definitions apply:

"(1) AIR CARRIER.—The term 'air carrier' means any air carrier holding a certificate of public convenience and necessity issued by the Secretary of Transportation under section 41102.

"(2) AIRCRAFT PURCHASE.—The term 'aircraft purchase' means the purchase of commercial transport aircraft, including spare parts normally associated with the aircraft.

"(3) CAPITAL RESERVE SUBSIDY AMOUNT.—The term 'capital reserve subsidy amount' means the amount of budget authority sufficient to cover estimated long-term cost to the United States Government of a Federal credit instrument, calculated on a net present value basis, excluding administrative costs and any incidental effects on Government receipts or outlays in accordance with provisions of the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

"(4) COMMUTER AIR CARRIER.—The term 'commuter air carrier' means an air carrier that primarily operates aircraft designed to have a maximum passenger seating capacity of 75 or less in accordance with published flight schedules.

"(5) FEDERAL CREDIT INSTRUMENT.—The term 'Federal credit instrument' means a secured loan, loan guarantee, or line of credit authorized to be made under this subchapter.

"(6) FINANCIAL OBLIGATION.—The term 'financial obligation' means any note, bond, debenture, or other debt obligation issued by an obligor in connection with the financing of an aircraft purchase, other than a Federal credit instrument.

"(7) LENDER.—The term 'lender' means any non-Federal qualified institutional buyer (as defined by section 230.144A(a) of title 17, Code of Federal Regulations (or any successor regulation) known as Rule 144A(a) of the Security and Exchange Commission and issued under the Security Act of 1933 (15 U.S.C. 77a et seq.)), including—

"(A) a qualified retirement plan (as defined in section 4974(c) of the Internal Revenue Code of 1986) that is a qualified institutional buyer; and

"(B) a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986) that is a qualified institutional buyer.

"(8) LINE OF CREDIT.—The term 'line of credit' means an agreement entered into by the Secretary with an obligor under section 41763(d) to provide a direct loan at a future date upon the occurrence of certain events.

"(9) LOAN GUARANTEE.—The term 'loan guarantee' means any guarantee or other pledge by the Secretary under section 41763(c) to pay all or part of any of the principal of and interest on a loan or other debt obligation issued by an obligor and funded by a lender.

"(10) NEW ENTRANT AIR CARRIER.—The term 'new entrant air carrier' means an air carrier that has been providing air transportation according to a published schedule for less than 5 years, including any person that has received authority from the Secretary to provide air transportation but is not providing air transportation.

"(11) NONHUB AIRPORT.—The term 'nonhub airport' means an airport that each year has less than .05 percent of the total annual boardings in the United States.

"(12) OBLIGOR.—The term 'obligor' means a party primarily liable for payment of the principal of or interest on a Federal credit instrument, which party may be a corporation, partnership, joint venture, trust, or governmental entity, agency, or instrumentality.

"(13) REGIONAL JET AIRCRAFT.—The term 'regional jet aircraft' means a civil aircraft—

"(A) powered by jet propulsion; and

"(B) designed to have a maximum passenger seating capacity of not less than 30 nor more than 75.

"(14) SECURED LOAN.—The term 'secured loan' means a direct loan funded by the Secretary in connection with the financing of an aircraft purchase under section 41763(b).

"(15) SMALL HUB AIRPORT.—The term 'small hub airport' means an airport that each year has at least .05 percent, but less than .25 percent, of the total annual boardings in the United States.

"(16) UNDERSERVED MARKET.—The term 'underserved market' means a passenger air transportation market (as defined by the Secretary) that—

"(A) is served (as determined by the Secretary) by a nonhub airport or a small hub airport;

"(B) is not within a 40-mile radius of an airport that each year has at least .25 percent of the total annual boardings in the United States; and

"(C) the Secretary determines does not have sufficient air service.

"§ 41763. Federal credit instruments

"(a) IN GENERAL.—Subject to this section and section 41766, the Secretary of Transportation may enter into agreements with one or more obligors to make available Federal credit instruments, the proceeds of which shall be used to finance aircraft purchases.

"(b) SECURED LOANS.—

"(1) TERMS AND LIMITATIONS.—

"(A) IN GENERAL.—A secured loan under this section with respect to an aircraft purchase shall be on such terms and conditions and contain such covenants, representatives, warranties, and requirements (including requirements for audits) as the Secretary determines appropriate.

"(B) MAXIMUM AMOUNT.—No secured loan may be made under this section—

"(i) that extends to more than 50 percent of the purchase price (including the value of any manufacturer credits, post-purchase options, or other discounts) of the aircraft, including spare parts, to be purchased; or

"(ii) that, when added to the remaining balance on any other Federal credit instruments made under this subchapter, provides more than $100,000,000 of outstanding credit to any single obligor.

"(C) FINAL PAYMENT DATE.—The final payment on the secured loan shall not be due later than 18 years after the date of execution of the loan agreement.

"(D) SUBORDINATION.—The secured loan may be subordinate to claims of other holders of obligations in the event of bankruptcy, insolvency, or liquidation of the obligor as determined appropriate by the Secretary.

"(E) FEES.—The Secretary, subject to appropriations, may establish fees at a level sufficient to cover all or a portion of the administrative costs to the United States Government of making a secured loan under this section. The proceeds of such fees shall be deposited in an account to be used by the Secretary for the purpose of administering the program established under this subchapter and shall be available upon deposit until expended.

"(2) REPAYMENT.—

"(A) SCHEDULE.—The Secretary shall establish a repayment schedule for each secured loan under this section based on the projected cash flow from aircraft revenues and other repayment sources.

Deadline.

"(B) COMMENCEMENT.—Scheduled loan repayments of principal and interest on a secured loan under this section shall commence no later than 3 years after the date of execution of the loan agreement.

"(3) PREPAYMENT.—

"(A) USE OF EXCESS REVENUE.—After satisfying scheduled debt service requirements on all financial obligations and secured loans and all deposit requirements under the terms of any trust agreement, bond resolution, or similar agreement securing financial obligations, the secured loan may be prepaid at anytime without penalty.

"(B) USE OF PROCEEDS OF REFINANCING.—The secured loan may be prepaid at any time without penalty from proceeds of refinancing from non-Federal funding sources.

"(c) LOAN GUARANTEES.—

"(1) IN GENERAL.—A loan guarantee under this section with respect to a loan made for an aircraft purchase shall be made in such form and on such terms and conditions and contain such covenants, representatives, warranties, and requirements (including requirements for audits) as the Secretary determines appropriate.

"(2) MAXIMUM AMOUNT.—No loan guarantee shall be made under this section—

"(A) that extends to more than the unpaid interest and 50 percent of the unpaid principal on any loan;

"(B) that, for any loan or combination of loans, extends to more than 50 percent of the purchase price (including the value of any manufacturer credits, post-purchase

options, or other discounts) of the aircraft, including spare parts, to be purchased with the loan or loan combination;

"(C) on any loan with respect to which terms permit repayment more than 15 years after the date of execution of the loan; or

"(D) that, when added to the remaining balance on any other Federal credit instruments made under this subchapter, provides more than $100,000,000 of outstanding credit to any single obligor.

"(3) FEES.—The Secretary, subject to appropriations, may establish fees at a level sufficient to cover all or a portion of the administrative costs to the United States Government of making a loan guarantee under this section. The proceeds of such fees shall be deposited in an account to be used by the Secretary for the purpose of administering the program established under this subchapter and shall be available upon deposit until expended.

"(d) LINES OF CREDIT.—

"(1) IN GENERAL.—Subject to the requirements of this subsection, the Secretary may enter into agreements to make available lines of credit to one or more obligors in the form of direct loans to be made by the Secretary at future dates on the occurrence of certain events for any aircraft purchase selected under this section.

"(2) TERMS AND LIMITATIONS.—

"(A) IN GENERAL.—A line of credit under this subsection with respect to an aircraft purchase shall be on such terms and conditions and contain such covenants, representatives, warranties, and requirements (including requirements for audits) as the Secretary determines appropriate.

"(B) MAXIMUM AMOUNT.—

"(i) TOTAL AMOUNT.—The amount of any line of credit shall not exceed 50 percent of the purchase price (including the value of any manufacturer credits, post-purchase options, or other discounts) of the aircraft, including spare parts.

"(ii) 1–YEAR DRAWS.—The amount drawn in any year shall not exceed 20 percent of the total amount of the line of credit.

"(C) DRAWS.—Any draw on the line of credit shall represent a direct loan.

"(D) PERIOD OF AVAILABILITY.—The line of credit shall be available not more than 5 years after the aircraft purchase date.

"(E) RIGHTS OF THIRD-PARTY CREDITORS.—

"(i) AGAINST UNITED STATES GOVERNMENT.—A third-party creditor of the obligor shall not have any right against the United States Government with respect to any draw on the line of credit.

"(ii) ASSIGNMENT.—An obligor may assign the line of credit to one or more lenders or to a trustee on the lender's behalf.

"(F) SUBORDINATION.—A direct loan under this subsection may be subordinate to claims of other holders of obligations in the event of bankruptcy, insolvency, or liquidation of the obligor as determined appropriate by the Secretary.

"(G) FEES.—The Secretary, subject to appropriations, may establish fees at a level sufficient to cover all of a portion of the administrative costs to the United States Government of providing a line of credit under this subsection. The proceeds of such fees shall be deposited in an account to be used by the Secretary for the purpose of administering the program established under this subchapter and shall be available upon deposit until expended.

"(3) REPAYMENT.—

"(A) SCHEDULE.—The Secretary shall establish a repayment schedule for each direct loan under this subsection.

Deadline.

"(B) COMMENCEMENT.—Scheduled loan repayments of principal or interest on a direct loan under this subsection shall commence no later than 3 years after the date of the first draw on the line of credit and shall be repaid, with interest, not later than 18 years after the date of the first draw.

"(e) RISK ASSESSMENT.—Before entering into an agreement under this section to make available a Federal credit instrument, the Secretary, in consultation with the Director of the Office of Management and Budget, shall determine an appropriate capital reserve subsidy amount for the Federal credit instrument based on such credit evaluations as the Secretary deems necessary.

"(f) CONDITIONS.—Subject to subsection (h), the Secretary may only make a Federal credit instrument available under this section if the Secretary finds that—

"(1) the aircraft to be purchased with the Federal credit instrument is a regional jet aircraft needed to improve the service and efficiency of operation of a commuter air carrier or new entrant air carrier;

"(2) the commuter air carrier or new entrant air carrier enters into a legally binding agreement that requires the carrier to use the aircraft to provide service to underserved markets; and

"(3) the prospective earning power of the commuter air carrier or new entrant air carrier, together with the character and value of the security pledged, including the collateral value of the aircraft being acquired and any other assets or pledges used to secure the Federal credit instrument, furnish—

"(A) reasonable assurances of the air carrier's ability and intention to repay the Federal credit instrument within the terms established by the Secretary—

"(i) to continue its operations as an air carrier; and

"(ii) to the extent that the Secretary determines to be necessary, to continue its operations as an air carrier between the same route or routes being operated by the air carrier at the time of the issuance of the Federal credit instrument; and

"(B) reasonable protection to the United States.

"(g) LIMITATION ON COMBINED AMOUNT OF FEDERAL CREDIT INSTRUMENTS.—The Secretary shall not allow the combined amount of Federal credit instruments available for any aircraft purchase under this section to exceed—

"(1) 50 percent of the cost of the aircraft purchase; or

"(2) $100,000,000 for any single obligor.

"(h) REQUIREMENT.—Subject to subsection (i), no Federal credit instrument may be made under this section for the purchase of any regional jet aircraft that does not comply with the stage 3 noise levels of part 36 of title 14 of the Code of Federal Regulations, as in effect on January 1, 1999.

"(i) OTHER LIMITATIONS.—No Federal credit instrument shall be made by the Secretary under this section for the purchase of a regional jet aircraft unless the commuter air carrier or new entrant air carrier enters into a legally binding agreement that requires the carrier to provide scheduled passenger air transportation to the underserved market for which the aircraft is purchased for a period of not less than 36 consecutive months after the date that aircraft is placed in service.

"§ 41764. Use of Federal facilities and assistance

"(a) USE OF FEDERAL FACILITIES.—To permit the Secretary of Transportation to make use of such expert advice and services as the Secretary may require in carrying out this subchapter, the Secretary may use available services and facilities of other agencies and instrumentalities of the United States Government—

"(1) with the consent of the appropriate Federal officials; and

"(2) on a reimbursable basis.

"(b) ASSISTANCE.—The head of each appropriate department or agency of the United States Government shall exercise the duties and powers of that head in such manner as to assist in carrying out the policy specified in section 41761.

"(c) OVERSIGHT.—The Secretary shall make available to the Comptroller General of the United States such information with respect to any Federal credit instrument made under this subchapter as the Comptroller General may require to carry out the duties of the Comptroller General under chapter 7 of title 31, United States Code.

"§ 41765. Administrative expenses

"In carrying out this subchapter, the Secretary shall use funds made available by appropriations to the Department of Transportation for the purpose of administration, in addition to the proceeds of any fees collected under this subchapter, to cover administrative expenses of the Federal credit instrument program under this subchapter.

"§ 41766. Funding

"Of the amounts appropriated under section 106(k) for each of fiscal years 2001 through 2003, such sums as may be necessary may be used to carry out this subchapter, including administrative expenses.

"§ 41767. Termination

"(a) AUTHORITY TO ISSUE FEDERAL CREDIT INSTRUMENTS.—The authority of the Secretary of Transportation to issue Federal credit instruments under section 41763 shall terminate on the date that is 5 years after the date of the enactment of this subchapter.

"(b) CONTINUATION OF AUTHORITY TO ADMINISTER PROGRAM FOR EXISTING FEDERAL CREDIT INSTRUMENTS.—On and after the termination date, the Secretary shall continue to administer the

program established under this subchapter for Federal credit instruments issued under this subchapter before the termination date until all obligations associated with such instruments have been satisfied.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 417 is amended by adding at the end the following:

"SUBCHAPTER III—REGIONAL AIR SERVICE INCENTIVE PROGRAM

"Sec.
"41761. Purpose.
"41762. Definitions.
"41763. Federal credit instruments.
"41764. Use of Federal facilities and assistance.
"41765. Administrative expenses.
"41766. Funding.
"41767. Termination.".

Subtitle B—Airline Customer Service

SEC. 221. CONSUMER NOTIFICATION OF E-TICKET EXPIRATION DATES.

Section 41712 is amended—

(1) by inserting "(a) IN GENERAL.—" before "On"; and

(2) by adding at the end the following:

"(b) E-TICKET EXPIRATION NOTICE.—It shall be an unfair or deceptive practice under subsection (a) for any air carrier, foreign air carrier, or ticket agent utilizing electronically transmitted tickets for air transportation to fail to notify the purchaser of such a ticket of its expiration date, if any.".

SEC. 222. INCREASED PENALTY FOR VIOLATION OF AVIATION CONSUMER PROTECTION LAWS.

(a) IN GENERAL.—Section 46301(a) is amended by adding at the end the following:

"(7) CONSUMER PROTECTION.—Notwithstanding paragraphs (1) and (4), the maximum civil penalty for violating section 40127 or 41712 (including a regulation prescribed or order issued under such section) or any other regulation prescribed by the Secretary that is intended to afford consumer protection to commercial air transportation passengers, shall be $2,500 for each violation.".

(b) TECHNICAL AMENDMENT.—Paragraph (6) of section 46301(a) is amended—

(1) by inserting "AIR SERVICE TERMINATION NOTICE.—" before "Notwithstanding"; and

(2) by aligning the left margin of such paragraph with paragraph (5) of such section.

SEC. 223. FUNDING OF ENFORCEMENT OF AIRLINE CONSUMER PROTECTIONS.

There are authorized to be appropriated to the Secretary for the purpose of ensuring compliance with, and enforcing, the rights of air travelers under sections 40127, 41705, and 41712 of title 49, United States Code—

(1) $2,300,000 for fiscal year 2000;

(2) $2,415,000 for fiscal year 2001;

(3) $2,535,750 for fiscal year 2002; and

(4) $2,662,500 for fiscal year 2003.

SEC. 224. AIRLINE CUSTOMER SERVICE REPORTS. Deadlines.

(a) SECRETARY TO REPORT PLANS RECEIVED.—Not later than September 15, 1999, each air carrier that provides scheduled passenger air transportation and that is a member of the Air Transport Association, all of which have entered into the voluntary customer service commitments established by the Association on June 17, 1999 (in this section referred to as the "Airline Customer Service Commitment"), shall provide a copy of its individual customer service plan to the Secretary. Upon receipt of each individual plan, the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives notice of receipt of the plan, together with a copy of the plan.

(b) IMPLEMENTATION.—The Inspector General of the Department of Transportation shall monitor the implementation of any plan submitted by an air carrier to the Secretary under subsection (a) and evaluate the extent to which the carrier has met its commitments under its plan. The carrier shall provide such information to the Inspector General as may be necessary for the Inspector General to prepare the report required by subsection (c).

(c) REPORTS TO CONGRESS.—

(1) INTERIM REPORT.—

(A) IN GENERAL.—Not later than June 15, 2000, the Inspector General shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report containing the Inspector General's findings under subsection (b).

(B) CONTENTS.—The report shall include a status report on completion, publication, and implementation of the Airline Customer Service Commitment and the individual air carrier's plans to carry it out. The report shall also include a review of whether each air carrier described in subsection (a) has modified its contract of carriage or conditions of contract to reflect each item of the Airline Customer Service Commitment.

(2) FINAL REPORT; RECOMMENDATIONS.—

(A) IN GENERAL.—Not later than December 31, 2000, the Inspector General shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a final report on the effectiveness of the Airline Customer Service Commitment and the individual air carrier plans to carry it out, including recommendations for improving accountability, enforcement, and consumer protections afforded to commercial air passengers.

(B) SPECIFIC CONTENT.—In the final report under subparagraph (A), the Inspector General shall include the following:

(i) An evaluation of each carrier's plan as to whether it is consistent with the voluntary commitments established by the Air Transport Association in the Airline Customer Service Commitment.

(ii) An evaluation of each carrier as to the extent to which, and the manner in which, it has performed in carrying out its plan.

(iii) A description, by air carrier, of how the air carrier has implemented each commitment covered by its plan.

(iv) An analysis, by air carrier, of the methods of meeting each such commitment and, in such analysis, provide information that allows consumers to make decisions on the quality of air transportation provided by such carriers.

(v) A comparison of each air carrier's plan and the implementation of that plan with the customer service provided by a representative sampling of other air carriers providing scheduled passenger air transportation with aircraft similar in size to the aircraft used by the carrier that submitted a plan so as to allow consumers to make decisions as to the relative quality of air transportation provided by each group of carriers. In making this comparison, the Inspector General shall give due regard to the differences in the fares charged and the size of the air carriers being compared.

SEC. 225. INCREASED FINANCIAL RESPONSIBILITY FOR LOST BAGGAGE.

Deadline.

Not later than 30 days after the date of the enactment of this Act, the Secretary shall initiate a rulemaking to increase the domestic baggage liability limit in part 254 of title 14, Code of Federal Regulations.

SEC. 226. COMPTROLLER GENERAL INVESTIGATION.

(a) STUDY.—The Comptroller General shall conduct a study on the potential effects on aviation consumers, including the impact on fares and service to small communities, of a requirement that air carriers permit a ticketed passenger to use any portion of a multiple-stop or round-trip air fare for transportation independent of any other portion without penalty.

Deadline.

(b) REPORT.—Not later than June 15, 2000, the Comptroller General shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the study.

SEC. 227. AIRLINE SERVICE QUALITY PERFORMANCE REPORTS.

(a) MODIFICATION OF REPORTS.—In consultation with the task force to be established under subsection (b), the Secretary shall modify the regulations in part 234 of title 14, Code of Federal Regulations, relating to airline service quality performance reports, to disclose more fully to the public the nature and source of delays and cancellations experienced by air travelers.

Deadline.

(b) TASK FORCE.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall establish a task force including officials of the Federal Aviation Administration and representatives of airline consumers and air carriers to develop alternatives and criteria for the modifications to be made under subsection (a).

(c) USE OF CATEGORIES.—In making modifications under subsection (a), the Secretary shall—

(1) establish categories that reflect the reasons for delays and cancellations experienced by air travelers;

(2) require air carriers to use such categories in submitting information to be included in airline service quality performance reports; and

(3) use such categories in reports of the Department of Transportation on information received in airline service quality performance reports.

SEC. 228. NATIONAL COMMISSION TO ENSURE CONSUMER INFORMATION AND CHOICE IN THE AIRLINE INDUSTRY.

(a) ESTABLISHMENT.—There is established a commission to be known as the "National Commission to Ensure Consumer Information and Choice in the Airline Industry" (in this section referred to as the "Commission").

(b) DUTIES.—

(1) STUDY.—The Commission shall undertake a study of—

(A) whether the financial condition of travel agents is declining and, if so, the effect that this will have on consumers; and

(B) whether there are impediments to information regarding the services and products offered by the airline industry and, if so, the effects of those impediments on travel agents, Internet-based distributors, and consumers.

(2) SMALL TRAVEL AGENTS.—In conducting the study, the Commission shall pay special attention to the condition of travel agencies with $1,000,000 or less in annual revenues.

(c) RECOMMENDATIONS.—Based on the results of the study under subsection (b), the Commission shall make such recommendations as it considers necessary to improve the condition of travel agents, especially travel agents described in subsection (b)(2), and to improve consumer access to travel information.

(d) MEMBERSHIP.—

(1) APPOINTMENT.—The Commission shall be composed of nine members as follows:

(A) Three members appointed by the Secretary.

(B) Two members appointed by the Speaker of the House of Representatives.

(C) One member appointed by the minority leader of the House of Representatives.

(D) Two members appointed by the majority leader of the Senate.

(E) One member appointed by the minority leader of the Senate.

(2) QUALIFICATIONS.—Of the members appointed by the Secretary under paragraph (1)(A)—

(A) one member shall be a representative of the travel agent industry;

(B) one member shall be a representative of the airline industry; and

(C) one member shall be an individual who is not a representative of either of the industries referred to in subparagraphs (A) and (B).

(3) TERMS.—Members shall be appointed for the life of the Commission.

(4) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(5) TRAVEL EXPENSES.—Members shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(6) CHAIRPERSON.—The member appointed by the Secretary of Transportation under paragraph (2)(C) shall serve as the Chairperson of the Commission (referred to in this section as the "Chairperson").

(e) COMMISSION PANELS.—The Chairperson shall establish such panels consisting of members of the Commission as the Chairperson determines appropriate to carry out the functions of the Commission.

(f) STAFF.—The Commission may appoint and fix the pay of such personnel as it considers appropriate.

(g) STAFF OF FEDERAL AGENCIES.—Upon request of the Commission, the head of any department or agency of the United States may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this section.

(h) OTHER STAFF AND SUPPORT.—Upon the request of the Commission, or a panel of the Commission, the Secretary of Transportation shall provide the Commission or panel with professional and administrative staff and other support, on a reimbursable basis, to assist the Commission or panel in carrying out its responsibilities.

(i) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information (other than information required by any statute of the United States to be kept confidential by such department or agency) necessary for the Commission to carry out its duties under this section. Upon request of the Commission, the head of that department or agency shall furnish such nonconfidential information to the Commission.

Deadline.

(j) REPORT.—Not later than 6 months after the date on which initial appointments of members to the Commission are completed, the Commission shall transmit to the President and Congress a report on the activities of the Commission, including recommendations made by the Commission under subsection (c).

(k) TERMINATION.—The Commission shall terminate on the 30th day following the date of transmittal of the report under subsection (j).

(l) APPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

Subtitle C—Competition

SEC. 231. CHANGES IN, AND PHASE-OUT OF, SLOT RULES.

(a) RULES THAT APPLY TO ALL SLOT EXEMPTION REQUESTS.—

(1) PROMPT CONSIDERATION OF REQUESTS.—Section 41714(i) is amended to read as follows:

"(i) 60-DAY APPLICATION PROCESS.—

"(1) REQUEST FOR SLOT EXEMPTIONS.—Any slot exemption request filed with the Secretary under this section or section 41716 or 41717 (other than subsection (c)) shall include—

"(A) the names of the airports to be served;

"(B) the times requested; and

"(C) such additional information as the Secretary may require.

"(2) ACTION ON REQUEST; FAILURE TO ACT.—Within 60 days after a slot exemption request under this section or section 41716 or 41717 (other than subsection (c)) is received by the Secretary, the Secretary shall—

"(A) approve the request if the Secretary determines that the requirements of the section under which the request is made are met;

"(B) return the request to the applicant for additional information relating to the request to provide air transportation; or

"(C) deny the request and state the reasons for its denial.

"(3) 60-DAY PERIOD TOLLED FOR TIMELY REQUEST FOR MORE INFORMATION.—If the Secretary returns under paragraph (2)(B) the request for additional information during the first 20 days after the request is filed, then the 60-day period under paragraph (2) shall be tolled until the date on which the additional information is filed with the Secretary.

"(4) FAILURE TO DETERMINE DEEMED APPROVAL.—If the Secretary neither approves the request under paragraph (2)(A) nor denies the request under paragraph (2)(C) within the 60-day period beginning on the date the request is received, excepting any days during which the 60-day period is tolled under paragraph (3), then the request is deemed to have been approved on the 61st day, after the request was filed with the Secretary.".

(2) EXEMPTIONS MAY NOT BE TRANSFERRED.—Section 41714 is further amended by adding at the end the following:

"(j) EXEMPTIONS MAY NOT BE TRANSFERRED.—No exemption from the requirements of subparts K and S of part 93 of title 14, Code of Federal Regulations, granted under this section or section 41716, 41717, or 41718 may be bought, sold, leased, or otherwise transferred by the carrier to which it is granted.".

(3) EQUAL TREATMENT OF AFFILIATED CARRIERS.—Section 41714 (as amended by paragraph (2) of this subsection) is further amended by adding at the end the following:

"(k) AFFILIATED CARRIERS.—For purposes of this section and sections 41716, 41717, and 41718, an air carrier that operates under the same designator code, or has or enters into a code-share agreement, with any other air carrier shall not qualify for a new slot or slot exemption as a new entrant or limited incumbent air carrier at an airport if the total number of slots and slot exemptions held by the two carriers at the airport exceed 20 slots and slot exemptions.".

(4) NEW ENTRANT SLOTS.—Section 41714(c) is amended—

(A) by striking the subsection designation and heading and "(1) IN GENERAL.—If the Secretary" and inserting the following:

"(c) SLOTS FOR NEW ENTRANTS.—If the Secretary";

(B) by striking "and the circumstances to be exceptional"; and

(C) by striking paragraph (2).

(5) DEFINITIONS.—Section 41714(h) is amended—

(A) by striking "and section 41734(h)" and inserting "and sections 41715–41718 and 41734(h)";

(B) in paragraph (3) by striking "as defined" and all that follows through "Federal Regulations"; and

(C) by adding at the end the following:

"(5) LIMITED INCUMBENT AIR CARRIER.—The term 'limited incumbent air carrier' has the meaning given that term in subpart S of part 93 of title 14, Code of Federal Regulations; except that—

"(A) '20' shall be substituted for '12' in sections 93.213(a)(5), 93.223(c)(3), and 93.225(h);

"(B) for purposes of such sections, the term 'slot' shall include 'slot exemptions'; and

"(C) for Ronald Reagan Washington National Airport, the Administrator shall not count, for the purposes of section 93.213(a)(5), slots currently held by an air carrier but leased out on a long-term basis by that carrier for use in foreign air transportation and renounced by the carrier for return to the Department of Transportation or the Federal Aviation Administration.

"(6) REGIONAL JET.—The term 'regional jet' means a passenger, turbofan-powered aircraft with a certificated maximum passenger seating capacity of less than 71.

"(7) NONHUB AIRPORT.—The term 'nonhub airport' means an airport that had less than .05 percent of the total annual boardings in the United States as determined under the Federal Aviation Administration's Primary Airport Enplanement Activity Summary for Calendar Year 1997.

"(8) SMALL HUB AIRPORT.—The term 'small hub airport' means an airport that had at least .05 percent, but less than .25 percent, of the total annual boardings in the United States as determined under the summary referred to in paragraph (7).

"(9) MEDIUM HUB AIRPORT.—The term 'medium hub airport' means an airport that each year has at least .25 percent, but less than 1.0 percent, of the total annual boardings in the United States as determined under the summary referred to in paragraph (7).".

(b) PHASE-OUT OF SLOT RULES.—Chapter 417 is amended—

(1) by redesignating sections 41715 and 41716 as sections 41719 and 41720; and

(2) by inserting after section 41714 the following:

"§ 41715. Phase-out of slot rules at certain airports

"(a) TERMINATION.—The rules contained in subparts S and K of part 93, title 14, Code of Federal Regulations, shall not apply—

"(1) after July 1, 2002, at Chicago O'Hare International Airport; and

"(2) after January 1, 2007, at LaGuardia Airport or John F. Kennedy International Airport.

"(b) STATUTORY CONSTRUCTION.—Nothing in this section and sections 41714 and 41716–41718 shall be construed—

"(1) as affecting the Federal Aviation Administration's authority for safety and the movement of air traffic; and

"(2) as affecting any other authority of the Secretary to grant exemptions under section 41714.

"(c) FACTORS TO CONSIDER.—

"(1) IN GENERAL.—Before the award of slot exemptions under sections 41714 and 41716–41718, the Secretary of Transportation may consider, among other determining factors, whether the petitioning air carrier's proposal provides the maximum benefit to the United States economy, including the number of United States jobs created by the air carrier, its suppliers, and related activities. The Secretary should give equal consideration to the consumer benefits associated with the award of such exemptions.

"(2) APPLICABILITY.—Paragraph (1) does not apply in any case in which the air carrier requesting the slot exemption is proposing to use under the exemption a type of aircraft for which there is not a competing United States manufacturer.".

(c) SPECIAL RULES AFFECTING LAGUARDIA AIRPORT AND JOHN F. KENNEDY INTERNATIONAL AIRPORT.—Chapter 417 (as amended by subsection (b) of this section) is amended by inserting after section 41715 the following:

"§ 41716. Interim slot rules at New York airports

"(a) EXEMPTIONS FOR AIR SERVICE TO SMALL AND NONHUB AIRPORTS.—Subject to section 41714(i), the Secretary of Transportation shall grant, by order, exemptions from the requirements under subparts K and S of part 93 of title 14, Code of Federal Regulations (pertaining to slots at high density airports) to any air carrier to provide nonstop air transportation, using an aircraft with a certificated maximum seating capacity of less than 71, between LaGuardia Airport or John F. Kennedy International Airport and a small hub airport or nonhub airport—

"(1) if the air carrier was not providing such air transportation during the week of November 1, 1999;

"(2) if the number of flights to be provided between such airports by the air carrier during any week will exceed the number of flights provided by the air carrier between such airports during the week of November 1, 1999; or

"(3) if the air transportation to be provided under the exemption will be provided with a regional jet as replacement of turboprop air transportation that was being provided during the week of November 1, 1999.

"(b) EXEMPTIONS FOR NEW ENTRANT AND LIMITED INCUMBENT AIR CARRIERS.—Subject to section 41714(i), the Secretary shall grant, by order, exemptions from the requirements under subparts K and S of part 93 of title 14, Code of Federal Regulations (pertaining to slots at high density airports), to any new entrant air carrier or limited incumbent air carrier to provide air transportation to or from LaGuardia Airport or John F. Kennedy International Airport if the number of slot exemptions granted under this subsection to such air carrier with respect to such airport when added to the slots and slot exemptions held by such air carrier with respect to such airport does not exceed 20.

"(c) STAGE 3 AIRCRAFT REQUIRED.—An exemption may not be granted under this section with respect to any aircraft that is not a Stage 3 aircraft (as defined by the Secretary).

"(d) PRESERVATION OF CERTAIN EXISTING SLOT-RELATED AIR SERVICE.—An air carrier that provides air transportation of passengers from LaGuardia Airport or John F. Kennedy International Airport to a small hub airport or nonhub airport, or to an airport

that is smaller than a nonhub airport, on or before the date of the enactment of this subsection pursuant to an exemption from the requirements of subparts K and S of part 93 of title 14, Code of Federal Regulations (pertaining to slots at high density airports), or where slots were issued to an air carrier conditioned on a specific airport being served, may not terminate air transportation for that route before July 1, 2003, unless—

"(1) before October 1, 1999, the Secretary received a written air service termination notice for that route; or

"(2) after September 30, 1999, the air carrier submits an air service termination notice under section 41719 for that route and the Secretary determines that the carrier suffered excessive losses, including substantial losses on operations on that route during any three quarters of the year immediately preceding the date of submission of the notice.".

(d) SPECIAL RULES AFFECTING CHICAGO O'HARE INTERNATIONAL AIRPORT.—

(1) NONSTOP REGIONAL JET, NEW ENTRANTS, AND LIMITED INCUMBENTS.—Chapter 417 (as amended by subsection (c) of this section) is further amended by inserting after section 41716 the following:

"§ 41717. Interim application of slot rules at Chicago O'Hare International Airport

"(a) SLOT OPERATING WINDOW NARROWED.—Effective July 1, 2001, the requirements of subparts K and S of part 93 of title 14, Code of Federal Regulations, do not apply with respect to aircraft operating before 2:45 post meridiem and after 8:14 post meridiem at Chicago O'Hare International Airport.

"(b) EXEMPTIONS FOR AIR SERVICE TO SMALL AND NONHUB AIRPORTS.—Effective May 1, 2000, subject to section 41714(i), the Secretary of Transportation shall grant, by order, exemptions from the requirements of subparts K and S of part 93 of title 14, Code of Federal Regulations (pertaining to slots at high density airports), to any air carrier to provide nonstop air transportation, using an aircraft with a certificated maximum seating capacity of less than 71, between Chicago O'Hare International Airport and a small hub or nonhub airport—

"(1) if the air carrier was not providing such air transportation during the week of November 1, 1999;

"(2) if the number of flights to be provided between such airports by the air carrier during any week will exceed the number of flights provided by the air carrier between such airports during the week of November 1, 1999; or

"(3) if the air transportation to be provided under the exemption will be provided with a regional jet as replacement of turboprop air transportation that was being provided during the week of November 1, 1999.

"(c) EXEMPTIONS FOR NEW ENTRANT AND LIMITED INCUMBENT AIR CARRIERS.—

"(1) IN GENERAL.—The Secretary shall grant, by order, 30 exemptions from the requirements under subparts K and S of part 93 of title 14, Code of Federal Regulations, to any new entrant air carrier or limited incumbent air carrier to provide air transportation to or from Chicago O'Hare International Airport.

"(2) DEADLINE FOR GRANTING EXEMPTIONS.—The Secretary shall grant an exemption under paragraph (1) within 45 days of the date of the request for such exemption if the person making the request qualifies as a new entrant air carrier or limited incumbent air carrier.

"(d) SLOTS USED TO PROVIDE TURBOPROP SERVICE.—

"(1) IN GENERAL.—Except as provided in paragraph (2), a slot used to provide turboprop air transportation that is replaced with regional jet air transportation under subsection (b)(3) may not be used, sold, leased, or otherwise transferred after the date the slot exemption is granted to replace the turboprop air transportation.

"(2) TWO-FOR-ONE EXCEPTION.—An air carrier that otherwise could not use 2 slots as a result of paragraph (1) may use 1 of such slots to provide air transportation.

"(3) WITHDRAWAL OF SLOT.—If the Secretary determines that an air carrier that is using a slot under paragraph (2) is no longer providing the air transportation that replaced the turboprop air transportation, the Secretary shall withdraw the slot that is being used under paragraph (2).

"(4) CONTINUATION.—If the Secretary determines that an air carrier that is using a slot under paragraph (2) is no longer providing the air transportation that replaced the turboprop air transportation with a regional jet, the Secretary shall withdraw the slot being used by the air carrier under paragraph (2) but shall allow the air carrier to continue to hold the exemption granted to the air carrier under subsection (b)(3).

"(e) INTERNATIONAL SERVICE AT O'HARE AIRPORT.—

"(1) TERMINATION OF REQUIREMENTS.—Subject to paragraph (2), the requirements of subparts K and S of part 93 of title 14, Code of Federal Regulations, shall be of no force and effect at Chicago O'Hare International Airport after May 1, 2000, with respect to any aircraft providing foreign air transportation.

"(2) EXCEPTION RELATING TO RECIPROCITY.—The Secretary may limit access to Chicago O'Hare International Airport with respect to foreign air transportation being provided by a foreign air carrier domiciled in a country to which an air carrier provides nonstop air transportation from the United States if the country in which that carrier is domiciled does not provide reciprocal airport access for air carriers.

"(f) STAGE 3 AIRCRAFT REQUIRED.—An exemption may not be granted under this section with respect to any aircraft that is not a Stage 3 aircraft (as defined by the Secretary).

"(g) PRESERVATION OF CERTAIN EXISTING SLOT-RELATED AIR SERVICE.—An air carrier that provides air transportation of passengers from Chicago O'Hare International Airport to a small hub airport or nonhub airport, or to an airport that is smaller than a nonhub airport, on or before the date of the enactment of this subsection pursuant to an exemption from the requirements of subparts K and S of part 93 of title 14, Code of Federal Regulations (pertaining to slots at high density airports), or where slots were issued to an air carrier conditioned on a specific airport being served, may not terminate air transportation service for that route for a period of 1 year after the date on which those requirements cease to apply to such airport unless—

"(1) before October 1, 1999, the Secretary received a written air service termination notice for that route; or

"(2) after September 30, 1999, the air carrier submits an air service termination notice under section 41719 for that route and the Secretary determines that the carrier suffered excessive losses, including substantial losses on operations on that route during the calendar quarters immediately preceding submission of the notice.".

(2) ELIMINATION OF BASIC ESSENTIAL AIR SERVICE EXEMPTION LIMIT.—Section 41714(a)(3) is amended by striking "; except that" and all that follows through "132 slots".

(3) PROHIBITION OF SLOT WITHDRAWALS.—Section 41714(b)(2) is amended—

(A) by inserting "at Chicago O'Hare International Airport" after "a slot"; and

(B) by striking "if the withdrawal" and all that follows through "1993".

(4) CONVERSIONS.—Section 41714(b)(4) is amended to read as follows:

Effective date.

"(4) CONVERSIONS OF SLOTS.—Effective May 1, 2000, slots at Chicago O'Hare International Airport allocated to an air carrier as of November 1, 1999, to provide foreign air transportation shall be made available to such carrier to provide interstate or intrastate air transportation.".

49 USC 41714 note.

(5) RETURN OF WITHDRAWN SLOTS.—The Secretary shall return any slot withdrawn from an air carrier under section 41714(b) of title 49, United States Code, before the date of the enactment of this Act, to that carrier on April 30, 2000.

(e) SPECIAL RULES AFFECTING REAGAN WASHINGTON NATIONAL AIRPORT.—

(1) IN GENERAL.—Chapter 417 (as amended by subsection (d) of this section) is further amended by inserting after section 41717 the following:

"§ 41718. Special rules for Ronald Reagan Washington National Airport

"(a) BEYOND-PERIMETER EXEMPTIONS.—The Secretary shall grant, by order, 12 exemptions from the application of sections 49104(a)(5), 49109, 49111(e), and 41714 of this title to air carriers to operate limited frequencies and aircraft on select routes between Ronald Reagan Washington National Airport and domestic hub airports and exemptions from the requirements of subparts K and S of part 93, Code of Federal Regulations, if the Secretary finds that the exemptions will—

"(1) provide air transportation with domestic network benefits in areas beyond the perimeter described in that section;

"(2) increase competition by new entrant air carriers or in multiple markets;

"(3) not reduce travel options for communities served by small hub airports and medium hub airports within the perimeter described in section 49109; and

"(4) not result in meaningfully increased travel delays.

"(b) WITHIN-PERIMETER EXEMPTIONS.—The Secretary shall grant, by order, 12 exemptions from the requirements of sections 49104(a)(5), 49111(e), and 41714 of this title and subparts K and S of part 93 of title 14, Code of Federal Regulations, to air carriers for providing air transportation to airports that were designated

as medium hub or smaller airports within the perimeter established for civil aircraft operations at Ronald Reagan Washington National Airport under section 49109. The Secretary shall develop criteria for distributing slot exemptions for flights within the perimeter to such airports under this paragraph in a manner that promotes air transportation—

"(1) by new entrant air carriers and limited incumbent air carriers;

"(2) to communities without existing nonstop air transportation to Ronald Reagan Washington National Airport;

"(3) to small communities;

"(4) that will provide competitive nonstop air transportation on a monopoly nonstop route to Ronald Reagan Washington National Airport; or

"(5) that will produce the maximum competitive benefits, including low fares.

"(c) LIMITATIONS.—

"(1) STAGE 3 AIRCRAFT REQUIRED.—An exemption may not be granted under this section with respect to any aircraft that is not a Stage 3 aircraft (as defined by the Secretary).

"(2) GENERAL EXEMPTIONS.—The exemptions granted under subsections (a) and (b) may not be for operations between the hours of 10:00 p.m. and 7:00 a.m. and may not increase the number of operations at Ronald Reagan Washington National Airport in any 1-hour period during the hours between 7:00 a.m. and 9:59 p.m. by more than two operations.

"(3) ALLOCATION OF WITHIN-PERIMETER EXEMPTIONS.—Of the exemptions granted under subsection (b)—

"(A) four shall be for air transportation to small hub airports and nonhub airports; and

"(B) eight shall be for air transportation to medium hub and smaller airports.

"(4) APPLICABILITY TO EXEMPTION NO. 5133.—Nothing in this section affects Exemption No. 5133, as from time-to-time amended and extended.

"(d) APPLICATION PROCESS.—

"(1) DEADLINE FOR SUBMISSION.—All requests for exemptions under this section must be submitted to the Secretary not later than the 30th day following the date of the enactment of this subsection.

"(2) DEADLINE FOR COMMENTS.—All comments with respect to any request for an exemption under this section must be submitted to the Secretary not later than the 45th day following the date of the enactment of this subsection.

"(3) DEADLINE FOR FINAL DECISION.—Not later than the 90th day following the date of the enactment of this Act, the Secretary shall make a decision regarding whether to approve or deny any request that is submitted to the Secretary in accordance with paragraph (1).

"(e) APPLICABILITY OF CERTAIN LAWS.—Neither the request for, nor the granting of an exemption, under this section shall be considered for purposes of any Federal law a major Federal action significantly affecting the quality of the human environment.".

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

"(D) Subparagraph (C) does not apply to any increase in the number of instrument flight rule takeoffs and landings

necessary to implement exemptions granted by the Secretary under section 41718.".

(3) MWAA NOISE-RELATED GRANT ASSURANCES.—

(A) IN GENERAL.—In addition to any condition for approval of an airport development project that is the subject of a grant application submitted to the Secretary under chapter 471 of title 49, United States Code, by the Metropolitan Washington Airports Authority, the Authority shall be required to submit a written assurance that, for each such grant made for use at Ronald Reagan Washington National Airport for fiscal year 2000 or any subsequent fiscal year—

(i) the Authority will make available for that fiscal year funds for noise compatibility planning and programs that are eligible to receive funding under such chapter in an amount not less than 10 percent of the amount apportioned to the Ronald Reagan Washington National Airport under section 47114 of such title for that fiscal year; and

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

(B) WAIVER.—The Secretary may waive the requirements of subparagraph (A) for any fiscal year for which the Secretary determines that the Authority is in compliance with applicable airport noise compatibility planning and program requirements under part 150 of title 14, Code of Federal Regulations.

(C) SUNSET.—This paragraph shall cease to be in effect 5 years after the date of the enactment of this Act if on that date the Secretary certifies that the Authority has achieved compliance with applicable noise compatibility planning and program requirements under part 150 of title 14, Code of Federal Regulations.

Deadline.

(4) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall certify to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, the governments of Maryland, Virginia, and West Virginia, and the metropolitan planning organization for Washington, D.C., that noise standards, air traffic congestion, airport-related vehicular congestion, safety standards, and adequate air service to communities served by small hub airports and medium hub airports within the perimeter described in section 49109 of title 49, United States Code, have been maintained at appropriate levels.

(f) NOISE COMPATIBILITY PLANNING AND PROGRAMS.—Section 47117(e) is amended by adding at the end the following:

"(3) PRIORITY.—The Secretary shall give priority in making grants under paragraph (1)(A) to applications for airport noise compatibility planning and programs at and around—

"(A) Chicago O'Hare International Airport;

"(B) LaGuardia Airport;

"(C) John F. Kennedy International Airport; and

"(D) Ronald Reagan Washington National Airport.".

(g) STUDY OF COMMUNITY NOISE LEVELS AROUND HIGH DENSITY AIRPORTS.—The Secretary shall study community noise levels in the areas surrounding the four high-density airports in fiscal year 2001 and compare those levels with the levels in such areas before 1991.

(h) EXTENSION OF APPLICATION APPROVALS.—Section 49108 is amended by striking "2001" and inserting "2004".

(i) ELIMINATION OF DEADLINE FOR APPOINTMENT OF MEMBERS TO BOARD OF DIRECTORS.—Section 49106(c)(6) is amended by striking subparagraph (C) and by redesignating subparagraph (D) as subparagraph (C).

(j) CONFORMING AMENDMENTS.—

(1) OPERATION LIMITATIONS.—Section 49111 is amended by striking subsection (e).

(2) CHAPTER ANALYSIS.—The analysis for subchapter I of chapter 417 is amended—

(A) redesignating the items relating to sections 41715 and 41716 as items relating to sections 41719 and 41720, respectively; and

(B) by inserting after the item relating to section 41714 the following:

"41715. Phase-out of slot rules at certain airports.
"41716. Interim slot rules at New York airports.
"41717. Interim application of slot rules at Chicago O'Hare International Airport.
"41718. Special Rules for Ronald Reagan Washington National Airport.".

TITLE III—FAA MANAGEMENT REFORM

SEC. 301. AIR TRAFFIC CONTROL SYSTEM DEFINED.

Section 40102(a) is amended by adding at the end the following:

"(42) 'air traffic control system' means the combination of elements used to safely and efficiently monitor, direct, control, and guide aircraft in the United States and United States-assigned airspace, including—

"(A) allocated electromagnetic spectrum and physical, real, personal, and intellectual property assets making up facilities, equipment, and systems employed to detect, track, and guide aircraft movement;

"(B) laws, regulations, orders, directives, agreements, and licenses;

"(C) published procedures that explain required actions, activities, and techniques used to ensure adequate aircraft separation; and

"(D) trained personnel with specific technical capabilities to satisfy the operational, engineering, management, and planning requirements for air traffic control.".

SEC. 302. AIR TRAFFIC CONTROL OVERSIGHT.

(a) AVIATION MANAGEMENT ADVISORY COUNCIL.—

(1) MEMBERSHIP.—Section 106(p)(2) is amended—

(A) by striking "and" at the end of subparagraph (B); and

(B) by striking subparagraph (C) and inserting the following:

"(C) 10 members representing aviation interests, appointed by—

"(i) in the case of initial appointments to the Council, the President by and with the advice and consent of the Senate; and

"(ii) in the case of subsequent appointments to the Council, the Secretary of Transportation;

"(D) 1 member appointed, from among individuals who are the leaders of their respective unions of air traffic control system employees, by—

"(i) in the case of initial appointments to the Council, the President by and with the advice and consent of the Senate; and

"(ii) in the case of subsequent appointments to the Council, the Secretary of Transportation; and

"(E) 5 members appointed by the Secretary after consultation with the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.".

(2) QUALIFICATIONS.—Section 106(p)(3) is amended—

(A) by inserting "(A) NO FEDERAL OFFICER OR EMPLOYEE.—" before "No member";

(B) by inserting "or (2)(E)" after "paragraph (2)(C)";

(C) by adding at the end the following:

"(B) AIR TRAFFIC SERVICES SUBCOMMITTEE.—Members appointed under paragraph (2)(E) shall—

"(i) have a fiduciary responsibility to represent the public interest;

"(ii) be citizens of the United States; and

"(iii) be appointed without regard to political affiliation and solely on the basis of their professional experience and expertise in one or more of the following areas:

"(I) Management of large service organizations.

"(II) Customer service.

"(III) Management of large procurements.

"(IV) Information and communications technology.

"(V) Organizational development.

"(VI) Labor relations.

At least one of such members should have a background in managing large organizations successfully. In the aggregate, such members should collectively bring to bear expertise in all of the areas described in subclauses (I) through (VI).

"(C) PROHIBITIONS ON MEMBERS OF SUBCOMMITTEE.—No member appointed under paragraph (2)(E) may—

"(i) have a pecuniary interest in, or own stock in or bonds of, an aviation or aeronautical enterprise, except an interest in a diversified mutual fund or an interest that is exempt from the application of section 208 of title 18;

"(ii) engage in another business related to aviation or aeronautics; or

"(iii) be a member of any organization that engages, as a substantial part of its activities, in activities to influence aviation-related legislation."; and

(D) by indenting subparagraph (A) (as designated by subparagraph (A) of this paragraph) and aligning it with subparagraph (B) of such section (as added by subparagraph (C) of this paragraph).

(b) TERMS OF MEMBERS.—Section 106(p)(6) is amended—

(1) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (J), (K), and (L), respectively; and

(2) by striking subparagraph (A) and inserting the following:

"(A) TERMS OF MEMBERS APPOINTED UNDER PARAGRAPH (2)(C).—Members of the Council appointed under paragraph (2)(C) shall be appointed for a term of 3 years. Of the members first appointed by the President under paragraph (2)(C)—

"(i) 3 shall be appointed for terms of 1 year;

"(ii) 4 shall be appointed for terms of 2 years; and

"(iii) 3 shall be appointed for terms of 3 years.

"(B) TERM FOR AIR TRAFFIC CONTROL REPRESENTATIVE.—The member appointed under paragraph (2)(D) shall be appointed for a term of 3 years, except that the term of such individual shall end whenever the individual no longer meets the requirements of paragraph (2)(D).

"(C) TERMS FOR AIR TRAFFIC SERVICES SUBCOMMITTEE MEMBERS.—The member appointed under paragraph (2)(E) shall be appointed for a term of 5 years, except that of the members first appointed under paragraph (2)(E)—

"(i) 2 members shall be appointed for a term of 3 years;

"(ii) 2 members shall be appointed for a term of 4 years; and

"(iii) 1 member shall be appointed for a term of 5 years.

"(D) REAPPOINTMENT.—An individual may not be appointed under paragraph (2)(E) to more than two 5-year terms.

"(E) VACANCY.—Any vacancy on the Council shall be filled in the same manner as the original appointment, except that any vacancy caused by a member appointed by the President under paragraph (2)(C)(i) shall be filled by the Secretary in accordance with paragraph (2)(C)(ii). Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed for the remainder of that term.

"(F) CONTINUATION IN OFFICE.—A member whose term expires shall continue to serve until the date on which the member's successor takes office.

"(G) REMOVAL.—Any member of the Council appointed under paragraph (2)(D) may be removed for cause by the President or Secretary whoever makes the appointment. Any member of the Council appointed under paragraph (2)(E) may be removed for cause by the Secretary.

"(H) CLAIMS AGAINST MEMBERS OF SUBCOMMITTEE.—

"(i) IN GENERAL.—A member appointed under paragraph (2)(E) shall have no personal liability under Federal law with respect to any claim arising out of

or resulting from an act or omission by such member within the scope of service as a member of the Air Traffic Services Subcommittee.

"(ii) EFFECT ON OTHER LAW.—This subparagraph shall not be construed—

"(I) to affect any other immunity or protection that may be available to a member of the Subcommittee under applicable law with respect to such transactions;

"(II) to affect any other right or remedy against the United States under applicable law; or

"(III) to limit or alter in any way the immunities that are available under applicable law for Federal officers and employees.

"(I) ETHICAL CONSIDERATIONS.—

"(i) FINANCIAL DISCLOSURE.—During the entire period that an individual appointed under paragraph (2)(E) is a member of the Subcommittee, such individual shall be treated as serving as an officer or employee referred to in section 101(f) of the Ethics in Government Act of 1978 for purposes of title I of such Act; except that section 101(d) of such Act shall apply without regard to the number of days of service in the position.

"(ii) RESTRICTIONS ON POST-EMPLOYMENT.—For purposes of section 207(c) of title 18, an individual appointed under paragraph (2)(E) shall be treated as an employee referred to in section 207(c)(2)(A)(i) of such title during the entire period the individual is a member of the Subcommittee; except that subsections (c)(2)(B) and (f) of section 207 of such title shall not apply.".

(c) AIR TRAFFIC SERVICES SUBCOMMITTEE.—Section 106(p) is amended by adding at the end the following:

"(7) AIR TRAFFIC SERVICES SUBCOMMITTEE.—

"(A) IN GENERAL.—The Management Advisory Council shall have an air traffic services subcommittee (in this paragraph referred to as the 'Subcommittee') composed of the five members appointed under paragraph (2)(E).

"(B) GENERAL RESPONSIBILITIES.—

"(i) OVERSIGHT.—The Subcommittee shall oversee the administration, management, conduct, direction, and supervision of the air traffic control system.

"(ii) CONFIDENTIALITY.—The Subcommittee shall ensure that appropriate confidentiality is maintained in the exercise of its duties.

"(C) SPECIFIC RESPONSIBILITIES.—The Subcommittee shall have the following specific responsibilities:

"(i) STRATEGIC PLANS.—To review, approve, and monitor the strategic plan for the air traffic control system, including the establishment of—

"(I) a mission and objectives;

"(II) standards of performance relative to such mission and objectives, including safety, efficiency, and productivity; and

"(III) annual and long-range strategic plans.

"(ii) MODERNIZATION AND IMPROVEMENT.—To review and approve—

"(I) methods to accelerate air traffic control modernization and improvements in aviation safety related to air traffic control; and

"(II) procurements of air traffic control equipment in excess of $100,000,000.

"(iii) OPERATIONAL PLANS.—To review the operational functions of the air traffic control system, including—

"(I) plans for modernization of the air traffic control system;

"(II) plans for increasing productivity or implementing cost-saving measures; and

"(III) plans for training and education.

"(iv) MANAGEMENT.—To—

"(I) review and approve the Administrator's appointment of a Chief Operating Officer under section 106(r);

"(II) review the Administrator's selection, evaluation, and compensation of senior executives of the Administration who have program management responsibility over significant functions of the air traffic control system;

"(III) review and approve the Administrator's plans for any major reorganization of the Administration that would impact on the management of the air traffic control system;

"(IV) review and approve the Administrator's cost accounting and financial management structure and technologies to help ensure efficient and cost-effective air traffic control operation; and

"(V) review the performance and compensation of managers responsible for major acquisition projects, including the ability of the managers to meet schedule and budget targets.

"(v) BUDGET.—To—

"(I) review and approve the budget request of the Administration related to the air traffic control system prepared by the Administrator;

"(II) submit such budget request to the Secretary; and

"(III) ensure that the budget request supports the annual and long-range strategic plans.

The Secretary shall submit the budget request referred to in clause (v)(II) for any fiscal year to the President who shall transmit such request, without revision, to the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate, together with the President's annual budget request for the Federal Aviation Administration for such fiscal year.

"(D) SUBCOMMITTEE PERSONNEL MATTERS.—

"(i) COMPENSATION OF MEMBERS.—Each member of the Subcommittee shall be compensated at a rate of $25,000 per year.

"(ii) COMPENSATION OF CHAIRPERSON.—Notwithstanding clause (i), the chairperson of the Subcommittee shall be compensated at a rate of $40,000 per year.

"(iii) STAFF.—The chairperson of the Subcommittee may appoint and terminate any personnel that may be necessary to enable the Subcommittee to perform its duties.

"(iv) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The chairperson of the Subcommittee may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

"(E) ADMINISTRATIVE MATTERS.—

"(i) TERM OF CHAIR.—The members of the Subcommittee shall elect for a 2-year term a chairperson from among the members of the Subcommittee.

"(ii) POWERS OF CHAIR.—Except as otherwise provided by a majority vote of the Subcommittee, the powers of the chairperson shall include—

"(I) establishing committees;

"(II) setting meeting places and times;

"(III) establishing meeting agendas; and

"(IV) developing rules for the conduct of business.

"(iii) MEETINGS.—The Subcommittee shall meet at least quarterly and at such other times as the chairperson determines appropriate.

"(iv) QUORUM.—Three members of the Subcommittee shall constitute a quorum. A majority of members present and voting shall be required for the Subcommittee to take action.

"(F) REPORTS.—

"(i) ANNUAL.—The Subcommittee shall each year report with respect to the conduct of its responsibilities under this title to the Administrator, the Council, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate.

"(ii) ADDITIONAL REPORT.—If a determination by the Subcommittee under subparagraph (B)(i) that the organization and operation of the air traffic control system are not allowing the Administration to carry out its mission, the Subcommittee shall report such determination to the Administrator, the Council, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate.

Deadline.

"(iii) ACTION OF ADMINISTRATOR ON REPORT.—Not later than 60 days after the date of a report of the Subcommittee under this subparagraph, the Administrator shall take action with respect to such report. If the Administrator overturns a recommendation of the Subcommittee, the Administrator shall report such action to the President, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate.

"(iv) COMPTROLLER GENERAL'S REPORT.—Not later than April 30, 2003, the Comptroller General of the United States shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the success of the Subcommittee in improving the performance of the air traffic control system.

"(8) AIR TRAFFIC CONTROL SYSTEM DEFINED.—In this section, the term 'air traffic control system' has the meaning such term has under section 40102(a).".

(d) EFFECTIVE DATES.— 49 USC 106 note.

(1) IN GENERAL.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(2) INITIAL NOMINATIONS TO AIR TRAFFIC SERVICES SUBCOMMITTEE.—The Secretary shall make the initial appointments of the Air Traffic Services Subcommittee of the Aviation Management Advisory Council not later than 3 months after the date of the enactment of this Act. Deadline.

(3) EFFECT ON ACTIONS PRIOR TO APPOINTMENT OF SUBCOMMITTEE.—Nothing in this section shall be construed to invalidate the actions and authority of the Federal Aviation Administration prior to the appointment of the members of the Air Traffic Services Subcommittee.

SEC. 303. CHIEF OPERATING OFFICER.

Section 106 is amended by adding at the end the following:

"(r) CHIEF OPERATING OFFICER.—

"(1) IN GENERAL.—

"(A) APPOINTMENT.—There shall be a Chief Operating Officer for the air traffic control system to be appointed by the Administrator, with the approval of the Air Traffic Services Subcommittee of the Aviation Management Advisory Council. The Chief Operating Officer shall report directly to the Administrator and shall be subject to the authority of the Administrator.

"(B) QUALIFICATIONS.—The Chief Operating Officer shall have a demonstrated ability in management and knowledge of or experience in aviation.

"(C) TERM.—The Chief Operating Officer shall be appointed for a term of 5 years.

"(D) REMOVAL.—The Chief Operating Officer shall serve at the pleasure of the Administrator, except that the Administrator shall make every effort to ensure stability and continuity in the leadership of the air traffic control system.

"(E) VACANCY.—Any individual appointed to fill a vacancy in the position of Chief Operating Officer occurring before the expiration of the term for which the individual's predecessor was appointed shall be appointed for the remainder of that term.

"(2) COMPENSATION.—

"(A) IN GENERAL.—The Chief Operating Officer shall be paid at an annual rate of basic pay equal to the annual rate of basic pay of the Administrator. The Chief Operating Officer shall be subject to the post-employment provisions

of section 207 of title 18 as if this position were described in section 207(c)(2)(A)(i) of that title.

"(B) BONUS.—In addition to the annual rate of basic pay authorized by subparagraph (A), the Chief Operating Officer may receive a bonus for any calendar year not to exceed 30 percent of the annual rate of basic pay, based upon the Administrator's evaluation of the Chief Operating Officer's performance in relation to the performance goals set forth in the performance agreement described paragraph (3).

"(3) ANNUAL PERFORMANCE AGREEMENT.—The Administrator and the Chief Operating Officer, in consultation with the Air Traffic Control Subcommittee of the Aviation Management Advisory Committee, shall enter into an annual performance agreement that sets forth measurable organization and individual goals for the Chief Operating Officer in key operational areas. The agreement shall be subject to review and renegotiation on an annual basis.

"(4) ANNUAL PERFORMANCE REPORT.—The Chief Operating Officer shall prepare and transmit to the Secretary of Transportation and Congress an annual management report containing such information as may be prescribed by the Secretary.

"(5) RESPONSIBILITIES.—The Administrator may delegate to the Chief Operating Officer, or any other authority within the Administration responsibilities, including the following:

"(A) STRATEGIC PLANS.—To develop a strategic plan of the Administration for the air traffic control system, including the establishment of—

"(i) a mission and objectives;

"(ii) standards of performance relative to such mission and objectives, including safety, efficiency, and productivity;

"(iii) annual and long-range strategic plans; and

"(iv) methods of the Administration to accelerate air traffic control modernization and improvements in aviation safety related to air traffic control.

"(B) OPERATIONS.—To review the operational functions of the Administration, including—

"(i) modernization of the air traffic control system;

"(ii) increasing productivity or implementing cost-saving measures; and

"(iii) training and education.

"(C) BUDGET.—To—

"(i) develop a budget request of the Administration related to the air traffic control system prepared by the Administrator;

"(ii) submit such budget request to the Administrator and the Secretary of Transportation; and

"(iii) ensure that the budget request supports the annual and long-range strategic plans developed under subparagraph (A) of this subsection.".

49 USC 44505 note.

SEC. 304. PILOT PROGRAM TO PERMIT COST-SHARING OF AIR TRAFFIC MODERNIZATION PROJECTS.

(a) PURPOSE.—It is the purpose of this section to improve aviation safety and enhance mobility of the Nation's air transportation

system by encouraging non-Federal investment on a pilot program basis in critical air traffic control facilities and equipment.

(b) IN GENERAL.—Subject to the requirements of this section, the Secretary shall carry out a pilot program under which the Secretary may make grants to project sponsors for not more than 10 eligible projects.

(c) FEDERAL SHARE.—The Federal share of the cost of an eligible project carried out under the program shall not exceed 33 percent. The non-Federal share of the cost of an eligible project shall be provided from non-Federal sources, including revenues collected pursuant to section 40117 of title 49, United States Code.

(d) LIMITATION ON GRANT AMOUNTS.—No eligible project may receive more than $15,000,000 under the program.

(e) FUNDING.—The Secretary shall use amounts appropriated under section 48101(a) of title 49, United States Code, for fiscal years 2001 through 2003 to carry out the program.

(f) DEFINITIONS.—In this section, the following definitions apply:

(1) ELIGIBLE PROJECT.—The term "eligible project" means a project relating to the Nation's air traffic control system that is certified or approved by the Administrator and that promotes safety, efficiency, or mobility. Such projects may include—

(A) airport-specific air traffic facilities and equipment, including local area augmentation systems, instrument landings systems, weather and wind shear detection equipment, lighting improvements, and control towers;

(B) automation tools to effect improvements in airport capacity, including passive final approach spacing tools and traffic management advisory equipment; and

(C) facilities and equipment that enhance airspace control procedures, including consolidation of terminal radar control facilities and equipment, or assist in en route surveillance, including oceanic and offshore flight tracking.

(2) PROJECT SPONSOR.—The term "project sponsor" means a public-use airport or a joint venture between a public-use airport and one or more air carriers.

(g) TRANSFERS OF EQUIPMENT.—Notwithstanding any other provision of law, project sponsors may transfer, without consideration, to the Federal Aviation Administration, facilities, equipment, and automation tools, the purchase of which was assisted by a grant made under this section. The Administration shall accept such facilities, equipment, and automation tools, which shall thereafter be operated and maintained by the Administration in accordance with criteria of the Administration.

(h) GUIDELINES.—Not later than 90 days after the date of the enactment of this Act, the Administrator shall issue advisory guidelines on the implementation of the program. Deadline.

SEC. 305. CLARIFICATION OF REGULATORY APPROVAL PROCESS.

Section 106(f)(3)(B)(i) is amended—

(1) by striking "$100,000,000" each place it appears and inserting "$250,000,000";

(2) by striking "Air Traffic Management System Performance Improvement Act of 1996" and inserting "Wendell H. Ford Aviation Investment and Reform Act for the 21st Century";

(3) in subclause (I)—

(A) by inserting "substantial and" before "material"; and

(B) by inserting "or" after the semicolon at the end; and

(4) by striking subclauses (II), (III), and (IV) and inserting the following:

"(II) raise novel or significant legal or policy issues arising out of legal mandates that may substantially and materially affect other transportation modes.".

SEC. 306. FAILURE TO MEET RULEMAKING DEADLINE.

Section 106(f)(3)(A) is amended by adding at the end the following: "On February 1 and August 1 of each year the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a letter listing each deadline the Administrator missed under this subparagraph during the 6-month period ending on such date, including an explanation for missing the deadline and a projected date on which the action that was subject to the deadline will be taken.".

SEC. 307. FAA PERSONNEL AND ACQUISITION MANAGEMENT SYSTEMS.

(a) PERSONNEL MANAGEMENT SYSTEM.—Section 40122 is amended by adding at the end the following:

"(g) PERSONNEL MANAGEMENT SYSTEM.—

"(1) IN GENERAL.—In consultation with the employees of the Administration and such non-governmental experts in personnel management systems as he may employ, and notwithstanding the provisions of title 5 and other Federal personnel laws, the Administrator shall develop and implement, not later than January 1, 1996, a personnel management system for the Administration that addresses the unique demands on the agency's workforce. Such a new system shall, at a minimum, provide for greater flexibility in the hiring, training, compensation, and location of personnel.

"(2) APPLICABILITY OF TITLE 5.—The provisions of title 5 shall not apply to the new personnel management system developed and implemented pursuant to paragraph (1), with the exception of—

"(A) section 2302(b), relating to whistleblower protection, including the provisions for investigation and enforcement as provided in chapter 12 of title 5;

"(B) sections 3308–3320, relating to veterans' preference;

"(C) chapter 71, relating to labor-management relations;

"(D) section 7204, relating to antidiscrimination;

"(E) chapter 73, relating to suitability, security, and conduct;

"(F) chapter 81, relating to compensation for work injury;

"(G) chapters 83–85, 87, and 89, relating to retirement, unemployment compensation, and insurance coverage; and

"(H) sections 1204, 1211–1218, 1221, and 7701–7703, relating to the Merit Systems Protection Board.

"(3) APPEALS TO MERIT SYSTEMS PROTECTION BOARD.—Under the new personnel management system developed and

implemented under paragraph (1), an employee of the Administration may submit an appeal to the Merit Systems Protection Board and may seek judicial review of any resulting final orders or decisions of the Board from any action that was appealable to the Board under any law, rule, or regulation as of March 31, 1996.

"(4) EFFECTIVE DATE.—This subsection shall take effect on April 1, 1996.".

(b) ACQUISITION MANAGEMENT SYSTEM.—Section 40110 is amended by adding at the end the following:

"(d) ACQUISITION MANAGEMENT SYSTEM.—

"(1) IN GENERAL.—In consultation with such non-governmental experts in acquisition management systems as the Administrator may employ, and notwithstanding provisions of Federal acquisition law, the Administrator shall develop and implement, not later than January 1, 1996, an acquisition management system for the Administration that addresses the unique needs of the agency and, at a minimum, provides for more timely and cost-effective acquisitions of equipment and materials. Deadline.

"(2) APPLICABILITY OF FEDERAL ACQUISITION LAW.—The following provisions of Federal acquisition law shall not apply to the new acquisition management system developed and implemented pursuant to paragraph (1):

"(A) Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252–266).

"(B) The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.).

"(C) The Federal Acquisition Streamlining Act of 1994 (Public Law 103–355).

"(D) The Small Business Act (15 U.S.C. 631 et seq.), except that all reasonable opportunities to be awarded contracts shall be provided to small business concerns and small business concerns owned and controlled by socially and economically disadvantaged individuals.

"(E) The Competition in Contracting Act.

"(F) Subchapter V of chapter 35 of title 31, relating to the procurement protest system.

"(G) The Brooks Automatic Data Processing Act (40 U.S.C. 759).

"(H) The Federal Acquisition Regulation and any laws not listed in subparagraphs (A) through (G) providing authority to promulgate regulations in the Federal Acquisition Regulation.

"(3) CERTAIN PROVISIONS OF THE OFFICE OF FEDERAL PROCUREMENT POLICY ACT.—Notwithstanding paragraph (2)(B), section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423) shall apply to the new acquisition management system developed and implemented under paragraph (1) with the following modifications:

"(A) Subsections (f) and (g) shall not apply.

"(B) Within 90 days after the date of the enactment of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, the Administrator shall adopt definitions for the acquisition management system that are consistent with the purpose and intent of the Office of Federal Procurement Policy Act.

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"(C) After the adoption of those definitions, the criminal, civil, and administrative remedies provided under the Office of Federal Procurement Policy Act apply to the acquisition management system.

"(D) In the administration of the acquisition management system, the Administrator may take adverse personnel action under section 27(e)(3)(A)(iv) of the Office of Federal Procurement Policy Act in accordance with the procedures contained in the Administration's personnel management system.

"(4) EFFECTIVE DATE.—This subsection shall take effect on April 1, 1996.".

(c) CONFORMING AMENDMENTS.—

(1) SECTION 106.—Section 106(l)(1) is amended by striking "section 40122(a) of this title and section 347 of Public Law 104–50" and inserting "subsections (a) and (g) of section 40122".

(2) SECTION 40121.—Section 40121(c)(2) is amended by striking "section 348(b) of Public Law 104–50" and inserting "section 40110(d)(2) of this title".

(3) FEDERAL AVIATION REAUTHORIZATION ACT OF 1996.—Section 274(b)(6)(A)(ii)(II) of the Federal Aviation Reauthorization Act of 1996 (49 U.S.C. 40101 note) is amended by striking "sections 347 and 348 of Public Law 104–50" and inserting "sections 40110(d) and 40122(g) of title 49, United States Code".

(d) REPEAL.—Sections 347 and 348 of Public Law 104–50 (109 Stat. 460–461; 49 U.S.C. 106 note; 49 U.S.C. 40110 note) are repealed.

SEC. 308. RIGHT TO CONTEST ADVERSE PERSONNEL ACTIONS.

(a) MEDIATION.—Section 40122(a)(2) is amended by adding at the end the following: "The 60-day period shall not include any period during which Congress has adjourned sine die.".

(b) RIGHT TO CONTEST ADVERSE PERSONNEL ACTIONS.—Section 40122 (as amended by section 307(a) of this Act) is further amended by adding at the end the following:

"(h) RIGHT TO CONTEST ADVERSE PERSONNEL ACTIONS.—An employee of the Federal Aviation Administration who is the subject of a major adverse personnel action may contest the action either through any contractual grievance procedure that is applicable to the employee as a member of the collective bargaining unit or through the Administration's internal process relating to review of major adverse personnel actions of the Administration, known as Guaranteed Fair Treatment, or under section 40122(g)(3).

"(i) ELECTION OF FORUM.—Where a major adverse personnel action may be contested through more than one of the indicated forums (such as the contractual grievance procedure, the Federal Aviation Administration's internal process, or that of the Merit Systems Protection Board), an employee must elect the forum through which the matter will be contested. Nothing in this section is intended to allow an employee to contest an action through more than one forum unless otherwise allowed by law.

"(j) DEFINITION.—In this section, the term 'major adverse personnel action' means a suspension of more than 14 days, a reduction in pay or grade, a removal for conduct or performance, a nondisciplinary removal, a furlough of 30 days or less (but not including placement in a nonpay status as the result of a lapse of appropriations or an enactment by Congress), or a reduction in force action.".

SEC. 309. INDEPENDENT STUDY OF FAA COSTS AND ALLOCATIONS. 49 USC 40101 note.

(a) INDEPENDENT ASSESSMENT.—

(1) IN GENERAL.—The Inspector General of the Department of Transportation shall conduct the assessments described in this section. To conduct the assessments, the Inspector General may use the staff and resources of the Inspector General or contract with one or more independent entities.

(2) ASSESSMENT OF ADEQUACY AND ACCURACY OF FAA COST DATA AND ATTRIBUTIONS.—

(A) IN GENERAL.—The Inspector General shall conduct an assessment to ensure that the method for calculating the overall costs of the Federal Aviation Administration and attributing such costs to specific users is appropriate, reasonable, and understandable to the users.

(B) COMPONENTS.—In conducting the assessment under this paragraph, the Inspector General shall assess the following:

(i) The Administration's cost input data, including the reliability of the Administration's source documents and the integrity and reliability of the Administration's data collection process.

(ii) The Administration's system for tracking assets.

(iii) The Administration's bases for establishing asset values and depreciation rates.

(iv) The Administration's system of internal controls for ensuring the consistency and reliability of reported data.

(v) The Administration's definition of the services to which the Administration ultimately attributes its costs.

(vi) The cost pools used by the Administration and the rationale for and reliability of the bases which the Administration proposes to use in allocating costs of services to users.

(C) REQUIREMENTS FOR ASSESSMENT OF COST POOLS.—In carrying out subparagraph (B)(vi), the Inspector General shall—

(i) review costs that cannot reliably be attributed to specific Administration services or activities (called "common and fixed costs" in the Administration Cost Allocation Study) and consider alternative methods for allocating such costs; and

(ii) perform appropriate tests to assess relationships between costs in the various cost pools and activities and services to which the costs are attributed by the Administration.

(3) COST EFFECTIVENESS.—

(A) IN GENERAL.—The Inspector General shall assess the progress of the Administration in cost and performance management, including use of internal and external benchmarking in improving the performance and productivity of the Administration.

(B) ANNUAL REPORTS.—Not later than December 31, 2000, and annually thereafter until December 31, 2004, the Inspector General shall transmit to Congress an Deadline.

updated report containing the results of the assessment conducted under this paragraph.

(C) INFORMATION TO BE INCLUDED IN FAA FINANCIAL REPORT.—The Administrator shall include in the annual financial report of the Administration information on the performance of the Administration sufficient to permit users and others to make an informed evaluation of the progress of the Administration in increasing productivity.

(b) FUNDING.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

49 USC 47106 note.

SEC. 310. ENVIRONMENTAL REVIEW OF AIRPORT IMPROVEMENT PROJECTS.

(a) STUDY.—The Secretary shall conduct a study of Federal environmental requirements related to the planning and approval of airport improvement projects.

(b) CONTENTS.—In conducting the study, the Secretary, at a minimum, shall assess—

(1) the current level of coordination among Federal and State agencies in conducting environmental reviews in the planning and approval of airport improvement projects;

(2) the role of public involvement in the planning and approval of airport improvement projects;

(3) the staffing and other resources associated with conducting such environmental reviews; and

(4) the time line for conducting such environmental reviews.

(c) CONSULTATION.—The Secretary shall conduct the study in consultation with the Administrator, the heads of other appropriate Federal departments and agencies, airport sponsors, the heads of State aviation agencies, representatives of the design and construction industry, representatives of employee organizations, and representatives of public interest groups.

Deadline.

(d) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study, together with recommendations for streamlining, if appropriate, the environmental review process in the planning and approval of airport improvement projects.

SEC. 311. COST ALLOCATION SYSTEM.

Deadline.

(a) REPORT.—Not later than July 9, 2000, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the cost allocation system currently under development by the Federal Aviation Administration.

(b) CONTENTS.—The report shall include a specific date for completion and implementation of the cost allocation system throughout the Administration and shall also include the timetable and plan for the implementation of a cost management system.

SEC. 312. REPORT ON MODERNIZATION OF OCEANIC ATC SYSTEM.

The Administrator shall report to Congress on plans to modernize the oceanic air traffic control system, including a budget for the program, a determination of the requirements for modernization, and, if necessary, a proposal to fund the program.

TITLE IV—FAMILY ASSISTANCE

SEC. 401. RESPONSIBILITIES OF NATIONAL TRANSPORTATION SAFETY BOARD.

(a) PROHIBITION ON UNSOLICITED COMMUNICATIONS.—

(1) IN GENERAL.—Section 1136(g)(2) is amended—

(A) by striking "transportation," and inserting "transportation and in the event of an accident involving a foreign air carrier that occurs within the United States,";

(B) by inserting after "attorney" the following: "(including any associate, agent, employee, or other representative of an attorney)"; and

(C) by striking "30th day" and inserting "45th day".

(2) ENFORCEMENT.—Section 1151 is amended by inserting "1136(g)(2)," before "or 1155(a)" each place it appears.

(b) PROHIBITION ON ACTIONS TO PREVENT MENTAL HEALTH AND COUNSELING SERVICES.—Section 1136(g) is amended by adding at the end the following:

"(3) PROHIBITION ON ACTIONS TO PREVENT MENTAL HEALTH AND COUNSELING SERVICES.—No State or political subdivision thereof may prevent the employees, agents, or volunteers of an organization designated for an accident under subsection (a)(2) from providing mental health and counseling services under subsection (c)(1) in the 30-day period beginning on the date of the accident. The director of family support services designated for the accident under subsection (a)(1) may extend such period for not to exceed an additional 30 days if the director determines that the extension is necessary to meet the needs of the families and if State and local authorities are notified of the determination.".

(c) INCLUSION OF NONREVENUE PASSENGERS IN FAMILY ASSISTANCE COVERAGE.—Section 1136(h)(2) is amended to read as follows:

"(2) PASSENGER.—The term 'passenger' includes—

"(A) an employee of an air carrier or foreign air carrier aboard an aircraft; and

"(B) any other person aboard the aircraft without regard to whether the person paid for the transportation, occupied a seat, or held a reservation for the flight.".

(d) STATUTORY CONSTRUCTION.—Section 1136 is amended by adding at the end the following:

"(i) STATUTORY CONSTRUCTION.—Nothing in this section may be construed as limiting the actions that an air carrier may take, or the obligations that an air carrier may have, in providing assistance to the families of passengers involved in an aircraft accident.".

SEC. 402. AIR CARRIER PLANS.

(a) CONTENTS OF PLANS.—

(1) FLIGHT RESERVATION INFORMATION.—Section 41113(b) is amended by adding at the end the following:

"(14) An assurance that, upon request of the family of a passenger, the air carrier will inform the family of whether the passenger's name appeared on a preliminary passenger manifest for the flight involved in the accident.".

(2) TRAINING OF EMPLOYEES AND AGENTS.—Section 41113(b) is further amended by adding at the end the following:

"(15) An assurance that the air carrier will provide adequate training to the employees and agents of the carrier to meet the needs of survivors and family members following an accident.".

(3) CONSULTATION ON CARRIER RESPONSE NOT COVERED BY PLAN.—Section 41113(b) is further amended by adding at the end the following:

"(16) An assurance that the air carrier, in the event that the air carrier volunteers assistance to United States citizens within the United States with respect to an aircraft accident outside the United States involving major loss of life, the air carrier will consult with the Board and the Department of State on the provision of the assistance.".

49 USC 41113 note.

(4) SUBMISSION OF UPDATED PLANS.—The amendments made by paragraphs (1), (2), and (3) shall take effect on the 180th day following the date of the enactment of this Act. On or before such 180th day, each air carrier holding a certificate of public convenience and necessity under section 41102 of title 49, United States Code, shall submit to the Secretary and the Chairman of the National Transportation Safety Board an updated plan under section 41113 of such title that meets the requirements of the amendments made by paragraphs (1), (2), and (3).

(5) CONFORMING AMENDMENTS.—Section 41113 is amended—

(A) in subsection (a) by striking "Not later than 6 months after the date of the enactment of this section, each air carrier" and inserting "Each air carrier"; and

(B) in subsection (c) by striking "After the date that is 6 months after the date of the enactment of this section, the Secretary" and inserting "The Secretary".

(b) LIMITATION ON LIABILITY.—Section 41113(d) is amended by inserting ", or in providing information concerning a preliminary passenger manifest," before "pursuant to a plan".

(c) STATUTORY CONSTRUCTION.—Section 41113 is amended by adding at the end the following:

"(f) STATUTORY CONSTRUCTION.—Nothing in this section may be construed as limiting the actions that an air carrier may take, or the obligations that an air carrier may have, in providing assistance to the families of passengers involved in an aircraft accident.".

SEC. 403. FOREIGN AIR CARRIER PLANS.

(a) INCLUSION OF NONREVENUE PASSENGERS IN FAMILY ASSISTANCE COVERAGE.—Section 41313(a)(2) is amended to read as follows:

"(2) PASSENGER.—The term 'passenger' has the meaning given such term by section 1136.".

(b) ACCIDENTS FOR WHICH PLAN IS REQUIRED.—Section 41313(b) is amended by striking "significant" and inserting "major".

(c) CONTENTS OF PLANS.—

(1) IN GENERAL.—Section 41313(c) is amended by adding at the end the following:

"(15) TRAINING OF EMPLOYEES AND AGENTS.—An assurance that the foreign air carrier will provide adequate training to the employees and agents of the carrier to meet the needs of survivors and family members following an accident.

"(16) CONSULTATION ON CARRIER RESPONSE NOT COVERED BY PLAN.—An assurance that the foreign air carrier, in the

event that the foreign air carrier volunteers assistance to United States citizens within the United States with respect to an aircraft accident outside the United States involving major loss of life, the foreign air carrier will consult with the Board and the Department of State on the provision of the assistance.".

(2) SUBMISSION OF UPDATED PLANS.—The amendment made by paragraph (1) shall take effect on the 180th day following the date of the enactment of this Act. On or before such 180th day, each foreign air carrier providing foreign air transportation under chapter 413 of title 49, United States Code, shall submit to the Secretary and the Chairman of the National Transportation Safety Board an updated plan under section 41313 of such title that meets the requirements of the amendment made by paragraph (1). 49 USC 41313 note.

SEC. 404. DEATH ON THE HIGH SEAS.

(a) RIGHT OF ACTION IN COMMERCIAL AVIATION ACCIDENTS.—The first section of the Act of March 30, 1920 (46 U.S.C. App. 761; popularly known as the "Death on the High Seas Act") is amended—

(1) by inserting "(a) subject to subsection (b)," before "whenever"; and

(2) by adding at the end the following:

"(b) In the case of a commercial aviation accident, whenever the death of a person shall be caused by wrongful act, neglect, or default occurring on the high seas 12 nautical miles or closer to the shore of any State, or the District of Columbia, or the Territories or dependencies of the United States, this Act shall not apply and the rules applicable under Federal, State, and other appropriate law shall apply.".

(b) COMPENSATION IN COMMERCIAL AVIATION ACCIDENTS.—Section 2 of such Act (46 U.S.C. App. 762) is amended—

(1) by inserting "(a)" before "the recovery"; and

(2) by adding at the end the following:

"(b)(1) If the death resulted from a commercial aviation accident occurring on the high seas beyond 12 nautical miles from the shore of any State, or the District of Columbia, or the Territories or dependencies of the United States, additional compensation for nonpecuniary damages for wrongful death of a decedent is recoverable. Punitive damages are not recoverable.

"(2) In this subsection, the term 'nonpecuniary damages' means damages for loss of care, comfort, and companionship.".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to any death occurring after July 16, 1996. 46 USC app. 761 note.

TITLE V—SAFETY

SEC. 501. AIRPLANE EMERGENCY LOCATORS.

(a) REQUIREMENT.—Section 44712 is amended—

(1) in subsection (b) by striking "Subsection (a) of this section" and inserting "Prior to January 1, 2002, subsection (a)";

(2) by redesignating subsection (c) as subsection (e); and

(3) by inserting after subsection (b) the following:

"(c) NONAPPLICATION BEGINNING ON JANUARY 1, 2002.—

"(1) IN GENERAL.—Subject to paragraph (2), on and after January 1, 2002, subsection (a) does not apply to—

"(A) aircraft when used in scheduled flights by scheduled air carriers holding certificates issued by the Secretary of Transportation under subpart II of this part;

"(B) aircraft when used in training operations conducted entirely within a 50-mile radius of the airport from which the training operations begin;

"(C) aircraft when used in flight operations related to the design and testing, manufacture, preparation, and delivery of aircraft;

"(D) aircraft when used in research and development if the aircraft holds a certificate from the Administrator of the Federal Aviation Administration to carry out such research and development;

"(E) aircraft when used in showing compliance with regulations, crew training, exhibition, air racing, or market surveys;

"(F) aircraft when used in the aerial application of a substance for an agricultural purpose;

"(G) aircraft with a maximum payload capacity of more than 18,000 pounds when used in air transportation; or

"(H) aircraft equipped to carry only one individual.

"(2) DELAY IN IMPLEMENTATION.—The Administrator of the Federal Aviation Administration may continue to implement subsection (b) rather than subsection (c) for a period not to exceed 2 years after January 1, 2002, if the Administrator finds such action is necessary to promote—

"(A) a safe and orderly transition to the operation of civil aircraft equipped with an emergency locator; or

"(B) other safety objectives.

"(d) COMPLIANCE.—An aircraft meets the requirement of subsection (a) if it is equipped with an emergency locator transmitter that transmits on the 121.5/243 megahertz frequency or the 406 megahertz frequency or with other equipment approved by the Secretary for meeting the requirement of subsection (a).".

Deadline.
49 USC 44712 note.

(b) REGULATIONS.—The Secretary shall issue regulations to carry out section 44712(c) of title 49, United States Code, as amended by this section, not later than January 1, 2001.

SEC. 502. CARGO COLLISION AVOIDANCE SYSTEMS DEADLINES.

Section 44716 is amended by adding at the end the following:

"(g) CARGO COLLISION AVOIDANCE SYSTEMS.—

Regulations.
Deadline.

"(1) IN GENERAL.—The Administrator shall require by regulation that, no later than December 31, 2002, collision avoidance equipment be installed on each cargo aircraft with a maximum certificated takeoff weight in excess of 15,000 kilograms.

"(2) EXTENSION OF DEADLINE.—The Administrator may extend the deadline established by paragraph (1) by not more than 2 years if the Administrator finds that the extension is needed to promote—

"(A) a safe and orderly transition to the operation of a fleet of cargo aircraft equipped with collision avoidance equipment; or

"(B) other safety or public interest objectives.

"(3) COLLISION AVOIDANCE EQUIPMENT DEFINED.—In this subsection, the term 'collision avoidance equipment' means

equipment that provides protection from mid-air collisions using technology that provides—

"(A) cockpit-based collision detection and conflict resolution guidance, including display of traffic; and

"(B) a margin of safety of at least the same level as provided by the collision avoidance system known as TCAS–II.".

SEC. 503. LANDFILLS INTERFERING WITH AIR COMMERCE.

49 USC 44718 note.

(a) FINDINGS.—Congress finds that—

(1) collisions between aircraft and birds have resulted in fatal accidents;

(2) bird strikes pose a special danger to smaller aircraft;

(3) landfills near airports pose a potential hazard to aircraft operating there because they attract birds;

(4) even if the landfill is not located in the approach path of the airport's runway, it still poses a hazard because of the birds' ability to fly away from the landfill and into the path of oncoming planes;

(5) while certain mileage limits have the potential to be arbitrary, keeping landfills at least 6 miles away from an airport, especially an airport served by small planes, is an appropriate minimum requirement for aviation safety; and

(6) closure of existing landfills (due to concerns about aviation safety) should be avoided because of the likely disruption to those who use and depend on such landfills.

(b) LIMITATION ON CONSTRUCTION.—Section 44718(d) is amended to read as follows:

"(d) LIMITATION ON CONSTRUCTION OF LANDFILLS.—

"(1) IN GENERAL.—No person shall construct or establish a municipal solid waste landfill (as defined in section 258.2 of title 40, Code of Federal Regulations, as in effect on the date of the enactment of this subsection) that receives putrescible waste (as defined in section 257.3–8 of such title) within 6 miles of a public airport that has received grants under chapter 471 and is primarily served by general aviation aircraft and regularly scheduled flights of aircraft designed for 60 passengers or less unless the State aviation agency of the State in which the airport is located requests that the Administrator of the Federal Aviation Administration exempt the landfill from the application of this subsection and the Administrator determines that such exemption would have no adverse impact on aviation safety.

"(2) LIMITATION ON APPLICABILITY.—Paragraph (1) shall not apply in the State of Alaska and shall not apply to the construction, establishment, expansion, or modification of, or to any other activity undertaken with respect to, a municipal solid waste landfill if the construction or establishment of the landfill was commenced on or before the date of the enactment of this subsection.".

(c) CIVIL PENALTY FOR VIOLATIONS OF LIMITATION ON CONSTRUCTION OF LANDFILLS.—Section 46301(a)(3) is amended—

(1) in subparagraph (A) by striking "or" at the end;

(2) in subparagraph (B) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(C) a violation of section 44718(d), relating to the limitation on construction or establishment of landfills;".

SEC. 504. LIFE-LIMITED AIRCRAFT PARTS.

(a) IN GENERAL.—Chapter 447 is amended by adding at the end the following:

"§ 44725. Life-limited aircraft parts

"(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to require the safe disposition of life-limited parts removed from an aircraft. The rulemaking proceeding shall ensure that the disposition deter installation on an aircraft of a life-limited part that has reached or exceeded its life limits.

"(b) SAFE DISPOSITION.—For the purposes of this section, safe disposition includes any of the following methods:

"(1) The part may be segregated under circumstances that preclude its installation on an aircraft.

"(2) The part may be permanently marked to indicate its used life status.

"(3) The part may be destroyed in any manner calculated to prevent reinstallation in an aircraft.

"(4) The part may be marked, if practicable, to include the recordation of hours, cycles, or other airworthiness information. If the parts are marked with cycles or hours of usage, that information must be updated every time the part is removed from service or when the part is retired from service.

"(5) Any other method approved by the Administrator.

"(c) DEADLINES.—In conducting the rulemaking proceeding under subsection (a), the Administrator shall—

"(1) not later than 180 days after the date of the enactment of this section, issue a notice of proposed rulemaking; and

"(2) not later than 180 days after the close of the comment period on the proposed rule, issue a final rule.

"(d) PRIOR-REMOVED LIFE-LIMITED PARTS.—No rule issued under subsection (a) shall require the marking of parts removed from aircraft before the effective date of the rules issued under subsection (a), nor shall any such rule forbid the installation of an otherwise airworthy life-limited part.".

(b) CIVIL PENALTY.—Section 46301(a)(3) (as amended by section 503(c) of this Act) is further amended by adding at the end the following:

"(D) a violation of section 44725, relating to the safe disposal of life-limited aircraft parts; or".

(c) CONFORMING AMENDMENT.—The analysis for chapter 447 is amended by adding at the end the following:

"44725. Life-limited aircraft parts.".

SEC. 505. COUNTERFEIT AIRCRAFT PARTS.

(a) DENIAL; REVOCATION; AMENDMENT OF CERTIFICATE.—

(1) IN GENERAL.—Chapter 447 is further amended by adding at the end the following:

"§ 44726. Denial and revocation of certificate for counterfeit parts violations

"(a) DENIAL OF CERTIFICATE.—

"(1) IN GENERAL.—Except as provided in paragraph (2) of this subsection and subsection (e)(2), the Administrator of

the Federal Aviation Administration may not issue a certificate under this chapter to any person—

"(A) convicted in a court of law of a violation of a law of the United States relating to the installation, production, repair, or sale of a counterfeit or fraudulently-represented aviation part or material; or

"(B) subject to a controlling or ownership interest of an individual convicted of such a violation.

"(2) EXCEPTION.—Notwithstanding paragraph (1), the Administrator may issue a certificate under this chapter to a person described in paragraph (1) if issuance of the certificate will facilitate law enforcement efforts.

"(b) REVOCATION OF CERTIFICATE.—

"(1) IN GENERAL.—Except as provided in subsections (f) and (g), the Administrator shall issue an order revoking a certificate issued under this chapter if the Administrator finds that the holder of the certificate or an individual who has a controlling or ownership interest in the holder—

"(A) was convicted in a court of law of a violation of a law of the United States relating to the installation, production, repair, or sale of a counterfeit or fraudulently-represented aviation part or material; or

"(B) knowingly, and with the intent to defraud, carried out or facilitated an activity punishable under a law described in paragraph (1)(A).

"(2) NO AUTHORITY TO REVIEW VIOLATION.—In carrying out paragraph (1), the Administrator may not review whether a person violated a law described in paragraph (1)(A).

"(c) NOTICE REQUIREMENT.—Before the Administrator revokes a certificate under subsection (b), the Administrator shall—

"(1) advise the holder of the certificate of the reason for the revocation; and

"(2) provide the holder of the certificate an opportunity to be heard on why the certificate should not be revoked.

"(d) APPEAL.—The provisions of section 44710(d) apply to the appeal of a revocation order under subsection (b). For the purpose of applying that section to the appeal, 'person' shall be substituted for 'individual' each place it appears.

"(e) ACQUITTAL OR REVERSAL.—

"(1) IN GENERAL.—The Administrator may not revoke, and the National Transportation Safety Board may not affirm a revocation of, a certificate under subsection (b)(1)(B) if the holder of the certificate or the individual referred to in subsection (b)(1) is acquitted of all charges directly related to the violation.

"(2) REISSUANCE.—The Administrator may reissue a certificate revoked under subsection (b) of this section to the former holder if—

"(A) the former holder otherwise satisfies the requirements of this chapter for the certificate; and

"(B)(i) the former holder or the individual referred to in subsection (b)(1), is acquitted of all charges related to the violation on which the revocation was based; or

"(ii) the conviction of the former holder or such individual of the violation on which the revocation was based is reversed.

"(f) WAIVER.—The Administrator may waive revocation of a certificate under subsection (b) if—

"(1) a law enforcement official of the United States Government requests a waiver; and

"(2) the waiver will facilitate law enforcement efforts.

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

"(1) an individual who had a controlling or ownership interest in the holder committed a violation of a law for the violation of which a certificate may be revoked under this section or knowingly, and with intent to defraud, carried out or facilitated an activity punishable under such a law; and

"(2) the holder satisfies the requirements for the certificate without regard to that individual,

then the Administrator may amend the certificate to impose a limitation that the certificate will not be valid if that individual has a controlling or ownership interest in the holder. A decision by the Administrator under this subsection is not reviewable by the Board.".

(2) CONFORMING AMENDMENT.—The analysis for such chapter is further amended by adding at the end the following:

"44726. Denial and revocation of certificate for counterfeit parts violations.".

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

"(c) PROHIBITION ON EMPLOYMENT OF CONVICTED COUNTERFEIT PART TRAFFICKERS.—No person subject to this chapter may knowingly employ anyone to perform a function related to the procurement, sale, production, or repair of a part or material, or the installation of a part into a civil aircraft, who has been convicted in a court of law of a violation of any Federal law relating to the installation, production, repair, or sale of a counterfeit or fraudulently-represented aviation part or material.".

Aircraft Safety Act of 2000.

SEC. 506. PREVENTION OF FRAUDS INVOLVING AIRCRAFT OR SPACE VEHICLE PARTS IN INTERSTATE OR FOREIGN COMMERCE.

18 USC 31 note.

(a) SHORT TITLE.—This section may be cited as the "Aircraft Safety Act of 2000".

(b) DEFINITIONS.—Section 31 of title 18, United States Code, is amended by striking all after the section heading and inserting the following:

"(a) DEFINITIONS.—In this chapter, the following definitions apply:

"(1) AIRCRAFT.—The term 'aircraft' means a civil, military, or public contrivance invented, used, or designed to navigate, fly, or travel in the air.

"(2) AVIATION QUALITY.—The term 'aviation quality', with respect to a part of an aircraft or space vehicle, means the quality of having been manufactured, constructed, produced, maintained, repaired, overhauled, rebuilt, reconditioned, or restored in conformity with applicable standards specified by law (including applicable regulations).

"(3) DESTRUCTIVE SUBSTANCE.—The term 'destructive substance' means an explosive substance, flammable material, infernal machine, or other chemical, mechanical, or radioactive

device or matter of a combustible, contaminative, corrosive, or explosive nature.

"(4) IN FLIGHT.—The term 'in flight' means—

"(A) any time from the moment at which all the external doors of an aircraft are closed following embarkation until the moment when any such door is opened for disembarkation; and

"(B) in the case of a forced landing, until competent authorities take over the responsibility for the aircraft and the persons and property on board.

"(5) IN SERVICE.—The term 'in service' means—

"(A) any time from the beginning of preflight preparation of an aircraft by ground personnel or by the crew for a specific flight until 24 hours after any landing; and

"(B) in any event includes the entire period during which the aircraft is in flight.

"(6) MOTOR VEHICLE.—The term 'motor vehicle' means every description of carriage or other contrivance propelled or drawn by mechanical power and used for commercial purposes on the highways in the transportation of passengers, passengers and property, or property or cargo.

"(7) PART.—The term 'part' means a frame, assembly, component, appliance, engine, propeller, material, part, spare part, piece, section, or related integral or auxiliary equipment.

"(8) SPACE VEHICLE.—The term 'space vehicle' means a man-made device, either manned or unmanned, designed for operation beyond the Earth's atmosphere.

"(9) STATE.—The term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

"(10) USED FOR COMMERCIAL PURPOSES.—The term 'used for commercial purposes' means the carriage of persons or property for any fare, fee, rate, charge or other consideration, or directly or indirectly in connection with any business, or other undertaking intended for profit.

"(b) TERMS DEFINED IN OTHER LAW.—In this chapter, the terms 'aircraft engine', 'air navigation facility', 'appliance', 'civil aircraft', 'foreign air commerce', 'interstate air commerce', 'landing area', 'overseas air commerce', 'propeller', 'spare part', and 'special aircraft jurisdiction of the United States' have the meanings given those terms in sections 40102(a) and 46501 of title 49.".

(c) FRAUD.—

(1) IN GENERAL.—Chapter 2 of title 18, United States Code, is amended by adding at the end the following:

"§ 38. Fraud involving aircraft or space vehicle parts in interstate or foreign commerce

"(a) OFFENSES.—Whoever, in or affecting interstate or foreign commerce, knowingly and with the intent to defraud—

"(1)(A) falsifies or conceals a material fact concerning any aircraft or space vehicle part;

"(B) makes any materially fraudulent representation concerning any aircraft or space vehicle part; or

"(C) makes or uses any materially false writing, entry, certification, document, record, data plate, label, or electronic communication concerning any aircraft or space vehicle part;

"(2) exports from or imports or introduces into the United States, sells, trades, installs on or in any aircraft or space vehicle any aircraft or space vehicle part using or by means of a fraudulent representation, document, record, certification, depiction, data plate, label, or electronic communication; or

"(3) attempts or conspires to commit an offense described in paragraph (1) or (2),

shall be punished as provided in subsection (b).

"(b) PENALTIES.—The punishment for an offense under subsection (a) is as follows:

"(1) AVIATION QUALITY.—If the offense relates to the aviation quality of a part and the part is installed in an aircraft or space vehicle, a fine of not more than $500,000, imprisonment for not more than 15 years, or both.

"(2) FAILURE TO OPERATE AS REPRESENTED.—If, by reason of the failure of the part to operate as represented, the part to which the offense is related is the proximate cause of a malfunction or failure that results in serious bodily injury (as defined in section 1365), a fine of not more than $1,000,000, imprisonment for not more than 20 years, or both.

"(3) FAILURE RESULTING IN DEATH.—If, by reason of the failure of the part to operate as represented, the part to which the offense is related is the proximate cause of a malfunction or failure that results in the death of any person, a fine of not more than $1,000,000, imprisonment for any term of years or life, or both.

"(4) OTHER CIRCUMSTANCES.—In the case of an offense under subsection (a) not described in paragraph (1), (2), or (3) of this subsection, a fine under this title, imprisonment for not more than 10 years, or both.

"(5) ORGANIZATIONS.—If the offense is committed by an organization, a fine of not more than—

"(A) $10,000,000 in the case of an offense described in paragraph (1) or (4); and

"(B) $20,000,000 in the case of an offense described in paragraph (2) or (3).

"(c) CIVIL REMEDIES.—

"(1) IN GENERAL.—The district courts of the United States shall have jurisdiction to prevent and restrain violations of this section by issuing appropriate orders, including—

"(A) ordering a person (convicted of an offense under this section) to divest any interest, direct or indirect, in any enterprise used to commit or facilitate the commission of the offense, or to destroy, or to mutilate and sell as scrap, aircraft material or part inventories or stocks;

"(B) imposing reasonable restrictions on the future activities or investments of any such person, including prohibiting engagement in the same type of endeavor as used to commit the offense; and

"(C) ordering the dissolution or reorganization of any enterprise knowingly used to commit or facilitate the commission of an offense under this section making due provisions for the rights and interests of innocent persons.

"(2) RESTRAINING ORDERS AND PROHIBITION.—Pending final determination of a proceeding brought under this section, the court may enter such restraining orders or prohibitions, or

take such other actions (including the acceptance of satisfactory performance bonds) as the court deems proper.

"(3) ESTOPPEL.—A final judgment rendered in favor of the United States in any criminal proceeding brought under this section shall stop the defendant from denying the essential allegations of the criminal offense in any subsequent civil proceeding brought by the United States.

"(d) CRIMINAL FORFEITURE.—

"(1) IN GENERAL.—The court, in imposing sentence on any person convicted of an offense under this section, shall order, in addition to any other sentence and irrespective of any provision of State law, that the person forfeit to the United States—

"(A) any property constituting, or derived from, any proceeds that the person obtained, directly or indirectly, as a result of the offense; and

"(B) any property used, or intended to be used in any manner, to commit or facilitate the commission of the offense, if the court in its discretion so determines, taking into consideration the nature, scope, and proportionality of the use of the property on the offense.

"(2) APPLICATION OF OTHER LAW.—The forfeiture of property under this section, including any seizure and disposition of the property, and any proceedings relating to the property, shall be governed by section 413 of the Comprehensive Drug Abuse and Prevention Act of 1970 (21 U.S.C. 853) (not including subsection (d) of that section).

"(e) CONSTRUCTION WITH OTHER LAW.—This section does not preempt or displace any other remedy, civil or criminal, provided by Federal or State law for the fraudulent importation, sale, trade, installation, or introduction into commerce of an aircraft or space vehicle part.

"(f) TERRITORIAL SCOPE.—This section also applies to conduct occurring outside the United States if—

"(1) the offender is a natural person who is a citizen or permanent resident alien of the United States, or an organization organized under the laws of the United States or political subdivision thereof;

"(2) the aircraft or spacecraft part as to which the violation relates was installed in an aircraft or space vehicle owned or operated at the time of the offense by a citizen or permanent resident alien of the United States, or by an organization thereof; or

"(3) an act in furtherance of the offense was committed in the United States.".

(2) CONFORMING AMENDMENTS.—

(A) CHAPTER ANALYSIS.—The analysis for chapter 2 of title 18, United States Code, is amended by adding at the end the following:

"38. Fraud involving aircraft or space vehicle parts in interstate or foreign commerce.".

(B) WIRE AND ELECTRONIC COMMUNICATIONS.—Section 2516(1)(c) of title 18, United States Code, is amended by inserting "section 38 (relating to aircraft parts fraud)," after "section 32 (relating to destruction of aircraft or aircraft facilities),".

SEC. 507. TRANSPORTING OF HAZARDOUS MATERIAL.

Section 46312 is amended—

(1) by inserting "(a) IN GENERAL.—" before "A person"; and

(2) by adding at the end the following:

"(b) KNOWLEDGE OF REGULATIONS.—For purposes of subsection (a), knowledge by the person of the existence of a regulation or requirement related to the transportation of hazardous material prescribed by the Secretary under this part is not an element of an offense under this section but shall be considered in mitigation of the penalty.".

SEC. 508. EMPLOYMENT INVESTIGATIONS AND RESTRICTIONS.

(a) FLEXIBILITY TO PERFORM CRIMINAL HISTORY RECORD CHECKS.—Section 44936(a)(1)(C) is amended—

(1) in clause (iii) by striking "or";

(2) in clause (iv) by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(v) the Administrator decides it is necessary to ensure air transportation security with respect to passenger, baggage, or property screening at airports.".

(b) RECORDS OF EMPLOYMENT OF PILOT APPLICANTS.—Section 44936(f) is amended—

(1) in paragraph (1)(B) by inserting "(except a branch of the United States Armed Forces, the National Guard, or a reserve component of the United States Armed Forces)" after "person" the first place it appears;

(2) in paragraph (1)(B)(ii) by striking "individual" the first place it appears and inserting "individual's performance as a pilot";

(3) in paragraph (5) by striking the period at the end of the first sentence and inserting "; except that, for purposes of paragraph (15), the Administrator may allow an individual designated by the Administrator to accept and maintain written consent on behalf of the Administrator for records requested under paragraph (1)(A).";

(4) in paragraph (13)—

(A) by striking "may" and inserting "shall"; and

(B) before the semicolon in subparagraph (A)(i) insert "and disseminated under paragraph (15)";

(5) in paragraph (14)(B) by inserting "or from a foreign government or entity that employed the individual" after "exists"; and

(6) by adding at the end the following:

"(15) ELECTRONIC ACCESS TO FAA RECORDS.—For the purpose of increasing timely and efficient access to Federal Aviation Administration records described in paragraph (1), the Administrator may allow, under terms established by the Administrator, an individual designated by the air carrier to have electronic access to a specified database containing information about such records. The terms shall limit such access to instances in which information in the database is required by the designated individual in making a hiring decision concerning a pilot applicant and shall require that the designated individual provide assurances satisfactory to the Administrator that information obtained using such access will

not be used for any purpose other than making the hiring decision.".

SEC. 509. CRIMINAL PENALTY FOR PILOTS OPERATING IN AIR TRANSPORTATION WITHOUT AN AIRMAN'S CERTIFICATE.

(a) IN GENERAL.—Chapter 463 is amended by adding at the end the following:

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

"(a) GENERAL CRIMINAL PENALTY.—An individual shall be fined under title 18 or imprisoned for not more than 3 years, or both, if that individual—

"(1) knowingly and willfully serves or attempts to serve in any capacity as an airman operating an aircraft in air transportation without an airman's certificate authorizing the individual to serve in that capacity; or

"(2) knowingly and willfully employs for service or uses in any capacity as an airman to operate an aircraft in air transportation an individual who does not have an airman's certificate authorizing the individual to serve in that capacity.

"(b) CONTROLLED SUBSTANCE CRIMINAL PENALTY.—

"(1) CONTROLLED SUBSTANCES DEFINED.—In this subsection, the term 'controlled substance' has the meaning given that term in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802).

"(2) CRIMINAL PENALTY.—An individual violating subsection (a) shall be fined under title 18 or imprisoned for not more than 5 years, or both, if the violation is related to transporting a controlled substance by aircraft or aiding or facilitating a controlled substance violation and that transporting, aiding, or facilitating—

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

"(B) is related to an act punishable by death or imprisonment for more than 1 year under a Federal or State law related to a controlled substance (except a law related to simple possession (as that term is used in section 46306(c)) of a controlled substance).

"(3) TERMS OF IMPRISONMENT.—A term of imprisonment imposed under paragraph (2) shall be served in addition to, and not concurrently with, any other term of imprisonment imposed on the individual subject to the imprisonment.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 463 is amended by adding at the end the following:

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

SEC. 510. FLIGHT OPERATIONS QUALITY ASSURANCE RULES.

Not later than 60 days after the date of the enactment of this Act, the Administrator shall issue a notice of proposed rulemaking to develop procedures to protect air carriers and their employees from enforcement actions for violations of title 14, Code of Federal Regulations, (other than criminal or deliberate acts) that are reported or discovered as a result of voluntary reporting programs, such as the Flight Operations Quality Assurance Program and the Aviation Safety Action Program. Deadline.

SEC. 511. PENALTIES FOR UNRULY PASSENGERS.

(a) IN GENERAL.—Chapter 463 (as amended by section 509 of this Act) is further amended by adding at the end the following:

"§ 46318. Interference with cabin or flight crew

"(a) GENERAL RULE.—An individual who physically assaults or threatens to physically assault a member of the flight crew or cabin crew of a civil aircraft or any other individual on the aircraft, or takes any action that poses an imminent threat to the safety of the aircraft or other individuals on the aircraft is liable to the United States Government for a civil penalty of not more than $25,000.

"(b) COMPROMISE AND SETOFF.—

"(1) COMPROMISE.—The Secretary may compromise the amount of a civil penalty imposed under this section.

"(2) SETOFF.—The United States Government may deduct the amount of a civil penalty imposed or compromised under this section from amounts the Government owes the person liable for the penalty.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 463 is further amended by adding at the end the following:

"46318. Interference with cabin or flight crew.".

49 USC 44903 note.

SEC. 512. DEPUTIZING OF STATE AND LOCAL LAW ENFORCEMENT OFFICERS.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) AIRCRAFT.—The term "aircraft" has the meaning given that term in section 40102 of title 49, United States Code.

(2) AIR TRANSPORTATION.—The term "air transportation" has the meaning given that term in such section.

(3) PROGRAM.—The term "program" means the program established under subsection (b)(1)(A).

(b) ESTABLISHMENT OF A PROGRAM TO DEPUTIZE LOCAL LAW ENFORCEMENT OFFICERS.—

(1) IN GENERAL.—The Attorney General may—

(A) establish a program under which the Attorney General may deputize State and local law enforcement officers having jurisdiction over airports and airport authorities as Deputy United States Marshals for the limited purpose of enforcing Federal laws that regulate security on board aircraft, including laws relating to violent, abusive, or disruptive behavior by passengers in air transportation; and

(B) encourage the participation of law enforcement officers of State and local governments in the program.

(2) CONSULTATION.—In establishing the program, the Attorney General shall consult with appropriate officials of—

(A) the United States Government (including the Administrator or a designated representative of the Administrator); and

(B) State and local governments in any geographic area in which the program may operate.

(3) TRAINING AND BACKGROUND OF LAW ENFORCEMENT OFFICERS.—

(A) IN GENERAL.—Under the program, to qualify to serve as a Deputy United States Marshal under the program, a State or local law enforcement officer shall—

(i) meet the minimum background and training requirements for a law enforcement officer under part 107 of title 14, Code of Federal Regulations (or equivalent requirements established by the Attorney General); and

(ii) receive approval to participate in the program from the State or local law enforcement agency that is the employer of that law enforcement officer.

(B) TRAINING NOT FEDERAL RESPONSIBILITY.—The United States Government shall not be responsible for providing to a State or local law enforcement officer the training required to meet the training requirements under subparagraph (A)(i). Nothing in this subsection may be construed to grant any such law enforcement officer the right to attend any institution of the United States Government established to provide training to law enforcement officers of the United States Government.

(c) POWERS AND STATUS OF DEPUTIZED LAW ENFORCEMENT OFFICERS.—

(1) IN GENERAL.—Subject to paragraph (2), a State or local law enforcement officer that is deputized as a Deputy United States Marshal under the program may arrest and apprehend an individual suspected of violating any Federal law described in subsection (b)(1)(A), including any individual who violates a provision subject to a civil penalty under section 46301 of title 49, United States Code, or section 46302, 46303, 46318, 46504, 46505, or 46507 of that title, or who commits an act described in section 46506 of that title.

(2) LIMITATION.—The powers granted to a State or local law enforcement officer deputized under the program shall be limited to enforcing Federal laws relating to security on board aircraft in flight.

(3) STATUS.—A State or local law enforcement officer that is deputized as a Deputy United States Marshal under the program shall not—

(A) be considered to be an employee of the United States Government; or

(B) receive compensation from the United States Government by reason of service as a Deputy United States Marshal under the program.

(d) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to—

(1) grant a State or local law enforcement officer that is deputized under the program the power to enforce any Federal law that is not described in subsection (c); or

(2) limit the authority that a State or local law enforcement officer may otherwise exercise in the officer's capacity under any other applicable State or Federal law.

(e) REGULATIONS.—The Attorney General may promulgate such regulations as may be necessary to carry out this section.

(f) NOTIFICATION OF CONGRESS.—Not later than 90 days after the date of the enactment of this Act, the Attorney General shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, Deadline.

and Transportation of the Senate on whether or not the Attorney General intends to establish the program authorized by this section.

Deadlines.

SEC. 513. AIR TRANSPORTATION OVERSIGHT SYSTEM.

(a) REPORT.—Not later than August 1, 2000, the Administrator shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the progress of the Federal Aviation Administration in implementing the air transportation oversight system, including in detail the training of inspectors under the system, the number of inspectors using the system, air carriers subject to the system, and the budget for the system.

(b) REQUIRED CONTENTS.—At a minimum, the report shall indicate—

(1) any funding or staffing constraints that would adversely impact the Administration's ability to continue to develop and implement the air transportation oversight system;

(2) progress in integrating the aviation safety data derived from such system's inspections with existing aviation data of the Administration in the safety performance analysis system of the Administration; and

(3) the Administration's efforts in collaboration with the aviation industry to develop and validate safety performance measures and appropriate risk weightings for such system.

(c) UPDATE.—Not later than August 1, 2002, the Administrator shall update the report submitted under this section and transmit the updated report to the committees referred to in subsection (a).

SEC. 514. RUNWAY SAFETY AREAS.

(a) ELIGIBILITY.—Section 47102(3)(B) (as amended by section 122 of this Act) is further amended by adding at the end the following:

"(ix) engineered materials arresting systems as described in the Advisory Circular No. 150/5220–22 published by the Federal Aviation Administration on August 21, 1998, including any revision to the circular.".

Deadline.

(b) SOLICITATION OF COMMENTS.—Not later than 6 months after the date of the enactment of this Act, the Administrator shall solicit comments on the need for the improvement of runway safety areas through the use of engineered materials arresting systems, longer runways, and such other techniques as the Administrator considers appropriate.

49 USC 47106 note.

(c) GRANTS FOR ENGINEERED MATERIALS ARRESTING SYSTEMS.—In making grants under section 47104 of title 49, United States Code, for engineered materials arresting systems, the Secretary shall require the sponsor to demonstrate that the effects of jet blasts have been adequately considered.

49 USC 47106 note.

(d) GRANTS FOR RUNWAY REHABILITATION.—In any case in which an airport's runways are constrained by physical conditions, the Secretary shall consider alternative means for ensuring runway safety (other than a safety overrun area) when prescribing conditions for grants for runway rehabilitation.

SEC. 515. PRECISION APPROACH PATH INDICATORS.

Deadline.

Not later than 6 months after the date of the enactment of this Act, the Administrator shall solicit comments on the need for the installation of precision approach path indicators.

SEC. 516. AIRCRAFT DISPATCHERS.

49 USC 44505 note.

(a) STUDY.—The Administrator shall conduct a study of the role of aircraft dispatchers in enhancing aviation safety.

(b) CONTENTS.—The study shall include an assessment of whether or not aircraft dispatchers should be required for those operations not presently requiring aircraft dispatcher assistance, operational control issues related to the aircraft dispatching functions, and whether or not designation of positions within the Federal Aviation Administration for oversight of dispatchers would enhance aviation safety.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study conducted under this section.

Deadline.

SEC. 517. IMPROVED TRAINING FOR AIRFRAME AND POWERPLANT MECHANICS.

49 USC 44515 note.

The Administrator shall form a partnership with industry and labor to develop a model program to improve the curricula, teaching methods, and quality of instructors for training individuals that need certification as airframe and powerplant mechanics.

SEC. 518. SMALL AIRPORT CERTIFICATION.

49 USC 44706 note.

Deadlines.

Not later than 60 days after the date of the enactment of this Act, the Administrator shall issue a notice of proposed rulemaking on implementing section 44706(a)(2) of title 49, United States Code, relating to issuance of airport operating certificates for small scheduled passenger air carrier operations. Not later than 1 year after the last day of the period for public comment provided for in the notice of proposed rulemaking, the Administrator shall issue a final rule on implementing such program.

Regulations.

SEC. 519. PROTECTION OF EMPLOYEES PROVIDING AIR SAFETY INFORMATION.

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

"SUBCHAPTER III—WHISTLEBLOWER PROTECTION PROGRAM

"§ 42121. Protection of employees providing air safety information

"(a) DISCRIMINATION AGAINST AIRLINE EMPLOYEES.—No air carrier or contractor or subcontractor of an air carrier may discharge an employee or otherwise discriminate against an employee with respect to compensation, terms, conditions, or privileges of employment because the employee (or any person acting pursuant to a request of the employee)—

"(1) provided, caused to be provided, or is about to provide (with any knowledge of the employer) or cause to be provided to the employer or Federal Government information relating to any violation or alleged violation of any order, regulation, or standard of the Federal Aviation Administration or any

other provision of Federal law relating to air carrier safety under this subtitle or any other law of the United States;

"(2) has filed, caused to be filed, or is about to file (with any knowledge of the employer) or cause to be filed a proceeding relating to any violation or alleged violation of any order, regulation, or standard of the Federal Aviation Administration or any other provision of Federal law relating to air carrier safety under this subtitle or any other law of the United States;

"(3) testified or is about to testify in such a proceeding; or

"(4) assisted or participated or is about to assist or participate in such a proceeding.

"(b) DEPARTMENT OF LABOR COMPLAINT PROCEDURE.—

Deadline.

"(1) FILING AND NOTIFICATION.—A person who believes that he or she has been discharged or otherwise discriminated against by any person in violation of subsection (a) may, not later than 90 days after the date on which such violation occurs, file (or have any person file on his or her behalf) a complaint with the Secretary of Labor alleging such discharge or discrimination. Upon receipt of such a complaint, the Secretary of Labor shall notify, in writing, the person named in the complaint and the Administrator of the Federal Aviation Administration of the filing of the complaint, of the allegations contained in the complaint, of the substance of evidence supporting the complaint, and of the opportunities that will be afforded to such person under paragraph (2).

"(2) INVESTIGATION; PRELIMINARY ORDER.—

Deadlines.

"(A) IN GENERAL.—Not later than 60 days after the date of receipt of a complaint filed under paragraph (1) and after affording the person named in the complaint an opportunity to submit to the Secretary of Labor a written response to the complaint and an opportunity to meet with a representative of the Secretary to present statements from witnesses, the Secretary of Labor shall conduct an investigation and determine whether there is reasonable cause to believe that the complaint has merit and notify, in writing, the complainant and the person alleged to have committed a violation of subsection (a) of the Secretary's findings. If the Secretary of Labor concludes that there is a reasonable cause to believe that a violation of subsection (a) has occurred, the Secretary shall accompany the Secretary's findings with a preliminary order providing the relief prescribed by paragraph (3)(B). Not later than 30 days after the date of notification of findings under this paragraph, either the person alleged to have committed the violation or the complainant may file objections to the findings or preliminary order, or both, and request a hearing on the record. The filing of such objections shall not operate to stay any reinstatement remedy contained in the preliminary order. Such hearings shall be conducted expeditiously. If a hearing is not requested in such 30-day period, the preliminary order shall be deemed a final order that is not subject to judicial review.

"(B) REQUIREMENTS.—

"(i) REQUIRED SHOWING BY COMPLAINANT.—The Secretary of Labor shall dismiss a complaint filed

under this subsection and shall not conduct an investigation otherwise required under subparagraph (A) unless the complainant makes a prima facie showing that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

"(ii) SHOWING BY EMPLOYER.—Notwithstanding a finding by the Secretary that the complainant has made the showing required under clause (i), no investigation otherwise required under subparagraph (A) shall be conducted if the employer demonstrates, by clear and convincing evidence, that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

"(iii) CRITERIA FOR DETERMINATION BY SECRETARY.—The Secretary may determine that a violation of subsection (a) has occurred only if the complainant demonstrates that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

"(iv) PROHIBITION.—Relief may not be ordered under subparagraph (A) if the employer demonstrates by clear and convincing evidence that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

"(3) FINAL ORDER.—

"(A) DEADLINE FOR ISSUANCE; SETTLEMENT AGREEMENTS.—Not later than 120 days after the date of conclusion of a hearing under paragraph (2), the Secretary of Labor shall issue a final order providing the relief prescribed by this paragraph or denying the complaint. At any time before issuance of a final order, a proceeding under this subsection may be terminated on the basis of a settlement agreement entered into by the Secretary of Labor, the complainant, and the person alleged to have committed the violation.

"(B) REMEDY.—If, in response to a complaint filed under paragraph (1), the Secretary of Labor determines that a violation of subsection (a) has occurred, the Secretary of Labor shall order the person who committed such violation to—

"(i) take affirmative action to abate the violation;

"(ii) reinstate the complainant to his or her former position together with the compensation (including back pay) and restore the terms, conditions, and privileges associated with his or her employment; and

"(iii) provide compensatory damages to the complainant.

If such an order is issued under this paragraph, the Secretary of Labor, at the request of the complainant, shall assess against the person against whom the order is issued a sum equal to the aggregate amount of all costs and expenses (including attorneys' and expert witness fees) reasonably incurred, as determined by the Secretary of Labor, by the complainant for, or in connection with, the bringing the complaint upon which the order was issued.

"(C) FRIVOLOUS COMPLAINTS.—If the Secretary of Labor finds that a complaint under paragraph (1) is frivolous or has been brought in bad faith, the Secretary of Labor may award to the prevailing employer a reasonable attorney's fee not exceeding $1,000.

"(4) REVIEW.—

"(A) APPEAL TO COURT OF APPEALS.—Any person adversely affected or aggrieved by an order issued under paragraph (3) may obtain review of the order in the United States Court of Appeals for the circuit in which the violation, with respect to which the order was issued, allegedly occurred or the circuit in which the complainant resided on the date of such violation. The petition for review must be filed not later than 60 days after the date of the issuance of the final order of the Secretary of Labor. Review shall conform to chapter 7 of title 5, United States Code. The commencement of proceedings under this subparagraph shall not, unless ordered by the court, operate as a stay of the order.

Deadline.

"(B) LIMITATION ON COLLATERAL ATTACK.—An order of the Secretary of Labor with respect to which review could have been obtained under subparagraph (A) shall not be subject to judicial review in any criminal or other civil proceeding.

"(5) ENFORCEMENT OF ORDER BY SECRETARY OF LABOR.—Whenever any person has failed to comply with an order issued under paragraph (3), the Secretary of Labor may file a civil action in the United States district court for the district in which the violation was found to occur to enforce such order. In actions brought under this paragraph, the district courts shall have jurisdiction to grant all appropriate relief including, but not limited to, injunctive relief and compensatory damages.

"(6) ENFORCEMENT OF ORDER BY PARTIES.—

"(A) COMMENCEMENT OF ACTION.—A person on whose behalf an order was issued under paragraph (3) may commence a civil action against the person to whom such order was issued to require compliance with such order. The appropriate United States district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such order.

"(B) ATTORNEY FEES.—The court, in issuing any final order under this paragraph, may award costs of litigation (including reasonable attorney and expert witness fees) to any party whenever the court determines such award is appropriate.

"(c) MANDAMUS.—Any nondiscretionary duty imposed by this section shall be enforceable in a mandamus proceeding brought under section 1361 of title 28, United States Code.

"(d) NONAPPLICABILITY TO DELIBERATE VIOLATIONS.—Subsection (a) shall not apply with respect to an employee of an air carrier, contractor, or subcontractor who, acting without direction from such air carrier, contractor, or subcontractor (or such person's agent), deliberately causes a violation of any requirement relating to air carrier safety under this subtitle or any other law of the United States.

"(e) CONTRACTOR DEFINED.—In this section, the term 'contractor' means a company that performs safety-sensitive functions by contract for an air carrier.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 421 is amended by adding at the end the following:

"SUBCHAPTER III—WHISTLEBLOWER PROTECTION PROGRAM

"42121. Protection of employees providing air safety information.".

(c) CIVIL PENALTY.—Section 46301(a)(1)(A) is amended by striking "subchapter II of chapter 421" and inserting "subchapter II or III of chapter 421".

SEC. 520. OCCUPATIONAL INJURIES OF AIRPORT WORKERS.

49 USC 44505 note.

(a) STUDY.—The Administrator shall conduct a study to determine the number of persons working at airports who are injured or killed as a result of being struck by a moving vehicle while on an airport tarmac, the seriousness of the injuries to such persons, and whether or not reflective safety vests or other actions should be required to enhance the safety of such workers.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study conducted under this section.

Deadline.

TITLE VI—TRANSFER OF AERONAUTICAL CHARTING ACTIVITY

SEC. 601. TRANSFER OF FUNCTIONS, POWERS, AND DUTIES.

49 USC 44721 note. Effective date.

Effective October 1, 2000, there are transferred to the Federal Aviation Administration and vested in the Administrator the functions, powers, and duties of the Secretary of Commerce and other officers of the Department of Commerce that relate to the Office of Aeronautical Charting and Cartography and are set forth in section 44721 of title 49, United States Code.

SEC. 602. TRANSFER OF OFFICE, PERSONNEL, AND FUNDS.

49 USC 44721 note. Effective dates.

(a) TRANSFER OF OFFICE.—Effective October 1, 2000, the Office of Aeronautical Charting and Cartography of the National Oceanic and Atmospheric Administration, Department of Commerce, is transferred to the Federal Aviation Administration.

(b) OTHER TRANSFERS.—Effective October 1, 2000, the personnel employed in connection with, and the assets, liabilities, contracts, property, equipment, facilities, records, and unexpended balance of appropriations, and other funds employed, held, used, arising from, available to, or to be made available in connection with the function and offices, or portions of offices, transferred by this title, including all Senior Executive Service positions, subject to section 1531 of title 31, United States Code, are transferred to the Administrator of the Federal Aviation Administration for appropriate allocation. Personnel employed in connection with functions transferred by this title transfer under any applicable law and regulation relating to transfer of functions. Unexpended funds transferred under this section shall be used only for the purposes for which the funds were originally authorized and appropriated, except that funds may be used for expenses associated with the transfer authorized by this title.

SEC. 603. AMENDMENT OF TITLE 49, UNITED STATES CODE.

(a) IN GENERAL.—Section 44721 is amended to read as follows:

"§ 44721. Aeronautical charts and related products and services

"(a) PUBLICATION.—

"(1) IN GENERAL.—The Administrator of the Federal Aviation Administration may arrange for the publication of aeronautical maps and charts necessary for the safe and efficient movement of aircraft in air navigation, using the facilities and assistance of departments, agencies, and instrumentalities of the United States Government as far as practicable.

"(2) NAVIGATION ROUTES.—In carrying out paragraph (1), the Administrator shall update and arrange for the publication of clearly defined routes for navigating through a complex terminal airspace area and to and from an airport located in such an area, if the Administrator decides that publication of the routes would promote safety in air navigation. The routes shall be developed in consultation with pilots and other users of affected airports and shall be for the optional use of pilots operating under visual flight rules.

"(b) INDEMNIFICATION.—The Government shall make an agreement to indemnify any person that publishes a map or chart for use in aeronautics from any part of a claim arising out of the depiction by the person on the map or chart of a defective or deficient flight procedure or airway if the flight procedure or airway was—

"(1) prescribed by the Administrator;

"(2) depicted accurately on the map or chart; and

"(3) not obviously defective or deficient.

Effective date.

"(c) AUTHORITY OF OFFICE OF AERONAUTICAL CHARTING AND CARTOGRAPHY.—Effective October 1, 2000, the Administrator is vested with and shall exercise the functions, powers, and duties of the Secretary of Commerce and other officers of the Department of Commerce that relate to the Office of Aeronautical Charting and Cartography to provide aeronautical charts and related products and services for the safe and efficient navigation of air commerce, under the following authorities:

"(1) Sections 1 through 9 of the Act entitled 'An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes', approved August 6, 1947, (33 U.S.C. 883a–883h).

"(2) Section 6082 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (33 U.S.C. 883j).

"(3) Section 1307 of title 44, United States Code.

"(4) The provision of title II of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1995 under the heading 'National Oceanic and Atmospheric Administration' relating to aeronautical charts (44 U.S.C. 1307 note).

"(d) AUTHORITY.—In order that full public benefit may be derived from the dissemination of data resulting from activities under this section and of related data from other sources, the Administrator may—

"(1) develop, process, disseminate and publish digital and analog data, information, compilations, and reports;

"(2) compile, print, and disseminate aeronautical charts and related products and services of the United States and its territories and possessions;

"(3) compile, print, and disseminate aeronautical charts and related products and services covering international airspace as are required primarily by United States civil aviation; and

"(4) compile, print, and disseminate nonaeronautical navigational, transportation or public-safety-related products and services when in the best interests of the Government.

"(e) CONTRACTS, COOPERATIVE AGREEMENTS, GRANTS, AND OTHER AGREEMENTS.—

"(1) CONTRACTS.—The Administrator is authorized to contract with qualified organizations for the performance of any part of the authorized functions of the Office of Aeronautical Charting and Cartography when the Administrator deems such procedure to be in the public interest and will not compromise public safety.

"(2) COOPERATIVE AGREEMENTS, GRANTS, AND OTHER AGREEMENTS.—The Administrator is authorized to enter into cooperative agreements, grants, reimbursable agreements, memoranda of understanding and other agreements, with a State, subdivision of a State, Federal agency, public or private organization, or individual, to carry out the purposes of this section.

"(f) SPECIAL SERVICES AND PRODUCTS.—

"(1) IN GENERAL.—The Administrator is authorized, at the request of a State, subdivision of a State, Federal agency, public or private organization, or individual, to conduct special services, including making special studies, or developing special publications or products on matters relating to navigation, transportation, or public safety.

"(2) FEES.—The Administrator shall assess a fee for any special service provided under paragraph (1). A fee shall be not more than the actual or estimated full cost of the service. A fee may be reduced or waived for research organizations, educational organizations, or non-profit organizations, when the Administrator determines that reduction or waiver of the fee is in the best interest of the Government by furthering public safety.

"(g) SALE AND DISSEMINATION OF AERONAUTICAL PRODUCTS.—

"(1) IN GENERAL.—Aeronautical products created or maintained under the authority of this section shall be sold at prices established annually by the Administrator consistent with the following:

"(A) MAXIMUM PRICE.—Subject to subparagraph (B), the price of an aeronautical product sold to the public shall be not more than necessary to recover all costs attributable to: (i) data base management and processing; (ii) compilation; (iii) printing or other types of reproduction; and (iv) dissemination of the product.

"(B) ADJUSTMENT OF PRICE.—The Administrator shall adjust the price of an aeronautical product and service sold to the public as necessary to avoid any adverse impact on aviation safety attributable to the price specified under this paragraph.

"(C) COSTS ATTRIBUTABLE TO ACQUISITION OF AERONAUTICAL DATA.—A price established under this paragraph

may not include costs attributable to the acquisition of aeronautical data.

"(2) PUBLICATION OF PRICES.—The Administrator shall publish annually the prices at which aeronautical products are sold to the public.

"(3) DISTRIBUTION.—The Administrator may distribute aeronautical products and provide aeronautical services—

"(A) without charge to each foreign government or international organization with which the Administrator or a Federal department or agency has an agreement for exchange of these products or services without cost;

"(B) at prices the Administrator establishes, to the departments and officers of the United States requiring them for official use; and

"(C) at reduced or no charge where, in the judgment of the Administrator, furnishing the aeronautical product or service to a recipient is a reasonable exchange for voluntary contribution of information by the recipient to the activities under this section.

"(4) FEES.—The fees provided for in this subsection are for the purpose of reimbursing the Government for the costs of creating, printing and disseminating aeronautical products and services under this section. The collection of fees authorized by this section does not alter or expand any duty or liability of the Government under existing law for the performance of functions for which fees are collected, nor does the collection of fees constitute an express or implied undertaking by the Government to perform any activity in a certain manner.".

(b) CONFORMING AMENDMENT.—The chapter analysis of chapter 447 is amended by striking the item relating to section 44721 and inserting the following:

"44721. Aeronautical charts and related products and services.".

49 USC 44721 note.

SEC. 604. SAVINGS PROVISION.

(a) CONTINUED EFFECTIVENESS OF DIRECTIVES.—All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, privileges, and financial assistance that—

(1) have been issued, made, granted, or allowed to become effective by the President of the United States, the Secretary of Commerce, the Administrator of the National Oceanic and Atmospheric Administration, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred by this title; and

(2) are in effect on the date of transfer,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President of the United States, the Administrator of the Federal Aviation Administration, a court of competent jurisdiction, or by operation of law.

(b) CONTINUED EFFECTIVENESS OF PENDING ACTIONS.—

(1) IN GENERAL.—The provisions of this title shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending on the date of transfer before the Department of Commerce or the National Oceanic and Atmospheric Administration, or any officer of such Department or Administration, with respect to functions transferred by this title, but

such proceedings or applications, to the extent that they relate to functions transferred, shall be continued in accord with transition guidelines promulgated by the Administrator of the Federal Aviation Administration under the authority of this section. Orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by the Administrator of the Federal Aviation Administration, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection prohibits the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this title had not been enacted.

(2) TRANSITION GUIDELINES.—The Secretary of Commerce, the Administrator of the National Oceanic and Atmospheric Administration, and the Administrator of the Federal Aviation Administration are authorized to issue transition guidelines providing for the orderly transfer of proceedings and otherwise to accomplish the orderly transfer of functions, personnel and property under this title.

(c) CONTINUED EFFECTIVENESS OF JUDICIAL ACTIONS.—No cause of action by or against the Department of Commerce or the National Oceanic and Atmospheric Administration with respect to functions transferred by this title, or by or against any officer thereof in the official's capacity, shall abate by reason of the enactment of this title. Causes of action and actions with respect to a function or office transferred by this title, or other proceedings may be asserted by or against the United States or an official of the Federal Aviation Administration, as may be appropriate, and, in an action pending when this title takes effect, the court may at any time, on its own motion or that of any party, enter an order that will give effect to the provisions of this subsection.

(d) SUBSTITUTION OR ADDITION OF PARTIES TO JUDICIAL ACTIONS.—If, on the date of transfer, the Department of Commerce or the National Oceanic and Atmospheric Administration, or any officer of the Department or Administration in an official capacity, is a party to an action, and under this title any function relating to the action of the Department, Administration, or officer is transferred to the Federal Aviation Administration, then such action shall be continued with the Administrator of the Federal Aviation Administration substituted or added as a party.

(e) CONTINUED JURISDICTION OVER ACTIONS TRANSFERRED.—Orders and actions of the Administrator of the Federal Aviation Administration in the exercise of functions transferred by this title shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the Department of Commerce or the National Oceanic and Atmospheric Administration, or any office or officer of such Department or Administration, in the exercise of such functions immediately preceding their transfer.

(f) LIABILITIES AND OBLIGATIONS.—The Administrator of the Federal Aviation Administration shall assume all liabilities and obligations (tangible and incorporeal, present and executory) associated with the functions transferred under this title on the date of transfer, including leases, permits, licenses, contracts, agreements, claims, tariffs, accounts receivable, accounts payable, financial assistance, and litigation relating to such obligations, regardless

whether judgment has been entered, damages awarded, or appeal taken.

SEC. 605. NATIONAL OCEAN SURVEY.

(a) CHARTS AND PUBLICATIONS.—Section 2 of the Act entitled "An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes", approved August 6, 1947 (33 U.S.C. 883b), is amended—

(1) by striking paragraphs (3) and (5), and redesignating paragraphs (4) and (6) as paragraphs (3) and (4), respectively;

(2) by striking "charts of the United States, its Territories, and possessions;" in paragraph (3), as redesignated, and inserting "charts;"; and

(3) by striking "publications for the United States, its Territories, and possessions" in paragraph (4), as redesignated, and inserting "publications".

(b) COOPERATIVE AND OTHER AGREEMENTS.—Section 5(1) of such Act (33 U.S.C. 883e(1)) is amended—

(1) by striking "cooperative agreements" and inserting "cooperative agreements, or any other agreements,"; and

(2) in paragraph (2) by striking "cooperative".

SEC. 606. SALE AND DISTRIBUTION OF NAUTICAL AND AERONAUTICAL PRODUCTS BY NOAA.

(a) IN GENERAL.—Section 1307 of title 44, United States Code, is amended—

(1) in the section heading by striking "**and aeronautical**"; and

(2) by striking "and aeronautical" and "or aeronautical" each place they appear.

(b) PRICES.—Section 1307(a)(2)(B) of such title is amended by striking "aviation and".

(c) FEES.—Section 1307(d) of such title 44 is amended by striking "aeronautical and".

(d) CONFORMING AMENDMENT.—The analysis for chapter 13 of title 44, United States Code, is amended in the item relating to section 1307 by striking "and aeronautical".

49 USC 44721 note.

SEC. 607. PROCUREMENT OF PRIVATE ENTERPRISE MAPPING, CHARTING, AND GEOGRAPHIC INFORMATION SYSTEMS.

The Administrator shall consider procuring mapping, charting, and geographic information systems necessary to carry out the duties of the Administrator under title 49, United States Code, from private enterprises, if the Administrator determines that such procurement furthers the mission of the Federal Aviation Administration and is cost effective.

TITLE VII—MISCELLANEOUS PROVISIONS

SEC. 701. DUTIES AND POWERS OF ADMINISTRATOR.

Section 106(g)(1)(A) is amended by striking "40113(a), (c), and (d)," and all that follows through "45302–45304," and inserting "40113(a), 40113(c), 40113(d), 40113(e), 40114(a), and 40119, chapter 445 (except sections 44501(b), 44502(a)(2), 44502(a)(3), 44502(a)(4), 44503, 44506, 44509, 44510, 44514, and 44515), chapter

447 (except sections 44717, 44718(a), 44718(b), 44719, 44720, 44721(b), 44722, and 44723), chapter 449 (except sections 44903(d), 44904, 44905, 44907–44911, 44913, 44915, and 44931–44934), chapter 451, chapter 453, sections".

SEC. 702. PUBLIC AIRCRAFT.

(a) DEFINITION OF PUBLIC AIRCRAFT.—Section 40102(a)(37) is amended to read as follows:

"(37) 'public aircraft' means any of the following:

"(A) Except with respect to an aircraft described in subparagraph (E), an aircraft used only for the United States Government, except as provided in section 40125(b).

"(B) An aircraft owned by the Government and operated by any person for purposes related to crew training, equipment development, or demonstration, except as provided in section 40125(b).

"(C) An aircraft owned and operated by the government of a State, the District of Columbia, or a territory or possession of the United States or a political subdivision of one of these governments, except as provided in section 40125(b).

"(D) An aircraft exclusively leased for at least 90 continuous days by the government of a State, the District of Columbia, or a territory or possession of the United States or a political subdivision of one of these governments, except as provided in section 40125(b).

"(E) An aircraft owned or operated by the armed forces or chartered to provide transportation to the armed forces under the conditions specified by section 40125(c).".

(b) QUALIFICATIONS FOR PUBLIC AIRCRAFT STATUS.—

(1) IN GENERAL.—Chapter 401 is further amended by adding at the end the following:

"§ 40125. Qualifications for public aircraft status

"(a) DEFINITIONS.—In this section, the following definitions apply:

"(1) COMMERCIAL PURPOSES.—The term 'commercial purposes' means the transportation of persons or property for compensation or hire, but does not include the operation of an aircraft by the armed forces for reimbursement when that reimbursement is required by any Federal statute, regulation, or directive, in effect on November 1, 1999, or by one government on behalf of another government under a cost reimbursement agreement if the government on whose behalf the operation is conducted certifies to the Administrator of the Federal Aviation Administration that the operation is necessary to respond to a significant and imminent threat to life or property (including natural resources) and that no service by a private operator is reasonably available to meet the threat.

"(2) GOVERNMENTAL FUNCTION.—The term 'governmental function' means an activity undertaken by a government, such as national defense, intelligence missions, firefighting, search and rescue, law enforcement (including transport of prisoners, detainees, and illegal aliens), aeronautical research, or biological or geological resource management.

"(3) QUALIFIED NON-CREWMEMBER.—The term 'qualified non-crewmember' means an individual, other than a member of the crew, aboard an aircraft—

"(A) operated by the armed forces or an intelligence agency of the United States Government; or

"(B) whose presence is required to perform, or is associated with the performance of, a governmental function.

"(4) ARMED FORCES.—The term 'armed forces' has the meaning given such term by section 101 of title 10.

"(b) AIRCRAFT OWNED BY GOVERNMENTS.—An aircraft described in subparagraph (A), (B), (C), or (D) of section 40102(a)(37) does not qualify as a public aircraft under such section when the aircraft is used for commercial purposes or to carry an individual other than a crewmember or a qualified non-crewmember.

"(c) AIRCRAFT OWNED OR OPERATED BY THE ARMED FORCES.—

"(1) IN GENERAL.—Subject to paragraph (2), an aircraft described in section 40102(a)(37)(E) qualifies as a public aircraft if—

"(A) the aircraft is operated in accordance with title 10;

"(B) the aircraft is operated in the performance of a governmental function under title 14, 31, 32, or 50 and the aircraft is not used for commercial purposes; or

"(C) the aircraft is chartered to provide transportation to the armed forces and the Secretary of Defense (or the Secretary of the department in which the Coast Guard is operating) designates the operation of the aircraft as being required in the national interest.

"(2) LIMITATION.—An aircraft that meets the criteria set forth in paragraph (1) and that is owned or operated by the National Guard of a State, the District of Columbia, or any territory or possession of the United States, qualifies as a public aircraft only to the extent that it is operated under the direct control of the Department of Defense.".

(2) CONFORMING AMENDMENT.—The analysis for chapter 401 is amended by adding at the end the following:

"40125. Qualifications for public aircraft status.".

(c) SAFETY OF PUBLIC AIRCRAFT.—

(1) STUDY.—The National Transportation Safety Board shall conduct a study to compare the safety of public aircraft and civil aircraft. In conducting the study, the Board shall review safety statistics on aircraft operations since 1993.

Deadline.

(2) REPORT.—Not later than 6 months after the date of the enactment of this Act, the National Transportation Safety Board shall transmit to Congress a report containing the results of the study conducted under paragraph (1).

SEC. 703. PROHIBITION ON RELEASE OF OFFEROR PROPOSALS.

Section 40110 (as amended by section 307(b) of this Act) is further amended by adding at the end the following:

"(e) PROHIBITION ON RELEASE OF OFFEROR PROPOSALS.—

"(1) GENERAL RULE.—Except as provided in paragraph (2), a proposal in the possession or control of the Administrator may not be made available to any person under section 552 of title 5.

Federal Register, publication.

"(2) EXCEPTION.—Paragraph (1) shall not apply to any portion of a proposal of an offeror the disclosure of which is

authorized by the Administrator pursuant to procedures published in the Federal Register. The Administrator shall provide an opportunity for public comment on the procedures for a period of not less than 30 days beginning on the date of such publication in order to receive and consider the views of all interested parties on the procedures. The procedures shall not take effect before the 60th day following the date of such publication.

"(3) PROPOSAL DEFINED.—In this subsection, the term 'proposal' means information contained in or originating from any proposal, including a technical, management, or cost proposal, submitted by an offeror in response to the requirements of a solicitation for a competitive proposal.".

SEC. 704. FAA EVALUATION OF LONG-TERM CAPITAL LEASING.

49 USC 40110 note.

(a) IN GENERAL.—The Administrator may carry out a pilot program in fiscal years 2001 through 2003 to test and evaluate the benefits of long-term contracts for the leasing of aviation equipment and facilities.

(b) PERIOD OF CONTRACTS.—Notwithstanding any other provision of law, the Administrator may enter into a contract under the program to lease aviation equipment or facilities for a period of greater than 5 years.

(c) NUMBER OF CONTRACTS.—The Administrator may not enter into more that 10 contracts under the program.

(d) TYPES OF CONTRACTS.—The contracts to be evaluated under the program may include contracts for telecommunication services that are provided through the use of a satellite, requirements related to oceanic and air traffic control, air-to-ground radio communications, and air traffic control tower construction.

SEC. 705. SEVERABLE SERVICES CONTRACTS FOR PERIODS CROSSING FISCAL YEARS.

(a) IN GENERAL.—Chapter 401 (as amended by section 702(b) of this Act) is further amended by adding at the end the following:

"§ 40126. Severable services contracts for periods crossing fiscal years

"(a) IN GENERAL.—The Administrator of the Federal Aviation Administration may enter into a contract for procurement of severable services for a period that begins in 1 fiscal year and ends in the next fiscal year if (without regard to any option to extend the period of the contract) the contract period does not exceed 1 year.

"(b) OBLIGATION OF FUNDS.—Funds made available for a fiscal year may be obligated for the total amount of a contract entered into under the authority of subsection (a).".

(b) CONFORMING AMENDMENT.—The analysis for chapter 401 is amended by adding at the end the following:

"40126. Severable services contracts for periods crossing fiscal years.".

SEC. 706. PROHIBITIONS ON DISCRIMINATION.

(a) IN GENERAL.—Chapter 401 (as amended by section 705 of this Act) is further amended by adding at the end the following:

"§ 40127. Prohibitions on discrimination

"(a) PERSONS IN AIR TRANSPORTATION.—An air carrier or foreign air carrier may not subject a person in air transportation to

discrimination on the basis of race, color, national origin, religion, sex, or ancestry.

"(b) USE OF PRIVATE AIRPORTS.—Notwithstanding any other provision of law, no State or local government may prohibit the use or full enjoyment of a private airport within its jurisdiction by any person on the basis of that person's race, color, national origin, religion, sex, or ancestry.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 401 is further amended by adding at the end the following:

"40127. Prohibitions on discrimination.".

SEC. 707. DISCRIMINATION AGAINST HANDICAPPED INDIVIDUALS.

(a) IN GENERAL.—Section 41705 is amended—

(1) by inserting "(a) IN GENERAL.—" before "In providing";

(2) by striking "carrier" and inserting "carrier, including (subject to section 40105(b)) any foreign air carrier,"; and

(3) by adding at the end the following:

"(b) EACH ACT CONSTITUTES SEPARATE OFFENSE.—For purposes of section 46301(a)(3)(E), a separate violation occurs under this section for each individual act of discrimination prohibited by subsection (a).

"(c) INVESTIGATION OF COMPLAINTS.—

"(1) IN GENERAL.—The Secretary shall investigate each complaint of a violation of subsection (a).

"(2) PUBLICATION OF DATA.—The Secretary shall publish disability-related complaint data in a manner comparable to other consumer complaint data.

"(3) REVIEW AND REPORT.—The Secretary shall regularly review all complaints received by air carriers alleging discrimination on the basis of disability and shall report annually to Congress on the results of such review.

Deadline.

"(4) TECHNICAL ASSISTANCE.—Not later than 180 days after the date of the enactment of this subsection, the Secretary shall—

"(A) implement a plan, in consultation with the Department of Justice, the United States Architectural and Transportation Barriers Compliance Board, and the National Council on Disability, to provide technical assistance to air carriers and individuals with disabilities in understanding the rights and responsibilities set forth in this section; and

"(B) ensure the availability and provision of appropriate technical assistance manuals to individuals and entities with rights or responsibilities under this section.".

(b) CIVIL PENALTY.—Section 46301(a)(3) (as amended by section 504(b) of this Act) is further amended by adding at the end the following:

"(E) a violation of section 41705, relating to discrimination against handicapped individuals.".

49 USC 41705 note.

(c) ESTABLISHMENT OF HIGHER INTERNATIONAL STANDARDS.—The Secretary shall work with appropriate international organizations and the aviation authorities of other nations to bring about the establishment of higher standards for accommodating handicapped passengers in air transportation, particularly with respect to foreign air carriers that code-share with air carriers.

SEC. 708. PROHIBITIONS AGAINST SMOKING ON SCHEDULED FLIGHTS.

(a) IN GENERAL.—Section 41706 is amended to read as follows:

"§ 41706. Prohibitions against smoking on scheduled flights

"(a) SMOKING PROHIBITION IN INTRASTATE AND INTERSTATE AIR TRANSPORTATION.—An individual may not smoke in an aircraft in scheduled passenger interstate air transportation or scheduled passenger intrastate air transportation.

"(b) SMOKING PROHIBITION IN FOREIGN AIR TRANSPORTATION.—The Secretary of Transportation shall require all air carriers and foreign air carriers to prohibit smoking in any aircraft in scheduled passenger foreign air transportation.

"(c) LIMITATION ON APPLICABILITY.—

"(1) IN GENERAL.—If a foreign government objects to the application of subsection (b) on the basis that subsection (b) provides for an extraterritorial application of the laws of the United States, the Secretary shall waive the application of subsection (b) to a foreign air carrier licensed by that foreign government at such time as an alternative prohibition negotiated under paragraph (2) becomes effective and is enforced by the Secretary.

"(2) ALTERNATIVE PROHIBITION.—If, pursuant to paragraph (1), a foreign government objects to the prohibition under subsection (b), the Secretary shall enter into bilateral negotiations with the objecting foreign government to provide for an alternative smoking prohibition.

"(d) REGULATIONS.—The Secretary shall prescribe such regulations as are necessary to carry out this section.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is 60 days after the date of the enactment of this Act.

49 USC 41706 note.

SEC. 709. JOINT VENTURE AGREEMENT.

Section 41720, as redesignated by section 231(b)(1) of this Act, is amended by striking "an agreement entered into by a major air carrier" and inserting "an agreement between two or more major air carriers".

SEC. 710. REPORTS BY CARRIERS ON INCIDENTS INVOLVING ANIMALS DURING AIR TRANSPORT.

(a) IN GENERAL.—Subchapter I of chapter 417 (as amended by section 231(b) of this Act) is further amended by adding at the end the following:

"§ 41721. Reports by carriers on incidents involving animals during air transport

"(a) IN GENERAL.—An air carrier that provides scheduled passenger air transportation shall submit monthly to the Secretary a report on any incidents involving the loss, injury, or death of an animal (as defined by the Secretary of Transportation) during air transport provided by the air carrier. The report shall be in such form and contain such information as the Secretary determines appropriate.

"(b) TRAINING OF AIR CARRIER EMPLOYEES.—The Secretary shall work with air carriers to improve the training of employees with respect to the air transport of animals and the notification of passengers of the conditions under which the air transport of animals is conducted.

"(c) SHARING OF INFORMATION.—The Secretary and the Secretary of Agriculture shall enter into a memorandum of understanding to ensure the sharing of information that the Secretary receives under subsection (a).

"(d) PUBLICATION OF DATA.—The Secretary shall publish data on incidents and complaints involving the loss, injury, or death of an animal during air transport in a manner comparable to other consumer complaint and incident data.

"(e) AIR TRANSPORT.—For purposes of this section, the air transport of an animal includes the entire period during which an animal is in the custody of an air carrier, from check-in of the animal prior to departure until the animal is returned to the owner or guardian of the animal at the final destination of the animal.".

(b) CONFORMING AMENDMENT.—The analysis for such subchapter is further amended by adding at the end the following:

"41721. Reports by carriers on incidents involving animals during air transportation.".

SEC. 711. EXTENSION OF WAR RISK INSURANCE PROGRAM.

Section 44310 is amended by striking "after" and all that follows and inserting "after December 31, 2003.".

SEC. 712. GENERAL FACILITIES AND PERSONNEL AUTHORITY.

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

"(5) IMPROVEMENTS ON LEASED PROPERTIES.—The Administrator may make improvements to real property leased for no or nominal consideration for an air navigation facility, regardless of whether the cost of making the improvements exceeds the cost of leasing the real property, if—

"(A) the improvements primarily benefit the Government;

"(B) the improvements are essential for accomplishment of the mission of the Federal Aviation Administration; and

"(C) the interest of the United States Government in the improvements is protected.".

SEC. 713. HUMAN FACTORS PROGRAM.

(a) IN GENERAL.—Chapter 445 is amended by adding at the end the following:

"§ 44516. Human factors program

"(a) HUMAN FACTORS TRAINING.—

"(1) AIR TRAFFIC CONTROLLERS.—The Administrator of the Federal Aviation Administration shall—

"(A) address the problems and concerns raised by the National Research Council in its report 'The Future of Air Traffic Control' on air traffic control automation; and

"(B) respond to the recommendations made by the National Research Council.

"(2) PILOTS AND FLIGHT CREWS.—The Administrator shall work with representatives of the aviation industry and appropriate aviation programs associated with universities to develop specific training curricula to address critical safety problems, including problems of pilots—

"(A) in recovering from loss of control of an aircraft, including handling unusual attitudes and mechanical malfunctions;

"(B) in deviating from standard operating procedures, including inappropriate responses to emergencies and hazardous weather;

"(C) in awareness of altitude and location relative to terrain to prevent controlled flight into terrain; and

"(D) in landing and approaches, including nonprecision approaches and go-around procedures.

"(b) TEST PROGRAM.—The Administrator shall establish a test program in cooperation with air carriers to use model Jeppesen approach plates or other similar tools to improve precision-like landing approaches for aircraft.

"(c) REPORT.—Not later than 1 year after the date of the enactment of this section, the Administrator shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the status of the Administration's efforts to encourage the adoption and implementation of advanced qualification programs for air carriers under this section. Deadline.

"(d) ADVANCED QUALIFICATION PROGRAM DEFINED.—In this section, the term 'advanced qualification program' means an alternative method for qualifying, training, certifying, and ensuring the competency of flight crews and other commercial aviation operations personnel subject to the training and evaluation requirements of parts 121 and 135 of title 14, Code of Federal Regulations.".

(b) AUTOMATION AND ASSOCIATED TRAINING.—Not later than 12 months after the date of the enactment of this Act, the Administrator shall complete updating training practices for flight deck automation and associated training requirements. Deadline.

(c) CONFORMING AMENDMENT.—The analysis for chapter 445 is further amended by adding at the end the following:

"44516. Human factors program.".

SEC. 714. IMPLEMENTATION OF ARTICLE 83 BIS OF THE CHICAGO CONVENTION.

Section 44701 is amended by—

(1) redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

"(e) BILATERAL EXCHANGES OF SAFETY OVERSIGHT RESPONSIBILITIES.—

"(1) IN GENERAL.—Notwithstanding the provisions of this chapter, the Administrator, pursuant to Article 83 bis of the Convention on International Civil Aviation and by a bilateral agreement with the aeronautical authorities of another country, may exchange with that country all or part of their respective functions and duties with respect to registered aircraft under the following articles of the Convention: Article 12 (Rules of the Air); Article 31 (Certificates of Airworthiness); or Article 32a (Licenses of Personnel).

"(2) RELINQUISHMENT AND ACCEPTANCE OF RESPONSIBILITY.—The Administrator relinquishes responsibility with respect to the functions and duties transferred by the Administrator as specified in the bilateral agreement, under the Articles listed in paragraph (1) for United States-registered aircraft described in paragraph (4)(A) transferred abroad and accepts responsibility with respect to the functions and duties under those Articles for aircraft registered abroad and described in paragraph (4)(B) that are transferred to the United States.

"(3) CONDITIONS.—The Administrator may predicate, in the agreement, the transfer of functions and duties under this subsection on any conditions the Administrator deems necessary and prudent, except that the Administrator may not transfer responsibilities for United States registered aircraft described in paragraph (4)(A) to a country that the Administrator determines is not in compliance with its obligations under international law for the safety oversight of civil aviation.

"(4) REGISTERED AIRCRAFT DEFINED.—In this subsection, the term 'registered aircraft' means—

"(A) aircraft registered in the United States and operated pursuant to an agreement for the lease, charter, or interchange of the aircraft or any similar arrangement by an operator that has its principal place of business or, if it has no such place of business, its permanent residence in another country; and

"(B) aircraft registered in a foreign country and operated under an agreement for the lease, charter, or interchange of the aircraft or any similar arrangement by an operator that has its principal place of business or, if it has no such place of business, its permanent residence in the United States.".

SEC. 715. PUBLIC AVAILABILITY OF AIRMEN RECORDS.

Section 44703 is amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(2) by inserting after subsection (b) the following:

"(c) PUBLIC INFORMATION.—

"(1) IN GENERAL.—Subject to paragraph (2) and notwithstanding any other provision of law, the information contained in the records of contents of any airman certificate issued under this section that is limited to an airman's name, address, and ratings held shall be made available to the public after the 120th day following the date of the enactment of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century.

"(2) OPPORTUNITY TO WITHHOLD INFORMATION.—Before making any information concerning an airman available to the public under paragraph (1), the airman shall be given an opportunity to elect that the information not be made available to the public.

Deadline.
Notification.

"(3) DEVELOPMENT AND IMPLEMENTATION OF PROGRAM.—Not later than 60 days after the date of the enactment of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, the Administrator shall develop and implement, in cooperation with representatives of the aviation industry, a one-time written notification to airmen to set forth the implications of making information concerning an airman available to the public under paragraph (1) and to carry out paragraph (2). The Administrator shall also provide such written notification to each individual who becomes an airman after such date of enactment.".

SEC. 716. REVIEW PROCESS FOR EMERGENCY ORDERS.

Section 44709(e) is amended to read as follows:

"(e) EFFECTIVENESS OF ORDERS PENDING APPEAL.—

"(1) IN GENERAL.—When a person files an appeal with the Board under subsection (d), the order of the Administrator is stayed.

"(2) EXCEPTION.—Notwithstanding paragraph (1), the order of the Administrator is effective immediately if the Administrator advises the Board that an emergency exists and safety in air commerce or air transportation requires the order to be effective immediately.

"(3) REVIEW OF EMERGENCY ORDER.—A person affected by the immediate effectiveness of the Administrator's order under paragraph (2) may petition for a review by the Board, under procedures promulgated by the Board, of the Administrator's determination that an emergency exists. Any such review shall be requested not later than 48 hours after the order is received by the person. If the Board finds that an emergency does not exist that requires the immediate application of the order in the interest of safety in air commerce or air transportation, the order shall be stayed, notwithstanding paragraph (2). The Board shall dispose of a review request under this paragraph not later than 5 days after the date on which the request is filed. Deadlines.

"(4) FINAL DISPOSITION.—The Board shall make a final disposition of an appeal under subsection (d) not later than 60 days after the date on which the appeal is filed.". Deadline.

SEC. 717. GOVERNMENT AND INDUSTRY CONSORTIA.

Section 44903 is amended by adding at the end the following:

"(f) GOVERNMENT AND INDUSTRY CONSORTIA.—The Administrator may establish at airports such consortia of government and aviation industry representatives as the Administrator may designate to provide advice on matters related to aviation security and safety. Such consortia shall not be considered Federal advisory committees for purposes of the Federal Advisory Committee Act (5 U.S.C. App.).".

SEC. 718. PASSENGER MANIFEST.

Section 44909(a)(2) is amended by striking "shall" and inserting "should".

SEC. 719. COST RECOVERY FOR FOREIGN AVIATION SERVICES.

Section 45301 is amended—

(1) by striking subsection (a)(2) and inserting the following:

"(2) Services (other than air traffic control services) provided to a foreign government or services provided to any entity obtaining services outside the United States, except that the Administrator shall not impose fees in any manner for production-certification related service performed outside the United States pertaining to aeronautical products manufactured outside the United States."; and

(2) by adding at the end the following:

"(d) PRODUCTION-CERTIFICATION RELATED SERVICE DEFINED.—In this section, the term 'production-certification related service' has the meaning given that term in appendix C of part 187 of title 14, Code of Federal Regulations.".

SEC. 720. TECHNICAL CORRECTIONS TO CIVIL PENALTY PROVISIONS.

Section 46301 is amended—

(1) in subsection (a)(1)(A) by striking "46302, 46303, or";

(2) in subsection (d)(7)(A) by striking "an individual" the first place it appears and inserting "a person"; and

(3) in subsection (g) by inserting "or the Administrator" after "Secretary".

SEC. 721. WAIVER UNDER AIRPORT NOISE AND CAPACITY ACT.

49 USC 47528 and note.

(a) REPEAL.—Section 231 of H.R. 3425 of the 106th Congress, as enacted into law by section 1000(a)(5) of Public Law 106–113, is repealed and the provisions of law amended by such section shall be read as if such section had not been enacted into law.

(b) EXEMPTION FOR AIRCRAFT MODIFICATION OR DISPOSAL, SCHEDULED HEAVY MAINTENANCE, OR LEASING-RELATED FLIGHTS.—Section 47528 is amended—

(1) in subsection (a) by striking "subsection (b)" and inserting "subsection (b) or (f)";

(2) in subsection (e) by adding at the end the following:

"(4) An air carrier operating stage 2 aircraft under this subsection may transport stage 2 aircraft to or from the 48 contiguous States on a nonrevenue basis in order—

"(A) to perform maintenance (including major alterations) or preventative maintenance on aircraft operated, or to be operated, within the limitations of paragraph (2)(B); or

"(B) conduct operations within the limitations of paragraph (2)(B).";

(3) by adding at the end the following:

"(f) AIRCRAFT MODIFICATION, DISPOSAL, SCHEDULED HEAVY MAINTENANCE, OR LEASING.—

"(1) IN GENERAL.—The Secretary shall permit a person to operate after December 31, 1999, a stage 2 aircraft in nonrevenue service through the airspace of the United States or to or from an airport in the contiguous 48 States in order to—

"(A) sell, lease, or use the aircraft outside the contiguous 48 States;

"(B) scrap the aircraft;

"(C) obtain modifications to the aircraft to meet stage 3 noise levels;

"(D) perform scheduled heavy maintenance or significant modifications on the aircraft at a maintenance facility located in the contiguous 48 States;

"(E) deliver the aircraft to an operator leasing the aircraft from the owner or return the aircraft to the lessor;

"(F) prepare or park or store the aircraft in anticipation of any of the activities described in subparagraphs (A) through (E); or

"(G) divert the aircraft to an alternative airport in the contiguous 48 States on account of weather, mechanical, fuel, air traffic control, or other safety reasons while conducting a flight in order to perform any of the activities described in subparagraphs (A) through (F).

Deadline.

"(2) PROCEDURE TO BE PUBLISHED.—Not later than 30 days after the date of the enactment of this subsection, the Secretary shall establish and publish a procedure to implement paragraph (1) through the use of categorical waivers, ferry permits, or other means.

"(g) STATUTORY CONSTRUCTION.—Nothing in this section may be construed as interfering with, nullifying, or otherwise affecting

determinations made by the Federal Aviation Administration, or to be made by the Administration with respect to applications under part 161 of title 14, Code of Federal Regulations, that were pending on November 1, 1999.".

(c) NOISE STANDARDS FOR EXPERIMENTAL AIRCRAFT.—

(1) IN GENERAL.—Section 47528(a) is amended by inserting "(for which an airworthiness certificate other than an experimental certificate has been issued by the Administrator)" after "civil subsonic turbojet".

(2) REGULATIONS.—Regulations contained in title 14, Code of Federal Regulations, that implement section 47528 of title 49, United States Code, and related provisions shall be deemed to incorporate the amendment made by paragraph (1) on the date of the enactment of this Act.

49 USC 47528 note.

(d) WAIVERS FOR AIRCRAFT NOT COMPLYING WITH STAGE 3 NOISE LEVELS.—Section 47528(b)(1) is amended—

(1) in the first sentence by inserting "or foreign air carrier" after "air carrier"; and

(2) by inserting after "January 1, 1999," the following: "or, in the case of a foreign air carrier, the 15th day following the date of the enactment of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century".

SEC. 722. LAND USE COMPLIANCE REPORT.

Section 47131 is amended—

(1) by inserting "(a) GENERAL RULE.—" before "Not later";

(2) by striking "and" at the end of paragraph (3);

(3) by striking the period at the end of paragraph (4) and inserting "; and"; and

(4) by adding at the end the following:

"(5) a detailed statement listing airports that the Secretary believes are not in compliance with grant assurances or other requirements with respect to airport lands and including the circumstances of such noncompliance, the timelines for corrective action, and the corrective action the Secretary intends to take to bring the airport sponsor into compliance.

"(b) SPECIAL RULE FOR LISTING NONCOMPLIANT AIRPORTS.—The Secretary does not have to conduct an audit or make a final determination before including an airport on the list referred to in subsection (a)(5).".

SEC. 723. CHARTER AIRLINES.

Section 41104 is amended—

(1) by redesignating subsections (b) and (c) as (c) and (d), respectively; and

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

"(b) SCHEDULED OPERATIONS.—

"(1) IN GENERAL.—An air carrier, including an indirect air carrier, which operates aircraft designed for more than nine passenger seats, may not provide regularly scheduled charter air transportation for which the general public is provided in advance a schedule containing the departure location, departure time, and arrival location of the flights to or from an airport that is not located in Alaska and that does not have an operating certificate issued under part 139 of title 14, Code of Federal Regulations (or any subsequent similar regulations).

"(2) DEFINITION.—In this paragraph, the term 'regularly scheduled charter air transportation' does not include operations for which the departure time, departure location, and arrival location are specifically negotiated with the customer or the customer's representative.".

SEC. 724. CREDIT FOR EMERGENCY SERVICES PROVIDED.

(a) STUDY.—The Administrator shall conduct a study of the appropriateness of allowing an airport that agrees to provide services to the Federal Emergency Management Agency or to a State or local agency in the event of an emergency a credit of the value of such services against the airport's local share under the airport improvement program.

(b) NOTIFICATION.—The Administrator shall notify nonhub and general aviation airports that the Administrator is conducting the study under subsection (a) and give them an opportunity to explain how the credit described in subsection (a) would benefit such airports.

Deadline.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study conducted under subsection (a). The report shall identify, at a minimum, the airports that would be affected by providing the credit described in subsection (a), explain what sort of emergencies could qualify for such credit, and explain how the costs would be quantified to determine the credit against the local share.

49 USC 40101 note.

SEC. 725. PASSENGER CABIN AIR QUALITY.

(a) STUDY OF AIR QUALITY IN PASSENGER CABINS IN COMMERCIAL AIRCRAFT.—

Deadline.

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Administrator shall arrange for and provide necessary data to the National Academy of Sciences to conduct a 12-month, independent study of air quality in passenger cabins of aircraft used in air transportation and foreign air transportation, including the collection of new data, in coordination with the Federal Aviation Administration, to identify contaminants in the aircraft air and develop recommendations for means of reducing such contaminants.

(2) ALTERNATIVE AIR SUPPLY.—The study should examine whether contaminants would be reduced by the replacement of engine and auxiliary power unit bleed air with an alternative supply of air for the aircraft passengers and crew.

(3) SCOPE.—The study shall include an assessment and quantitative analysis of each of the following:

(A) Contaminants of concern, as determined by the National Academy of Sciences.

(B) The systems of air supply on aircraft, including the identification of means by which contaminants may enter such systems.

(C) The toxicological and health effects of the contaminants of concern, their byproducts, and the products of their degradation.

(D) Any contaminant used in the maintenance, operation, or treatment of aircraft, if a passenger or a member of the air crew may be directly exposed to the contaminant.

(E) Actual measurements of the contaminants of concern in the air of passenger cabins during actual flights

in air transportation or foreign air transportation, along with comparisons of such measurements to actual measurements taken in public buildings.

(4) PROVISION OF CURRENT DATA.—The Administrator shall collect all data of the Federal Aviation Administration that is relevant to the study and make the data available to the National Academy of Sciences in order to complete the study.

(b) COLLECTION OF AIRCRAFT AIR QUALITY DATA.—

(1) IN GENERAL.—The Administrator may consider the feasibility of using the flight data recording system on aircraft to monitor and record appropriate data related to air inflow quality, including measurements of the exposure of persons aboard the aircraft to contaminants during normal aircraft operation and during incidents involving air quality problems.

(2) PASSENGER CABINS.—The Administrator may also consider the feasibility of using the flight data recording system to monitor and record data related to the air quality in passengers cabins of aircraft.

SEC. 726. STANDARDS FOR AIRCRAFT AND AIRCRAFT ENGINES TO REDUCE NOISE LEVELS. 49 USC 47508 note.

(a) DEVELOPMENT OF NEW STANDARDS.—The Secretary shall continue to work to develop through the International Civil Aviation Organization new performance standards for aircraft and aircraft engines that will lead to a further reduction in aircraft noise levels.

(b) GOALS TO BE CONSIDERED IN DEVELOPING NEW STANDARDS.—In negotiating standards under subsection (a), the Secretary shall give high priority to developing standards that—

(1) are performance based and can be achieved by use of a full range of certifiable noise reduction technologies;

(2) protect the useful economic value of existing Stage 3 aircraft in the United States fleet;

(3) ensure that United States air carriers and aircraft engine and hushkit manufacturers are not competitively disadvantaged;

(4) use dynamic economic modeling capable of determining impacts on all aircraft in service in the United States fleet; and

(5) continue the use of a balanced approach to address aircraft environmental issues, taking into account aircraft technology, land use planning, economic feasibility, and airspace operational improvements.

(c) ANNUAL REPORT.—Not later than July 1, 2000, and annually thereafter, the Secretary shall transmit to Congress a report regarding the application of new standards or technologies to reduce aircraft noise levels. Deadline.

SEC. 727. TAOS PUEBLO AND BLUE LAKES WILDERNESS AREA DEMONSTRATION PROJECT. Deadline. New Mexico.

Not later than 18 months after the date of the enactment of this Act, the Administrator shall work with the Taos Pueblo to study the feasibility of conducting a demonstration project to require all aircraft that fly over Taos Pueblo and the Blue Lake Wilderness Area of Taos Pueblo, New Mexico, to maintain a mandatory minimum altitude of at least 5,000 feet above ground level. In conducting the study, the Administrator shall determine whether itinerant general aviation aircraft should be exempt from any such requirement.

49 USC 44720 note.

SEC. 728. AUTOMATED SURFACE OBSERVATION SYSTEM STATIONS.

The Administrator shall not terminate human weather observers for Automated Surface Observation System stations until—

(1) the Administrator determines that the system provides consistent reporting of changing meteorological conditions and notifies Congress in writing of that determination; and

(2) 60 days have passed since the report was transmitted to Congress.

49 USC 44103 note.

SEC. 729. AIRCRAFT SITUATIONAL DISPLAY DATA.

(a) IN GENERAL.—A memorandum of agreement between the Administrator and any person that directly obtains aircraft situational display data from the Federal Aviation Administration shall require that—

(1) the person demonstrate to the satisfaction of the Administrator that the person is capable of selectively blocking the display of any aircraft-situation-display-to-industry derived data related to any identified aircraft registration number; and

(2) the person agree to block selectively the aircraft registration numbers of any aircraft owner or operator upon the Administration's request.

Deadline.

(b) EXISTING MEMORANDA TO BE CONFORMED.—Not later than 30 days after the date of the enactment of this Act, the Administrator shall conform any memoranda of agreement, in effect on such date of enactment, between the Federal Aviation Administration and a person under which that person obtains aircraft situational display data to incorporate the requirements of subsection (a).

SEC. 730. ELIMINATION OF BACKLOG OF EQUAL EMPLOYMENT OPPORTUNITY COMPLAINTS.

Deadline.

(a) HIRING OF ADDITIONAL PERSONNEL.—For fiscal year 2001, the Secretary may hire or contract for such additional personnel as may be necessary to eliminate the backlog of pending equal employment opportunity complaints to the Department of Transportation and to ensure that investigations of complaints are completed not later than 180 days after the date of initiation of the investigation.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,000,000 for fiscal year 2001.

SEC. 731. GRANT OF EASEMENT, LOS ANGELES, CALIFORNIA.

The Department of Airports of the City of Los Angeles may grant an easement to the California Department of Transportation to lands required to provide sufficient right-of-way to facilitate the construction of the California State Route 138 bypass, as proposed by the California Department of Transportation, if the Department of Airports can document or provide analysis that granting the easement will benefit the Department of Airports or local airport development to an extent equal to the value of the easement being granted.

49 USC 44701 note.
Effective date.

SEC. 732. REGULATION OF ALASKA GUIDE PILOTS.

(a) IN GENERAL.—Beginning on the date of the enactment of this Act, flight operations conducted by Alaska guide pilots shall

be regulated under the general operating and flight rules contained in part 91 of title 14, Code of Federal Regulations.

(b) RULEMAKING PROCEEDING.—

(1) IN GENERAL.—The Administrator shall conduct a rulemaking proceeding and issue a final rule to modify the general operating and flight rules referred to in subsection (a) by establishing special rules applicable to the flight operations conducted by Alaska guide pilots.

(2) CONTENTS OF RULES.—A final rule issued by the Administrator under paragraph (1) shall require Alaska guide pilots—

(A) to operate aircraft inspected no less often than after 125 hours of flight time;

(B) to participate in an annual flight review, as described in section 61.56 of title 14, Code of Federal Regulations;

(C) to have at least 500 hours of flight time as a pilot;

(D) to have a commercial rating, as described in subpart F of part 61 of such title;

(E) to hold at least a second-class medical certificate, as described in subpart C of part 67 of such title;

(F) to hold a current letter of authorization issued by the Administrator; and

(G) to take such other actions as the Administrator determines necessary for safety.

(3) CONSIDERATION.—In making a determination to impose a requirement under paragraph (2)(G), the Administrator shall take into account the unique conditions associated with air travel in the State of Alaska to ensure that such requirements are not unduly burdensome.

(c) DEFINITIONS.—In this section, the following definitions apply:

(1) LETTER OF AUTHORIZATION.—The term "letter of authorization" means a letter issued by the Administrator once every 5 years to an Alaska guide pilot certifying that the pilot is in compliance with general operating and flight rules applicable to the pilot. In the case of a multi-pilot operation, at the election of the operating entity, a letter of authorization may be issued by the Administrator to the entity or to each Alaska guide pilot employed by the entity.

(2) ALASKA GUIDE PILOT.—The term "Alaska guide pilot" means a pilot who—

(A) conducts aircraft operations over or within the State of Alaska;

(B) operates single engine, fixed-wing aircraft on floats, wheels, or skis, providing commercial hunting, fishing, or other guide services and related accommodations in the form of camps or lodges; and

(C) transports clients by such aircraft incidental to hunting, fishing, or other guide services.

SEC. 733. NATIONAL TRANSPORTATION DATA CENTER OF EXCELLENCE.

Of the amounts made available pursuant to section 5117(b)(6)(B) of the Transportation Equity Act for the 21st Century (23 U.S.C. 502 note; 112 Stat. 450), not to exceed $1,000,000 for

each of fiscal years 2000 and 2001 may be made available by the Secretary to establish, at an Army depot that has been closed or realigned, a national transportation data center of excellence that will—

(1) serve as a satellite facility for the central data repository that is hosted by the computer center of the Transportation Administrative Service; and

(2) analyze transportation data collected by the Federal Government, States, cities, and the transportation industry.

49 USC 44707 note.

SEC. 734. AIRCRAFT REPAIR AND MAINTENANCE ADVISORY PANEL.

(a) ESTABLISHMENT OF PANEL.—The Administrator—

(1) shall establish an aircraft repair and maintenance advisory panel to review issues related to the use and oversight of aircraft and aviation component repair and maintenance facilities (in this section referred to as "aircraft repair facilities") located within, or outside of, the United States; and

(2) may seek the advice of the panel on any issue related to methods to increase safety by improving the oversight of aircraft repair facilities.

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

(1) nine members appointed by the Administrator as follows:

(A) three representatives of labor organizations representing aviation mechanics;

(B) one representative of cargo air carriers;

(C) one representative of passenger air carriers;

(D) one representative of aircraft repair facilities;

(E) one representative of aircraft manufacturers;

(F) one representative of on-demand passenger air carriers and corporate aircraft operations; and

(G) one representative of regional passenger air carriers;

(2) one representative from the Department of Commerce, designated by the Secretary of Commerce;

(3) one representative from the Department of State, designated by the Secretary of State; and

(4) one representative from the Federal Aviation Administration, designated by the Administrator.

(c) RESPONSIBILITIES.—The panel shall—

(1) determine the amount and type of work that is being performed by aircraft repair facilities located within, and outside of, the United States; and

(2) provide advice and counsel to the Secretary with respect to the aircraft and aviation component repair work performed by aircraft repair facilities and air carriers, staffing needs, and any balance of trade or safety issues associated with that work.

(d) DOT TO REQUEST INFORMATION FROM AIR CARRIERS AND REPAIR FACILITIES.—

Regulations.

(1) COLLECTION OF INFORMATION.—The Secretary, by regulation, shall require air carriers, foreign air carriers, domestic repair facilities, and foreign repair facilities to submit such information as the Secretary may require in order to assess balance of trade and safety issues with respect to work performed on aircraft used by air carriers, foreign air carriers,

United States corporate operators, and foreign corporate operators.

(2) DRUG AND ALCOHOL TESTING INFORMATION.—Included in the information the Secretary requires under paragraph (1) shall be information on the existence and administration of employee drug and alcohol testing programs in place at the foreign repair facilities, if applicable. The Secretary, if necessary, shall work with the International Civil Aviation Organization to increase the number and improve the administration of employee drug and alcohol testing programs at the foreign repair facilities.

(3) DESCRIPTION OF WORK DONE.—Included in the information the Secretary requires under paragraph (1) shall be information on the amount and type of work performed on aircraft registered in and outside of the United States.

(e) DOT TO FACILITATE COLLECTION OF INFORMATION ABOUT AIRCRAFT MAINTENANCE.—The Secretary shall facilitate the collection of information from the National Transportation Safety Board, the Federal Aviation Administration, and other appropriate agencies regarding maintenance performed by aircraft repair facilities.

(f) DOT TO MAKE INFORMATION AVAILABLE TO PUBLIC.—The Secretary shall make any relevant information received under subsection (d) available to the public, consistent with the authority to withhold trade secrets or commercial, financial, and other proprietary information under section 552 of title 5, United States Code.

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

(1) the date that is 2 years after the date of the enactment of this Act; or

(2) December 31, 2001.

(h) DEFINITIONS.—The definitions contained in section 40102 of title 49, United States Code, shall apply to this section. Applicability.

SEC. 735. OPERATIONS OF AIR TAXI INDUSTRY. 49 USC 40101 note.

(a) STUDY.—The Administrator, in consultation with the National Transportation Safety Board and other interested persons, shall conduct a study of air taxi operators regulated under part 135 of title 14, Code of Federal Regulations.

(b) CONTENTS.—The study shall include an analysis of the size and type of the aircraft fleet, relevant aircraft equipment, hours flown, utilization rates, safety record by various categories of use and aircraft type, sales revenues, and airports served by the air taxi fleet.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study. Deadline.

SEC. 736. NATIONAL AIRSPACE REDESIGN. 49 USC 40103 note.

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

(1) The national airspace, comprising more than 29 million square miles, handles more than 55,000 flights per day.

(2) Almost 2,000,000 passengers per day traverse the United States through 20 major en route centers, including more than 700 different sectors.

(3) Redesign and review of the national airspace may produce benefits for the travelling public by increasing the efficiency and capacity of the air traffic control system and reducing delays.

(4) Redesign of the national airspace should be a high priority for the Federal Aviation Administration and the air transportation industry.

(b) REDESIGN.—The Administrator, with advice from the aviation industry and other interested parties, shall conduct a comprehensive redesign of the national airspace system.

Deadline.

(c) REPORT.—Not later than December 31, 2000, the Administrator shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the Administrator's comprehensive national airspace redesign. The report shall include projected milestones for completion of the redesign and shall also include a date for completion.

(d) AUTHORIZATION.—There is authorized to be appropriated to the Administrator to carry out this section $12,000,000 for each of fiscal years 2000, 2001, and 2002.

49 USC 47106 note.

SEC. 737. COMPLIANCE WITH REQUIREMENTS.

Notwithstanding any other provision of law, in order to avoid unnecessary duplication of expense and effort, the Secretary may authorize the use, in whole or in part, of a completed environmental assessment or environmental impact study for new construction projects on the air operations area of an airport, if the completed assessment or study was for a project at the airport that is substantially similar in nature to the new project. Any such authorized use shall meet all requirements of Federal law for the completion of such an assessment or study.

SEC. 738. FAA CONSIDERATION OF CERTAIN STATE PROPOSALS.

The Administrator is encouraged to consider any proposal with a regional consensus submitted by a State aviation authority regarding the expansion of existing airport facilities or the introduction of new airport facilities.

Ohio.

SEC. 739. CINCINNATI-MUNICIPAL BLUE ASH AIRPORT.

(a) APPROVAL OF SALE.—To maintain the efficient utilization of airports in the high-growth Cincinnati local airport system, and to ensure that the Cincinnati-Municipal Blue Ash Airport continues to operate to relieve congestion at Cincinnati-Northern Kentucky International Airport and to provide greater access to the general aviation community beyond the expiration of the City of Cincinnati's grant obligations, the Secretary may approve the sale of Cincinnati-Municipal Blue Ash Airport from the City of Cincinnati to the City of Blue Ash upon a finding that the City of Blue Ash meets all applicable requirements for sponsorship and if the City of Blue Ash agrees to continue to maintain and operate Blue Ash Airport, as generally contemplated and described within the Blue Ash Master Plan Update dated November 30, 1998, for a period of 20 years from the date existing grant assurance obligations of the City of Cincinnati expire.

(b) TREATMENT OF PROCEEDS FROM SALE.—The Secretary and the Administrator are authorized to grant the City of Cincinnati an exemption from the provisions of sections 47107 and 47133 of title 49, United States Code, grant obligations of the City of Cincinnati, and regulations and policies of the Federal Aviation Administration, to the extent necessary to allow the City of Cincinnati to use the proceeds from the sale approved under subsection (a) for any purpose authorized by the City of Cincinnati.

SEC. 740. AUTHORITY TO SELL AIRCRAFT AND AIRCRAFT PARTS FOR USE IN RESPONDING TO OIL SPILLS. 10 USC 2576 note.

(a) AUTHORITY.—

(1) SALE OF AIRCRAFT AND AIRCRAFT PARTS.—Notwithstanding section 202 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483) and subject to subsections (b) and (c), the Secretary of Defense may sell, during the period beginning on the date of the enactment of this Act and ending September 30, 2002, aircraft and aircraft parts referred to in paragraph (2) to a person or entity that provides oil spill response services (including the application of oil dispersants by air) pursuant to an oil spill response plan that has been approved by the Secretary of the Department in which the Coast Guard is operating.

(2) AIRCRAFT AND AIRCRAFT PARTS THAT MAY BE SOLD.—The aircraft and aircraft parts that may be sold under paragraph (1) are aircraft and aircraft parts of the Department of Defense that are determined by the Secretary of Defense to be—

(A) excess to the needs of the Department; and

(B) acceptable for commercial sale.

(b) CONDITIONS OF SALE.—Aircraft and aircraft parts sold under subsection (a)—

(1) shall have as their primary purpose usage for oil spill spotting, observation, and dispersant delivery and may not have any secondary purpose that would interfere with oil spill response efforts under an oil spill response plan; and

(2) may not be flown outside of or removed from the United States except for the purpose of fulfilling an international agreement to assist in oil spill dispersing efforts, for immediate response efforts for an oil spill outside United States waters that has the potential to threaten United States waters, or for other purposes that are jointly approved by the Secretary of Defense and the Secretary of Transportation.

(c) CERTIFICATION OF PERSONS AND ENTITIES.—The Secretary of Defense may sell aircraft and aircraft parts to a person or entity under subsection (a) only if the Secretary of Transportation certifies to the Secretary of Defense, in writing, before the sale, that the person or entity is capable of meeting the terms and conditions of a contract to deliver oil spill dispersants by air, and that the overall system to be employed by that person or entity for the delivery and application of oil spill dispersants has been sufficiently tested to ensure that the person or entity is capable of being included in an oil spill response plan that has been approved by the Secretary of the Department in which the Coast Guard is operating.

(d) REGULATIONS.—

(1) ISSUANCE.—As soon as practicable after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of Transportation and the Administrator of General Services, shall prescribe regulations relating to the sale of aircraft and aircraft parts under this section.

(2) CONTENTS.—The regulations shall—

(A) ensure that the sale of the aircraft and aircraft parts is made at a fair market value, as determined by the Secretary of Defense, and, to the extent practicable, on a competitive basis;

(B) require a certification by the purchaser that the aircraft and aircraft parts will be used only in accordance with the conditions set forth in subsection (b);

(C) establish appropriate means of verifying and enforcing the use of the aircraft and aircraft parts by the purchaser and other operators in accordance with the conditions set forth in subsection (b) or pursuant to subsection (e); and

(D) ensure, to the maximum extent practicable, that the Secretary of Defense consults with the Administrator of General Services and with the heads of appropriate departments and agencies of the Federal Government regarding alternative requirements for such aircraft and aircraft parts before the sale of such aircraft and aircraft parts under this section.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of Defense may require such other terms and conditions in connection with each sale of aircraft and aircraft parts under this section as the Secretary considers appropriate for such sale. Such terms and conditions shall meet the requirements of regulations prescribed under subsection (d).

Deadline.

(f) REPORT.—Not later than March 31, 2002, the Secretary of Defense shall transmit to the Committees on Armed Services and Commerce, Science, and Transportation of the Senate and the Committees on National Security and Transportation and Infrastructure of the House of Representatives a report on the Secretary's exercise of authority under this section. The report shall set forth—

(1) the number and types of aircraft sold under the authority, and the terms and conditions under which the aircraft were sold;

(2) the persons or entities to which the aircraft were sold; and

(3) an accounting of the current use of the aircraft sold.

(g) STATUTORY CONSTRUCTION.—

(1) AUTHORITY OF ADMINISTRATOR.—Nothing in this section may be construed as affecting the authority of the Administrator under any other provision of law.

(2) CERTIFICATION REQUIREMENTS.—Nothing in this section may be construed to waive, with respect to an aircraft sold under the authority of this section, any requirement to obtain a certificate from the Administrator to operate the aircraft for any purpose (other than oil spill spotting, observation, and dispersant delivery) for which such a certificate is required.

(h) PROCEEDS FROM SALE.—The net proceeds of any amounts received by the Secretary of Defense from the sale of aircraft and aircraft parts under this section shall be covered into the general fund of the Treasury as miscellaneous receipts.

SEC. 741. DISCRIMINATORY PRACTICES BY COMPUTER RESERVATIONS SYSTEMS OUTSIDE THE UNITED STATES.

(a) ACTIONS AGAINST DISCRIMINATORY ACTIVITY BY FOREIGN CRS SYSTEMS.—Section 41310 is amended by adding at the end the following:

"(g) ACTIONS AGAINST DISCRIMINATORY ACTIVITY BY FOREIGN CRS SYSTEMS.—The Secretary of Transportation may take such actions as the Secretary considers are in the public interest to eliminate an activity of a foreign air carrier that owns or markets

a computer reservations system, or of a computer reservations system firm whose principal offices are located outside the United States, when the Secretary, on the initiative of the Secretary or on complaint, decides that the activity, with respect to airline service—

"(1) is an unjustifiable or unreasonable discriminatory, predatory, or anticompetitive practice against a computer reservations system firm whose principal offices are located inside the United States; or

"(2) imposes an unjustifiable or unreasonable restriction on access of such a computer reservations system to a foreign market.".

(b) COMPLAINTS BY CRS FIRMS.—Section 41310 is amended—

(1) in subsection (d)(1)—

(A) by striking "air carrier" in the first sentence and inserting "air carrier, computer reservations system firm,";

(B) by striking "subsection (c)" and inserting "subsection (c) or (g)"; and

(C) by striking "air carrier" in subparagraph (B) and inserting "air carrier or computer reservations system firm"; and

(2) in subsection (e)(1) by inserting "or a computer reservations system firm is subject when providing services with respect to airline service" before the period at the end of the first sentence.

SEC. 742. SPECIALTY METALS CONSORTIUM. 49 USC 44504 note.

(a) IN GENERAL.—The Administrator may work with a consortium of domestic metal producers and aircraft engine manufacturers to improve the quality of turbine engine materials and to address melting technology enhancements.

(b) REPORT.—Not later than 6 months after entering into an agreement with a consortium described in subsection (a), the Administrator shall transmit to Congress a report on the goals and efforts of the consortium. Deadline.

SEC. 743. ALKALI SILICA REACTIVITY DISTRESS. 49 USC 44505 note.

(a) IN GENERAL.—The Administrator may conduct a study on the impact of alkali silica reactivity distress on airport runways and taxiways and the use of lithium salts and other alternatives for mitigation and prevention of such distress. The study shall include a determination based on in-the-field inspections followed by petrographic analysis or other similar techniques.

(b) AUTHORITY TO MAKE GRANTS.—The Administrator may carry out the study by making a grant to, or entering into a cooperative agreement with, a nonprofit organization for the conduct of all or a part of the study.

(c) REPORT.—Not later than 18 months after the date of initiation of the study under subsection (a), the Administrator shall transmit to Congress a report on the results of the study. Deadline.

SEC. 744. ROLLING STOCK EQUIPMENT.

(a) IN GENERAL.—Section 1168 of title 11, United States Code, is amended to read as follows:

"§ 1168. Rolling stock equipment

"(a)(1) The right of a secured party with a security interest in or of a lessor or conditional vendor of equipment described

in paragraph (2) to take possession of such equipment in compliance with an equipment security agreement, lease, or conditional sale contract, and to enforce any of its other rights or remedies under such security agreement, lease, or conditional sale contract, to sell, lease, or otherwise retain or dispose of such equipment, is not limited or otherwise affected by any other provision of this title or by any power of the court, except that right to take possession and enforce those other rights and remedies shall be subject to section 362, if—

"(A) before the date that is 60 days after the date of commencement of a case under this chapter, the trustee, subject to the court's approval, agrees to perform all obligations of the debtor under such security agreement, lease, or conditional sale contract; and

"(B) any default, other than a default of a kind described in section 365(b)(2), under such security agreement, lease, or conditional sale contract—

"(i) that occurs before the date of commencement of the case and is an event of default therewith is cured before the expiration of such 60-day period;

"(ii) that occurs or becomes an event of default after the date of commencement of the case and before the expiration of such 60-day period is cured before the later of—

"(I) the date that is 30 days after the date of the default or event of the default; or

"(II) the expiration of such 60-day period; and

"(iii) that occurs on or after the expiration of such 60-day period is cured in accordance with the terms of such security agreement, lease, or conditional sale contract, if cure is permitted under that agreement, lease, or conditional sale contract.

"(2) The equipment described in this paragraph—

"(A) is rolling stock equipment or accessories used on rolling stock equipment, including superstructures or racks, that is subject to a security interest granted by, leased to, or conditionally sold to a debtor; and

"(B) includes all records and documents relating to such equipment that are required, under the terms of the security agreement, lease, or conditional sale contract, that is to be surrendered or returned by the debtor in connection with the surrender or return of such equipment.

Applicability.

"(3) Paragraph (1) applies to a secured party, lessor, or conditional vendor acting in its own behalf or acting as trustee or otherwise in behalf of another party.

"(b) The trustee and the secured party, lessor, or conditional vendor whose right to take possession is protected under subsection (a) may agree, subject to the court's approval, to extend the 60-day period specified in subsection (a)(1).

"(c)(1) In any case under this chapter, the trustee shall immediately surrender and return to a secured party, lessor, or conditional vendor, described in subsection (a)(1), equipment described in subsection (a)(2), if at any time after the date of commencement of the case under this chapter such secured party, lessor, or conditional vendor is entitled pursuant to subsection (a)(1) to take possession of such equipment and makes a written demand for such possession of the trustee.

"(2) At such time as the trustee is required under paragraph (1) to surrender and return equipment described in subsection (a)(2), any lease of such equipment, and any security agreement or conditional sale contract relating to such equipment, if such security agreement or conditional sale contract is an executory contract, shall be deemed rejected.

"(d) With respect to equipment first placed in service on or prior to October 22, 1994, for purposes of this section—

"(1) the term 'lease' includes any written agreement with respect to which the lessor and the debtor, as lessee, have expressed in the agreement or in a substantially contemporaneous writing that the agreement is to be treated as a lease for Federal income tax purposes; and

"(2) the term 'security interest' means a purchase-money equipment security interest.

"(e) With respect to equipment first placed in service after October 22, 1994, for purposes of this section, the term 'rolling stock equipment' includes rolling stock equipment that is substantially rebuilt and accessories used on such equipment.".

(b) AIRCRAFT EQUIPMENT AND VESSELS.—Section 1110 of title 11, United States Code, is amended to read as follows:

"§ 1110. Aircraft equipment and vessels

"(a)(1) Except as provided in paragraph (2) and subject to subsection (b), the right of a secured party with a security interest in equipment described in paragraph (3), or of a lessor or conditional vendor of such equipment, to take possession of such equipment in compliance with a security agreement, lease, or conditional sale contract, and to enforce any of its other rights or remedies, under such security agreement, lease, or conditional sale contract, to sell, lease, or otherwise retain or dispose of such equipment, is not limited or otherwise affected by any other provision of this title or by any power of the court.

"(2) The right to take possession and to enforce the other rights and remedies described in paragraph (1) shall be subject to section 362 if—

"(A) before the date that is 60 days after the date of the order for relief under this chapter, the trustee, subject to the approval of the court, agrees to perform all obligations of the debtor under such security agreement, lease, or conditional sale contract; and

"(B) any default, other than a default of a kind specified in section 365(b)(2), under such security agreement, lease, or conditional sale contract—

"(i) that occurs before the date of the order is cured before the expiration of such 60-day period;

"(ii) that occurs after the date of the order and before the expiration of such 60-day period is cured before the later of—

"(I) the date that is 30 days after the date of the default; or

"(II) the expiration of such 60-day period; and

"(iii) that occurs on or after the expiration of such 60-day period is cured in compliance with the terms of such security agreement, lease, or conditional sale contract, if a cure is permitted under that agreement, lease, or contract.

"(3) The equipment described in this paragraph—

"(A) is—

"(i) an aircraft, aircraft engine, propeller, appliance, or spare part (as defined in section 40102 of title 49) that is subject to a security interest granted by, leased to, or conditionally sold to a debtor that, at the time such transaction is entered into, holds an air carrier operating certificate issued pursuant to chapter 447 of title 49 for aircraft capable of carrying 10 or more individuals or 6,000 pounds or more of cargo; or

"(ii) a documented vessel (as defined in section 30101(1) of title 46) that is subject to a security interest granted by, leased to, or conditionally sold to a debtor that is a water carrier that, at the time such transaction is entered into, holds a certificate of public convenience and necessity or permit issued by the Department of Transportation; and

"(B) includes all records and documents relating to such equipment that are required, under the terms of the security agreement, lease, or conditional sale contract, to be surrendered or returned by the debtor in connection with the surrender or return of such equipment.

Applicability.

"(4) Paragraph (1) applies to a secured party, lessor, or conditional vendor acting in its own behalf or acting as trustee or otherwise in behalf of another party.

"(b) The trustee and the secured party, lessor, or conditional vendor whose right to take possession is protected under subsection (a) may agree, subject to the approval of the court, to extend the 60-day period specified in subsection (a)(1).

"(c)(1) In any case under this chapter, the trustee shall immediately surrender and return to a secured party, lessor, or conditional vendor, described in subsection (a)(1), equipment described in subsection (a)(3), if at any time after the date of the order for relief under this chapter such secured party, lessor, or conditional vendor is entitled pursuant to subsection (a)(1) to take possession of such equipment and makes a written demand for such possession to the trustee.

"(2) At such time as the trustee is required under paragraph (1) to surrender and return equipment described in subsection (a)(3), any lease of such equipment, and any security agreement or conditional sale contract relating to such equipment, if such security agreement or conditional sale contract is an executory contract, shall be deemed rejected.

"(d) With respect to equipment first placed in service on or before October 22, 1994, for purposes of this section—

"(1) the term 'lease' includes any written agreement with respect to which the lessor and the debtor, as lessee, have expressed in the agreement or in a substantially contemporaneous writing that the agreement is to be treated as a lease for Federal income tax purposes; and

"(2) the term 'security interest' means a purchase-money equipment security interest.".

49 USC 47501 note.

SEC. 745. GENERAL ACCOUNTING OFFICE AIRPORT NOISE STUDY.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study on airport noise in the United States.

(b) CONTENTS OF STUDY.—In conducting the study, the Comptroller General shall examine—

(1) the selection of noise measurement methodologies used by the Administrator;

(2) the threshold of noise at which health begins to be affected;

(3) the effectiveness of noise abatement programs at airports located in the United States;

(4) the impacts of aircraft noise on communities, including schools;

(5) the noise assessment practices of the Federal Aviation Administration and whether such practices fairly and accurately reflect the burden of noise on communities; and

(6) the items requested to be examined by certain Members of the House of Representatives in a letter relating to aircraft noise to the Comptroller General dated April 30, 1999.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall transmit to Congress a report on the results of the study. Deadline.

SEC. 746. NOISE STUDY OF SKY HARBOR AIRPORT, PHOENIX, ARIZONA.

(a) IN GENERAL.—The Administrator shall conduct a study on recent changes to the flight patterns of aircraft using Sky Harbor Airport in Phoenix, Arizona, and the effects of such changes on the noise contours in the Phoenix, Arizona, region.

(b) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Administrator shall transmit to Congress a report containing the results of the study conducted under subsection (a) and recommendations for measures to mitigate aircraft noise over populated areas in the Phoenix, Arizona, region. Deadline.

(2) AVAILABILITY TO THE PUBLIC.—The Administrator shall make the report described in paragraph (1) available to the public.

SEC. 747. NONMILITARY HELICOPTER NOISE. 49 USC 47501 note.

(a) IN GENERAL.—The Secretary shall conduct a study—

(1) on the effects of nonmilitary helicopter noise on individuals in densely populated areas in the continental United States; and

(2) to develop recommendations for the reduction of the effects of nonmilitary helicopter noise.

(b) FOCUS.—In conducting the study, the Secretary shall focus on air traffic control procedures to address helicopter noise problems and shall take into account the needs of law enforcement.

(c) CONSIDERATION OF VIEWS.—In conducting the study, the Secretary shall consider the views of representatives of the helicopter industry and organizations with an interest in reducing nonmilitary helicopter noise.

(d) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under this section. Deadline.

SEC. 748. NEWPORT NEWS, VIRGINIA.

(a) AUTHORITY TO GRANT WAIVERS.—Notwithstanding section 16 of the Federal Airport Act (as in effect on May 14, 1947) or section 47125 of title 49, United States Code, the Secretary may,

subject to section 47153 of such title (as in effect on June 1, 1998), and subsection (b) of this section, waive with respect to airport property parcels that, according to the Federal Aviation Administration approved airport layout plan for Newport News/Williamsburg International Airport, are no longer required for airport purposes from any term contained in the deed of conveyance dated May 14, 1947, under which the United States conveyed such property to the Peninsula Airport Commission for airport purposes of the Commission.

(b) CONDITIONS.—Any waiver granted by the Secretary under subsection (a) shall be subject to the following conditions:

(1) The Peninsula Airport Commission shall agree that, in leasing or conveying any interest in the property with respect to which waivers are granted under subsection (a), the Commission will receive an amount that is equal to the fair lease value or the fair market value, as the case may be, as determined pursuant to regulations issued by the Secretary.

(2) Peninsula Airport Commission shall use any amount so received only for the development, improvement, operation, or maintenance of Newport News/Williamsburg International Airport.

SEC. 749. AUTHORITY TO WAIVE TERMS OF DEED OF CONVEYANCE, YAVAPAI COUNTY, ARIZONA.

(a) IN GENERAL.—Notwithstanding the Federal Airport Act (as in effect on October 31, 1956) or sections 47125 and 47153 of title 49, United States Code, and subject to this section, the Secretary of Transportation may waive any term contained in the deed of conveyance dated October 31, 1956, by which the United States conveyed lands to the County of Yavapai, Arizona, for use by the county for airport purposes.

(b) LIMITATION.—No waiver may be granted under subsection (a) if the waiver would result in the closure of an airport.

Regulations.

(c) CONDITION.—The County of Yavapai, Arizona, shall agree that, in leasing or conveying any interest in property to which the deed of conveyance described in subsection (a) relates, the county will receive an amount that is equal to the fair lease value or the fair market value, as the case may be, as determined pursuant to regulations issued by the Secretary.

SEC. 750. AUTHORITY TO WAIVE TERMS OF DEED OF CONVEYANCE, PINAL COUNTY, ARIZONA.

(a) IN GENERAL.—Notwithstanding the Federal Airport Act (as in effect on June 3, 1952) or sections 47125 and 47153 of title 49, United States Code, and subject to this section, the Secretary of Transportation may waive any term contained in the deed of conveyance dated June 3, 1952, by which the United States conveyed lands to the County of Pinal, Arizona, for use by the county for airport purposes.

(b) LIMITATION.—No waiver may be granted under subsection (a) if the waiver would result in the closure of an airport.

Regulations.

(c) CONDITION.—The County of Pinal, Arizona, shall agree that, in leasing or conveying any interest in property to which the deed of conveyance described in subsection (a) relates, the county will receive an amount that is equal to the fair lease value or the fair market value, as the case may be, as determined pursuant to regulations issued by the Secretary.

SEC. 751. CONVEYANCE OF AIRPORT PROPERTY TO AN INSTITUTION OF HIGHER EDUCATION IN OKLAHOMA.

(a) IN GENERAL.—Notwithstanding any other provision of law, including the Surplus Property Act of 1944 (58 Stat. 765, chapter 479; 50 U.S.C. App. 1622 et seq.), and subject to the requirements of this section, the Secretary (or the appropriate Federal officer) may waive, without charge, any of the terms contained in any deed of conveyance described in subsection (b) that restrict the use of any land described in such a deed that, as of the date of the enactment of this Act, is not being used for the operation of an airport or for air traffic. A waiver made under the preceding sentence shall be deemed to be consistent with the requirements of section 47153 of title 49, United States Code.

(b) DEED OF CONVEYANCE.—A deed of conveyance referred to in subsection (a) is a deed of conveyance issued by the United States before the date of the enactment of this Act for the conveyance of lands to a public institution of higher education in Oklahoma.

(c) USE OF LANDS SUBJECT TO WAIVER.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the lands subject to a waiver under subsection (a) shall not be subject to any term, condition, reservation, or restriction that would otherwise apply to that land as a result of the conveyance of that land by the United States to the institution of higher education.

(2) USE OF REVENUES.—An institution of higher education that is issued a waiver under subsection (a) shall use revenues derived from the use, operation, or disposal of that land—

(A) for the airport; and

(B) to the extent that funds remain available, for weather-related and educational purposes that primarily benefit aviation.

(d) CONDITION.—An institution of higher education that is issued a waiver under subsection (a), shall agree that, in leasing or conveying any interest in land to which the deed of conveyance described in subsection (b) relates, the institution will receive an amount that is equal to the fair lease value or the fair market value, as the case may be, as determined pursuant to regulations issued by the Secretary. Regulations.

(e) GRANTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, if an institution of higher education that is subject to a waiver under subsection (a) received financial assistance in the form of a grant from the Federal Aviation Administration or a predecessor agency before the date of the enactment of this Act, then the Secretary may waive the repayment of the outstanding amount of any grant that the institution of higher education would otherwise be required to pay.

(2) ELIGIBILITY TO RECEIVE SUBSEQUENT GRANTS.—Nothing in paragraph (1) shall affect the eligibility of an institution of higher education that is subject to that paragraph from receiving grants from the Secretary under chapter 471 of title 49, United States Code, or under any other provision of law relating to financial assistance provided through the Federal Aviation Administration.

SEC. 752. FORMER AIRFIELD LANDS, GRANT PARISH, LOUISIANA.

(a) IN GENERAL.—Subject to the requirements of this section, the United States may release, without monetary consideration, all restrictions, conditions, and limitations on the use, encumbrance, or conveyance of certain land located in Grant Parish, Louisiana, identified as Tracts B, C, and D on the map entitled "Plat of Restricted Properties/Former Pollock Army Airfield, Pollock, Louisiana", dated August 1, 1996, to the extent such restrictions, conditions, and limitations are enforceable by the United States, but the United States shall retain the right of access to, and use of, that land for national defense purposes in time of war or national emergency.

(b) CONDITIONS.—Any release under subsection (a) shall be subject to the following conditions:

Regulations.

(1) In leasing or conveying any interest in the land with respect to which releases are granted under subsection (a), the party owning the property after the releases shall receive an amount that is equal to the fair lease value or the fair market value, as the case may be, as determined pursuant to regulations issued by the Secretary.

(2) Any amount so received may be used only for the development, improvement, operation, or maintenance of the airport.

SEC. 753. RALEIGH COUNTY, WEST VIRGINIA, MEMORIAL AIRPORT.

(a) IN GENERAL.—Subject to subsection (b), the Secretary may grant a release from any term or condition in a grant agreement for the development or improvement of the Raleigh County Memorial Airport, West Virginia, if the Secretary determines that the property to which the release applies—

(1) does not exceed 400 acres; and

(2) is not needed for airport purposes.

(b) CONDITION.—The proceeds of the sale of any property to which a release under subsection (a) applies shall be used for airport purposes.

Alaska.

SEC. 754. IDITAROD AREA SCHOOL DISTRICT.

Notwithstanding any other provision of law (including section 47125 of title 49, United States Code), the Administrator of the Federal Aviation Administration, or the Administrator of General Services, may convey to the Iditarod Area School District without reimbursement all right, title, and interest in 12 acres of property at Lake Minchumina, Alaska, identified by the Administrator of the Federal Aviation Administration, including the structures known as housing units 100 through 105 and as utility building 301.

SEC. 755. ALTERNATIVE POWER SOURCES FOR FLIGHT DATA RECORDERS AND COCKPIT VOICE RECORDERS.

(a) STUDY.—The Administrator shall conduct a study on the need for an alternative power source for on-board flight data recorders and cockpit voice recorders.

Deadline.

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study.

(c) COORDINATION WITH NTSB.—If, before submitting the report, the Administrator determines, after consultation with the National Transportation Safety Board, that the Board is preparing

recommendations with respect to the matter to be studied under this section and will issue the recommendations within a reasonable period of time, the Administrator shall transmit to Congress a report containing the Administrator's comments on the Board's recommendations rather than conducting a separate study under this section.

SEC. 756. TERMINAL AUTOMATED RADAR DISPLAY AND INFORMATION SYSTEM. Procedures.

The Administrator shall develop a national policy and related procedures concerning the Terminal Automated Radar Display and Information System and sequencing for visual flight rule air traffic control towers.

SEC. 757. STREAMLINING SEAT AND RESTRAINT SYSTEM CERTIFICATION PROCESS AND DYNAMIC TESTING REQUIREMENTS. Deadlines.

(a) WORKING GROUPS.—Not later than 3 months after the date of the enactment of this Act, the Administrator shall form a working group comprised of both government and industry representatives to make recommendations for streamlining the seat and restraint system certification process and the 16g dynamic testing requirements under part 25 of title 14, Code of Federal Regulations, to focus on reducing both the cost and the length of time associated with certification of aircraft seats and restraints.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall transmit to Congress a report on the findings of the working group.

SEC. 758. EXPRESSING THE SENSE OF THE SENATE CONCERNING AIR TRAFFIC OVER NORTHERN DELAWARE.

(a) DEFINITION.—The term "Brandywine Intercept" means the point over Brandywine Hundred in northern Delaware that pilots use for guidance and maintenance of safe operation from other aircraft and over which most aircraft pass on their East Operations approach to Philadelphia International Airport.

(b) FINDINGS.—Congress makes the following findings:

(1) The Brandywine Hundred area of New Castle County, Delaware, serves as a major approach causeway to Philadelphia International Airport's East Operations runways.

(2) The standard of altitude over the Brandywine Intercept is 3,000 feet, with airport scatter charts indicating that within a given hour of consistent weather and visibility aircraft fly over the Brandywine Hundred at anywhere from 2,500 to 4,000 feet.

(3) Lower airplane altitudes result in increased ground noise.

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

(1) include northern Delaware in any study of aircraft noise conducted under part 150 of title 14, Code of Federal Regulations, required under the National Environmental Policy Act of 1969 for the redesign of the airspace surrounding Philadelphia International Airport;

(2) study the feasibility, consistent with safety, of placing the approach causeway for Philadelphia International Airport's East Operations over the Delaware River (instead of Brandywine Hundred); and

(3) study the feasibility of increasing the standard altitude over the Brandywine Intercept from 3,000 feet to 4,000 feet.

Deadline.

SEC. 759. POST FREE FLIGHT PHASE I ACTIVITIES.

Not later than August 1, 2000, the Administrator shall transmit to Congress a definitive plan for the continued implementation of Free Flight Phase I operational capabilities for fiscal years 2003 through 2005. The plan shall include and address the recommendations concerning operational capabilities for fiscal years 2003 through 2005 due to be made by the RTCA Free Flight Steering Committee in December 1999 that was established at the direction of the Federal Aviation Administration. The plan shall also include budget estimates for the implementation of these operational capabilities.

SEC. 760. SENSE OF THE CONGRESS REGARDING PROTECTING THE FREQUENCY SPECTRUM USED FOR AVIATION COMMUNICATION.

It is the sense of the Congress that with the World Radio Communication Conference scheduled to begin in May 2000 and the need to ensure that the frequency spectrum available for aviation communication and navigation is adequate, the Federal Aviation Administration, working with appropriate Federal agencies and departments, should—

(1) give high priority to developing a national policy to protect the frequency spectrum used for the Global Positioning System that is critical to aviation communications and the safe operation of aircraft; and

(2) expedite the appointment of the United States Ambassador to the World Radio Communication Conference.

SEC. 761. LAND EXCHANGES, FORT RICHARDSON AND ELMENDORF AIR FORCE BASE, ALASKA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Interior and the Secrtaries of the Army, Air Force, or such other military departments as may be necessary and appropriate may convey to the Alaska Railroad Corporation for purposes of track realignment all right, title, and interest of the United States in and to approximately 227 acres of land located on Fort Richardson and on Elmendorf Air Force Base, Alaska, in the vicinity of, and in exchange for all right, title, and interest of the Alaska Railroad Corporation in, approximately 229 acres of railroad right-of-way located between railroad mileposts 117 and 129.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by surveys satisfactory to each Secretary. The cost of the surveys shall be borne by the Alaska Railroad Corporation.

(c) ADDITIONAL TERMS AND CONDITIONS.—Each Secretary may require as to the real property under his jurisdiction such additional terms and conditions in connection with the conveyances under subsection (a) as the Secretary considers appropriate to protect the interests of the United States. The interest conveyed by the Alaska Railroad Corporation to the United States under subsection (a) shall be the full title and interest received by the Corporation under the Alaska Railroad Transfer Act of 1982 (45 U.S.C. 1201 et seq.). The individual parcels of real property conveyed to the United States under this section shall be incorporated into the

appropriate land withdrawals for the military installation in which they are situated or which surround them. The interest conveyed to the Corporation by each Secretary under subsection (a) shall be subject to the same reservations and limitations under the Alaska Railroad Transfer Act of 1982 as are currently applicable to the right-of-way for which the land is being exchanged.

(d) SAVINGS CLAUSE.—Nothing in this section affects the duties, responsibilities, and liability of the Federal Government under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) concerning any lands exchanged under this section.

SEC. 762. BILATERAL RELATIONSHIP.

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

(1) The current agreement between the United States and the United Kingdom for operating rights between the two countries, known as Bermuda II, is one of the most restrictive bilateral agreements the United States has with a developed aviation power that provides substantially greater opportunities and has resulted in a disproportionate market share in favor of United Kingdom carriers over United States carriers.

(2) The United States has attempted in good faith to negotiate a new bilateral agreement, but the United Kingdom has been unwilling to accept or introduce reasonable proposals for a new agreement.

(3) Because of the United Kingdom's unwillingness to accept reasonable proposals advanced by the United States, the latest rounds of negotiations between the United States and the United Kingdom for new operating rights have failed to produce an agreement between the two countries.

(4) The Secretary has the discretionary authority to revoke the exemption held by British carriers to operate the Concorde aircraft into the United States.

(b) CONSIDERATION OF EXERCISING AUTHORITY.—The Secretary should immediately consider whether exercise of his authority to revoke the Concorde exemption would be an appropriate and effective response to the present unsatisfactory situation.

(c) CONSIDERATION OF OTHER REMEDIES.—The Secretary should immediately consider whether it would be effective and appropriate to execute other remedies available to the United States Government, including—

(1) revoking all slots and slot exemptions held by British air carriers at all United States slot-restricted airports;

(2) rescinding current exemptions or permits under the Bermuda II bilateral to prohibit flights by British carriers to the United States; or

(3) renunciation of the current Bermuda II bilateral.

TITLE VIII—NATIONAL PARKS AIR TOUR MANAGEMENT

National Parks Air Tour Management Act of 2000.

SEC. 801. SHORT TITLE.

49 USC 40128 note.

This title may be cited as the "National Parks Air Tour Management Act of 2000".

49 USC 40128 note.

SEC. 802. FINDINGS.

Congress finds that—

(1) the Federal Aviation Administration has sole authority to control airspace over the United States;

(2) the Federal Aviation Administration has the authority to preserve, protect, and enhance the environment by minimizing, mitigating, or preventing the adverse effects of aircraft overflights on public and tribal lands;

(3) the National Park Service has the responsibility of conserving the scenery and natural and historic objects and wildlife in national parks and of providing for the enjoyment of the national parks in ways that leave the national parks unimpaired for future generations;

(4) the protection of tribal lands from aircraft overflights is consistent with protecting the public health and welfare and is essential to the maintenance of the natural and cultural resources of Indian tribes;

(5) the National Parks Overflights Working Group, composed of general aviation, commercial air tour, environmental, and Native American representatives, recommended that the Congress enact legislation based on the Group's consensus work product; and

(6) this title reflects the recommendations made by that Group.

49 USC 40128 note.

SEC. 803. AIR TOUR MANAGEMENT PLANS FOR NATIONAL PARKS.

(a) IN GENERAL.—Chapter 401 (as amended by section 706(a) of this Act) is further amended by adding at the end the following:

"§ 40128. Overflights of national parks

"(a) IN GENERAL.—

"(1) GENERAL REQUIREMENTS.—A commercial air tour operator may not conduct commercial air tour operations over a national park or tribal lands except—

"(A) in accordance with this section;

"(B) in accordance with conditions and limitations prescribed for that operator by the Administrator; and

"(C) in accordance with any applicable air tour management plan for the park or tribal lands.

"(2) APPLICATION FOR OPERATING AUTHORITY.—

"(A) APPLICATION REQUIRED.—Before commencing commercial air tour operations over a national park or tribal lands, a commercial air tour operator shall apply to the Administrator for authority to conduct the operations over the park or tribal lands.

"(B) COMPETITIVE BIDDING FOR LIMITED CAPACITY PARKS.—Whenever an air tour management plan limits the number of commercial air tour operations over a national park during a specified time frame, the Administrator, in cooperation with the Director, shall issue operation specifications to commercial air tour operators that conduct such operations. The operation specifications shall include such terms and conditions as the Administrator and the Director find necessary for management of commercial air tour operations over the park. The Administrator, in cooperation with the Director, shall develop an open competitive process for evaluating proposals from persons

interested in providing commercial air tour operations over the park. In making a selection from among various proposals submitted, the Administrator, in cooperation with the Director, shall consider relevant factors, including—

"(i) the safety record of the person submitting the proposal or pilots employed by the person;

"(ii) any quiet aircraft technology proposed to be used by the person submitting the proposal;

"(iii) the experience of the person submitting the proposal with commercial air tour operations over other national parks or scenic areas;

"(iv) the financial capability of the person submitting the proposal;

"(v) any training programs for pilots provided by the person submitting the proposal; and

"(vi) responsiveness of the person submitting the proposal to any relevant criteria developed by the National Park Service for the affected park.

"(C) NUMBER OF OPERATIONS AUTHORIZED.—In determining the number of authorizations to issue to provide commercial air tour operations over a national park, the Administrator, in cooperation with the Director, shall take into consideration the provisions of the air tour management plan, the number of existing commercial air tour operators and current level of service and equipment provided by any such operators, and the financial viability of each commercial air tour operation.

"(D) COOPERATION WITH NPS.—Before granting an application under this paragraph, the Administrator, in cooperation with the Director, shall develop an air tour management plan in accordance with subsection (b) and implement such plan.

"(E) TIME LIMIT ON RESPONSE TO ATMP APPLICATIONS.— The Administrator shall make every effort to act on any application under this paragraph and issue a decision on the application not later than 24 months after it is received or amended. Deadline.

"(F) PRIORITY.—In acting on applications under this paragraph to provide commercial air tour operations over a national park, the Administrator shall give priority to an application under this paragraph in any case in which a new entrant commercial air tour operator is seeking operating authority with respect to that national park.

"(3) EXCEPTION.—Notwithstanding paragraph (1), commercial air tour operators may conduct commercial air tour operations over a national park under part 91 of the title 14, Code of Federal Regulations if—

"(A) such activity is permitted under part 119 of such title;

"(B) the operator secures a letter of agreement from the Administrator and the national park superintendent for that national park describing the conditions under which the operations will be conducted; and

"(C) the total number of operations under this exception is limited to not more than five flights in any 30-day period over a particular park.

Deadlines.

"(4) SPECIAL RULE FOR SAFETY REQUIREMENTS.—Notwithstanding subsection (c), an existing commercial air tour operator shall apply, not later than 90 days after the date of the enactment of this section, for operating authority under part 119, 121, or 135 of title 14, Code of Federal Regulations. A new entrant commercial air tour operator shall apply for such authority before conducting commercial air tour operations over a national park or tribal lands. The Administrator shall make every effort to act on any such application for a new entrant and issue a decision on the application not later than 24 months after it is received or amended.

"(b) AIR TOUR MANAGEMENT PLANS.—

"(1) ESTABLISHMENT.—

"(A) IN GENERAL.—The Administrator, in cooperation with the Director, shall establish an air tour management plan for any national park or tribal land for which such a plan is not in effect whenever a person applies for authority to conduct a commercial air tour operation over the park. The air tour management plan shall be developed by means of a public process in accordance with paragraph (4).

"(B) OBJECTIVE.—The objective of any air tour management plan shall be to develop acceptable and effective measures to mitigate or prevent the significant adverse impacts, if any, of commercial air tour operations upon the natural and cultural resources, visitor experiences, and tribal lands.

"(2) ENVIRONMENTAL DETERMINATION.—In establishing an air tour management plan under this subsection, the Administrator and the Director shall each sign the environmental decision document required by section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) which may include a finding of no significant impact, an environmental assessment, or an environmental impact statement and the record of decision for the air tour management plan.

"(3) CONTENTS.—An air tour management plan for a national park—

"(A) may prohibit commercial air tour operations in whole or in part;

"(B) may establish conditions for the conduct of commercial air tour operations, including commercial air tour routes, maximum or minimum altitudes, time-of-day restrictions, restrictions for particular events, maximum number of flights per unit of time, intrusions on privacy on tribal lands, and mitigation of noise, visual, or other impacts;

"(C) shall apply to all commercial air tour operations within ½ mile outside the boundary of a national park;

"(D) shall include incentives (such as preferred commercial air tour routes and altitudes, relief from caps and curfews) for the adoption of quiet aircraft technology by commercial air tour operators conducting commercial air tour operations at the park;

"(E) shall provide for the initial allocation of opportunities to conduct commercial air tour operations if the plan includes a limitation on the number of commercial air tour operations for any time period; and

"(F) shall justify and document the need for measures taken pursuant to subparagraphs (A) through (E) and include such justifications in the record of decision.

"(4) PROCEDURE.—In establishing an air tour management plan for a national park or tribal lands, the Administrator and the Director shall—

"(A) hold at least one public meeting with interested parties to develop the air tour management plan;

Public information.

"(B) publish the proposed plan in the Federal Register for notice and comment and make copies of the proposed plan available to the public;

Federal Register, publication.

"(C) comply with the regulations set forth in sections 1501.3 and 1501.5 through 1501.8 of title 40, Code of Federal Regulations (for purposes of complying with the regulations, the Federal Aviation Administration shall be the lead agency and the National Park Service is a cooperating agency); and

"(D) solicit the participation of any Indian tribe whose tribal lands are, or may be, overflown by aircraft involved in a commercial air tour operation over the park or tribal lands to which the plan applies, as a cooperating agency under the regulations referred to in subparagraph (C).

Native Americans.

"(5) JUDICIAL REVIEW.—An air tour management plan developed under this subsection shall be subject to judicial review.

"(6) AMENDMENTS.—The Administrator, in cooperation with the Director, may make amendments to an air tour management plan. Any such amendments shall be published in the Federal Register for notice and comment. A request for amendment of an air tour management plan shall be made in such form and manner as the Administrator may prescribe.

Federal Register, publication.

"(c) INTERIM OPERATING AUTHORITY.—

"(1) IN GENERAL.—Upon application for operating authority, the Administrator shall grant interim operating authority under this subsection to a commercial air tour operator for commercial air tour operations over a national park or tribal lands for which the operator is an existing commercial air tour operator.

"(2) REQUIREMENTS AND LIMITATIONS.—Interim operating authority granted under this subsection—

"(A) shall provide annual authorization only for the greater of—

"(i) the number of flights used by the operator to provide the commercial air tour operations within the 12-month period prior to the date of the enactment of this section; or

"(ii) the average number of flights per 12-month period used by the operator to provide such operations within the 36-month period prior to such date of enactment, and, for seasonal operations, the number of flights so used during the season or seasons covered by that 12-month period;

"(B) may not provide for an increase in the number of commercial air tour operations conducted during any time period by the commercial air tour operator above the number that the air tour operator was originally

granted unless such an increase is agreed to by the Administrator and the Director;

Federal Register, publication.

"(C) shall be published in the Federal Register to provide notice and opportunity for comment;

"(D) may be revoked by the Administrator for cause;

Termination date.

"(E) shall terminate 180 days after the date on which an air tour management plan is established for the park or tribal lands;

"(F) shall promote protection of national park resources, visitor experiences, and tribal lands;

"(G) shall promote safe commercial air tour operations;

"(H) shall promote the adoption of quiet technology, as appropriate; and

"(I) shall allow for modifications of the interim operating authority based on experience if the modification improves protection of national park resources and values and of tribal lands.

"(3) NEW ENTRANT AIR TOUR OPERATORS.—

"(A) IN GENERAL.—The Administrator, in cooperation with the Director, may grant interim operating authority under this paragraph to an air tour operator for a national park or tribal lands for which that operator is a new entrant air tour operator if the Administrator determines the authority is necessary to ensure competition in the provision of commercial air tour operations over the park or tribal lands.

"(B) SAFETY LIMITATION.—The Administrator may not grant interim operating authority under subparagraph (A) if the Administrator determines that it would create a safety problem at the park or on the tribal lands, or the Director determines that it would create a noise problem at the park or on the tribal lands.

"(C) ATMP LIMITATION.—The Administrator may grant interim operating authority under subparagraph (A) of this paragraph only if the air tour management plan for the park or tribal lands to which the application relates has not been developed within 24 months after the date of the enactment of this section.

"(d) EXEMPTIONS.—This section shall not apply to—

"(1) the Grand Canyon National Park; or

"(2) tribal lands within or abutting the Grand Canyon National Park.

"(e) LAKE MEAD.—This section shall not apply to any air tour operator while flying over or near the Lake Mead National Recreation Area, solely as a transportation route, to conduct an air tour over the Grand Canyon National Park.

"(f) DEFINITIONS.—In this section, the following definitions apply:

"(1) COMMERCIAL AIR TOUR OPERATOR.—The term 'commercial air tour operator' means any person who conducts a commercial air tour operation.

"(2) EXISTING COMMERCIAL AIR TOUR OPERATOR.—The term 'existing commercial air tour operator' means a commercial air tour operator that was actively engaged in the business of providing commercial air tour operations over a national park at any time during the 12-month period ending on the date of the enactment of this section.

"(3) NEW ENTRANT COMMERCIAL AIR TOUR OPERATOR.—The term 'new entrant commercial air tour operator' means a commercial air tour operator that—

"(A) applies for operating authority as a commercial air tour operator for a national park or tribal lands; and

"(B) has not engaged in the business of providing commercial air tour operations over the national park or tribal lands in the 12-month period preceding the application.

"(4) COMMERCIAL AIR TOUR OPERATION.—

"(A) IN GENERAL.—The term 'commercial air tour operation' means any flight, conducted for compensation or hire in a powered aircraft where a purpose of the flight is sightseeing over a national park, within ½ mile outside the boundary of any national park, or over tribal lands, during which the aircraft flies—

"(i) below a minimum altitude, determined by the Administrator in cooperation with the Director, above ground level (except solely for purposes of takeoff or landing, or necessary for safe operation of an aircraft as determined under the rules and regulations of the Federal Aviation Administration requiring the pilot-in-command to take action to ensure the safe operation of the aircraft); or

"(ii) less than 1 mile laterally from any geographic feature within the park (unless more than ½ mile outside the boundary).

"(B) FACTORS TO CONSIDER.—In making a determination of whether a flight is a commercial air tour operation for purposes of this section, the Administrator may consider—

"(i) whether there was a holding out to the public of willingness to conduct a sightseeing flight for compensation or hire;

"(ii) whether a narrative that referred to areas or points of interest on the surface below the route of the flight was provided by the person offering the flight;

"(iii) the area of operation;

"(iv) the frequency of flights conducted by the person offering the flight;

"(v) the route of flight;

"(vi) the inclusion of sightseeing flights as part of any travel arrangement package offered by the person offering the flight;

"(vii) whether the flight would have been canceled based on poor visibility of the surface below the route of the flight; and

"(viii) any other factors that the Administrator and the Director consider appropriate.

"(5) NATIONAL PARK.—The term 'national park' means any unit of the National Park System.

"(6) TRIBAL LANDS.—The term 'tribal lands' means Indian country (as that term is defined in section 1151 of title 18) that is within or abutting a national park.

"(7) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Aviation Administration.

"(8) DIRECTOR.—The term 'Director' means the Director of the National Park Service.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 401 (as amended by section 706(b) of this Act) is further amended by adding at the end the following:

"40128. Overflights of national parks.".

(c) COMPLIANCE WITH OTHER REGULATIONS.—For purposes of section 40126 of title 49, United States Code—

(1) regulations issued by the Secretary of Transportation and the Administrator under section 3 of Public Law 100–91 (16 U.S.C. 1a–1 note); and

(2) commercial air tour operations carried out in compliance with the requirements of those regulations,

shall be deemed to meet the requirements of such section 40126.

Arizona.
Nevada.
Deadline.

SEC. 804. QUIET AIRCRAFT TECHNOLOGY FOR GRAND CANYON.

(a) QUIET TECHNOLOGY REQUIREMENTS.—Within 12 months after the date of the enactment of this Act, the Administrator shall designate reasonably achievable requirements for fixed-wing and helicopter aircraft necessary for such aircraft to be considered as employing quiet aircraft technology for purposes of this section. If the Administrator determines that the Administrator will not be able to make such designation before the last day of such 12-month period, the Administrator shall transmit to Congress a report on the reasons for not meeting such time period and the expected date of such designation.

Reports.

Regulations.

(b) ROUTES OR CORRIDORS.—In consultation with the Director and the advisory group established under section 805, the Administrator shall establish, by rule, routes or corridors for commercial air tour operations (as defined in section 40126(e)(4) of title 49, United States Code) by fixed-wing and helicopter aircraft that employ quiet aircraft technology for—

(1) tours of the Grand Canyon originating in Clark County, Nevada; and

(2) "local loop" tours originating at the Grand Canyon National Park Airport, in Tusayan, Arizona,

provided that such routes or corridors can be located in areas that will not negatively impact the substantial restoration of natural quiet, tribal lands, or safety.

(c) OPERATIONAL CAPS.—Commercial air tour operations by any fixed-wing or helicopter aircraft that employs quiet aircraft technology and that replaces an existing aircraft shall not be subject to the operational flight allocations that apply to other commercial air tour operations of the Grand Canyon, provided that the cumulative impact of such operations does not increase noise at the Grand Canyon.

(d) MODIFICATION OF EXISTING AIRCRAFT TO MEET STANDARDS.—A commercial air tour operation by a fixed-wing or helicopter aircraft in a commercial air tour operator's fleet on the date of the enactment of this Act that meets the requirements designated under subsection (a), or is subsequently modified to meet the requirements designated under subsection (a), may be used for commercial air tour operations under the same terms and conditions as a replacement aircraft under subsection (c) without regard to whether it replaces an existing aircraft.

(e) MANDATE TO RESTORE NATURAL QUIET.—Nothing in this Act shall be construed to relieve or diminish—

(1) the statutory mandate imposed upon the Secretary of the Interior and the Administrator of the Federal Aviation Administration under Public Law 100–91 (16 U.S.C. 1a–1 note) to achieve the substantial restoration of the natural quiet and experience at the Grand Canyon National Park; and

(2) the obligations of the Secretary and the Administrator to promulgate forthwith regulations to achieve the substantial restoration of the natural quiet and experience at the Grand Canyon National Park.

SEC. 805. ADVISORY GROUP.

49 USC 40128 note. Deadline.

(a) ESTABLISHMENT.—Not later than 1 year after the date of the enactment of this Act, the Administrator and the Director of the National Park Service shall jointly establish an advisory group to provide continuing advice and counsel with respect to commercial air tour operations over and near national parks.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The advisory group shall be composed of—

(A) a balanced group of—

(i) representatives of general aviation;

(ii) representatives of commercial air tour operators;

(iii) representatives of environmental concerns; and

(iv) representatives of Indian tribes;

(B) a representative of the Federal Aviation Administration; and

(C) a representative of the National Park Service.

(2) EX OFFICIO MEMBERS.—The Administrator (or the designee of the Administrator) and the Director (or the designee of the Director) shall serve as ex officio members.

(3) CHAIRPERSON.—The representative of the Federal Aviation Administration and the representative of the National Park Service shall serve alternating 1-year terms as chairman of the advisory group, with the representative of the Federal Aviation Administration serving initially until the end of the calendar year following the year in which the advisory group is first appointed.

(c) DUTIES.—The advisory group shall provide advice, information, and recommendations to the Administrator and the Director—

(1) on the implementation of this title and the amendments made by this title;

(2) on commonly accepted quiet aircraft technology for use in commercial air tour operations over a national park or tribal lands, which will receive preferential treatment in a given air tour management plan;

(3) on other measures that might be taken to accommodate the interests of visitors to national parks; and

(4) at the request of the Administrator and the Director, safety, environmental, and other issues related to commercial air tour operations over a national park or tribal lands.

(d) COMPENSATION; SUPPORT; FACA.—

(1) COMPENSATION AND TRAVEL.—Members of the advisory group who are not officers or employees of the United States, while attending conferences or meetings of the group or otherwise engaged in its business, or while serving away from their

homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(2) ADMINISTRATIVE SUPPORT.—The Federal Aviation Administration and the National Park Service shall jointly furnish to the advisory group clerical and other assistance.

(3) NONAPPLICATION OF FACA.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) does not apply to the advisory group.

Effective date. 49 USC 40128 note.

SEC. 806. PROHIBITION OF COMMERCIAL AIR TOUR OPERATIONS OVER THE ROCKY MOUNTAIN NATIONAL PARK.

Effective beginning on the date of the enactment of this Act, no commercial air tour operation may be conducted in the airspace over the Rocky Mountain National Park notwithstanding any other provision of this Act or section 40126 of title 49, United States Code.

Deadlines. 49 USC 40128 note.

SEC. 807. REPORTS.

(a) OVERFLIGHT FEE REPORT.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall transmit to Congress a report on the effects overflight fees are likely to have on the commercial air tour operation industry. The report shall include, but shall not be limited to—

(1) the viability of a tax credit for the commercial air tour operators equal to the amount of any overflight fees charged by the National Park Service; and

(2) the financial effects proposed offsets are likely to have on Federal Aviation Administration budgets and appropriations.

(b) QUIET AIRCRAFT TECHNOLOGY REPORT.—Not later than 2 years after the date of the enactment of this Act, the Administrator and the Director of the National Park Service shall jointly transmit a report to Congress on the effectiveness of this title in providing incentives for the development and use of quiet aircraft technology.

49 USC 40128 note.

SEC. 808. METHODOLOGIES USED TO ASSESS AIR TOUR NOISE.

Any methodology adopted by a Federal agency to assess air tour noise in any unit of the national park system (including the Grand Canyon and Alaska) shall be based on reasonable scientific methods.

49 USC 40128 note.

SEC. 809. ALASKA EXEMPTION.

The provisions of this title and section 40128 of title 49, United States Code, as added by section 803(a), do not apply to any land or waters located in Alaska.

TITLE IX—FEDERAL AVIATION RESEARCH, ENGINEERING, AND DEVELOPMENT

SEC. 901. AUTHORIZATION OF APPROPRIATIONS.

Section 48102(a) of title 49, United States Code, is amended—

(1) by striking "and" at the end of paragraph (4)(J);

(2) by striking the period at the end of paragraph (5) and inserting a semicolon; and

(3) by adding at the end the following:

"(6) for fiscal year 2000, $224,000,000, including—

"(A) $17,269,000 for system development and infrastructure projects and activities;

"(B) $33,042,500 for capacity and air traffic management technology projects and activities;

"(C) $11,265,400 for communications, navigation, and surveillance projects and activities;

"(D) $19,300,000 for weather projects and activities;

"(E) $6,358,200 for airport technology projects and activities;

"(F) $44,457,000 for aircraft safety technology projects and activities;

"(G) $53,218,000 for system security technology projects and activities;

"(H) $26,207,000 for human factors and aviation medicine projects and activities;

"(I) $3,481,000 for environment and energy projects and activities; and

"(J) $2,171,000 for innovative/cooperative research projects and activities, of which $750,000 shall be for carrying out subsection (h);

"(7) for fiscal year 2001, $237,000,000; and

"(8) for fiscal year 2002, $249,000,000.".

SEC. 902. INTEGRATED NATIONAL AVIATION RESEARCH PLAN.

(a) IN GENERAL.—Section 44501(c) of title 49, United States Code, is amended—

(1) in paragraph (2)(B)—

(A) by striking "and" at the end of clause (iii);

(B) by redesignating clause (iv) as clause (v) and inserting after clause (iii) the following:

"(iv) identify the individual research and development projects in each funding category that are described in the annual budget request;"

(C) by striking the period at the end of clause (v) (as so redesignated) and inserting "; and"; and

(D) by adding at the end the following:

"(vi) highlight the research and development technology transfer activities that promote technology sharing among government, industry, and academia through the Stevenson-Wydler Technology Innovation Act of 1980."; and

(2) in paragraph (3) by inserting "The report shall be prepared in accordance with requirements of section 1116 of title 31." after "effect for the prior fiscal year.". Reports.

(b) REQUIREMENT.—Not later than October 1, 2000, the Administrator of the National Aeronautics and Space Administration and the Administrator of the Federal Aviation Administration shall jointly prepare and transmit to the Congress an integrated civil aviation research and development plan. Deadline.

(c) CONTENTS.—The plan required by subsection (b) shall include—

(1) an identification of the respective research and development requirements, roles, and responsibilities of the National

Aeronautics and Space Administration and the Federal Aviation Administration;

(2) formal mechanisms for the timely sharing of information between the National Aeronautics and Space Administration and the Federal Aviation Administration; and

(3) procedures for increased communication and coordination between the Federal Aviation Administration research advisory committee established under section 44508 of title 49, United States Code, and the NASA Aeronautics and Space Transportation Technology Advisory Committee.

Records.
49 USC 106 note.

SEC. 903. INTERNET AVAILABILITY OF INFORMATION.

The Administrator shall make available through the Internet home page of the Federal Aviation Administration the abstracts relating to all research grants and awards made with funds authorized by the amendments made by this Act. Nothing in this section shall be construed to require or permit the release of any information prohibited by law or regulation from being released to the public.

SEC. 904. RESEARCH ON NONSTRUCTURAL AIRCRAFT SYSTEMS.

Section 44504(b)(1) of title 49, United States Code, is amended by inserting ", including nonstructural aircraft systems," after "life of aircraft".

49 USC 44505 note.

SEC. 905. RESEARCH PROGRAM TO IMPROVE AIRFIELD PAVEMENTS.

The Administrator shall consider awards to nonprofit concrete pavement research foundations to improve the design, construction, rehabilitation, and repair of rigid concrete airfield pavements to aid in the development of safer, more cost-effective, and durable airfield pavements. The Administrator may use a grant or cooperative agreement for this purpose. Nothing in this section shall require the Administrator to prioritize an airfield pavement research program above safety, security, Flight 21, environment, or energy research programs.

SEC. 906. EVALUATION OF RESEARCH FUNDING TECHNIQUES.

(a) IN GENERAL.—The Secretary, in consultation with the National Academy of Sciences and representatives of airports, shall evaluate the applicability of the techniques used to fund and administer research under the National Highway Cooperative Research Program and the National Transit Research Program to the research needs of airports.

(b) REPORT.—The Secretary shall transmit to Congress a report on the results of the evaluation conducted under this section.

TITLE X—EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY

SEC. 1001. EXTENSION OF EXPENDITURE AUTHORITY.

26 USC 9502.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 (relating to expenditures from Airport and Airway Trust Fund) is amended—

(1) by striking "October 1, 1998" and inserting "October 1, 2003"; and

(2) by inserting before the semicolon at the end of subparagraph (A) the following: "or the provisions of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 providing for payments from the Airport and Airway Trust Fund or the Interim Federal Aviation Administration Authorization Act or section 6002 of the 1999 Emergency Supplemental Appropriations Act, Public Law 106–59, or the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century".

(b) LIMITATION ON EXPENDITURE AUTHORITY.—Section 9502 of such Code is amended by adding at the end the following new subsection:

"(f) LIMITATION ON TRANSFERS TO TRUST FUND.—

"(1) IN GENERAL.—Except as provided in paragraph (2), no amount may be appropriated or credited to the Airport and Airway Trust Fund on and after the date of any expenditure from the Airport and Airway Trust Fund which is not permitted by this section. The determination of whether an expenditure is so permitted shall be made without regard to—

"(A) any provision of law which is not contained or referenced in this title or in a revenue Act; and

"(B) whether such provision of law is a subsequently enacted provision or directly or indirectly seeks to waive the application of this subsection.

"(2) EXCEPTION FOR PRIOR OBLIGATIONS.—Paragraph (1) shall not apply to any expenditure to liquidate any contract entered into (or for any amount otherwise obligated) before October 1, 2003, in accordance with the provisions of this section.".

Approved April 5, 2000.

LEGISLATIVE HISTORY—H.R. 1000 (S. 82) (S. 1467):

HOUSE REPORTS: Nos. 106–167 and Pt. 2 (Comm. on Transportation and Infrastructure) and 106–513 (Comm. of Conference).

SENATE REPORTS: No. 106–9 accompanying S. 82 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD:

Vol. 145 (1999): June 15, considered and passed House.
Oct. 5, considered and passed Senate, amended, in lieu of S. 82.

Vol. 146 (2000): Mar. 8, Senate agreed to conference report.
Mar. 15, House agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):
Apr. 5, Presidential statement.