

In the Senate of the United States,

October 5, 1999.

Resolved, That the bill from the House of Representatives (H.R. 1000) entitled “An Act to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

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

2 *(a) SHORT TITLE.—This Act may be cited as the “Air*
3 *Transportation Improvement Act”.*

4 *(b) TABLE OF SECTIONS.—The table of sections for this*
5 *Act is as follows:*

Sec. 1. Short title; table of sections.

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

TITLE I—AUTHORIZATIONS

Sec. 101. Federal Aviation Administration operations.

Sec. 102. Air navigation facilities and equipment.

Sec. 103. Airport planning and development and noise compatibility planning
and programs.

Sec. 104. Reprogramming notification requirement.

Sec. 105. Airport security program.

Sec. 106. Automated surface observation system stations.

TITLE II—AIRPORT IMPROVEMENT PROGRAM AMENDMENTS

- Sec. 201. Removal of the cap on discretionary fund.*
- Sec. 202. Innovative use of airport grant funds.*
- Sec. 203. Matching share.*
- Sec. 204. Increase in apportionment for noise compatibility planning and programs.*
- Sec. 205. Technical amendments.*
- Sec. 206. Report on efforts to implement capacity enhancements.*
- Sec. 207. Prioritization of discretionary projects.*
- Sec. 208. Public notice before grant assurance requirement waived.*
- Sec. 209. Definition of public aircraft.*
- Sec. 210. Terminal development costs.*
- Sec. 211. Airfield pavement conditions.*
- Sec. 212. Discretionary grants.*
- Sec. 213. Contract tower cost-sharing.*

TITLE III—AMENDMENTS TO AVIATION LAW

- Sec. 301. Severable services contracts for periods crossing fiscal years.*
- Sec. 302. Stage 3 noise level compliance for certain aircraft.*
- Sec. 303. Government and industry consortia.*
- Sec. 304. Implementation of Article 83 Bis of the Chicago Convention.*
- Sec. 305. Foreign aviation services authority.*
- Sec. 306. Flexibility to perform criminal history record checks; technical amendments to Pilot Records Improvement Act.*
- Sec. 307. Extension of Aviation Insurance Program.*
- Sec. 308. Technical corrections to civil penalty provisions.*
- Sec. 309. Criminal penalty for pilots operating in air transportation without an airman's certificate.*
- Sec. 310. Nondiscriminatory interline interconnection requirements.*
- Sec. 311. Review process for emergency orders under section 44709.*

TITLE IV—MISCELLANEOUS

- Sec. 401. Oversight of FAA response to year 2000 problem.*
- Sec. 402. Cargo collision avoidance systems deadline.*
- Sec. 403. Runway safety areas; precision approach path indicators.*
- Sec. 404. Airplane emergency locators.*
- Sec. 405. Counterfeit aircraft parts.*
- Sec. 406. FAA may fine unruly passengers.*
- Sec. 407. Higher standards for handicapped access.*
- Sec. 408. Conveyances of United States Government land.*
- Sec. 409. Flight operations quality assurance rules.*
- Sec. 410. Wide area augmentation system.*
- Sec. 411. Regulation of Alaska guide pilots.*
- Sec. 412. Alaska rural aviation improvement.*
- Sec. 413. Human factors program.*
- Sec. 414. Independent validation of FAA costs and allocations.*
- Sec. 415. Application of Federal Procurement Policy Act.*
- Sec. 416. Report on modernization of oceanic ATC system.*
- Sec. 417. Report on air transportation oversight system.*
- Sec. 418. Recycling of EIS.*
- Sec. 419. Protection of employees providing air safety information.*
- Sec. 420. Improvements to air navigation facilities.*
- Sec. 421. Denial of airport access to certain air carriers.*

- Sec. 422. Tourism.*
- Sec. 423. Sense of the Senate on property taxes on public-use airports.*
- Sec. 424. Federal Aviation Administration Personnel Management System.*
- Sec. 425. Authority to sell aircraft and aircraft parts for use in responding to oil spills.*
- Sec. 426. Aircraft and aviation component repair and maintenance advisory panel.*
- Sec. 427. Aircraft situational display data.*
- Sec. 428. Allocation of Trust Fund funding.*
- Sec. 429. Taos Pueblo and Blue Lakes Wilderness Area demonstration project.*
- Sec. 430. Airline marketing disclosure.*
- Sec. 431. Compensation under the Death on the High Seas Act.*
- Sec. 432. FAA study of breathing hoods.*
- Sec. 433. FAA study of alternative power sources for flight data recorders and cockpit voice recorders.*
- Sec. 434. Passenger facility fee letters of intent.*
- Sec. 435. Elimination of HAZMAT enforcement backlog.*
- Sec. 436. FAA evaluation of long-term capital leasing.*
- Sec. 437. Prohibitions against smoking on scheduled flights.*
- Sec. 438. Designating current and former military airports.*
- Sec. 439. Rolling stock equipment.*
- Sec. 440. Monroe Regional Airport land conveyance.*
- Sec. 441. Cincinnati-Municipal Blue Ash Airport.*
- Sec. 442. Report on Specialty Metals Consortium.*
- Sec. 443. Pavement condition.*
- Sec. 444. Inherently low-emission airport vehicle pilot program.*
- Sec. 445. Conveyance of airport property to an institution of higher education in Oklahoma.*
- Sec. 446. Automated Surface Observation System/Automated Weather Observing System Upgrade.*
- Sec. 447. Terminal Automated Radar Display and Information System.*
- Sec. 448. Cost/benefit analysis for retrofit of 16G seats.*
- Sec. 449. Raleigh County, West Virginia, Memorial Airport.*
- Sec. 450. Airport safety needs.*
- Sec. 451. Flight training of international students.*
- Sec. 452. Grant Parish, Louisiana.*
- Sec. 453. Designation of general aviation airport.*
- Sec. 454. Airline Deregulation Study Commission.*
- Sec. 455. Nondiscrimination in the use of private airports.*
- Sec. 456. Curfew.*
- Sec. 457. Federal Aviation Administration Year 2000 Technology Safety Enforcement Act of 1999.*
- Sec. 458. Expressing the sense of the Senate concerning air traffic over northern Delaware.*
- Sec. 459. Study of outdoor air, ventilation, and recirculation air requirements for passenger cabins in commercial aircraft.*
- Sec. 460. General Aviation Metropolitan Access and Reliever Airport Grant Fund.*
- Sec. 461. Study on airport noise.*
- Sec. 462. Sense of the Senate concerning EAS.*
- Sec. 463. Airline quality service reports.*
- Sec. 464. Prevention of frauds involving aircraft or space vehicle parts in interstate or foreign commerce.*
- Sec. 465. Preservation of essential air service at dominated hub airports.*

Sec. 466. Availability of funds for Georgia's regional airport enhancement program.

TITLE V—AVIATION COMPETITION PROMOTION

Sec. 501. Purpose.
Sec. 502. Establishment of small community aviation development program.
Sec. 503. Community-carrier air service program.
Sec. 504. Authorization of appropriations.
Sec. 505. Marketing practices.
Sec. 506. Changes in, and phase-out of, slot rules.
Sec. 507. Consumer notification of e-ticket expiration dates.
Sec. 508. Regional air service incentive options.
Sec. 509. Requirement to enhance competitiveness of slot exemptions for regional jet air service and new entrant air carriers at certain high density traffic airports.

TITLE VI—NATIONAL PARKS OVERFLIGHTS

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

TITLE VII—TITLE 49 TECHNICAL CORRECTIONS

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

TITLE VIII—TRANSFER OF AERONAUTICAL CHARTING ACTIVITY

Sec. 801. Transfer of functions, powers, and duties.
Sec. 802. Transfer of office, personnel, and funds.
Sec. 803. Amendment of title 49, United States Code.
Sec. 804. Savings provision.
Sec. 805. National ocean survey.
Sec. 806. Sale and distribution of nautical and aeronautical products by NOAA.

TITLE IX—MANAGEMENT REFORMS OF THE FEDERAL AVIATION ADMINISTRATION

Sec. 901. Short title.
Sec. 902. Amendments to title 49, United States Code.
Sec. 903. Definitions.
Sec. 904. Findings.
Sec. 905. Air traffic control system defined.
Sec. 906. Chief Operating Officer for air traffic services.
Sec. 907. Federal Aviation Management Advisory Council.
Sec. 908. Compensation of the Administrator.
Sec. 909. National airspace redesign.
Sec. 910. FAA costs and allocations system management.
Sec. 911. Air traffic modernization pilot program.

*TITLE X—METROPOLITAN AIRPORTS AUTHORITY IMPROVEMENT
ACT*

- Sec. 1001. Short title.*
Sec. 1002. Removal of limitation.

TITLE XI—NOISE ABATEMENT

- Sec. 1101. Good neighbors policy.*
Sec. 1102. GAO review of aircraft engine noise assessment.
Sec. 1103. GAO review of FAA community noise assessment.

TITLE XII—STUDY TO ENSURE CONSUMER INFORMATION

- Sec. 1201. Short title.*
*Sec. 1202. National Commission to Ensure Consumer Information and Choice in
the Airline Industry.*

*TITLE XIII—FEDERAL AVIATION RESEARCH, ENGINEERING, AND
DEVELOPMENT*

- Sec. 1301. Authorization of appropriations.*
Sec. 1302. Integrated national aviation research plan.
Sec. 1303. Internet availability of information.
Sec. 1304. Research on nonstructural aircraft systems.
Sec. 1305. Post Free Flight Phase I activities.
Sec. 1306. Research program to improve airfield pavements.
*Sec. 1307. Sense of Senate regarding protecting the frequency spectrum used for
aviation communication.*
Sec. 1308. Study.

TITLE XIV—AIRLINE CUSTOMER SERVICE COMMITMENT

- Sec. 1401. Airline customer service reports.*
Sec. 1402. Increased financial responsibility for lost baggage.
Sec. 1403. Increased penalty for violation of aviation consumer protection laws.
Sec. 1404. Comptroller General investigation.
Sec. 1405. Funding of enforcement of airline consumer protections.

TITLE XV—PENALTIES FOR UNRULY PASSENGERS

- Sec. 1501. Penalties for unruly passengers.*
Sec. 1502. Deputizing of strike State and local law enforcement officers.
Sec. 1503. Study and report on aircraft noise.

TITLE XVI—AIRLINE COMMISSION

- Sec. 1601. Short title.*
*Sec. 1602. National Commission to Ensure Consumer Information and Choice in
the Airline Industry.*

TITLE XVII—TRANSPORTATION OF ANIMALS

- Sec. 1701. Short title; table of contents.*
Sec. 1702. Findings.

SUBTITLE A—ANIMAL WELFARE

- Sec. 1711. Definition of transport.*

Sec. 1712. Information on incidence of animals in air transport.

Sec. 1713. Reports by carriers on incidents involving animals during air transport.

Sec. 1714. Annual reports.

SUBTITLE B—TRANSPORTATION

Sec. 1721. Policies and procedures for transporting animals.

Sec. 1722. Civil penalties and compensation for loss, injury, or death of animals during air transport.

Sec. 1723. Cargo hold improvements to protect animal health and safety.

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

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

7 TITLE I—AUTHORIZATIONS

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

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

12 *“(k) AUTHORIZATION OF APPROPRIATIONS FOR OPER-*
 13 *ATIONS.—*

14 *“(1) IN GENERAL.—There are authorized to be*
 15 *appropriated to the Secretary of Transportation for*
 16 *operations of the Administration \$5,632,000,000 for*
 17 *fiscal year 1999, \$5,784,000,000 for fiscal year 2000,*
 18 *\$6,073,000,000 for fiscal year 2001, and*
 19 *\$6,377,000,000 for fiscal year 2002. Of the amounts*
 20 *authorized to be appropriated for fiscal year 2000,*

1 *not more than \$9,100,000 shall be used to support air*
2 *safety efforts through payment of United States mem-*
3 *bership obligations, to be paid as soon as practicable.*

4 “(2) *AUTHORIZED EXPENDITURES.—Of the*
5 *amounts appropriated under paragraph (1) \$450,000*
6 *may be used for wildlife hazard mitigation measures*
7 *and management of the wildlife strike database of the*
8 *Federal Aviation Administration.*

9 “(3) *UNIVERSITY CONSORTIUM.—There are au-*
10 *thorized to be appropriated not more than \$9,100,000*
11 *for the 3 fiscal year period beginning with fiscal year*
12 *2000 to support a university consortium established*
13 *to provide an air safety and security management*
14 *certificate program, working cooperatively with the*
15 *Federal Aviation Administration and United States*
16 *air carriers. Funds authorized under this*
17 *paragraph—*

18 “(A) *may not be used for the construction*
19 *of a building or other facility; and*

20 “(B) *shall be awarded on the basis of open*
21 *competition.”.*

22 “(b) *COORDINATION.—The authority granted the Sec-*
23 *retary under section 41720 of title 49, United States Code,*
24 *does not affect the Secretary’s authority under any other*
25 *provision of law.*

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

2 (a) *IN GENERAL.*—Section 48101(a) is amended by
3 striking paragraphs (1) and (2) and inserting the following:

4 “(1) \$2,131,000,000 for fiscal year 1999.

5 “(2) \$2,689,000,000 for fiscal year 2000.

6 “(3) \$2,799,000,000 for fiscal year 2001.

7 “(4) \$2,914,000,000 for fiscal year 2002.”.

8 (b) *CONTINUATION OF ILS INVENTORY PROGRAM.*—
9 Section 44502(a)(4)(B) is amended—

10 (1) by striking “fiscal years 1995 and 1996” and
11 inserting “fiscal years 1999 through 2002”; and

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

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

19 **SEC. 103. AIRPORT PLANNING AND DEVELOPMENT AND**
20 **NOISE COMPATIBILITY PLANNING AND PRO-**
21 **GRAMS.**

22 (a) *EXTENSION AND AUTHORIZATION.*—Section 48103
23 is amended by striking “1999.” and inserting “1999,
24 \$4,885,000,000 for fiscal years ending before October 1,
25 2000, \$7,295,000,000 for fiscal years ending before October

1 1, 2001, and \$9,705,000,000 for fiscal years ending before
 2 October 1, 2002.”.

3 (b) *PROJECT GRANT AUTHORITY*.—Section 47104(c) is
 4 amended by striking “September 30, 1999,” and inserting
 5 “September 30, 2002,”.

6 **SEC. 104. REPROGRAMMING NOTIFICATION REQUIREMENT.**

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

16 **SEC. 105. AIRPORT SECURITY PROGRAM.**

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

20 **“§ 47136. Airport security program**

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

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

4 “(1) *evaluates and tests the benefits of innovative*
5 *aviation security systems or related technology, in-*
6 *cluding explosives detection systems, for the purpose*
7 *of improving aviation and aircraft physical security,*
8 *access control, and passenger and baggage screening;*
9 *and*

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

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

16 “(d) *TERMS AND CONDITIONS.*—*The Secretary may es-*
17 *tablish such terms and conditions as the Secretary deter-*
18 *mines appropriate for carrying out a project under this sec-*
19 *tion, including terms and conditions relating to the form*
20 *and content of a proposal for a project, project assurances,*
21 *and schedule of payments.*

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

1 *essary engineering and technical expertise to successfully*
 2 *conduct the testing and evaluation of airport and aircraft*
 3 *related security systems.*

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

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

“47136. Airport security program.”.

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

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

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

22 (2) *60 days have passed since the report was*
 23 *submitted to the Congress.*

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

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

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

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

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

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

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

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

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

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

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

8 “(1) *payment of interest;*

9 “(2) *commercial bond insurance and other credit*
 10 *enhancement associated with airport bonds for eligible*
 11 *airport development; and*

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

14 (b) *CONFORMING AMENDMENT.*—*The chapter analysis*
 15 *for chapter 471 is amended by inserting after the item relat-*
 16 *ing to section 47134 the following:*

“47135. Innovative financing techniques.”.

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

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

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

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

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

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

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

10 (b) *SUPPLEMENTAL APPORTIONMENT FOR ALASKA.*—
11 *Section 47114(e) is amended—*

12 (1) *by striking “ALTERNATIVE” in the subsection*
13 *caption and inserting “SUPPLEMENTAL”;*

14 (2) *in paragraph (1) by—*

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

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

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

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

25 (c) *REPEAL OF APPORTIONMENT LIMITATION ON COM-*
26 *MERCIAL SERVICE AIRPORTS IN ALASKA.*—Section 47117

1 *is amended by striking subsection (f) and redesignating sub-*
 2 *sections (g) and (h) as subsections (f) and (g), respectively.*

3 *(d) CONTINUATION OF PROJECT FUNDING.—Section*
 4 *47108 is amended by adding at the end thereof the fol-*
 5 *lowing:*

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

14 *(e) GRANT ELIGIBILITY FOR PRIVATE RELIEVER AIR-*
 15 *PORTS.—Section 47102(17)(B) is amended—*

16 *(1) by striking “or” at the end of clause (i) and*
 17 *redesignating clause (ii) as clause (iii); and*

18 *(2) by inserting after clause (i) the following:*

19 *“(ii) a privately-owned airport that, as*
 20 *a reliever airport, received Federal aid for*
 21 *airport development prior to October 9,*
 22 *1996, but only if the Administrator issues*
 23 *revised administrative guidance after July*
 24 *1, 1998, for the designation of reliever air-*
 25 *ports; or”.*

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

3 (1) by striking “and” after the semicolon in sub-
 4 paragraph (B);

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

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

8 “(D) on flights, including flight segments,
 9 between 2 or more points in Hawaii.”.

10 (g) *PASSENGER FACILITY FEE WAIVER FOR CERTAIN*
 11 *CLASS OF CARRIERS OR FOR SERVICE TO AIRPORTS IN ISO-*
 12 *LATED COMMUNITIES.*—Section 40117(i) is amended—

13 (1) by striking “and” at the end of paragraph
 14 (1);

15 (2) by striking “transportation.” in paragraph
 16 (2)(D) and inserting “transportation; and”; and

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

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

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

1 “(B) passengers enplaned on a flight to an
2 airport—

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

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

11 (h) *USE OF THE WORD “GIFT” AND PRIORITY FOR*
12 *AIRPORTS IN SURPLUS PROPERTY DISPOSAL.—*

13 (1) *Section 47151 is amended—*

14 (A) *by striking “give” in subsection (a) and*
15 *inserting “convey to”;*

16 (B) *by striking “gift” in subsection (a)(2)*
17 *and inserting “conveyance”;*

18 (C) *by striking “giving” in subsection (b)*
19 *and inserting “conveying”;*

20 (D) *by striking “gift” in subsection (b) and*
21 *inserting “conveyance”; and*

22 (E) *by adding at the end thereof the fol-*
23 *lowing:*

24 “(d) *PRIORITY FOR PUBLIC AIRPORTS.—Except for re-*
25 *quests from another Federal agency, a department, agency,*

1 *or instrumentality of the Executive Branch of the United*
 2 *States Government shall give priority to a request by a pub-*
 3 *lic agency (as defined in section 47102 of this title) for sur-*
 4 *plus property described in subsection (a) of this section for*
 5 *use at a public airport.”.*

6 (2) *Section 47152 is amended—*

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

9 (B) *by striking “gift” in the first sentence*
 10 *and inserting “conveyance”.*

11 (3) *The chapter analysis for chapter 471 is*
 12 *amended by striking the item relating to section*
 13 *47152 and inserting the following:*

“47152. Terms of conveyances.”.

14 (4) *Section 47153(a) is amended—*

15 (A) *by striking “gift” in paragraph (1) and*
 16 *inserting “conveyance”;*

17 (B) *by striking “given” in paragraph*
 18 *(1)(A) and inserting “conveyed”; and*

19 (C) *by striking “gift” in paragraph (1)(B)*
 20 *and inserting “conveyance”.*

21 (i) *MINIMUM APPORTIONMENT.—Section*
 22 *47114(c)(1)(B) is amended by adding at the end thereof the*
 23 *following: “For fiscal years beginning after fiscal year*
 24 *1999, the preceding sentence shall be applied by substituting*
 25 *‘\$650,000’ for ‘\$500,000’.”.*

1 (j) *APPORTIONMENT FOR CARGO ONLY AIRPORTS.*—

2 (1) *Section 47114(c)(2)(A) is amended by strik-*
 3 *ing “2.5 percent” and inserting “3 percent”.*

4 (2) *Section 47114(c)(2) is further amended by*
 5 *striking subparagraph (C) and redesignating sub-*
 6 *paragraph (D) as subparagraph (C).*

7 (k) *TEMPORARY AIR SERVICE INTERRUPTIONS.*—*Sec-*
 8 *tion 47114(c)(1) is amended by adding at the end thereof*
 9 *the following:*

10 “(C) *The Secretary may, notwithstanding*
 11 *subparagraph (A), apportion to an airport spon-*
 12 *sor in a fiscal year an amount equal to the*
 13 *amount apportioned to that sponsor in the pre-*
 14 *vious fiscal year if the Secretary finds that—*

15 “(i) *passenger boardings at the airport*
 16 *fell below 10,000 in the calendar year used*
 17 *to calculate the apportionment;*

18 “(ii) *the airport had at least 10,000*
 19 *passenger boardings in the calendar year*
 20 *prior to the calendar year used to calculate*
 21 *apportionments to airport sponsors in a fis-*
 22 *cal year; and*

23 “(iii) *the cause of the shortfall in pas-*
 24 *senger boardings was a temporary but sig-*
 25 *nificant interruption in service by an air*

1 *carrier to that airport due to an employ-*
2 *ment action, natural disaster, or other event*
3 *unrelated to the demand for air transpor-*
4 *tation at the affected airport.”.*

5 *(l) FLEXIBILITY IN PAVEMENT DESIGN STANDARDS.—*
6 *Section 47114(d) is amended by adding at the end thereof*
7 *the following:*

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

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

17 *“(B) the life of the pavement will not be*
18 *shorter than it would be if constructed using Ad-*
19 *ministration standards.*

20 *An airport may not seek funds under this subchapter*
21 *for runway rehabilitation or reconstruction of any*
22 *such airfield pavement constructed using State high-*
23 *way specifications for a period of 10 years after con-*
24 *struction is completed.”.*

1 (m) *ELIGIBILITY OF RUNWAY INCURSION PREVENTION*
 2 *DEVICES.*—

3 (1) *POLICY.*—Section 47101(a)(11) is amended
 4 by inserting “(including integrated in-pavement
 5 lighting systems for runways and taxiways and other
 6 runway and taxiway incursion prevention devices)”
 7 after “activities”.

8 (2) *MAXIMUM USE OF SAFETY FACILITIES.*—Sec-
 9 tion 47101(f) is amended—

10 (A) by striking “and” at the end of para-
 11 graph (9); and

12 (B) by striking “area.” in paragraph (10)
 13 and inserting “area; and”; and

14 (C) by adding at the end the following:

15 “(11) runway and taxiway incursion prevention
 16 devices, including integrated in-pavement lighting
 17 systems for runways and taxiways.”.

18 (3) *AIRPORT DEVELOPMENT DEFINED.*—Section
 19 47102(3)(B)(ii) is amended by inserting “and includ-
 20 ing integrated in-pavement lighting systems for run-
 21 ways and taxiways and other runway and taxiway
 22 incursion prevention devices” before the semicolon at
 23 the end.

24 (n) *TECHNICAL AMENDMENTS.*—Section 47116(d) is
 25 amended—

1 (1) *by striking “In making” and inserting the*
 2 *following:*

3 “(1) CONSTRUCTION OF NEW RUNWAYS.—*In*
 4 *making”;*

5 (2) *by adding at the end the following:*

6 “(2) AIRPORT DEVELOPMENT FOR TURBINE POW-
 7 *ERED AIRCRAFT.—In making grants to sponsors de-*
 8 *scribed in subsection (b)(1), the Secretary shall give*
 9 *priority consideration to airport development projects*
 10 *to support operations by turbine powered aircraft, if*
 11 *the non-Federal share of the project is at least 40 per-*
 12 *cent.”; and*

13 (3) *by aligning the remainder of paragraph (1)*
 14 *(as designated by subparagraph (A) of this para-*
 15 *graph) with paragraph (2) (as added by subpara-*
 16 *graph (B) of this paragraph).*

17 **SEC. 206. REPORT ON EFFORTS TO IMPLEMENT CAPACITY**
 18 **ENHANCEMENTS.**

19 *Within 9 months after the date of enactment of this*
 20 *Act, the Secretary of Transportation shall report to the*
 21 *Committee on Commerce, Science, and Transportation of*
 22 *the Senate and the Committee on Transportation and In-*
 23 *frastructure of the House of Representatives on efforts by*
 24 *the Federal Aviation Administration to implement capacity*
 25 *enhancements and improvements, both technical and proce-*

1 dural, such as precision runway monitoring systems, and
 2 the time frame for implementation of such enhancements
 3 and improvements.

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

5 *Section 47120 is amended—*

6 *(1) by inserting “(a) IN GENERAL.—” before*
 7 *“In”; and*

8 *(2) by adding at the end thereof the following:*

9 *“(b) DISCRETIONARY FUNDING TO BE USED FOR*
 10 *HIGHER PRIORITY PROJECTS.—The Administrator of the*
 11 *Federal Aviation Administration shall discourage airport*
 12 *sponsors and airports from using entitlement funds for*
 13 *lower priority projects by giving lower priority to discre-*
 14 *tionary projects submitted by airport sponsors and airports*
 15 *that have used entitlement funds for projects that have a*
 16 *lower priority than the projects for which discretionary*
 17 *funds are being requested.”.*

18 **SEC. 208. PUBLIC NOTICE BEFORE GRANT ASSURANCE RE-**
 19 **QUIREMENT WAIVED.**

20 *(a) IN GENERAL.—Notwithstanding any other provi-*
 21 *sion of law to the contrary, the Secretary of Transportation*
 22 *may not waive any assurance required under section 47107*
 23 *of title 49, United States Code, that requires property to*
 24 *be used for aeronautical purposes unless the Secretary pro-*
 25 *vides notice to the public not less than 30 days before*

1 *issuing any such waiver. Nothing in this section shall be*
 2 *construed to authorize the Secretary to issue a waiver of*
 3 *any assurance required under that section.*

4 *(b) EFFECTIVE DATE.—This section applies to any re-*
 5 *quest filed on or after the date of enactment of this Act.*

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

7 *Section 40102(a)(37)(B)(ii) is amended—*

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

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

10 *and inserting “States; or”; and*

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

12 *“(III) transporting persons*
 13 *aboard the aircraft if the aircraft is*
 14 *operated for the purpose of prisoner*
 15 *transport.”.*

16 **SEC. 210. TERMINAL DEVELOPMENT COSTS.**

17 *Section 40117 is amended by adding at the end thereof*
 18 *the following:*

19 *“(j) SHELL OF TERMINAL BUILDING.—In order to en-*
 20 *able additional air service by an air carrier with less than*
 21 *50 percent of the scheduled passenger traffic at an airport,*
 22 *the Secretary may consider the shell of a terminal building*
 23 *(including heating, ventilation, and air conditioning) and*
 24 *aircraft fueling facilities adjacent to an airport terminal*

1 *building to be an eligible airport-related project under sub-*
 2 *section (a)(3)(E).”.*

3 **SEC. 211. AIRFIELD PAVEMENT CONDITIONS.**

4 *(a) EVALUATION OF OPTIONS.—The Administrator of*
 5 *the Federal Aviation Administration shall evaluate options*
 6 *for improving the quality of information available to the*
 7 *Administration on airfield pavement conditions for air-*
 8 *ports that are part of the national air transportation sys-*
 9 *tem, including—*

10 *(1) improving the existing runway condition in-*
 11 *formation contained in the Airport Safety Data Pro-*
 12 *gram by reviewing and revising rating criteria and*
 13 *providing increased training for inspectors;*

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

18 *(3) requiring all such airports to submit pave-*
 19 *ment condition index information on a regular basis*
 20 *and using this information to create a pavement con-*
 21 *dition database that could be used in evaluating the*
 22 *cost-effectiveness of project applications and fore-*
 23 *casting anticipated pavement needs.*

24 *(b) REPORT TO CONGRESS.—The Administrator shall*
 25 *transmit a report, containing an evaluation of such options,*

1 *to the Senate Committee on Commerce, Science, and Trans-*
 2 *portation and the House of Representatives Committee on*
 3 *Transportation and Infrastructure not later than 12*
 4 *months after the date of enactment of this Act.*

5 **SEC. 212. DISCRETIONARY GRANTS.**

6 *Notwithstanding any limitation on the amount of*
 7 *funds that may be expended for grants for noise abatement,*
 8 *if any funds made available under section 48103 of title*
 9 *49, United States Code, remain available at the end of the*
 10 *fiscal year for which those funds were made available, and*
 11 *are not allocated under section 47115 of that title, or under*
 12 *any other provision relating to the awarding of discre-*
 13 *tionary grants from unobligated funds made available*
 14 *under section 48103 of that title, the Secretary of Transpor-*
 15 *tation may use those funds to make discretionary grants*
 16 *for noise abatement activities.*

17 **SEC. 213. CONTRACT TOWER COST-SHARING.**

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

20 *“(3) CONTRACT AIR TRAFFIC CONTROL TOWER*
 21 *PILOT PROGRAM.—*

22 *“(A) IN GENERAL.—The Secretary shall es-*
 23 *tablish a pilot program to contract for air traffic*
 24 *control services at Level I air traffic control tow-*
 25 *ers, as defined by the Administrator of the Fed-*

1 *eral Aviation Administration, that do not qual-*
2 *ify for the Contract Tower Program established*
3 *under subsection (a) and continued under para-*
4 *graph (1) (hereafter in this paragraph referred*
5 *to as the ‘Contract Tower Program’).*

6 *“(B) PROGRAM COMPONENTS.—In carrying*
7 *out the pilot program established under subpara-*
8 *graph (A), the Administrator shall—*

9 *“(i) utilize for purposes of cost-benefit*
10 *analyses, current, actual, site-specific data,*
11 *forecast estimates, or airport master plan*
12 *data provided by a facility owner or oper-*
13 *ator and verified by the Administrator;*

14 *“(ii) approve for participation only fa-*
15 *cilities willing to fund a pro rata share of*
16 *the operating costs of the air traffic control*
17 *tower to achieve a one-to-one benefit-to-cost*
18 *ratio, as required for eligibility under the*
19 *Contract Tower Program; and*

20 *“(iii) approve for participation no*
21 *more than 2 facilities willing to fund up to*
22 *50 percent, but not less than 25 percent, of*
23 *construction costs for an air traffic control*
24 *tower built by the airport operator and for*

1 *each of such facilities the Federal share of*
2 *construction cost does not exceed \$1,100,000.*

3 “(C) *PRIORITY.—In selecting facilities to*
4 *participate in the program under this para-*
5 *graph, the Administrator shall give priority to*
6 *the following:*

7 “(i) *Air traffic control towers that are*
8 *participating in the Contract Tower Pro-*
9 *gram but have been notified that they will*
10 *be terminated from such program because*
11 *the Administrator has determined that the*
12 *benefit-to-cost ratio for their continuation*
13 *in such program is less than 1.0.*

14 “(ii) *Air traffic control towers that the*
15 *Administrator determines have a benefit-to-*
16 *cost ratio of at least .50.*

17 “(iii) *Air traffic control towers of the*
18 *Federal Aviation Administration that are*
19 *closed as a result of the air traffic control-*
20 *lers strike in 1981.*

21 “(iv) *Air traffic control towers located*
22 *at airports that are prepared to assume*
23 *partial responsibility for maintenance costs.*

24 “(v) *Air traffic control towers that are*
25 *located at airports with safety or oper-*

ational problems related to topography,
weather, runway configuration, or mix of
aircraft.

“(D) *COSTS EXCEEDING BENEFITS.*—If the
costs of operating an air traffic control tower
under the pilot program established under this
paragraph exceed the benefits, the airport spon-
sor or State or local government having jurisdic-
tion over the airport shall pay the portion of the
costs that exceed such benefits.

“(E) *AUTHORIZATION OF APPROPRIA-
TIONS.*—There are authorized to be appropri-
ation \$6,000,000 per fiscal year to carry out this
paragraph.”.

TITLE III—AMENDMENTS TO AVIATION LAW

SEC. 301. SEVERABLE SERVICES CONTRACTS FOR PERIODS CROSSING FISCAL YEARS.

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

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

“(a) *IN GENERAL.*—The Administrator of the Federal
Aviation Administration may enter into a contract for pro-
curement of severable services for a period that begins in

1 *one fiscal year and ends in the next fiscal year if (without*
 2 *regard to any option to extend the period of the contract)*
 3 *the contract period does not exceed one year.*

4 “(b) *OBLIGATION OF FUNDS.—Funds made available*
 5 *for a fiscal year may be obligated for the total amount of*
 6 *a contract entered into under the authority of subsection*
 7 *(a) of this section.”.*

8 (b) *CONFORMING AMENDMENT.—The chapter analysis*
 9 *for chapter 401 is amended by adding at the end thereof*
 10 *the following:*

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

11 **SEC. 302. STAGE 3 NOISE LEVEL COMPLIANCE FOR CERTAIN**
 12 **AIRCRAFT.**

13 (a) *EXEMPTION FOR AIRCRAFT MODIFICATION OR DIS-*
 14 *POSAL, SCHEDULED HEAVY MAINTENANCE, OR LEASING-*
 15 *RELATED FLIGHTS.—Section 47528 is amended—*

16 (1) *by striking “subsection (b)” in subsection (a)*
 17 *and inserting “subsection (b) or (f)”;*

18 (2) *by adding at the end of subsection (e) the fol-*
 19 *lowing:*

20 “(4) *An air carrier operating Stage 2 aircraft*
 21 *under this subsection may transport Stage 2 aircraft*
 22 *to or from the 48 contiguous States on a non-revenue*
 23 *basis in order—*

24 “(A) *to perform maintenance (including*
 25 *major alterations) or preventative maintenance*

1 *on aircraft operated, or to be operated, within*
2 *the limitations of paragraph (2)(B); or*

3 “(B) *conduct operations within the limita-*
4 *tions of paragraph (2)(B).”;* and

5 (3) *adding at the end thereof the following:*

6 “(f) *AIRCRAFT MODIFICATION, DISPOSAL, SCHEDULED*
7 *HEAVY MAINTENANCE, OR LEASING.—*

8 “(1) *IN GENERAL.—The Secretary shall permit a*
9 *person to operate after December 31, 1999, a Stage 2*
10 *aircraft in nonrevenue service through the airspace of*
11 *the United States or to or from an airport in the con-*
12 *tiguous 48 States in order to—*

13 “(A) *sell, lease, or use the aircraft outside*
14 *the contiguous 48 States;*

15 “(B) *scrap the aircraft;*

16 “(C) *obtain modifications to the aircraft to*
17 *meet Stage 3 noise levels;*

18 “(D) *perform scheduled heavy maintenance*
19 *or significant modifications on the aircraft at a*
20 *maintenance facility located in the contiguous 48*
21 *States;*

22 “(E) *deliver the aircraft to an operator leas-*
23 *ing the aircraft from the owner or return the*
24 *aircraft to the lessor;*

1 “(F) prepare or park or store the aircraft in
2 anticipation of any of the activities described in
3 subparagraphs (A) through (E); or

4 “(G) divert the aircraft to an alternative
5 airport in the contiguous 48 States on account
6 of weather, mechanical, fuel, air traffic control,
7 or other safety reasons while conducting a flight
8 in order to perform any of the activities de-
9 scribed in subparagraphs (A) through (F).

10 “(2) *PROCEDURE TO BE PUBLISHED.*—The Sec-
11 retary shall establish and publish, not later than 30
12 days after the date of enactment of the Air Transpor-
13 tation Improvement Act a procedure to implement
14 paragraph (1) of this subsection through the use of
15 categorical waivers, ferry permits, or other means.”.

16 (b) *NOISE STANDARDS FOR EXPERIMENTAL AIR-*
17 *CRAFT.*—

18 (1) *IN GENERAL.*—Section 47528(a) is amended
19 by inserting “(for which an airworthiness certificate
20 other than an experimental certificate has been issued
21 by the Administrator)” after “civil subsonic turbojet”.

22 (2) *FAR MODIFIED.*—The Federal Aviation Reg-
23 ulations, contained in Part 14 of the Code of Federal
24 Regulations, that implement section 47528 and re-

1 *lated provisions shall be deemed to incorporate this*
 2 *change on the effective date of this Act.*

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

4 *Section 44903 is amended by adding at the end thereof*
 5 *the following:*

6 *“(f) GOVERNMENT AND INDUSTRY CONSORTIA.—The*
 7 *Administrator may establish at airports such consortia of*
 8 *government and aviation industry representatives as the*
 9 *Administrator may designate to provide advice on matters*
 10 *related to aviation security and safety. Such consortia shall*
 11 *not be considered federal advisory committees for purposes*
 12 *of the Federal Advisory Committee Act (5 U.S.C. App.).”.*

13 **SEC. 304. IMPLEMENTATION OF ARTICLE 83 BIS OF THE**
 14 **CHICAGO CONVENTION.**

15 *Section 44701 is amended—*

16 *(1) by redesignating subsection (e) as subsection*
 17 *(f); and*

18 *(2) by inserting after subsection (d) the fol-*
 19 *lowing:*

20 *“(e) BILATERAL EXCHANGES OF SAFETY OVERSIGHT*
 21 *RESPONSIBILITIES.—*

22 *“(1) Notwithstanding the provisions of this chap-*
 23 *ter, and pursuant to Article 83 Bis of the Convention*
 24 *on International Civil Aviation, the Administrator*
 25 *may, by a bilateral agreement with the aeronautical*

1 *authorities of another country, exchange with that*
2 *country all or part of their respective functions and*
3 *duties with respect to aircraft described in subpara-*
4 *graphs (A) and (B), under the following articles of the*
5 *Convention:*

6 *“(A) Article 12 (Rules of the Air).*

7 *“(B) Article 31 (Certificates of Airworthi-*
8 *ness).*

9 *“(C) Article 32a (Licenses of Personnel).*

10 *“(2) The agreement under paragraph (1) may*
11 *apply to—*

12 *“(A) aircraft registered in the United States*
13 *operated pursuant to an agreement for the lease,*
14 *charter, or interchange of the aircraft or any*
15 *similar arrangement by an operator that has its*
16 *principal place of business, or, if it has no such*
17 *place of business, its permanent residence, in an-*
18 *other country; or*

19 *“(B) aircraft registered in a foreign country*
20 *operated under an agreement for the lease, char-*
21 *ter, or interchange of the aircraft or any similar*
22 *arrangement by an operator that has its prin-*
23 *cipal place of business, or, if it has no such place*
24 *of business, its permanent residence, in the*
25 *United States.*

1 “(3) *The Administrator relinquishes responsi-*
 2 *bility with respect to the functions and duties trans-*
 3 *ferred by the Administrator as specified in the bilat-*
 4 *eral agreement, under the Articles listed in paragraph*
 5 *(1) of this subsection for United States-registered air-*
 6 *craft transferred abroad as described in subparagraph*
 7 *(A) of that paragraph, and accepts responsibility*
 8 *with respect to the functions and duties under those*
 9 *Articles for aircraft registered abroad that are trans-*
 10 *ferred to the United States as described in subpara-*
 11 *graph (B) of that paragraph.*

12 “(4) *The Administrator may, in the agreement*
 13 *under paragraph (1), predicate the transfer of these*
 14 *functions and duties on any conditions the Adminis-*
 15 *trator deems necessary and prudent.”.*

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

17 *Section 45301(a)(2) is amended to read as follows:*

18 “(2) *Services provided to a foreign government*
 19 *or to any entity obtaining services outside the United*
 20 *States other than—*

21 “(A) *air traffic control services; and*

22 “(B) *fees for production-certification-related*
 23 *service pertaining to aeronautical products man-*
 24 *ufactured outside the United States.”.*

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

4 *Section 44936 is amended—*

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

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

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

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

17 *Section 44310 is amended by striking “August 6,*
 18 *1999.” and inserting “December 31, 2003.”.*

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

21 *Section 46301 is amended—*

22 *(1) by striking “46302, 46303, or” in subsection*
 23 *(a)(1)(A);*

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

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

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

6 (a) *IN GENERAL.*—Chapter 463 is amended by adding
 7 at the end the following:

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

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

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

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

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

24 “(c) *CONTROLLED SUBSTANCE CRIMINAL PENALTY.*—

1 “(1) *In this subsection, the term ‘controlled sub-*
2 *stance’ has the same meaning given that term in sec-*
3 *tion 102 of the Comprehensive Drug Abuse Prevention*
4 *and Control Act of 1970 (21 U.S.C. 802).*

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

11 “(A) *is punishable by death or imprison-*
12 *ment of more than 1 year under a Federal or*
13 *State law; or*

14 “(B) *is related to an act punishable by*
15 *death or imprisonment for more than 1 year*
16 *under a Federal or State law related to a con-*
17 *trolled substance (except a law related to simple*
18 *possession (as that term is used in section*
19 *46306(c)) of a controlled substance).*

20 “(3) *A term of imprisonment imposed under*
21 *paragraph (2) shall be served in addition to, and not*
22 *concurrently with, any other term of imprisonment*
23 *imposed on the individual subject to the imprison-*
24 *ment.”.*

1 (b) *CLERICAL AMENDMENT.*—*The chapter analysis for*
 2 *chapter 463 is amended by adding at the end thereof the*
 3 *following:*

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

4 **SEC. 310. NONDISCRIMINATORY INTERLINE INTERCONNEC-**
 5 **TION REQUIREMENTS.**

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

8 **“§41717. Interline agreements for domestic transpor-**
 9 **tation**

10 “(a) *NONDISCRIMINATORY REQUIREMENTS.*—*If a*
 11 *major air carrier that provides air service to an essential*
 12 *airport facility has any agreement involving ticketing, bag-*
 13 *gage and ground handling, and terminal and gate access*
 14 *with another carrier, it shall provide the same services to*
 15 *any requesting air carrier that offers service to a commu-*
 16 *nity selected for participation in the program under section*
 17 *41743 under similar terms and conditions and on a non-*
 18 *discriminatory basis within 30 days after receiving the re-*
 19 *quest, as long as the requesting air carrier meets such safe-*
 20 *ty, service, financial, and maintenance requirements, if*
 21 *any, as the Secretary may by regulation establish consistent*
 22 *with public convenience and necessity. The Secretary must*
 23 *review any proposed agreement to determine if the request-*
 24 *ing carrier meets operational requirements consistent with*

1 *the rules, procedures, and policies of the major carrier. This*
 2 *agreement may be terminated by either party in the event*
 3 *of failure to meet the standards and conditions outlined in*
 4 *the agreement.*

5 “(b) *DEFINITIONS.*—*In this section the term ‘essential*
 6 *airport facility’ means a large hub airport (as defined in*
 7 *section 41731(a)(3)) in the contiguous 48 States in which*
 8 *one carrier has more than 50 percent of such airport’s total*
 9 *annual enplanements.’.*”

10 (b) *CLERICAL AMENDMENT.*—*The chapter analysis for*
 11 *subchapter I of chapter 417 is amended by adding at the*
 12 *end thereof the following:*

“41717. Interline agreements for domestic transportation.”.

13 **SEC. 311. REVIEW PROCESS FOR EMERGENCY ORDERS**
 14 **UNDER SECTION 44709.**

15 *Section 44709(e) is amended to read as follows:*

16 “(e) *EFFECTIVENESS OF ORDERS PENDING APPEAL.*—

17 “(1) *IN GENERAL.*—*When a person files an ap-*
 18 *peal with the Board under subsection (d) of this sec-*
 19 *tion, the order of the Administrator is stayed.*

20 “(2) *EXCEPTION.*—*Notwithstanding paragraph*
 21 *(1), the order of the Administrator is effective imme-*
 22 *diately if the Administrator advises the Board that*
 23 *an emergency exists and safety in air commerce or*
 24 *air transportation requires the order to be effective*
 25 *immediately.*

1 “(3) *REVIEW OF EMERGENCY ORDER.*—A person
 2 *affected by the immediate effectiveness of the Adminis-*
 3 *trator’s order under paragraph (2) may request a re-*
 4 *view by the Board, under procedures promulgated by*
 5 *the Board, on the issues of the appeal that are related*
 6 *to the existence of an emergency. Any such review*
 7 *shall be requested within 48 hours after the order be-*
 8 *comes effective. If the Administrator is unable to dem-*
 9 *onstrate to the Board that an emergency exists that*
 10 *requires the immediate application of the order in the*
 11 *interest of safety in air commerce and air transpor-*
 12 *tation, the order shall, notwithstanding paragraph*
 13 *(2), be stayed. The Board shall dispose of a review re-*
 14 *quest under this paragraph within 5 days after it is*
 15 *filed.*

16 “(4) *FINAL DISPOSITION.*—The Board shall make
 17 *a final disposition of an appeal under subsection (d)*
 18 *within 60 days after the appeal is filed.”.*

19 ***TITLE IV—MISCELLANEOUS***

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

21 ***PROBLEM.***

22 *The Administrator of the Federal Aviation Adminis-*
 23 *tration shall report to the Senate Committee on Commerce,*
 24 *Science, and Transportation and the House Committee on*
 25 *Transportation and Infrastructure every 3 months through*

1 *December 31, 2000, in oral or written form, on electronic*
 2 *data processing problems associated with the year 2000*
 3 *within the Administration.*

4 **SEC. 402. CARGO COLLISION AVOIDANCE SYSTEMS DEAD-**
 5 **LINE.**

6 (a) *IN GENERAL.*—*The Administrator of the Federal*
 7 *Aviation Administration shall require by regulation that,*
 8 *not later than December 31, 2002, collision avoidance*
 9 *equipment be installed on each cargo airplane with a max-*
 10 *imum certificated takeoff weight in excess of 15,000 kilo-*
 11 *grams.*

12 (b) *EXTENSION.*—*The Administrator may extend the*
 13 *deadline imposed by subsection (a) for not more than 2*
 14 *years if the Administrator finds that the extension is needed*
 15 *to promote—*

16 (1) *a safe and orderly transition to the operation*
 17 *of a fleet of cargo aircraft equipped with collision*
 18 *avoidance equipment; or*

19 (2) *other safety or public interest objectives.*

20 (c) *COLLISION AVOIDANCE EQUIPMENT.*—*For pur-*
 21 *poses of this section, the term “collision avoidance equip-*
 22 *ment” means TCAS II equipment (as defined by the Ad-*
 23 *ministrator), or any other similar system approved by the*
 24 *Administrator for collision avoidance purposes.*

1 **SEC. 403. RUNWAY SAFETY AREAS; PRECISION APPROACH**
 2 **PATH INDICATORS.**

3 *Within 6 months after the date of enactment of this*
 4 *Act, the Administrator of the Federal Aviation Administra-*
 5 *tion shall solicit comments on the need for—*

- 6 *(1) the improvement of runway safety areas; and*
 7 *(2) the installation of precision approach path*
 8 *indicators.*

9 **SEC. 404. AIRPLANE EMERGENCY LOCATORS.**

10 *(a) REQUIREMENT.—Section 44712(b) is amended to*
 11 *read as follows:*

12 *“(b) NONAPPLICATION.—Subsection (a) does not apply*
 13 *to aircraft when used in—*

14 *“(1) scheduled flights by scheduled air carriers*
 15 *holding certificates issued by the Secretary of Trans-*
 16 *portation under subpart II of this part;*

17 *“(2) training operations conducted entirely with-*
 18 *in a 50-mile radius of the airport from which the*
 19 *training operations begin;*

20 *“(3) flight operations related to the design and*
 21 *testing, manufacture, preparation, and delivery of*
 22 *aircraft;*

23 *“(4) showing compliance with regulations, exhi-*
 24 *bition, or air racing; or*

25 *“(5) the aerial application of a substance for an*
 26 *agricultural purpose.”.*

1 (b) *COMPLIANCE*.—Section 44712 is amended by redес-
 2 ignating subsection (c) as subsection (d), and by inserting
 3 after subsection (b) the following:

4 “(c) *COMPLIANCE*.—An aircraft is deemed to meet the
 5 requirement of subsection (a) if it is equipped with an emer-
 6 gency locator transmitter that transmits on the 121.5/243
 7 megahertz frequency or the 406 megahertz frequency, or
 8 with other equipment approved by the Secretary for meeting
 9 the requirement of subsection (a).”.

10 (c) *EFFECTIVE DATE; REGULATIONS*.—

11 (1) *REGULATIONS*.—The Secretary of Transpor-
 12 tation shall promulgate regulations under section
 13 44712(b) of title 49, United States Code, as amended
 14 by this section not later than January 1, 2002.

15 (2) *EFFECTIVE DATE*.—The amendments made
 16 by this section shall take effect on January 1, 2002.

17 **SEC. 405. COUNTERFEIT AIRCRAFT PARTS.**

18 (a) *DENIAL; REVOCATION; AMENDMENT OF CERTIFI-*
 19 *CATE*.—

20 (1) *IN GENERAL*.—Chapter 447 is amended by
 21 adding at the end thereof the following:

22 **“§44725. Denial and revocation of certificate for**
 23 **counterfeit parts violations**

24 “(a) *DENIAL OF CERTIFICATE*.—

1 “(1) *IN GENERAL.*—*Except as provided in para-*
 2 *graph (2) of this subsection and subsection (e)(2) of*
 3 *this section, the Administrator may not issue a cer-*
 4 *tificate under this chapter to any person—*

5 “(A) *convicted of a violation of a law of the*
 6 *United States or of a State relating to the instal-*
 7 *lation, production, repair, or sale of a counterfeit*
 8 *or falsely-represented aviation part or material;*
 9 *or*

10 “(B) *subject to a controlling or ownership*
 11 *interest of an individual convicted of such a vio-*
 12 *lation.*

13 “(2) *EXCEPTION.*—*Notwithstanding paragraph*
 14 *(1), the Administrator may issue a certificate under*
 15 *this chapter to a person described in paragraph (1)*
 16 *if issuance of the certificate will facilitate law enforce-*
 17 *ment efforts.*

18 “(b) *REVOCATION OF CERTIFICATE.*—

19 “(1) *IN GENERAL.*—*Except as provided in sub-*
 20 *sections (f) and (g) of this section, the Administrator*
 21 *shall issue an order revoking a certificate issued*
 22 *under this chapter if the Administrator finds that the*
 23 *holder of the certificate, or an individual who has a*
 24 *controlling or ownership interest in the holder—*

1 “(A) *was convicted of a violation of a law*
2 *of the United States or of a State relating to the*
3 *installation, production, repair, or sale of a*
4 *counterfeit or falsely-represented aviation part or*
5 *material; or*

6 “(B) *knowingly carried out or facilitated*
7 *an activity punishable under such a law.*

8 “(2) *NO AUTHORITY TO REVIEW VIOLATION.—In*
9 *carrying out paragraph (1) of this subsection, the Ad-*
10 *ministrator may not review whether a person violated*
11 *such a law.*

12 “(c) *NOTICE REQUIREMENT.—Before the Adminis-*
13 *trator revokes a certificate under subsection (b), the Admin-*
14 *istrator shall—*

15 “(1) *advise the holder of the certificate of the rea-*
16 *son for the revocation; and*

17 “(2) *provide the holder of the certificate an op-*
18 *portunity to be heard on why the certificate should*
19 *not be revoked.*

20 “(d) *APPEAL.—The provisions of section 44710(d)*
21 *apply to the appeal of a revocation order under subsection*
22 *(b). For the purpose of applying that section to such an*
23 *appeal, ‘person’ shall be substituted for ‘individual’ each*
24 *place it appears.*

25 “(e) *AQUITTAL OR REVERSAL.—*

1 “(1) *IN GENERAL.*—*The Administrator may not*
2 *revoke, and the Board may not affirm a revocation of,*
3 *a certificate under subsection (b)(1)(B) of this section*
4 *if the holder of the certificate, or the individual, is ac-*
5 *quitted of all charges related to the violation.*

6 “(2) *REISSUANCE.*—*The Administrator may re-*
7 *issue a certificate revoked under subsection (b) of this*
8 *section to the former holder if—*

9 “(A) *the former holder otherwise satisfies*
10 *the requirements of this chapter for the certifi-*
11 *cate;*

12 “(B) *the former holder, or individual, is ac-*
13 *quitted of all charges related to the violation on*
14 *which the revocation was based; or*

15 “(C) *the conviction of the former holder, or*
16 *individual, of the violation on which the revoca-*
17 *tion was based is reversed.*

18 “(f) *WAIVER.*—*The Administrator may waive revoca-*
19 *tion of a certificate under subsection (b) of this section if—*

20 “(1) *a law enforcement official of the United*
21 *States Government, or of a State (with respect to vio-*
22 *lations of State law), requests a waiver; and*

23 “(2) *the waiver will facilitate law enforcement*
24 *efforts.*

1 “(g) *AMENDMENT OF CERTIFICATE.*—If the holder of
 2 a certificate issued under this chapter is other than an indi-
 3 vidual and the Administrator finds that—

4 “(1) an individual who had a controlling or
 5 ownership interest in the holder committed a viola-
 6 tion of a law for the violation of which a certificate
 7 may be revoked under this section, or knowingly car-
 8 ried out or facilitated an activity punishable under
 9 such a law; and

10 “(2) the holder satisfies the requirements for the
 11 certificate without regard to that individual,
 12 then the Administrator may amend the certificate to impose
 13 a limitation that the certificate will not be valid if that
 14 individual has a controlling or ownership interest in the
 15 holder. A decision by the Administrator under this sub-
 16 section is not reviewable by the Board.”.

17 (2) *CONFORMING AMENDMENT.*—The chapter
 18 analysis for chapter 447 is amended by adding at the
 19 end thereof the following:

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

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

22 “(c) *PROHIBITION ON EMPLOYMENT OF CONVICTED*
 23 *COUNTERFEIT PART DEALERS.*—No person subject to this
 24 chapter may employ anyone to perform a function related
 25 to the procurement, sale, production, or repair of a part

1 *or material, or the installation of a part into a civil air-*
 2 *craft, who has been convicted of a violation of any Federal*
 3 *or State law relating to the installation, production, repair,*
 4 *or sale of a counterfeit or falsely-represented aviation part*
 5 *or material.”.*

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

7 (a) *IN GENERAL.*—Chapter 463 (as amended by sec-
 8 *tion 309) is amended by adding at the end thereof the fol-*
 9 *lowing:*

10 **“§46318. *Interference with cabin or flight crew***

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

19 “(b) *COMPROMISE AND SETOFF.*—

20 “(1) *The Secretary of Transportation or the Ad-*
 21 *ministrator may compromise the amount of a civil*
 22 *penalty imposed under subsection (a).*

23 “(2) *The Government may deduct the amount of*
 24 *a civil penalty imposed or compromised under this*

1 *section from amounts it owes the individual liable for*
 2 *the penalty.”.*

3 (b) *CONFORMING CHANGE.—The chapter analysis for*
 4 *chapter 463 is amended by adding at the end thereof the*
 5 *following:*

“46318. Interference with cabin or flight crew.”.

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

7 (a) *ESTABLISHMENT OF HIGHER INTERNATIONAL*
 8 *STANDARDS.—The Secretary of Transportation shall work*
 9 *with appropriate international organizations and the avia-*
 10 *tion authorities of other nations to bring about their estab-*
 11 *lishment of higher standards for accommodating handi-*
 12 *capped passengers in air transportation, particularly with*
 13 *respect to foreign air carriers that code-share with domestic*
 14 *air carriers.*

15 (b) *INVESTIGATION OF ALL COMPLAINTS REQUIRED.—*
 16 *Section 41705 is amended—*

17 (1) *by inserting “(a) IN GENERAL.—” before “In*
 18 *providing”;*

19 (2) *by striking “carrier” and inserting “carrier,*
 20 *including any foreign air carrier doing business in*
 21 *the United States,”; and*

22 (3) *by adding at the end thereof the following:*

23 *“(b) EACH ACT CONSTITUTES SEPARATE OFFENSE.—*
 24 *Each separate act of discrimination prohibited by sub-*

1 *section (a) constitutes a separate violation of that sub-*
2 *section.*

3 “(c) *INVESTIGATION OF COMPLAINTS.*—

4 “(1) *IN GENERAL.*—*The Secretary or a person*
5 *designated by the Secretary shall investigate each*
6 *complaint of a violation of subsection (a).*

7 “(2) *PUBLICATION OF DATA.*—*The Secretary or a*
8 *person designated by the Secretary shall publish dis-*
9 *ability-related complaint data in a manner com-*
10 *parable to other consumer complaint data.*

11 “(3) *EMPLOYMENT.*—*The Secretary is authorized*
12 *to employ personnel necessary to enforce this section.*

13 “(4) *REVIEW AND REPORT.*—*The Secretary or a*
14 *person designated by the Secretary shall regularly re-*
15 *view all complaints received by air carriers alleging*
16 *discrimination on the basis of disability, and report*
17 *annually to Congress on the results of such review.*

18 “(5) *TECHNICAL ASSISTANCE.*—*Not later than*
19 *180 days after enactment of the Air Transportation*
20 *and Improvement Act, the Secretary shall—*

21 “(A) *implement a plan, in consultation*
22 *with the Department of Justice, United States*
23 *Architectural and Transportation Barriers Com-*
24 *pliance Board, and the National Council on Dis-*
25 *ability, to provide technical assistance to air*

1 *carriers and individuals with disabilities in un-*
 2 *derstanding the rights and responsibilities of this*
 3 *section; and*

4 “(B) ensure the availability and provision
 5 of appropriate technical assistance manuals to
 6 individuals and entities with rights or duties
 7 under this section.”.

8 (c) *INCREASED CIVIL PENALTIES.*—Section 46301(a)
 9 is amended—

10 (1) by inserting “41705,” after “41704,” in
 11 paragraph (1)(A); and

12 (2) by adding at the end thereof the following:

13 “(7) *VIOLATION OF SECTION 41705.*—

14 “(A) *CREDIT; VOUCHER; CIVIL PENALTY.*—
 15 *Unless an individual accepts a credit or voucher*
 16 *for the purchase of a ticket on an air carrier or*
 17 *any affiliated air carrier for a violation of sub-*
 18 *section (a) in an amount (determined by the*
 19 *Secretary) of—*

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

22 “(ii) not less than \$2,500 and not more
 23 than \$5,000 for any subsequent violation,

24 *then that air carrier is liable to the United*
 25 *States Government for a civil penalty, deter-*

1 *mined by the Secretary, of not more than 100*
 2 *percent of the amount of the credit or voucher so*
 3 *determined.*

4 *“(B) REMEDY NOT EXCLUSIVE.—Nothing in*
 5 *subparagraph (A) precludes or affects the right of*
 6 *persons with disabilities to file private rights of*
 7 *action under section 41705 or to limit claims for*
 8 *compensatory or punitive damages asserted in*
 9 *such cases.*

10 *“(C) ATTORNEY’S FEES.—In addition to the*
 11 *penalty provided by subparagraph (A), an indi-*
 12 *vidual who—*

13 *“(i) brings a civil action against an*
 14 *air carrier to enforce this section; and*

15 *“(ii) who is awarded damages by the*
 16 *court in which the action is brought,*
 17 *may be awarded reasonable attorneys’ fees and*
 18 *costs of litigation reasonably incurred in bring-*
 19 *ing the action if the court deems it appro-*
 20 *priate.”.*

21 **SEC. 408. CONVEYANCES OF UNITED STATES GOVERNMENT**
 22 **LAND.**

23 *(a) IN GENERAL.—Section 47125(a) is amended to*
 24 *read as follows:*

25 *“(a) CONVEYANCES TO PUBLIC AGENCIES.—*

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

4 “(A) *shall request the head of the depart-*
5 *ment, agency, or instrumentality of the United*
6 *States Government owning or controlling land or*
7 *airspace to convey a property interest in the*
8 *land or airspace to the public agency sponsoring*
9 *the project or owning or controlling the airport*
10 *when necessary to carry out a project under this*
11 *subchapter at a public airport, to operate a pub-*
12 *lic airport, or for the future development of an*
13 *airport under the national plan of integrated*
14 *airport systems; and*

15 “(B) *may request the head of such a depart-*
16 *ment, agency, or instrumentality to convey a*
17 *property interest in the land or airspace to such*
18 *a public agency for a use that will complement,*
19 *facilitate, or augment airport development, in-*
20 *cluding the development of additional revenue*
21 *from both aviation and nonaviation sources.*

22 “(2) *RESPONSE TO REQUEST FOR CERTAIN CON-*
23 *VEYANCES.*—*Within 4 months after receiving a re-*
24 *quest from the Secretary under paragraph (1), the*

1 *head of the department, agency, or instrumentality*
2 *shall—*

3 “(A) *decide whether the requested convey-*
4 *ance is consistent with the needs of the depart-*
5 *ment, agency, or instrumentality;*

6 “(B) *notify the Secretary of the decision;*
7 *and*

8 “(C) *make the requested conveyance if—*

9 “(i) *the requested conveyance is con-*
10 *sistent with the needs of the department,*
11 *agency, or instrumentality;*

12 “(ii) *the Attorney General approves the*
13 *conveyance; and*

14 “(iii) *the conveyance can be made*
15 *without cost to the United States Govern-*
16 *ment.*

17 “(3) *REVERSION.—Except as provided in sub-*
18 *section (b), a conveyance under this subsection may*
19 *only be made on the condition that the property in-*
20 *terest conveyed reverts to the Government, at the op-*
21 *tion of the Secretary, to the extent it is not developed*
22 *for an airport purpose or used consistently with the*
23 *conveyance.”.*

24 (b) *RELEASE OF CERTAIN CONDITIONS.—Section*
25 47125 *is amended—*

1 (1) *by redesignating subsection (b) as subsection*
2 *(c); and*

3 (2) *by inserting the following after subsection*
4 *(a):*

5 “(b) *RELEASE OF CERTAIN CONDITIONS.—The Sec-*
6 *retary may grant a release from any term, condition, res-*
7 *ervation, or restriction contained in any conveyance exe-*
8 *cuted under this section, section 16 of the Federal Airport*
9 *Act, section 23 of the Airport and Airway Development Act*
10 *of 1970, or section 516 of the Airport and Airway Improve-*
11 *ment Act of 1982, to facilitate the development of additional*
12 *revenue from aeronautical and nonaeronautical sources if*
13 *the Secretary—*

14 “(1) *determines that the property is no longer*
15 *needed for aeronautical purposes;*

16 “(2) *determines that the property will be used*
17 *solely to generate revenue for the public airport;*

18 “(3) *provides preliminary notice to the head of*
19 *the department, agency, or instrumentality that con-*
20 *veyed the property interest at least 30 days before exe-*
21 *cuting the release;*

22 “(4) *provides notice to the public of the requested*
23 *release;*

24 “(5) *includes in the release a written justifica-*
25 *tion for the release of the property; and*

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

3 (c) *EFFECTIVE DATE.*—Section 47125(b) of title 49,
4 United States Code, as added by subsection (b) of this sec-
5 tion, applies to property interests conveyed before, on, or
6 after the date of enactment of this Act.

7 (d) *IDITAROD AREA SCHOOL DISTRICT.*—Notwith-
8 standing any other provision of law (including section
9 47125 of title 49, United States Code, as amended by this
10 section), the Administrator of the Federal Aviation Admin-
11 istration, or the Administrator of the General Services Ad-
12 ministration, may convey to the Iditarod Area School Dis-
13 trict without reimbursement all right, title, and interest in
14 12 acres of property at Lake Minchumina, Alaska, identi-
15 fied by the Administrator of the Federal Aviation Adminis-
16 tration, including the structures known as housing units
17 100 through 105 and as utility building 301.

18 **SEC. 409. FLIGHT OPERATIONS QUALITY ASSURANCE**
19 **RULES.**

20 Not later than 90 days after the date of enactment of
21 this Act, the Administrator shall issue a notice of proposed
22 rulemaking to develop procedures to protect air carriers and
23 their employees from enforcement actions for violations of
24 the Federal Aviation Regulations other than criminal or
25 deliberate acts that are reported or discovered as a result

1 *of voluntary reporting programs, such as the Flight Oper-*
 2 *ations Quality Assurance Program and the Aviation Safety*
 3 *Action Program.*

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

5 (a) *PLAN.*—*The Administrator of the Federal Aviation*
 6 *Administration shall identify or develop a plan to imple-*
 7 *ment WAAS to provide navigation and landing approach*
 8 *capabilities for civilian use and make a determination as*
 9 *to whether a backup system is necessary. Until the Adminis-*
 10 *trator determines that WAAS is the sole means of naviga-*
 11 *tion, the Administrator shall continue to develop and main-*
 12 *tain a backup system.*

13 (b) *REPORT.*—*Within 6 months after the date of enact-*
 14 *ment of this Act, the Administrator shall—*

15 (1) *report to the Senate Committee on Com-*
 16 *merce, Science, and Transportation and the House of*
 17 *Representatives Committee on Transportation and*
 18 *Infrastructure, on the plan developed under subsection*

19 (a);

20 (2) *submit a timetable for implementing WAAS;*
 21 *and*

22 (3) *make a determination as to whether WAAS*
 23 *will ultimately become a primary or sole means of*
 24 *navigation and landing approach capabilities.*

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

3 (d) *FUNDING AUTHORIZATION.*—*There are authorized*
 4 *to be appropriated to the Secretary of Transportation such*
 5 *sums as may be necessary to carry out this section.*

6 **SEC. 411. REGULATION OF ALASKA GUIDE PILOTS.**

7 (a) *IN GENERAL.*—*Beginning on the date of the enact-*
 8 *ment of this Act, flight operations conducted by Alaska*
 9 *guide pilots shall be regulated under the general operating*
 10 *and flight rules contained in part 91 of title 14, Code of*
 11 *Federal Regulations.*

12 (b) *RULEMAKING PROCEEDING.*—

13 (1) *IN GENERAL.*—*The Administrator shall con-*
 14 *duct a rulemaking proceeding and issue a final rule*
 15 *to modify the general operating and flight rules re-*
 16 *ferred to in subsection (a) by establishing special*
 17 *rules applicable to the flight operations conducted by*
 18 *Alaska guide pilots.*

19 (2) *CONTENTS OF RULES.*—*A final rule issued*
 20 *by the Administrator under paragraph (1) shall re-*
 21 *quire Alaska guide pilots—*

22 (A) *to operate aircraft inspected no less*
 23 *often than after 125 hours of flight time;*

1 (B) to participate in an annual flight re-
2 view, as described in section 61.56 of title 14,
3 Code of Federal Regulations;

4 (C) to have at least 500 hours of flight time
5 as a pilot;

6 (D) to have a commercial rating, as de-
7 scribed in subpart F of part 61 of such title;

8 (E) to hold at least a second-class medical
9 certificate, as described in subpart C of part 67
10 of such title;

11 (F) to hold a current letter of authorization
12 issued by the Administrator; and

13 (G) to take such other actions as the Ad-
14 ministrator determines necessary for safety.

15 (c) *DEFINITIONS.*—In this section, the following defi-
16 nitions apply:

17 (1) *LETTER OF AUTHORIZATION.*—The term “let-
18 ter of authorization” means a letter issued by the Ad-
19 ministrator once every 5 years to an Alaska guide
20 pilot certifying that the pilot is in compliance with
21 general operating and flight rules applicable to the
22 pilot. In the case of a multi-pilot operation, at the
23 election of the operating entity, a letter of authoriza-
24 tion may be issued by the Administrator to the entity
25 or to each Alaska guide pilot employed by the entity.

1 (2) *ALASKA GUIDE PILOT.*—*The term “Alaska*
 2 *guide pilot” means a pilot who—*

3 (A) *conducts aircraft operations over or*
 4 *within the State of Alaska;*

5 (B) *operates single engine, fixed wing air-*
 6 *craft on floats, wheels, or skis, providing com-*
 7 *mercial hunting, fishing, or other guide services*
 8 *and related accommodations in the form of*
 9 *camps or lodges; and*

10 (C) *transports clients by such aircraft inci-*
 11 *dental to hunting, fishing, or other guide serv-*
 12 *ices, or uses air transport to enable guided cli-*
 13 *ents to reach hunting or fishing locations.*

14 **SEC. 412. ALASKA RURAL AVIATION IMPROVEMENT.**

15 (a) *APPLICATION OF FAA REGULATIONS.*—*Section*
 16 *40113 is amended by adding at the end thereof the fol-*
 17 *lowing:*

18 “(f) *APPLICATION OF CERTAIN REGULATIONS TO*
 19 *ALASKA.*—*In amending title 14, Code of Federal Regula-*
 20 *tions, in a manner affecting intrastate aviation in Alaska,*
 21 *the Administrator of the Federal Aviation Administration*
 22 *shall consider the extent to which Alaska is not served by*
 23 *transportation modes other than aviation, and shall estab-*
 24 *lish such regulatory distinctions as the Administrator con-*
 25 *siders appropriate.”.*

1 (b) *AVIATION CLOSED CIRCUIT TELEVISION.*—*The Ad-*
2 *ministrators of the Federal Aviation Administration, in con-*
3 *sultation with commercial and general aviation pilots, shall*
4 *install closed circuit weather surveillance equipment at not*
5 *fewer than 15 rural airports in Alaska and provide for the*
6 *dissemination of information derived from such equipment*
7 *to pilots for pre-flight planning purposes and en route pur-*
8 *poses, including through the dissemination of such informa-*
9 *tion to pilots by flight service stations. There are authorized*
10 *to be appropriated \$2,000,000 for the purposes of this sub-*
11 *section.*

12 (c) *MIKE-IN-HAND WEATHER OBSERVATION.*—*The Ad-*
13 *ministrators of the Federal Aviation Administration and the*
14 *Assistant Administrator of the National Weather Service,*
15 *in consultation with the National Transportation Safety*
16 *Board and the Governor of the State of Alaska, shall develop*
17 *and implement a “mike-in-hand” weather observation pro-*
18 *gram in Alaska under which Federal Aviation Administra-*
19 *tion employees, National Weather Service employees, other*
20 *Federal or State employees sited at an airport, or persons*
21 *contracted specifically for such purpose (including part-*
22 *time contract employees who are not sited at such airport),*
23 *will provide near-real time aviation weather information*
24 *via radio and otherwise to pilots who request such informa-*
25 *tion.*

1 (d) *RURAL IFR COMPLIANCE.*—*There are authorized*
 2 *to be appropriated \$4,000,000 to the Administrator for run-*
 3 *way lighting and weather reporting systems at remote air-*
 4 *ports in Alaska to implement the CAPSTONE project.*

5 **SEC. 413. HUMAN FACTORS PROGRAM.**

6 (a) *IN GENERAL.*—*Chapter 445 is amended by adding*
 7 *at the end thereof the following:*

8 **“§ 44516. Human factors program**

9 “(a) *REPORT.*—*The Administrator of the Federal*
 10 *Aviation Administration shall report within 1 year after*
 11 *the date of enactment of the Air Transportation Improve-*
 12 *ment Act to the Senate Committee on Commerce, Science,*
 13 *and Transportation and the House of Representatives Com-*
 14 *mittee on Transportation and Infrastructure on the status*
 15 *of the Administration’s efforts to encourage the adoption*
 16 *and implementation of Advanced Qualification Programs*
 17 *for air carriers under this section.*

18 “(b) *HUMAN FACTORS TRAINING.*—

19 “(1) *AIR TRAFFIC CONTROLLERS.*—*The Adminis-*
 20 *trator shall—*

21 “(A) *address the problems and concerns*
 22 *raised by the National Research Council in its*
 23 *report ‘The Future of Air Traffic Control’ on air*
 24 *traffic control automation; and*

1 “(B) respond to the recommendations made
2 by the National Research Council.

3 “(2) *PILOTS AND FLIGHT CREWS.*—The Adminis-
4 trator shall work with the aviation industry to de-
5 velop specific training curricula to address critical
6 safety problems, including problems of pilots—

7 “(A) in recovering from loss of control of the
8 aircraft, including handling unusual attitudes
9 and mechanical malfunctions;

10 “(B) in deviating from standard operating
11 procedures, including inappropriate responses to
12 emergencies and hazardous weather;

13 “(C) in awareness of altitude and location
14 relative to terrain to prevent controlled flight
15 into terrain; and

16 “(D) in landing and approaches, including
17 nonprecision approaches and go-around proce-
18 dures.

19 “(c) *ACCIDENT INVESTIGATIONS.*—The Administrator,
20 working with the National Transportation Safety Board
21 and representatives of the aviation industry, shall establish
22 a process to assess human factors training as part of acci-
23 dent and incident investigations.

24 “(d) *TEST PROGRAM.*—The Administrator shall estab-
25 lish a test program in cooperation with United States air

1 carriers to use model Jeppesen approach plates or other
 2 similar tools to improve nonprecision landing approaches
 3 for aircraft.

4 “(e) *ADVANCED QUALIFICATION PROGRAM DE-*
 5 *FINED.*—For purposes of this section, the term ‘advanced
 6 qualification program’ means an alternative method for
 7 qualifying, training, certifying, and ensuring the com-
 8 petency of flight crews and other commercial aviation oper-
 9 ations personnel subject to the training and evaluation re-
 10 quirements of Parts 121 and 135 of title 14, Code of Federal
 11 Regulations.”.

12 (b) *AUTOMATION AND ASSOCIATED TRAINING.*—The
 13 Administrator of the Federal Aviation Administration shall
 14 complete the Administration’s updating of training prac-
 15 tices for flight deck automation and associated training re-
 16 quirements within 12 months after the date of enactment
 17 of this Act.

18 (c) *CONFORMING AMENDMENT.*—The chapter analysis
 19 for chapter 445 is amended by adding at the end thereof
 20 the following:

“44516. Human factors program.”.

21 **SEC. 414. INDEPENDENT VALIDATION OF FAA COSTS AND**
 22 **ALLOCATIONS.**

23 (a) *INDEPENDENT ASSESSMENT.*—

24 (1) *INITIATION.*—Not later than 90 days after
 25 the date of enactment of this Act, the Inspector Gen-

1 *eral of the Department of Transportation shall ini-*
2 *tiate the analyses described in paragraph (2). In con-*
3 *ducting the analyses, the Inspector General shall en-*
4 *sure that the analyses are carried out by 1 or more*
5 *entities that are independent of the Federal Aviation*
6 *Administration. The Inspector General may use the*
7 *staff and resources of the Inspector General or may*
8 *contract with independent entities to conduct the*
9 *analyses.*

10 *(2) ASSESSMENT OF ADEQUACY AND ACCURACY*
11 *OF FAA COST DATA AND ATTRIBUTIONS.—To ensure*
12 *that the method for capturing and distributing the*
13 *overall costs of the Federal Aviation Administration*
14 *is appropriate and reasonable, the Inspector General*
15 *shall conduct an assessment that includes the fol-*
16 *lowing:*

17 *(A)(i) Validation of Federal Aviation Ad-*
18 *ministration cost input data, including an audit*
19 *of the reliability of Federal Aviation Adminis-*
20 *tration source documents and the integrity and*
21 *reliability of the Federal Aviation Administra-*
22 *tion's data collection process.*

23 *(ii) An assessment of the reliability of the*
24 *Federal Aviation Administration's system for*
25 *tracking assets.*

1 (iii) *An assessment of the reasonableness of*
2 *the Federal Aviation Administration's bases for*
3 *establishing asset values and depreciation rates.*

4 (iv) *An assessment of the Federal Aviation*
5 *Administration's system of internal controls for*
6 *ensuring the consistency and reliability of re-*
7 *ported data to begin immediately after full oper-*
8 *ational capability of the cost accounting system.*

9 (B) *A review and validation of the Federal*
10 *Aviation Administration's definition of the serv-*
11 *ices to which the Federal Aviation Administra-*
12 *tion ultimately attributes its costs, and the meth-*
13 *ods used to identify direct costs associated with*
14 *the services.*

15 (C) *An assessment and validation of the*
16 *general cost pools used by the Federal Aviation*
17 *Administration, including the rationale for and*
18 *reliability of the bases on which the Federal*
19 *Aviation Administration proposes to allocate*
20 *costs of services to users and the integrity of the*
21 *cost pools as well as any other factors considered*
22 *important by the Inspector General. Appropriate*
23 *statistical tests shall be performed to assess rela-*
24 *tionships between costs in the various cost pools*
25 *and activities and services to which the costs are*

1 *attributed by the Federal Aviation Administra-*
 2 *tion.*

3 **(b) DEADLINE.**—*The independent analyses described*
 4 *in this section shall be completed no later than 270 days*
 5 *after the contracts are awarded to the outside independent*
 6 *contractors. The Inspector General shall submit a final re-*
 7 *port combining the analyses done by its staff with those*
 8 *of the outside independent contractors to the Secretary of*
 9 *Transportation, the Administrator, the Committee on Com-*
 10 *merce, Science, and Transportation of the Senate, and the*
 11 *Committee on Transportation and Infrastructure of the*
 12 *House of Representatives. The final report shall be sub-*
 13 *mitted by the Inspector General not later than 300 days*
 14 *after the award of contracts.*

15 **(c) FUNDING.**—*There are authorized to be appro-*
 16 *priated such sums as may be necessary for the cost of the*
 17 *contracted audit services authorized by this section.*

18 **SEC. 415. APPLICATION OF FEDERAL PROCUREMENT POL-**
 19 **ICY ACT.**

20 *Section 348 of the Department of Transportation and*
 21 *Related Agencies Appropriations Act, 1996 (49 U.S.C.*
 22 *40110 nt) is amended—*

23 (1) *by redesignating subsection (c) as subsection*
 24 *(d); and*

1 (2) *by inserting after subsection (b) the fol-*
2 *lowing:*

3 “(c) *CERTAIN PROVISIONS OF THE OFFICE OF FED-*
4 *ERAL PROCUREMENT POLICY ACT.—Notwithstanding sub-*
5 *section (b)(2), section 27 of the Office of Federal Procure-*
6 *ment Policy Act (41 U.S.C. 423) shall apply to the new*
7 *acquisition management system developed and implemented*
8 *under subsection (a) with the following modifications:*

9 “(1) *Subsections (f) and (g) shall not apply.*

10 “(2) *Within 90 days after the date of enactment*
11 *of the Air Transportation Improvement Act, the Ad-*
12 *ministrator of the Federal Aviation Administration*
13 *shall adopt definitions for the acquisition manage-*
14 *ment system that are consistent with the purpose and*
15 *intent of the Office of Federal Procurement Policy*
16 *Act.*

17 “(3) *After the adoption of those definitions, the*
18 *criminal, civil, and administrative remedies provided*
19 *under the Office of Federal Procurement Policy Act*
20 *apply to the acquisition management system.*

21 “(4) *In the administration of the acquisition*
22 *management system, the Administrator may take ad-*
23 *verse personnel action under section 27(e)(3)(A)(iv) of*
24 *the Office of Federal Procurement Policy Act in ac-*

5 *The Administrator of the Federal Aviation Adminis-*
6 *tration shall report to the Congress on plans to modernize*
7 *the oceanic air traffic control system, including a budget*
8 *for the program, a determination of the requirements for*
9 *modernization, and, if necessary, a proposal to fund the*
10 *program.*

13 *Beginning in calendar year 2000, the Administrator*
14 *of the Federal Aviation Administration shall report bian-*
15 *nually to the Congress on the air transportation oversight*
16 *system program announced by the Administration on May*
17 *13, 1998, in detail on the training of inspectors, the number*
18 *of inspectors using the system, air carriers subject to the*
19 *system, and the budget for the system.*

21 *Notwithstanding any other provision of law to the con-*
22 *trary, the Secretary of Transportation may authorize the*
23 *use, in whole or in part, of a completed environmental as-*
24 *essment or environmental impact study for a new airport*
25 *construction project on the air operations area, that is sub-*

1 *stantially similar in nature to one previously constructed*
 2 *pursuant to the completed environmental assessment or en-*
 3 *vironmental impact study in order to avoid unnecessary*
 4 *duplication of expense and effort, and any such authorized*
 5 *use shall meet all requirements of Federal law for the com-*
 6 *pletion of such an assessment or study.*

7 **SEC. 419. PROTECTION OF EMPLOYEES PROVIDING AIR**
 8 **SAFETY INFORMATION.**

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

11 “**SUBCHAPTER III—WHISTLEBLOWER**
 12 **PROTECTION PROGRAM**

13 “**§42121. Protection of employees providing air safety**
 14 **information**

15 “(a) *DISCRIMINATION AGAINST AIRLINE EMPLOY-*
 16 *EES.*—No air carrier or contractor or subcontractor of an
 17 air carrier may discharge an employee of the air carrier
 18 or the contractor or subcontractor of an air carrier or other-
 19 wise discriminate against any such employee with respect
 20 to compensation, terms, conditions, or privileges of employ-
 21 ment because the employee (or any person acting pursuant
 22 to a request of the employee)—

23 “(1) *provided, caused to be provided, or is about*
 24 *to provide or cause to be provided to the Federal Gov-*
 25 *ernment information relating to any violation or al-*

1 *leged violation of any order, regulation, or standard*
 2 *of the Federal Aviation Administration or any other*
 3 *provision of Federal law relating to air carrier safety*
 4 *under this subtitle or any other law of the United*
 5 *States;*

6 *“(2) has filed, caused to be filed, or is about to*
 7 *file or cause to be filed a proceeding relating to any*
 8 *violation or alleged violation of any order, regulation,*
 9 *or standard of the Federal Aviation Administration*
 10 *or any other provision of Federal law relating to air*
 11 *carrier safety under this subtitle or any other law of*
 12 *the United States;*

13 *“(3) testified or will testify in such a proceeding;*
 14 *or*

15 *“(4) assisted or participated or is about to assist*
 16 *or participate in such a proceeding.*

17 *“(b) DEPARTMENT OF LABOR COMPLAINT PROCE-*
 18 *DURE.—*

19 *“(1) FILING AND NOTIFICATION.—*

20 *“(A) IN GENERAL.—In accordance with this*
 21 *paragraph, a person may file (or have a person*
 22 *file on behalf of that person) a complaint with*
 23 *the Secretary of Labor if that person believes*
 24 *that an air carrier or contractor or subcon-*
 25 *tractor of an air carrier discharged or otherwise*

1 *discriminated against that person in violation of*
2 *subsection (a).*

3 “(B) *REQUIREMENTS FOR FILING COM-*
4 *PLAINTS.*—*A complaint referred to in subpara-*
5 *graph (A) may be filed not later than 90 days*
6 *after an alleged violation occurs. The complaint*
7 *shall state the alleged violation.*

8 “(C) *NOTIFICATION.*—*Upon receipt of a*
9 *complaint submitted under subparagraph (A),*
10 *the Secretary of Labor shall notify the air car-*
11 *rier, contractor, or subcontractor named in the*
12 *complaint and the Administrator of the Federal*
13 *Aviation Administration of the—*

14 “(i) *filing of the complaint;*

15 “(ii) *allegations contained in the com-*
16 *plaint;*

17 “(iii) *substance of evidence supporting*
18 *the complaint; and*

19 “(iv) *opportunities that are afforded to*
20 *the air carrier, contractor, or subcontractor*
21 *under paragraph (2).*

22 “(2) *INVESTIGATION; PRELIMINARY ORDER.*—

23 “(A) *IN GENERAL.*—

24 “(i) *INVESTIGATION.*—*Not later than*
25 *60 days after receipt of a complaint filed*

1 under paragraph (1) and after affording the
2 person named in the complaint an oppor-
3 tunity to submit to the Secretary of Labor
4 a written response to the complaint and an
5 opportunity to meet with a representative of
6 the Secretary to present statements from
7 witnesses, the Secretary of Labor shall con-
8 duct an investigation and determine wheth-
9 er there is reasonable cause to believe that
10 the complaint has merit and notify in writ-
11 ing the complainant and the person alleged
12 to have committed a violation of subsection
13 (a) of the Secretary's findings.

14 “(ii) ORDER.—Except as provided in
15 subparagraph (B), if the Secretary of Labor
16 concludes that there is reasonable cause to
17 believe that a violation of subsection (a) has
18 occurred, the Secretary shall accompany the
19 findings referred to in clause (i) with a pre-
20 liminary order providing the relief pre-
21 scribed under paragraph (3)(B).

22 “(iii) OBJECTIONS.—Not later than 30
23 days after the date of notification of find-
24 ings under this paragraph, the person al-
25 leged to have committed the violation or the

1 complainant may file objections to the find-
2 ings or preliminary order and request a
3 hearing on the record.

4 “(iv) *EFFECT OF FILING.*—The filing
5 of objections under clause (iii) shall not op-
6 erate to stay any reinstatement remedy con-
7 tained in the preliminary order.

8 “(v) *HEARINGS.*—Hearings conducted
9 pursuant to a request made under clause
10 (iii) shall be conducted expeditiously and
11 governed by the Federal Rules of Civil Pro-
12 cedure. If a hearing is not requested during
13 the 30-day period prescribed in clause (iii),
14 the preliminary order shall be deemed a
15 final order that is not subject to judicial re-
16 view.

17 “(B) *REQUIREMENTS.*—

18 “(i) *REQUIRED SHOWING BY COM-*
19 *PLAINANT.*—The Secretary of Labor shall
20 dismiss a complaint filed under this sub-
21 section and shall not conduct an investiga-
22 tion otherwise required under subparagraph
23 (A) unless the complainant makes a *prima*
24 *facie* showing that any behavior described
25 in paragraphs (1) through (4) of subsection

1 (a) *was a contributing factor in the unfa-*
2 *vorable personnel action alleged in the com-*
3 *plaint.*

4 “(ii) *SHOWING BY EMPLOYER.—Not-*
5 *withstanding a finding by the Secretary*
6 *that the complainant has made the showing*
7 *required under clause (i), no investigation*
8 *otherwise required under subparagraph (A)*
9 *shall be conducted if the employer dem-*
10 *onstrates, by clear and convincing evidence,*
11 *that the employer would have taken the*
12 *same unfavorable personnel action in the*
13 *absence of that behavior.*

14 “(iii) *CRITERIA FOR DETERMINATION*
15 *BY SECRETARY.—The Secretary may deter-*
16 *mine that a violation of subsection (a) has*
17 *occurred only if the complainant dem-*
18 *onstrates that any behavior described in*
19 *paragraphs (1) through (4) of subsection (a)*
20 *was a contributing factor in the unfavorable*
21 *personnel action alleged in the complaint.*

22 “(iv) *PROHIBITION.—Relief may not*
23 *be ordered under subparagraph (A) if the*
24 *employer demonstrates by clear and con-*
25 *vincing evidence that the employer would*

1 *have taken the same unfavorable personnel*
2 *action in the absence of that behavior.*

3 “(3) *FINAL ORDER.*—

4 “(A) *DEADLINE FOR ISSUANCE; SETTLE-*
5 *MENT AGREEMENTS.*—

6 “(i) *IN GENERAL.*—*Not later than 120*
7 *days after conclusion of a hearing under*
8 *paragraph (2), the Secretary of Labor shall*
9 *issue a final order that—*

10 “(I) *provides relief in accordance*
11 *with this paragraph; or*

12 “(II) *denies the complaint.*

13 “(ii) *SETTLEMENT AGREEMENT.*—*At*
14 *any time before issuance of a final order*
15 *under this paragraph, a proceeding under*
16 *this subsection may be terminated on the*
17 *basis of a settlement agreement entered into*
18 *by the Secretary of Labor, the complainant,*
19 *and the air carrier, contractor, or subcon-*
20 *tractor alleged to have committed the viola-*
21 *tion.*

22 “(B) *REMEDY.*—*If, in response to a com-*
23 *plaint filed under paragraph (1), the Secretary*
24 *of Labor determines that a violation of sub-*
25 *section (a) has occurred, the Secretary of Labor*

1 *shall order the air carrier, contractor, or subcon-*
2 *tractor that the Secretary of Labor determines to*
3 *have committed the violation to—*

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

5 “(ii) reinstate the complainant to the
6 *former position of the complainant and en-*
7 *sure the payment of compensation (includ-*
8 *ing back pay) and the restoration of terms,*
9 *conditions, and privileges associated with*
10 *the employment; and*

11 “(iii) provide compensatory damages
12 *to the complainant.*

13 “(C) *COSTS OF COMPLAINT.—If the Sec-*
14 *retary of Labor issues a final order that provides*
15 *for relief in accordance with this paragraph, the*
16 *Secretary of Labor, at the request of the com-*
17 *plainant, shall assess against the air carrier,*
18 *contractor, or subcontractor named in the order*
19 *an amount equal to the aggregate amount of all*
20 *costs and expenses (including attorney and ex-*
21 *pert witness fees) reasonably incurred by the*
22 *complainant (as determined by the Secretary of*
23 *Labor) for, or in connection with, the bringing*
24 *of the complaint that resulted in the issuance of*
25 *the order.*

1 “(4) *FRIVOLOUS COMPLAINTS.*—Rule 11 of the
2 *Federal Rules of Civil Procedure* applies to any com-
3 plaint brought under this section that the Secretary
4 finds to be frivolous or to have been brought in bad
5 faith.

6 “(5) *REVIEW.*—

7 “(A) *APPEAL TO COURT OF APPEALS.*—

8 “(i) *IN GENERAL.*—Not later than 60
9 days after a final order is issued under
10 paragraph (3), a person adversely affected
11 or aggrieved by that order may obtain re-
12 view of the order in the United States court
13 of appeals for the circuit in which the viola-
14 tion allegedly occurred or the circuit in
15 which the complainant resided on the date
16 of that violation.

17 “(ii) *REQUIREMENTS FOR JUDICIAL*
18 *REVIEW.*—A review conducted under this
19 paragraph shall be conducted in accordance
20 with chapter 7 of title 5. The commence-
21 ment of proceedings under this subpara-
22 graph shall not, unless ordered by the court,
23 operate as a stay of the order that is the
24 subject of the review.

1 “(B) *LIMITATION ON COLLATERAL AT-*
 2 *TACK.—An order referred to in subparagraph*
 3 *(A) shall not be subject to judicial review in any*
 4 *criminal or other civil proceeding.*

5 “(6) *ENFORCEMENT OF ORDER BY SECRETARY*
 6 *OF LABOR.—*

7 “(A) *IN GENERAL.—If an air carrier, con-*
 8 *tractor, or subcontractor named in an order*
 9 *issued under paragraph (3) fails to comply with*
 10 *the order, the Secretary of Labor may file a civil*
 11 *action in the United States district court for the*
 12 *district in which the violation occurred to en-*
 13 *force that order.*

14 “(B) *RELIEF.—In any action brought*
 15 *under this paragraph, the district court shall*
 16 *have jurisdiction to grant any appropriate form*
 17 *of relief, including injunctive relief and compen-*
 18 *satory damages.*

19 “(7) *ENFORCEMENT OF ORDER BY PARTIES.—*

20 “(A) *COMMENCEMENT OF ACTION.—A per-*
 21 *son on whose behalf an order is issued under*
 22 *paragraph (3) may commence a civil action*
 23 *against the air carrier, contractor, or subcon-*
 24 *tractor named in the order to require compliance*
 25 *with the order. The appropriate United States*

1 *district court shall have jurisdiction, without re-*
2 *gard to the amount in controversy or the citizen-*
3 *ship of the parties, to enforce the order.*

4 *“(B) ATTORNEY FEES.—In issuing any*
5 *final order under this paragraph, the court may*
6 *award costs of litigation (including reasonable*
7 *attorney and expert witness fees) to any party if*
8 *the court determines that the awarding of those*
9 *costs is appropriate.*

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

13 *“(d) NONAPPLICABILITY TO DELIBERATE VIOLA-*
14 *TIONS.—Subsection (a) shall not apply with respect to an*
15 *employee of an air carrier, or contractor or subcontractor*
16 *of an air carrier who, acting without direction from the*
17 *air carrier (or an agent, contractor, or subcontractor of the*
18 *air carrier), deliberately causes a violation of any require-*
19 *ment relating to air carrier safety under this subtitle or*
20 *any other law of the United States.*

21 *“(e) CONTRACTOR DEFINED.—In this section, the term*
22 *‘contractor’ means a company that performs safety-sensitive*
23 *functions by contract for an air carrier.”.*

24 *(b) INVESTIGATIONS AND ENFORCEMENT.—Section*
25 *347(b)(1) of Public Law 104–50 (49 U.S.C. 106, note) is*

1 amended by striking “protection;” and inserting “protec-
 2 tion, including the provisions for investigations and en-
 3 forcement as provided in chapter 12 of title 5, United States
 4 Code;”.

5 (c) **CONFORMING AMENDMENT.**—*The chapter analysis*
 6 *for chapter 421 is amended by adding at the end the fol-*
 7 *lowing:*

“SUBCHAPTER III—WHISTLEBLOWER PROTECTION PROGRAM

“42121. Protection of employees providing air safety information.”.

8 (d) **CIVIL PENALTY.**—Section 46301(a)(1)(A) is
 9 amended by striking “subchapter II of chapter 421,” and
 10 inserting “subchapter II or III of chapter 421,”.

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

12 Section 44502(a) is amended by adding at the end
 13 thereof the following:

14 “(5) The Administrator may improve real prop-
 15 erty leased for air navigation facilities without regard
 16 to the costs of the improvements in relation to the cost
 17 of the lease if—

18 “(A) the improvements primarily benefit
 19 the government;

20 “(B) are essential for mission accomplish-
 21 ment; and

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

1 **SEC. 421. DENIAL OF AIRPORT ACCESS TO CERTAIN AIR**
 2 **CARRIERS.**

3 *Section 47107 is amended by adding at the end thereof*
 4 *the following:*

5 “(q) *DENIAL OF ACCESS.*—

6 “(1) *EFFECT OF DENIAL.*—*If an owner or oper-*
 7 *ator of an airport described in paragraph (2) denies*
 8 *access to an air carrier described in paragraph (3),*
 9 *that denial shall not be considered to be unreasonable*
 10 *or unjust discrimination or a violation of this section.*

11 “(2) *AIRPORTS TO WHICH SUBSECTION AP-*
 12 *PLIES.*—*An airport is described in this paragraph if*
 13 *it—*

14 “(A) *is designated as a reliever airport by*
 15 *the Administrator of the Federal Aviation Ad-*
 16 *ministration;*

17 “(B) *does not have an operating certificate*
 18 *issued under part 139 of title 14, Code of Federal*
 19 *Regulations (or any subsequent similar regula-*
 20 *tions); and*

21 “(C) *is located within a 35-mile radius of*
 22 *an airport that has—*

23 “(i) *at least 0.05 percent of the total*
 24 *annual boardings in the United States; and*

25 “(ii) *current gate capacity to handle*
 26 *the demands of a public charter operation.*

1 “(3) *AIR CARRIERS DESCRIBED.*—*An air carrier*
 2 *is described in this paragraph if it conducts oper-*
 3 *ations as a public charter under part 380 of title 14,*
 4 *Code of Federal Regulations (or any subsequent simi-*
 5 *lar regulations) with aircraft that is designed to*
 6 *carry more than 9 passengers per flight.*

7 “(4) *DEFINITIONS.*—*In this subsection:*

8 “(A) *AIR CARRIER; AIR TRANSPORTATION;*
 9 *AIRCRAFT; AIRPORT.*—*The terms ‘air carrier’,*
 10 *‘air transportation’, ‘aircraft’, and ‘airport’ have*
 11 *the meanings given those terms in section 40102*
 12 *of this title.*

13 “(B) *PUBLIC CHARTER.*—*The term ‘public*
 14 *charter’ means charter air transportation for*
 15 *which the general public is provided in advance*
 16 *a schedule containing the departure location, de-*
 17 *parture time, and arrival location of the*
 18 *flights.’.*

19 **SEC. 422. TOURISM.**

20 (a) *FINDINGS.*—*Congress finds that—*

21 (1) *through an effective public-private partner-*
 22 *ship, Federal, State, and local governments and the*
 23 *travel and tourism industry can successfully market*
 24 *the United States as the premiere international tour-*
 25 *ist destination in the world;*

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

4 (A) *The industry is one of the Nation's*
5 *largest employers, directly employing 7,000,000*
6 *Americans, throughout every region of the coun-*
7 *try, heavily concentrated among small busi-*
8 *nesses, and indirectly employing an additional*
9 *9,200,000 Americans, for a total of 16,200,000*
10 *jobs.*

11 (B) *The industry ranks as the first, second,*
12 *or third largest employer in 32 States and the*
13 *District of Columbia, generating a total tourism-*
14 *related annual payroll of \$127,900,000,000.*

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

18 (D) *The industry generated \$71,700,000,000*
19 *in tax revenues for Federal, State, and local gov-*
20 *ernments;*

21 (3) *the more than \$98,000,000,000 spent by for-*
22 *ign visitors in the United States in 1997 generated*
23 *a trade services surplus of more than*
24 *\$26,000,000,000;*

1 (4) *the private sector, States, and cities currently*
2 *spend more than \$1,000,000,000 annually to promote*
3 *particular destinations within the United States to*
4 *international visitors;*

5 (5) *because other nations are spending hundreds*
6 *of millions of dollars annually to promote the visits*
7 *of international tourists to their countries, the United*
8 *States will miss a major marketing opportunity if it*
9 *fails to aggressively compete for an increased share of*
10 *international tourism expenditures as they continue*
11 *to increase over the next decade;*

12 (6) *a well-funded, well-coordinated international*
13 *marketing effort—combined with additional public*
14 *and private sector efforts—would help small and*
15 *large businesses, as well as State and local govern-*
16 *ments, share in the anticipated phenomenal growth of*
17 *the international travel and tourism market in the*
18 *21st century;*

19 (7) *by making permanent the successful visa*
20 *waiver pilot program, Congress can facilitate the in-*
21 *creased flow of international visitors to the United*
22 *States;*

23 (8) *Congress can increase the opportunities for*
24 *attracting international visitors and enhancing their*
25 *stay in the United States by—*

1 (A) improving international signage at air-
2 ports, seaports, land border crossings, highways,
3 and bus, train, and other public transit stations
4 in the United States;

5 (B) increasing the availability of multi-
6 lingual tourist information; and

7 (C) creating a toll-free, private-sector oper-
8 ated, telephone number, staffed by multilingual
9 operators, to provide assistance to international
10 tourists coping with an emergency;

11 (9) by establishing a satellite system of account-
12 ing for travel and tourism, the Secretary of Commerce
13 could provide Congress and the President with objec-
14 tive, thorough data that would help policymakers
15 more accurately gauge the size and scope of the do-
16 mestic travel and tourism industry and its signifi-
17 cant impact on the health of the Nation's economy;
18 and

19 (10) having established the United States Na-
20 tional Tourism Organization under the United States
21 National Tourism Organization Act of 1996 (22
22 U.S.C. 2141 et seq.) to increase the United States
23 share of the international tourism market by devel-
24 oping a national travel and tourism strategy, Con-
25 gress should support a long-term marketing effort and

1 *other important regulatory reform initiatives to pro-*
 2 *mote increased travel to the United States for the ben-*
 3 *efit of every sector of the economy.*

4 *(b) PURPOSES.—The purposes of this section are to*
 5 *provide international visitor initiatives and an inter-*
 6 *national marketing program to enable the United States*
 7 *travel and tourism industry and every level of government*
 8 *to benefit from a successful effort to make the United States*
 9 *the premiere travel destination in the world.*

10 *(c) INTERNATIONAL VISITOR ASSISTANCE TASK*
 11 *FORCE.—*

12 *(1) ESTABLISHMENT.—Not later than 9 months*
 13 *after the date of enactment of this Act, the Secretary*
 14 *of Commerce shall establish an Intergovernmental*
 15 *Task Force for International Visitor Assistance (here-*
 16 *after in this subsection referred to as the “Task*
 17 *Force”).*

18 *(2) DUTIES.—The Task Force shall examine—*

19 *(A) signage at facilities in the United*
 20 *States, including airports, seaports, land border*
 21 *crossings, highways, and bus, train, and other*
 22 *public transit stations, and shall identify exist-*
 23 *ing inadequacies and suggest solutions for such*
 24 *inadequacies, such as the adoption of uniform*
 25 *standards on international signage for use*

1 *throughout the United States in order to facili-*
2 *tate international visitors' travel in the United*
3 *States;*

4 *(B) the availability of multilingual travel*
5 *and tourism information and means of dissemi-*
6 *nating, at no or minimal cost to the Govern-*
7 *ment, of such information; and*

8 *(C) facilitating the establishment of a toll-*
9 *free, private-sector operated, telephone number,*
10 *staffed by multilingual operators, to provide as-*
11 *sistance to international tourists coping with an*
12 *emergency.*

13 *(3) MEMBERSHIP.—The Task Force shall be*
14 *composed of the following members:*

15 *(A) The Secretary of Commerce.*

16 *(B) The Secretary of State.*

17 *(C) The Secretary of Transportation.*

18 *(D) The Chair of the Board of Directors of*
19 *the United States National Tourism Organiza-*
20 *tion.*

21 *(E) Such other representatives of other Fed-*
22 *eral agencies and private-sector entities as may*
23 *be determined to be appropriate to the mission*
24 *of the Task Force by the Chairman.*

1 (4) *CHAIRMAN.*—*The Secretary of Commerce*
2 *shall be Chairman of the Task Force. The Task Force*
3 *shall meet at least twice each year. Each member of*
4 *the Task Force shall furnish necessary assistance to*
5 *the Task Force.*

6 (5) *REPORT.*—*Not later than 18 months after the*
7 *date of the enactment of this Act, the Chairman of the*
8 *Task Force shall submit to the President and to Con-*
9 *gress a report on the results of the review, including*
10 *proposed amendments to existing laws or regulations*
11 *as may be appropriate to implement such rec-*
12 *ommendations.*

13 (d) *TRAVEL AND TOURISM INDUSTRY SATELLITE SYS-*
14 *TEM OF ACCOUNTING.*—

15 (1) *IN GENERAL.*—*The Secretary of Commerce*
16 *shall complete, as soon as may be practicable, a sat-*
17 *ellite system of accounting for the travel and tourism*
18 *industry.*

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

23 (e) *AUTHORIZATION OF APPROPRIATIONS.*—

24 (1) *AUTHORIZATION.*—*Subject to paragraph (2),*
25 *there are authorized to be appropriated such sums as*

1 *may be necessary for the purpose of funding inter-*
2 *national promotional activities by the United States*
3 *National Tourism Organization to help brand, posi-*
4 *tion, and promote the United States as the premiere*
5 *travel and tourism destination in the world.*

6 (2) *RESTRICTIONS ON USE OF FUNDS.*—None of
7 *the funds appropriated under paragraph (1) may be*
8 *used for purposes other than marketing, research, out-*
9 *reach, or any other activity designed to promote the*
10 *United States as the premiere travel and tourism des-*
11 *tination in the world, except that the general and ad-*
12 *ministrative expenses of operating the United States*
13 *National Tourism Organization shall be borne by the*
14 *private sector through such means as the Board of Di-*
15 *rectors of the Organization shall determine.*

16 (3) *REPORT TO CONGRESS.*—Not later than
17 *March 30 of each year in which funds are made*
18 *available under subsection (a), the Secretary shall*
19 *submit to the Committee on Commerce of the House*
20 *of Representatives and the Committee on Commerce,*
21 *Science, and Transportation of the Senate a detailed*
22 *report setting forth—*

23 (A) *the manner in which appropriated*
24 *funds were expended;*

1 (B) changes in the United States market
 2 share of international tourism in general and as
 3 measured against specific countries and regions;

4 (C) an analysis of the impact of inter-
 5 national tourism on the United States economy,
 6 including, as specifically as practicable, an anal-
 7 ysis of the impact of expenditures made pursu-
 8 ant to this section;

9 (D) an analysis of the impact of inter-
 10 national tourism on the United States trade bal-
 11 ance and, as specifically as practicable, an anal-
 12 ysis of the impact on the trade balance of ex-
 13 penditures made pursuant to this section; and

14 (E) an analysis of other relevant economic
 15 impacts as a result of expenditures made pursu-
 16 ant to this section.

17 **SEC. 423. SENSE OF THE SENATE ON PROPERTY TAXES ON**
 18 **PUBLIC-USE AIRPORTS.**

19 *It is the sense of the Senate that—*

20 (1) property taxes on public-use airports should
 21 be assessed fairly and equitably, regardless of the loca-
 22 tion of the owner of the airport; and

23 (2) the property tax recently assessed on the City
 24 of The Dalles, Oregon, as the owner and operator of
 25 the Columbia Gorge Regional/The Dalles Municipal

1 *Airport, located in the State of Washington, should be*
 2 *repealed.*

3 **SEC. 424. FEDERAL AVIATION ADMINISTRATION PER-**
 4 **SONNEL MANAGEMENT SYSTEM.**

5 *(a) APPLICABILITY OF MERIT SYSTEMS PROTECTION*
 6 *BOARD PROVISIONS.—Section 347(b) of the Department of*
 7 *Transportation and Related Agencies Appropriations Act,*
 8 *1996 (109 Stat. 460) is amended—*

9 *(1) by striking “and” at the end of paragraph*
 10 *(6);*

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

13 *(3) by adding at the end thereof the following:*

14 *“(8) sections 1204, 1211–1218, 1221, and 7701–*
 15 *7703, relating to the Merit Systems Protection*
 16 *Board.”.*

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

21 *“(c) APPEALS TO MERIT SYSTEMS PROTECTION*
 22 *BOARD.—Under the new personnel management system de-*
 23 *veloped and implemented under subsection (a), an employee*
 24 *of the Federal Aviation Administration may submit an ap-*
 25 *peal to the Merit Systems Protection Board and may seek*

1 *judicial review of any resulting final orders or decisions*
 2 *of the Board from any action that was appealable to the*
 3 *Board under any law, rule, or regulation as of March 31,*
 4 *1996.”.*

5 **SEC. 425. AUTHORITY TO SELL AIRCRAFT AND AIRCRAFT**
 6 **PARTS FOR USE IN RESPONDING TO OIL**
 7 **SPILLS.**

8 *(a) AUTHORITY.—*

9 *(1) Notwithstanding section 202 of the Federal*
 10 *Property and Administrative Services Act of 1949 (40*
 11 *U.S.C. 483) and subject to subsections (b) and (c), the*
 12 *Secretary of Defense may, during the period begin-*
 13 *ning March 1, 1999, and ending on September 30,*
 14 *2002, sell aircraft and aircraft parts referred to in*
 15 *paragraph (2) to a person or entity that provides oil*
 16 *spill response services (including the application of*
 17 *oil dispersants by air) pursuant to an oil spill re-*
 18 *sponse plan that has been approved by the Secretary*
 19 *of the Department in which the Coast Guard is oper-*
 20 *ating.*

21 *(2) The aircraft and aircraft parts that may be*
 22 *sold under paragraph (1) are aircraft and aircraft*
 23 *parts of the Department of Defense that are deter-*
 24 *mined by the Secretary to be—*

1 (A) *excess to the needs of the Department;*
2 *and*

3 (B) *acceptable for commercial sale.*

4 (b) *CONDITIONS OF SALE.—Aircraft and aircraft*
5 *parts sold under subsection (a)—*

6 (1) *shall have as their primary purpose usage for*
7 *oil spill spotting, observation, and dispersant delivery*
8 *and may not have any secondary purpose that would*
9 *interfere with oil spill response efforts under an oil*
10 *spill response plan;*

11 (2) *may not be flown outside of or removed from*
12 *the United States except for the purpose of fulfilling*
13 *an international agreement to assist in oil spill dis-*
14 *persing efforts, for immediate response efforts for an*
15 *oil spill outside United States waters that has the po-*
16 *tential to threaten United States waters, or for other*
17 *purposes that are jointly approved by the Secretary*
18 *of Defense and the Secretary of Transportation.*

19 (c) *CERTIFICATION OF PERSONS AND ENTITIES.—The*
20 *Secretary of Defense may sell aircraft and aircraft parts*
21 *to a person or entity under subsection (a) only if the Sec-*
22 *retary of Transportation certifies to the Secretary of De-*
23 *fense, in writing, before the sale, that the person or entity*
24 *is capable of meeting the terms and conditions of a contract*
25 *to deliver oil spill dispersants by air, and that the overall*

1 *system to be employed by that person or entity for the deliv-*
2 *ery and application of oil spill dispersants has been suffi-*
3 *ciently tested to ensure that the person or entity is capable*
4 *of being included in an oil spill response plan that has been*
5 *approved by the Secretary of the Department in which the*
6 *Coast Guard is operating.*

7 *(d) REGULATIONS.—*

8 *(1) As soon as practicable after the date of enact-*
9 *ment of this Act, the Secretary of Defense shall, in*
10 *consultation with the Secretary of Transportation*
11 *and the Administrator of General Services, prescribe*
12 *regulations relating to the sale of aircraft and air-*
13 *craft parts under this section.*

14 *(2) The regulations shall—*

15 *(A) ensure that the sale of the aircraft and*
16 *aircraft parts is made at a fair market value as*
17 *determined by the Secretary of Defense, and, to*
18 *the extent practicable, on a competitive basis;*

19 *(B) require a certification by the purchaser*
20 *that the aircraft and aircraft parts will be used*
21 *only in accordance with the conditions set forth*
22 *in subsection (b);*

23 *(C) establish appropriate means of verifying*
24 *and enforcing the use of the aircraft and aircraft*
25 *parts by the purchaser and other end-users in*

1 *accordance with the conditions set forth in sub-*
2 *section (b) or pursuant to subsection (e); and*

3 *(D) ensure, to the maximum extent prac-*
4 *ticable, that the Secretary of Defense consults*
5 *with the Administrator of General Services and*
6 *with the heads of appropriate departments and*
7 *agencies of the Federal Government regarding al-*
8 *ternative requirements for such aircraft and air-*
9 *craft parts before the sale of such aircraft and*
10 *aircraft parts under this section.*

11 *(e) ADDITIONAL TERMS AND CONDITIONS.—The Sec-*
12 *retary of Defense may require such other terms and condi-*
13 *tions in connection with each sale of aircraft and aircraft*
14 *parts under this section as the Secretary considers appro-*
15 *priate for such sale. Such terms and conditions shall meet*
16 *the requirements of regulations prescribed under subsection*
17 *(d).*

18 *(f) REPORT.—Not later than March 31, 2002, the Sec-*
19 *retary of Defense shall submit to the Committee on Armed*
20 *Services of the Senate and the Committee on National Secu-*
21 *rity of the House of Representatives a report on the Sec-*
22 *retary's exercise of authority under this section. The report*
23 *shall set forth—*

1 (1) *the number and types of aircraft sold under*
 2 *the authority, and the terms and conditions under*
 3 *which the aircraft were sold;*

4 (2) *the persons or entities to which the aircraft*
 5 *were sold; and*

6 (3) *an accounting of the current use of the air-*
 7 *craft sold.*

8 (g) *CONSTRUCTION.*—*Nothing in this section may be*
 9 *construed as affecting the authority of the Administrator*
 10 *of the Federal Aviation Administration under any other*
 11 *provision of law.*

12 (h) *PROCEEDS FROM SALE.*—*The net proceeds of any*
 13 *amounts received by the Secretary of Defense from the sale*
 14 *of aircraft and aircraft parts under this section shall be*
 15 *covered into the general fund of the Treasury as miscella-*
 16 *neous receipts.*

17 **SEC 426. AIRCRAFT AND AVIATION COMPONENT REPAIR**
 18 **AND MAINTENANCE ADVISORY PANEL.**

19 (a) *ESTABLISHMENT OF PANEL.*—*The Administrator*
 20 *of the Federal Aviation Administration—*

21 (1) *shall establish an Aircraft Repair and Main-*
 22 *tenance Advisory Panel to review issues related to the*
 23 *use and oversight of aircraft and aviation component*
 24 *repair and maintenance facilities located within, or*
 25 *outside of, the United States; and*

1 (2) *may seek the advice of the panel on any issue*
2 *related to methods to improve the safety of domestic*
3 *or foreign contract aircraft and aviation component*
4 *repair facilities.*

5 (b) *MEMBERSHIP.—The panel shall consist of—*

6 (1) *8 members, appointed by the Administrator*
7 *as follows:*

8 (A) *3 representatives of labor organizations*
9 *representing aviation mechanics;*

10 (B) *1 representative of cargo air carriers;*

11 (C) *1 representative of passenger air car-*
12 *riers;*

13 (D) *1 representative of aircraft and avia-*
14 *tion component repair stations;*

15 (E) *1 representative of aircraft manufactur-*
16 *ers; and*

17 (F) *1 representative of the aviation indus-*
18 *try not described in the preceding subpara-*
19 *graphs;*

20 (2) *1 representative from the Department of*
21 *Transportation, designated by the Secretary of Trans-*
22 *portation;*

23 (3) *1 representative from the Department of*
24 *State, designated by the Secretary of State; and*

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

3 (c) *RESPONSIBILITIES.*—The panel shall—

4 (1) determine how much aircraft and aviation
5 component repair work and what type of aircraft and
6 aviation component repair work is being performed
7 by aircraft and aviation component repair stations
8 located within, and outside of, the United States to
9 better understand and analyze methods to improve the
10 safety and oversight of such facilities; and

11 (2) provide advice and counsel to the Adminis-
12 trator with respect to aircraft and aviation compo-
13 nent repair work performed by those stations, staffing
14 needs, and any safety issues associated with that
15 work.

16 (d) *FAA TO REQUEST INFORMATION FROM FOREIGN*
17 *AIRCRAFT REPAIR STATIONS.*—

18 (1) *COLLECTION OF INFORMATION.*—The Admin-
19 istrator shall by regulation request aircraft and avia-
20 tion component repair stations located outside the
21 United States to submit such information as the Ad-
22 ministrator may require in order to assess safety
23 issues and enforcement actions with respect to the
24 work performed at those stations on aircraft used by
25 United States air carriers.

1 (2) *DRUG AND ALCOHOL TESTING INFORMA-*
2 *TION.—Included in the information the Adminis-*
3 *trator requests under paragraph (1) shall be informa-*
4 *tion on the existence and administration of employee*
5 *drug and alcohol testing programs in place at such*
6 *stations, if applicable.*

7 (3) *DESCRIPTION OF WORK DONE.—Included in*
8 *the information the Administrator requests under*
9 *paragraph (1) shall be information on the amount*
10 *and type of aircraft and aviation component repair*
11 *work performed at those stations on aircraft registered*
12 *in the United States.*

13 (e) *FAA TO REQUEST INFORMATION ABOUT DOMES-*
14 *TIC AIRCRAFT REPAIR STATIONS.—If the Administrator*
15 *determines that information on the volume of the use of do-*
16 *mestic aircraft and aviation component repair stations is*
17 *needed in order to better utilize Federal Aviation Adminis-*
18 *tration resources, the Administrator may—*

19 (1) *require United States air carriers to submit*
20 *the information described in subsection (d) with re-*
21 *spect to their use of contract and noncontract aircraft*
22 *and aviation component repair facilities located in*
23 *the United States; and*

24 (2) *obtain information from such stations about*
25 *work performed for foreign air carriers.*

1 (f) *FAA TO MAKE INFORMATION AVAILABLE TO PUB-*
 2 *LIC.*—*The Administrator shall make any information re-*
 3 *ceived under subsection (d) or (e) available to the public.*

4 (g) *TERMINATION.*—*The panel established under sub-*
 5 *section (a) shall terminate on the earlier of—*

6 (1) *the date that is 2 years after the date of en-*
 7 *actment of this Act; or*

8 (2) *December 31, 2000.*

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

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

16 ***SEC. 427. AIRCRAFT SITUATIONAL DISPLAY DATA.***

17 (a) *IN GENERAL.*—*A memorandum of agreement be-*
 18 *tween the Administrator of the Federal Aviation Adminis-*
 19 *tration and any person that directly obtains aircraft situa-*
 20 *tional display data from the Administration shall require*
 21 *that—*

22 (1) *the person demonstrate to the satisfaction of*
 23 *the Administrator that such person is capable of selec-*
 24 *tively blocking the display of any aircraft-situation-*

1 *display-to-industry derived data related to any iden-*
 2 *tified aircraft registration number; and*

3 (2) *the person agree to block selectively the air-*
 4 *craft registration numbers of any aircraft owner or*
 5 *operator upon the Administration's request.*

6 (b) *EXISTING MEMORANDA TO BE CONFORMED.—The*
 7 *Administrator shall conform any memoranda of agreement,*
 8 *in effect on the date of enactment of this Act, between the*
 9 *Administration and a person under which that person ob-*
 10 *tains such data to incorporate the requirements of sub-*
 11 *section (a) within 30 days after that date.*

12 **SEC. 428. ALLOCATION OF TRUST FUND FUNDING.**

13 (a) *DEFINITIONS.—In this section:*

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

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

20 (3) *STATE.—The term “State” means each of the*
 21 *States, the District of Columbia, and the Common-*
 22 *wealth of Puerto Rico.*

23 (4) *STATE DOLLAR CONTRIBUTION TO THE AIR-*
 24 *PORT AND AIRWAY TRUST FUND.—The term “State*
 25 *dollar contribution to the Airport and Airway Trust*

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

8 *(b) REPORTING.—*

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

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

21 *(A) the State dollar contribution to the Air-*
 22 *port and Airway Trust Fund; and*

23 *(B) the amount of funds (from funds made*
 24 *available under section 48103 of title 49, United*
 25 *States Code) that were made available to the*

1 *State (including any political subdivision there-*
 2 *of) under chapter 471 of title 49, United States*
 3 *Code.*

4 **SEC. 429. TAOS PUEBLO AND BLUE LAKES WILDERNESS**
 5 **AREA DEMONSTRATION PROJECT.**

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

13 **SEC. 430. AIRLINE MARKETING DISCLOSURE.**

14 *(a) DEFINITIONS.—In this section:*

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

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

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

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

7 **SEC. 431. COMPENSATION UNDER THE DEATH ON THE HIGH**
 8 **SEAS ACT.**

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

11 *(1) by inserting “(a) IN GENERAL.—” before*
 12 *“The recovery”; and*

13 *(2) by adding at the end thereof the following:*

14 *“(b) COMMERCIAL AVIATION.—*

15 *“(1) IN GENERAL.—If the death was caused dur-*
 16 *ing commercial aviation, additional compensation for*
 17 *nonpecuniary damages for wrongful death of a dece-*
 18 *dent is recoverable in a total amount, for all bene-*
 19 *ficiaries of that decedent, that shall not exceed the*
 20 *greater of the pecuniary loss sustained or a sum total*
 21 *of \$750,000 from all defendants for all claims. Puni-*
 22 *tive damages are not recoverable.*

23 *“(2) INFLATION ADJUSTMENT.—The \$750,000*
 24 *amount shall be adjusted, beginning in calendar year*
 25 *2000 by the increase, if any, in the Consumer Price*

1 *Index for all urban consumers for the prior year over*
2 *the Consumer Price Index for all urban consumers for*
3 *the calendar year 1998.*

4 “(3) *NONPECUNIARY DAMAGES.*—*For purposes of*
5 *this subsection, the term ‘nonpecuniary damages’*
6 *means damages for loss of care, comfort, and compan-*
7 *ionship.’.*”

8 (b) *EFFECTIVE DATE.*—*The amendment made by sub-*
9 *section (a) applies to any death caused during commercial*
10 *aviation occurring after July 16, 1996.*

11 **SEC. 432. FAA STUDY OF BREATHING HOODS.**

12 *The Administrator shall study whether breathing hoods*
13 *currently available for use by flight crews when smoke is*
14 *detected are adequate and report the results of that study*
15 *to the Congress within 120 days after the date of enactment*
16 *of this Act.*

17 **SEC. 433. FAA STUDY OF ALTERNATIVE POWER SOURCES**
18 **FOR FLIGHT DATA RECORDERS AND COCKPIT**
19 **VOICE RECORDERS.**

20 *The Administrator of the Federal Aviation Adminis-*
21 *tration shall study the need for an alternative power source*
22 *for on-board flight data recorders and cockpit voice record-*
23 *ers and shall report the results of that study to the Congress*
24 *within 120 days after the date of enactment of this Act.*
25 *If, within that time, the Administrator determines, after*

1 *consultation with the National Transportation Safety*
 2 *Board that the Board is preparing recommendations with*
 3 *respect to this subject matter and will issue those rec-*
 4 *ommendations within a reasonable period of time, the Ad-*
 5 *ministrator shall report to the Congress the Administrator's*
 6 *comments on the Board's recommendations rather than con-*
 7 *ducting a separate study.*

8 **SEC. 434. PASSENGER FACILITY FEE LETTERS OF INTENT.**

9 *The Secretary of Transportation may not require an*
 10 *eligible agency (as defined in section 40117(a)(2) of title*
 11 *49, United States Code), to impose a passenger facility fee*
 12 *(as defined in section 40117(a)(4) of that title) in order*
 13 *to obtain a letter of intent under section 47110 of that title.*

14 **SEC. 435. ELIMINATION OF HAZMAT ENFORCEMENT BACK-**
 15 **LOG.**

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

18 (1) *The transportation of hazardous materials*
 19 *continues to present a serious aviation safety problem*
 20 *which poses a potential threat to health and safety,*
 21 *and can result in evacuations, emergency landings,*
 22 *fires, injuries, and deaths.*

23 (2) *Although the Federal Aviation Administra-*
 24 *tion budget for hazardous materials inspection in-*
 25 *creased \$10,500,000 in fiscal year 1998, the General*

1 *Accounting Office has reported that the backlog of*
2 *hazardous materials enforcement cases has increased*
3 *from 6 to 18 months.*

4 *(b) ELIMINATION OF HAZARDOUS MATERIALS EN-*
5 *FORCEMENT BACKLOG.—The Administrator of the Federal*
6 *Aviation Administration shall—*

7 *(1) make the elimination of the backlog in haz-*
8 *ardous materials enforcement cases a priority;*

9 *(2) seek to eliminate the backlog within 6 months*
10 *after the date of enactment of this Act; and*

11 *(3) make every effort to ensure that inspection*
12 *and enforcement of hazardous materials laws are car-*
13 *ried out in a consistent manner among all geographic*
14 *regions, and that appropriate fines and penalties are*
15 *imposed in a timely manner for violations.*

16 *(c) INFORMATION REGARDING PROGRESS.—The Ad-*
17 *ministrator shall provide information in oral or written*
18 *form to the Committee on Commerce, Science, and Trans-*
19 *portation, on a quarterly basis beginning 3 months after*
20 *the date of enactment of this Act for a year, on plans to*
21 *eliminate the backlog and enforcement activities undertaken*
22 *to carry out subsection (b).*

1 **SEC. 436. FAA EVALUATION OF LONG-TERM CAPITAL LEAS-**
2 **ING.**

3 *Notwithstanding any other provision of law to the*
4 *contrary, the Administrator of the Federal Aviation Admin-*
5 *istration may establish a pilot program for fiscal years*
6 *2001 through 2004 to test and evaluate the benefits of long-*
7 *term contracts for the leasing of aviation equipment and*
8 *facilities. The Administrator shall establish criteria for the*
9 *program. The Administrator may enter into no more than*
10 *10 leasing contracts under this section, each of which shall*
11 *be for a period greater than 5 years, under which the equip-*
12 *ment or facility operates. The contracts to be evaluated may*
13 *include requirements related to oceanic and air traffic con-*
14 *trol, air-to-ground radio communications, and air traffic*
15 *control tower construction.*

16 **SEC. 437. PROHIBITIONS AGAINST SMOKING ON SCHED-**
17 **ULED FLIGHTS.**

18 *(a) IN GENERAL.—Section 41706 is amended to read*
19 *as follows:*

20 **“§41706. Prohibitions against smoking on scheduled**
21 **flights**

22 *“(a) SMOKING PROHIBITION IN INTRASTATE AND*
23 *INTERSTATE AIR TRANSPORTATION.—An individual may*
24 *not smoke in an aircraft on a scheduled airline flight seg-*
25 *ment in interstate air transportation or intrastate air*
26 *transportation.*

1 “(b) *SMOKING PROHIBITION IN FOREIGN AIR TRANS-*
2 *PORTATION.*—*The Secretary of Transportation (referred to*
3 *in this subsection as the ‘Secretary’) shall require all air*
4 *carriers and foreign air carriers to prohibit on and after*
5 *October 1, 1999, smoking in any aircraft on a scheduled*
6 *airline flight segment within the United States or between*
7 *a place in the United States and a place outside the United*
8 *States.*

9 “(c) *LIMITATION ON APPLICABILITY.*—

10 “(1) *IN GENERAL.*—*If a foreign government ob-*
11 *jects to the application of subsection (b) on the basis*
12 *that subsection provides for an extraterritorial appli-*
13 *cation of the laws of the United States, the Secretary*
14 *may waive the application of subsection (b) to a for-*
15 *foreign air carrier licensed by that foreign government*
16 *at such time as an alternative prohibition negotiated*
17 *under paragraph (2) becomes effective and is enforced*
18 *by the Secretary.*

19 “(2) *ALTERNATIVE PROHIBITION.*—*If, pursuant*
20 *to paragraph (1), a foreign government objects to the*
21 *prohibition under subsection (b), the Secretary shall*
22 *enter into bilateral negotiations with the objecting*
23 *foreign government to provide for an alternative*
24 *smoking prohibition.*

1 “(d) *REGULATIONS.*—*The Secretary shall prescribe*
 2 *such regulations as are necessary to carry out this section.*”.

3 (b) *EFFECTIVE DATE.*—*The amendment made by sub-*
 4 *section (a) shall take effect on the date that is 60 days after*
 5 *the date of enactment of this Act.*

6 **SEC. 438. DESIGNATING CURRENT AND FORMER MILITARY**
 7 **AIRPORTS.**

8 *Section 47118 is amended—*

9 (1) *by striking “12.” in subsection (a) and in-*
 10 *serting “15.”; and*

11 (2) *by striking “5-fiscal-year periods” in sub-*
 12 *section (d) and inserting “periods, each not to exceed*
 13 *5 fiscal years.”.*

14 **SEC. 439. ROLLING STOCK EQUIPMENT.**

15 (a) *IN GENERAL.*—*Section 1168 of title 11, United*
 16 *States Code, is amended to read as follows:*

17 **“§ 1168. Rolling stock equipment**

18 “(a)(1) *The right of a secured party with a security*
 19 *interest in or of a lessor or conditional vendor of equipment*
 20 *described in paragraph (2) to take possession of such equip-*
 21 *ment in compliance with an equipment security agreement,*
 22 *lease, or conditional sale contract, and to enforce any of*
 23 *its other rights or remedies under such security agreement,*
 24 *lease, or conditional sale contract, to sell, lease, or otherwise*
 25 *retain or dispose of such equipment, is not limited or other-*

1 *wise affected by any other provision of this title or by any*
2 *power of the court, except that right to take possession and*
3 *enforce those other rights and remedies shall be subject to*
4 *section 362, if—*

5 “(A) *before the date that is 60 days after the*
6 *date of commencement of a case under this chapter,*
7 *the trustee, subject to the court’s approval, agrees to*
8 *perform all obligations of the debtor under such secu-*
9 *urity agreement, lease, or conditional sale contract;*
10 *and*

11 “(B) *any default, other than a default of a kind*
12 *described in section 365(b)(2), under such security*
13 *agreement, lease, or conditional sale contract—*

14 “(i) *that occurs before the date of com-*
15 *mencement of the case and is an event of default*
16 *therewith is cured before the expiration of such*
17 *60-day period;*

18 “(ii) *that occurs or becomes an event of de-*
19 *fault after the date of commencement of the case*
20 *and before the expiration of such 60-day period*
21 *is cured before the later of—*

22 “(I) *the date that is 30 days after the*
23 *date of the default or event of the default; or*

24 “(II) *the expiration of such 60-day pe-*
25 *riod; and*

1 “(iii) that occurs on or after the expiration
2 of such 60-day period is cured in accordance
3 with the terms of such security agreement, lease,
4 or conditional sale contract, if cure is permitted
5 under that agreement, lease, or conditional sale
6 contract.

7 “(2) The equipment described in this paragraph—

8 “(A) is rolling stock equipment or accessories
9 used on rolling stock equipment, including super-
10 structures or racks, that is subject to a security inter-
11 est granted by, leased to, or conditionally sold to a
12 debtor; and

13 “(B) includes all records and documents relating
14 to such equipment that are required, under the terms
15 of the security agreement, lease, or conditional sale
16 contract, that is to be surrendered or returned by the
17 debtor in connection with the surrender or return of
18 such equipment.

19 “(3) Paragraph (1) applies to a secured party, lessor,
20 or conditional vendor acting in its own behalf or acting
21 as trustee or otherwise in behalf of another party.

22 “(b) The trustee and the secured party, lessor, or condi-
23 tional vendor whose right to take possession is protected
24 under subsection (a) may agree, subject to the court’s ap-

1 *proval, to extend the 60-day period specified in subsection*
2 *(a)(1).*

3 “(c)(1) *In any case under this chapter, the trustee shall*
4 *immediately surrender and return to a secured party, les-*
5 *sor, or conditional vendor, described in subsection (a)(1),*
6 *equipment described in subsection (a)(2), if at any time*
7 *after the date of commencement of the case under this chap-*
8 *ter such secured party, lessor, or conditional vendor is enti-*
9 *tled pursuant to subsection (a)(1) to take possession of such*
10 *equipment and makes a written demand for such possession*
11 *of the trustee.*

12 “(2) *At such time as the trustee is required under*
13 *paragraph (1) to surrender and return equipment described*
14 *in subsection (a)(2), any lease of such equipment, and any*
15 *security agreement or conditional sale contract relating to*
16 *such equipment, if such security agreement or conditional*
17 *sale contract is an executory contract, shall be deemed re-*
18 *jected.*

19 “(d) *With respect to equipment first placed in service*
20 *on or prior to October 22, 1994, for purposes of this*
21 *section—*

22 “(1) *the term ‘lease’ includes any written agree-*
23 *ment with respect to which the lessor and the debtor,*
24 *as lessee, have expressed in the agreement or in a sub-*
25 *stantially contemporaneous writing that the agree-*

1 *ment is to be treated as a lease for Federal income*
2 *tax purposes; and*

3 *“(2) the term ‘security interest’ means a pur-*
4 *chase-money equipment security interest.*

5 *“(e) With respect to equipment first placed in service*
6 *after October 22, 1994, for purposes of this section, the term*
7 *‘rolling stock equipment’ includes rolling stock equipment*
8 *that is substantially rebuilt and accessories used on such*
9 *equipment.”.*

10 *(b) AIRCRAFT EQUIPMENT AND VESSELS.—Section*
11 *1110 of title 11, United States Code, is amended to read*
12 *as follows:*

13 ***“§ 1110. Aircraft equipment and vessels***

14 *“(a)(1) Except as provided in paragraph (2) and sub-*
15 *ject to subsection (b), the right of a secured party with a*
16 *security interest in equipment described in paragraph (3),*
17 *or of a lessor or conditional vendor of such equipment, to*
18 *take possession of such equipment in compliance with a se-*
19 *curity agreement, lease, or conditional sale contract, and*
20 *to enforce any of its other rights or remedies, under such*
21 *security agreement, lease, or conditional sale contract, to*
22 *sell, lease, or otherwise retain or dispose of such equipment,*
23 *is not limited or otherwise affected by any other provision*
24 *of this title or by any power of the court.*

1 “(2) *The right to take possession and to enforce the*
2 *other rights and remedies described in paragraph (1) shall*
3 *be subject to section 362 if—*

4 “(A) *before the date that is 60 days after the*
5 *date of the order for relief under this chapter, the*
6 *trustee, subject to the approval of the court, agrees to*
7 *perform all obligations of the debtor under such secu-*
8 *rity agreement, lease, or conditional sale contract;*
9 *and*

10 “(B) *any default, other than a default of a kind*
11 *specified in section 365(b)(2), under such security*
12 *agreement, lease, or conditional sale contract—*

13 “(i) *that occurs before the date of the order*
14 *is cured before the expiration of such 60-day pe-*
15 *riod;*

16 “(ii) *that occurs after the date of the order*
17 *and before the expiration of such 60-day period*
18 *is cured before the later of—*

19 “(I) *the date that is 30 days after the*
20 *date of the default; or*

21 “(II) *the expiration of such 60-day pe-*
22 *riod; and*

23 “(iii) *that occurs on or after the expiration*
24 *of such 60-day period is cured in compliance*
25 *with the terms of such security agreement, lease,*

1 *or conditional sale contract, if a cure is per-*
2 *mitted under that agreement, lease, or contract.*

3 “(3) *The equipment described in this paragraph—*

4 “(A) *is—*

5 “(i) *an aircraft, aircraft engine, propeller,*
6 *appliance, or spare part (as defined in section*
7 *40102 of title 49) that is subject to a security in-*
8 *terest granted by, leased to, or conditionally sold*
9 *to a debtor that, at the time such transaction is*
10 *entered into, holds an air carrier operating cer-*
11 *tificate issued pursuant to chapter 447 of title 49*
12 *for aircraft capable of carrying 10 or more indi-*
13 *viduals or 6,000 pounds or more of cargo; or*

14 “(ii) *a documented vessel (as defined in sec-*
15 *tion 30101(1) of title 46) that is subject to a se-*
16 *curity interest granted by, leased to, or condi-*
17 *tionally sold to a debtor that is a water carrier*
18 *that, at the time such transaction is entered into,*
19 *holds a certificate of public convenience and ne-*
20 *cessity or permit issued by the Department of*
21 *Transportation; and*

22 “(B) *includes all records and documents relating*
23 *to such equipment that are required, under the terms*
24 *of the security agreement, lease, or conditional sale*
25 *contract, to be surrendered or returned by the debtor*

1 *in connection with the surrender or return of such*
2 *equipment.*

3 “(4) *Paragraph (1) applies to a secured party, lessor,*
4 *or conditional vendor acting in its own behalf or acting*
5 *as trustee or otherwise in behalf of another party.*

6 “(b) *The trustee and the secured party, lessor, or condi-*
7 *tional vendor whose right to take possession is protected*
8 *under subsection (a) may agree, subject to the approval of*
9 *the court, to extend the 60-day period specified in subsection*
10 *(a)(1).*

11 “(c)(1) *In any case under this chapter, the trustee shall*
12 *immediately surrender and return to a secured party, les-*
13 *sor, or conditional vendor, described in subsection (a)(1),*
14 *equipment described in subsection (a)(3), if at any time*
15 *after the date of the order for relief under this chapter such*
16 *secured party, lessor, or conditional vendor is entitled pur-*
17 *suant to subsection (a)(1) to take possession of such equip-*
18 *ment and makes a written demand for such possession to*
19 *the trustee.*

20 “(2) *At such time as the trustee is required under*
21 *paragraph (1) to surrender and return equipment described*
22 *in subsection (a)(3), any lease of such equipment, and any*
23 *security agreement or conditional sale contract relating to*
24 *such equipment, if such security agreement or conditional*

1 *sale contract is an executory contract, shall be deemed re-*
 2 *jected.*

3 “(d) *With respect to equipment first placed in service*
 4 *on or before October 22, 1994, for purposes of this section—*

5 “(1) *the term ‘lease’ includes any written agree-*
 6 *ment with respect to which the lessor and the debtor,*
 7 *as lessee, have expressed in the agreement or in a sub-*
 8 *stantially contemporaneous writing that the agree-*
 9 *ment is to be treated as a lease for Federal income*
 10 *tax purposes; and*

11 “(2) *the term ‘security interest’ means a pur-*
 12 *chase-money equipment security interest.”.*

13 **SEC. 440. MONROE REGIONAL AIRPORT LAND CONVEYANCE.**

14 *The Secretary of Transportation may waive all terms*
 15 *contained in the 1949 deed of conveyance under which the*
 16 *United States conveyed certain property then constituting*
 17 *Selman Field, Louisiana, to the City of Monroe, Louisiana,*
 18 *subject to the following conditions:*

19 (1) *The city agrees that in conveying any inter-*
 20 *est in such property the city will receive an amount*
 21 *for such interest that is equal to the fair market value*
 22 *for such interest.*

23 (2) *The amount received by the city for such con-*
 24 *veyance shall be used by the city—*

1 (A) for the development, improvement, oper-
2 ation, or maintenance of a public airport; or

3 (B) for the development or improvement of
4 the city's airport industrial park co-located with
5 the Monroe Regional Airport to the extent that
6 such development or improvement will result in
7 an increase, over time, in the amount the indus-
8 trial park will pay to the airport to an amount
9 that is greater than the amount the city received
10 for such conveyance.

11 **SEC. 441. CINCINNATI-MUNICIPAL BLUE ASH AIRPORT.**

12 To maintain the efficient utilization of airports in the
13 high-growth Cincinnati local airport system, and to ensure
14 that the Cincinnati-Municipal Blue Ash Airport continues
15 to operate to relieve congestion at Cincinnati-Northern Ken-
16 tucky International Airport and to provide greater access
17 to the general aviation community beyond the expiration
18 of the City of Cincinnati's grant obligations, the Secretary
19 of Transportation may approve the sale of Cincinnati-Mu-
20 nicipal Blue Ash Airport from the City of Cincinnati to
21 the City of Blue Ash upon a finding that the City of Blue
22 Ash meets all applicable requirements for sponsorship and
23 if the City of Blue Ash agrees to continue to maintain and
24 operate Blue Ash Airport, as generally contemplated and
25 described within the Blue Ash Master Plan Update dated

1 November 30, 1998, for a period of 20 years from the date
 2 existing grant assurance obligations of the City of Cin-
 3 cinnati expire.

4 **SEC. 442. REPORT ON SPECIALTY METALS CONSORTIUM.**

5 *The Administrator of the Federal Aviation Adminis-*
 6 *tration may work with a consortium of domestic metal pro-*
 7 *ducers and aircraft engine manufacturers to improve the*
 8 *quality of turbine engine materials and to address melting*
 9 *technology enhancements. The Administrator shall report to*
 10 *the Congress within 6 months after entering into an agree-*
 11 *ment with any such consortium of such producers and man-*
 12 *ufacturers on the goals and efforts of the consortium.*

13 **SEC. 443. PAVEMENT CONDITION.**

14 *The Administrator of the Federal Aviation Adminis-*
 15 *tration may conduct a study on the extent of alkali silica*
 16 *reactivity-induced pavement distress in concrete runways,*
 17 *taxiways, and aprons for airports comprising the national*
 18 *air transportation system. If the Administrator conducts*
 19 *such a study, it shall include a determination based on in-*
 20 *the-field inspections followed by petrographic analysis or*
 21 *other similar techniques.*

22 **SEC. 444. INHERENTLY LOW-EMISSION AIRPORT VEHICLE**
 23 **PILOT PROGRAM.**

24 *(a) IN GENERAL.—Subchapter I of chapter 471 is fur-*
 25 *ther amended by adding at the end the following:*

1 **“§47137. *Inherently low-emission airport vehicle pilot***
 2 ***program***

3 “(a) *IN GENERAL.*—*The Secretary of Transportation*
 4 *shall carry out a pilot program at not more than 10 public-*
 5 *use airports under which the sponsors of such airports may*
 6 *use funds made available under section 48103 for use at*
 7 *such airports to carry out inherently low-emission vehicle*
 8 *activities. Notwithstanding any other provision of this sub-*
 9 *chapter, inherently low-emission vehicle activities shall for*
 10 *purposes of the pilot program be treated as eligible for as-*
 11 *sistance under this subchapter.*

12 “(b) *LOCATION IN AIR QUALITY NONATTAINMENT*
 13 *AREAS.*—

14 “(1) *IN GENERAL.*—*A public-use airport shall be*
 15 *eligible for participation in the pilot program only if*
 16 *the airport is located in an air quality nonattain-*
 17 *ment area (as defined in section 171(2) of the Clean*
 18 *Air Act (42 U.S.C. 7501(d)).*

19 “(2) *SHORTAGE OF CANDIDATES.*—*If the Sec-*
 20 *retary receives an insufficient number of applications*
 21 *from public-use airports located in such areas, then*
 22 *the Secretary may consider applications from public-*
 23 *use airports that are not located in such areas.*

24 “(c) *SELECTION CRITERIA.*—*In selecting from among*
 25 *applicants for participation in the pilot program, the Sec-*
 26 *retary shall give priority consideration to applicants that*

1 *will achieve the greatest air quality benefits measured by*
2 *the amount of emissions reduced per dollar of funds ex-*
3 *pended under the pilot program.*

4 “(d) *UNITED STATES GOVERNMENT’S SHARE.—Not-*
5 *withstanding any other provision of this subchapter, the*
6 *United States Government’s share of the costs of a project*
7 *carried out under the pilot program shall be 50 percent.*

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

11 “(f) *TECHNICAL ASSISTANCE.—*

12 “(1) *IN GENERAL.—Participants carrying out*
13 *inherently low-emission vehicle activities under this*
14 *pilot program may use no less than 10 percent of the*
15 *amounts made available for expenditure at the air-*
16 *port under the pilot program to receive technical as-*
17 *sistance in carrying out such activities.*

18 “(2) *ELIGIBLE CONSORTIUM.—To the maximum*
19 *extent practicable, participants in the pilot program*
20 *shall use an eligible consortium (as defined in section*
21 *5506 of this title) in the region of the airport to re-*
22 *ceive technical assistance described in paragraph (1).*

23 “(3) *PLANNING ASSISTANCE.—The administrator*
24 *may provide \$500,000 from funds made available*
25 *under section 48103 to a multi-State, western re-*

1 *gional technology consortium for the purposes of de-*
2 *veloping for dissemination prior to the commencement*
3 *of the pilot program a comprehensive best practices*
4 *planning guide that addresses appropriate tech-*
5 *nologies, environmental and economic impacts, and*
6 *the role of planning and mitigation strategies.*

7 “(g) *REPORT TO CONGRESS.*—Not later than 18
8 *months after the date of the enactment of the Air Transpor-*
9 *tation Improvement Act, the Secretary shall transmit to the*
10 *Committee on Transportation and Infrastructure of the*
11 *House of Representatives and the Committee on Commerce,*
12 *Science, and Transportation of the Senate a report*
13 *containing—*

14 “(1) *an evaluation of the effectiveness of the pilot*
15 *program;*

16 “(2) *an identification of other public-use air-*
17 *ports that expressed an interest in participating in*
18 *the pilot program; and*

19 “(3) *a description of the mechanisms used by the*
20 *Secretary to ensure that the information and know-*
21 *how gained by participants to the pilot program is*
22 *transferred among the participants and to other in-*
23 *terested parties, including other public-use airports.*

1 “(h) *INHERENTLY LOW-EMISSION VEHICLE ACTIVITY*
2 *DEFINED.—In this section, the term ‘inherently low-emis-*
3 *sion vehicle activity’ means—*

4 “(1) *the construction of infrastructure or modi-*
5 *fications at public-use airports to enable the delivery*
6 *of fuel and services necessary for the use of vehicles*
7 *that are certified as inherently low-emission vehicles*
8 *under title 40 of the Code of Federal Regulations,*
9 *that—*

10 “(A) *operate exclusively on compressed nat-*
11 *ural gas, liquefied natural gas, liquefied petro-*
12 *leum gas, electricity, hydrogen, or a blend at*
13 *least 85 percent of which is methanol;*

14 “(B) *are labeled in accordance with section*
15 *88.312–93(c) of such title; and*

16 “(C) *are located or primarily used at pub-*
17 *lic-use airports;*

18 “(2) *the construction of infrastructure or modi-*
19 *fications at public-use airports to enable the delivery*
20 *of fuel and services necessary for the use of non-road*
21 *vehicles that—*

22 “(A) *operate exclusively on compressed nat-*
23 *ural gas, liquefied natural gas, liquefied petro-*
24 *leum gas, electricity, hydrogen, or a blend at*
25 *least 85 percent of which is methanol;*

1 “(B) meet or exceed the standards set forth
 2 in section 86.1708–99 of title 40 of the Code of
 3 Federal Regulations, or the standards set forth
 4 in section 89.112(a) of such title, and are in
 5 compliance with the requirements of section
 6 89.112(b) of such title; and

7 “(C) are located or primarily used at pub-
 8 lic-use airports;

9 “(3) the payment of that portion of the cost of
 10 acquiring such vehicles that exceeds the cost of acquir-
 11 ing other vehicles or engines that would be used for
 12 the same purpose; or

13 “(4) the acquisition of technological capital
 14 equipment to enable the delivery of fuel and services
 15 necessary for the use of vehicles described in para-
 16 graph (1).”.

17 (b) **CONFORMING AMENDMENT.**—*The analysis for sub-*
 18 *chapter I of chapter 471 is further amended by adding at*
 19 *the end the following:*

“47137. Inherently low-emission airport vehicle pilot program.”.

20 **SEC. 445. CONVEYANCE OF AIRPORT PROPERTY TO AN IN-**
 21 **STITUTION OF HIGHER EDUCATION IN OKLA-**
 22 **HOMA.**

23 (a) **IN GENERAL.**—*Notwithstanding any other provi-*
 24 *sion of law, including the Surplus Property Act of 1944*
 25 *(58 Stat. 765, chapter 479; 50 U.S.C. App. 1622 et seq.),*

1 *the Secretary of Transportation (or the appropriate Federal*
2 *officer) may waive, without charge, any of the terms con-*
3 *tained in any deed of conveyance described in subsection*
4 *(b) that restrict the use of any land described in such a*
5 *deed that, as of the date of enactment of this Act, is not*
6 *being used for the operation of an airport or for air traffic.*
7 *A waiver made under the preceding sentence shall be*
8 *deemed to be consistent with the requirements of section*
9 *47153 of title 49, United States Code.*

10 *(b) DEED OF CONVEYANCE.—A deed of conveyance re-*
11 *ferred to in subsection (a) is a deed of conveyance issued*
12 *by the United States before the date of enactment of this*
13 *Act for the conveyance of lands to a public institution of*
14 *higher education in Oklahoma.*

15 *(c) USE OF LANDS SUBJECT TO WAIVER.—*

16 *(1) IN GENERAL.—Notwithstanding any other*
17 *provision of law, the lands subject to a waiver under*
18 *subsection (a) shall not be subject to any term, condi-*
19 *tion, reservation, or restriction that would otherwise*
20 *apply to that land as a result of the conveyance of*
21 *that land by the United States to the institution of*
22 *higher education.*

23 *(2) USE OF LANDS.—An institution of higher*
24 *education that is issued a waiver under subsection (a)*
25 *may use revenues derived from the use, operation, or*

1 *disposal of that land only for weather-related and*
2 *educational purposes that include benefits for avia-*
3 *tion.*

4 (d) *GRANTS.*—

5 (1) *IN GENERAL.*—*Notwithstanding any other*
6 *provision of law, if an institution of higher education*
7 *that is subject to a waiver under subsection (a) re-*
8 *ceived financial assistance in the form of a grant*
9 *from the Federal Aviation Administration or a prede-*
10 *cessor agency before the date of enactment of this Act,*
11 *then the Secretary of Transportation may waive the*
12 *repayment of the outstanding amount of any grant*
13 *that the institution of higher education would other-*
14 *wise be required to pay.*

15 (2) *ELIGIBILITY TO RECEIVE SUBSEQUENT*
16 *GRANTS.*—*Nothing in paragraph (1) shall affect the*
17 *eligibility of an institution of higher education that*
18 *is subject to that paragraph from receiving grants*
19 *from the Secretary of Transportation under chapter*
20 *471 of title 49, United States Code, or under any*
21 *other provision of law relating to financial assistance*
22 *provided through the Federal Aviation Administra-*
23 *tion.*

1 **SEC. 446. AUTOMATED SURFACE OBSERVATION SYSTEM/**
 2 **AUTOMATED WEATHER OBSERVING SYSTEM**
 3 **UPGRADE.**

4 *Section 48101 is further amended by adding at the end*
 5 *the following:*

6 “(f) *AUTOMATED SURFACE OBSERVATION SYSTEM/*
 7 *AUTOMATED WEATHER OBSERVING SYSTEM UPGRADE.—*
 8 *Of the amounts appropriated under subsection (a) for fiscal*
 9 *years beginning after September 30, 2000, such sums as*
 10 *may be necessary for the implementation and use of up-*
 11 *grades to the current automated surface observation system/*
 12 *automated weather observing system, if the upgrade is suc-*
 13 *cessfully demonstrated.”.*

14 **SEC. 447. TERMINAL AUTOMATED RADAR DISPLAY AND IN-**
 15 **FORMATION SYSTEM.**

16 *The Administrator of the Federal Aviation Adminis-*
 17 *tration shall develop a national policy and related proce-*
 18 *dures concerning the Terminal Automated Radar Display*
 19 *and Information System and sequencing for Visual Flight*
 20 *Rule air traffic control towers.*

21 **SEC. 448. COST/BENEFIT ANALYSIS FOR RETROFIT OF 16G**
 22 **SEATS.**

23 *Before the Administrator of the Federal Aviation Ad-*
 24 *ministration issues a final rule requiring the air carriers*
 25 *to retrofit existing aircraft with 16G seats, the Adminis-*
 26 *trator shall conduct, in consultation with the Inspector*

1 *General of the Department of Transportation, a comprehen-*
 2 *sive analysis of the costs and benefits that would be associ-*
 3 *ated with the issuance of such a final rule.*

4 **SEC. 449. RALEIGH COUNTY, WEST VIRGINIA, MEMORIAL**
 5 **AIRPORT.**

6 *The Secretary of Transportation may grant a release*
 7 *from any term or condition in a grant agreement for the*
 8 *development or improvement of the Raleigh County Memo-*
 9 *rial Airport, West Virginia, if the Secretary determines that*
 10 *the property to be released—*

11 *(1) does not exceed 400 acres; and*

12 *(2) is not needed for airport purposes.*

13 **SEC. 450. AIRPORT SAFETY NEEDS.**

14 *(a) IN GENERAL.—The Administrator shall conduct a*
 15 *study reviewing current and future airport safety needs*
 16 *that—*

17 *(1) focuses specifically on the mission of rescue*
 18 *personnel, rescue operations response time, and extin-*
 19 *guishing equipment; and*

20 *(2) gives particular consideration to the need for*
 21 *different requirements for airports that are related to*
 22 *the size of the airport and the size of the community*
 23 *immediately surrounding the airport.*

24 *(b) REPORT TRANSMITTED TO CONGRESS; DEAD-*
 25 *LINE.—The Administrator shall transmit a report con-*

1 *taining the Administrator's findings and recommendations*
 2 *to the Aviation Subcommittee of the Senate Committee on*
 3 *Commerce, Science, and Transportation and the Aviation*
 4 *Subcommittee of the House of Representatives Committee*
 5 *on Transportation and Infrastructure within 6 months*
 6 *after the date of enactment of this Act.*

7 (c) *COST/BENEFIT ANALYSIS OF PROPOSED*
 8 *CHANGES.—If the Administrator recommends, on the basis*
 9 *of a study conducted under subsection (a), that part 139*
 10 *of title 14, Code of Federal Regulations, should be revised*
 11 *to meet current and future airport safety needs, the Admin-*
 12 *istrator shall include a cost-benefit analysis of any rec-*
 13 *ommended changes in the report.*

14 **SEC. 451. FLIGHT TRAINING OF INTERNATIONAL STU-**
 15 **DENTS.**

16 *The Federal Aviation Administration shall implement*
 17 *a bilateral aviation safety agreement for conversion of flight*
 18 *crew licenses between the government of the United States*
 19 *and the Joint Aviation Authority member governments.*

20 **SEC. 452. GRANT PARISH, LOUISIANA.**

21 *IN GENERAL.—The United States may release, with-*
 22 *out monetary consideration, all restrictions, conditions, and*
 23 *limitations on the use, encumbrance, or conveyance of cer-*
 24 *tain land located in Grant Parish, Louisiana, identified*
 25 *as Tracts B, C, and D on the map entitled “Plat of Re-*

1 *stricted Properties/Former Pollock Army Airfield, Pollock,*
 2 *Louisiana”, dated August 1, 1996, to the extent such restric-*
 3 *tions, conditions, and limitations are enforceable by the*
 4 *United States, but the United States shall retain the right*
 5 *of access to, and use of, that land for national defense pur-*
 6 *poses in time of war or national emergency.*

7 (b) *MINERAL RIGHTS.—Nothing in subsection (a) af-*
 8 *fects the ownership or disposition of oil, gas, or other min-*
 9 *eral resources associated with land described in subsection*
 10 *(a).*

11 **SEC. 453. DESIGNATION OF GENERAL AVIATION AIRPORT.**

12 Section 47118 of title 49, United States Code, is
 13 *amended—*

14 (1) *in the second sentence of subsection (a), by*
 15 *striking “12” and inserting “15”; and*

16 (2) *by adding at the end the following new sub-*
 17 *section:*

18 “(g) *DESIGNATION OF GENERAL AVIATION AIRPORT.—*
 19 *Notwithstanding any other provision of this section, at least*
 20 *one of the airports designated under subsection (a) may be*
 21 *a general aviation airport that is a former military instal-*
 22 *lation closed or realigned under a law described in sub-*
 23 *section (a)(1).”.*

24 **SEC. 454. AIRLINE DEREGULATION STUDY COMMISSION.**

25 (a) *ESTABLISHMENT OF COMMISSION.—*

1 (1) *ESTABLISHMENT.*—*There is established a*
 2 *commission to be known as the Airline Deregulation*
 3 *Study Commission (in this section referred to as the*
 4 *“Commission”).*

5 (2) *MEMBERSHIP.*—

6 (A) *COMPOSITION.*—*Subject to subpara-*
 7 *graph (B), the Commission shall be composed of*
 8 *15 members of whom—*

9 (i) *5 shall be appointed by the Presi-*
 10 *dent;*

11 (ii) *5 shall be appointed by the Presi-*
 12 *dent pro tempore of the Senate, 3 upon the*
 13 *recommendation of the Majority Leader,*
 14 *and 2 upon the recommendation of the Mi-*
 15 *nority Leader of the Senate; and*

16 (iii) *5 shall be appointed by the Speak-*
 17 *er of the House of Representatives, 3 upon*
 18 *the Speaker’s own initiative, and 2 upon*
 19 *the recommendation of the Minority Leader*
 20 *of the House of Representatives.*

21 (B) *MEMBERS FROM RURAL AREAS.*—

22 (i) *REQUIREMENT.*—*Of the individuals*
 23 *appointed to the Commission under sub-*
 24 *paragraph (A)—*

1 (I) one of the individuals ap-
2 pointed under clause (i) of that sub-
3 paragraph shall be an individual who
4 resides in a rural area; and

5 (II) two of the individuals ap-
6 pointed under each of clauses (ii) and
7 (iii) of that subparagraph shall be in-
8 dividuals who reside in a rural area.

9 (ii) *GEOGRAPHIC DISTRIBUTION.*—The
10 appointment of individuals under subpara-
11 graph (A) pursuant to the requirement in
12 clause (i) of this subparagraph shall, to the
13 maximum extent practicable, be made so as
14 to ensure that a variety of geographic areas
15 of the country are represented in the mem-
16 bership of the Commission.

17 (C) *DATE.*—The appointments of the mem-
18 bers of the Commission shall be made not later
19 than 60 days after the date of the enactment of
20 this Act.

21 (3) *PERIOD OF APPOINTMENT; VACANCIES.*—
22 Members shall be appointed for the life of the Com-
23 mission. Any vacancy in the Commission shall not af-
24 fect its powers, but shall be filled in the same manner
25 as the original appointment.

1 (4) *INITIAL MEETING.*—Not later than 30 days
2 after the date on which all members of the Commis-
3 sion have been appointed, the Commission shall hold
4 its first meeting.

5 (5) *MEETINGS.*—The Commission shall meet at
6 the call of the Chairperson.

7 (6) *QUORUM.*—A majority of the members of the
8 Commission shall constitute a quorum, but a lesser
9 number of members may hold hearings.

10 (7) *CHAIRPERSON.*—The Commission shall select
11 a Chairman and Vice Chairperson from among its
12 members.

13 (b) *DUTIES OF THE COMMISSION.*—

14 (1) *STUDY.*—

15 (A) *DEFINITIONS.*—In this subsection, the
16 terms ‘air carrier’ and ‘air transportation’ have
17 the meanings given those terms in section
18 40102(a).

19 (B) *CONTENTS.*—The Commission shall
20 conduct a thorough study of the impacts of de-
21 regulation of the airline industry of the United
22 States on—

23 (i) the affordability, accessibility,
24 availability, and quality of air transpor-

1 *tation, particularly in small-sized and me-*
2 *dium-sized communities;*

3 *(ii) economic development and job cre-*
4 *ation, particularly in areas that are under-*
5 *served by air carriers;*

6 *(iii) the economic viability of small-*
7 *sized airports; and*

8 *(iv) the long-term configuration of the*
9 *United States passenger air transportation*
10 *system.*

11 *(C) MEASUREMENT FACTORS.—In carrying*
12 *out the study under this subsection, the Commis-*
13 *sion shall develop measurement factors to ana-*
14 *lyze the quality of passenger air transportation*
15 *service provided by air carriers by identifying*
16 *the factors that are generally associated with*
17 *quality passenger air transportation service.*

18 *(D) BUSINESS AND LEISURE TRAVEL.—In*
19 *conducting measurements for an analysis of the*
20 *affordability of air travel, to the extent prac-*
21 *ticable, the Commission shall provide for appro-*
22 *priate control groups and comparisons with re-*
23 *spect to business and leisure travel.*

24 *(2) REPORT.—Not later than 1 year after the*
25 *date of the enactment of this Act, the Commission*

1 *shall submit an interim report to the President and*
2 *Congress, and not later than 18 months after the date*
3 *of the enactment of this Act, the Commission shall*
4 *submit a report to the President and Congress. Each*
5 *such report shall contain a detailed statement of the*
6 *findings and conclusions of the Commission, together*
7 *with its recommendations for such legislation and ad-*
8 *ministrative actions as it considers appropriate.*

9 (c) *POWERS OF THE COMMISSION.*—

10 (1) *HEARINGS.*—*The Commission may hold such*
11 *hearings, sit and act at such times and places, take*
12 *such testimony, and receive such evidence as the Com-*
13 *mission considers advisable to carry out the duties of*
14 *the Commission under this section.*

15 (2) *INFORMATION FROM FEDERAL AGENCIES.*—
16 *The Commission shall consult with the Comptroller*
17 *General of the United States and may secure directly*
18 *from any Federal department or agency such infor-*
19 *mation as the Commission considers necessary to*
20 *carry out the duties of the Commission under this sec-*
21 *tion. Upon request of the Chairperson of the Commis-*
22 *sion, the head of such department or agency shall fur-*
23 *nish such information to the Commission.*

24 (3) *POSTAL SERVICES.*—*The Commission may*
25 *use the United States mails in the same manner and*

1 *under the same conditions as other departments and*
2 *agencies of the Federal Government.*

3 (4) *GIFTS.—The Commission may accept, use,*
4 *and dispose of gifts or donations of services or prop-*
5 *erty.*

6 (d) *COMMISSION PERSONNEL MATTERS.—*

7 (1) *TRAVEL EXPENSES.—The members of the*
8 *Commission shall be allowed travel expenses, includ-*
9 *ing per diem in lieu of subsistence, at rates author-*
10 *ized for employees of agencies under subchapter I of*
11 *chapter 57 of title 5, United States Code, while away*
12 *from their homes or regular places of business in the*
13 *performance of services for the Commission.*

14 (2) *STAFF.—*

15 (A) *IN GENERAL.—The Chairperson of the*
16 *Commission may, without regard to the civil*
17 *service laws and regulations, appoint and termi-*
18 *nate an executive director and such other addi-*
19 *tional personnel as may be necessary to enable*
20 *the Commission to perform its duties. The em-*
21 *ployment of an executive director shall be subject*
22 *to confirmation by the Commission.*

23 (B) *COMPENSATION.—The Chairperson of*
24 *the Commission may fix the compensation of the*
25 *executive director and other personnel without*

1 *regard to the provisions of chapter 51 and sub-*
2 *chapter III of chapter 53 of title 5, United States*
3 *Code, relating to classification of positions and*
4 *General Schedule pay rates, except that the rate*
5 *of pay for the executive director and other per-*
6 *sonnel may not exceed the rate payable for level*
7 *V of the Executive Schedule under section 5316*
8 *of such title.*

9 (3) *DETAIL OF GOVERNMENT EMPLOYEES.—Any*
10 *Federal Government employee may be detailed to the*
11 *Commission without reimbursement, and such detail*
12 *shall be without interruption or loss of civil service*
13 *status or privilege.*

14 (4) *PROCUREMENT OF TEMPORARY AND INTER-*
15 *MITTENT SERVICES.—The Chairperson of the Com-*
16 *mission may procure temporary and intermittent*
17 *services under section 3109(b) of title 5, United States*
18 *Code, at rates for individuals which do not exceed the*
19 *daily equivalent of the annual rate of basic pay pre-*
20 *scribed for level V of the Executive Schedule under*
21 *section 5316 of such title.*

22 (e) *TERMINATION OF COMMISSION.—The Commission*
23 *shall terminate 90 days after the date on which the Com-*
24 *mission submits its report under subsection (b).*

25 (f) *AUTHORIZATION OF APPROPRIATIONS.—*

1 (1) *IN GENERAL.*—*There is authorized to be ap-*
 2 *propriated \$950,000 for fiscal year 2000 to the Com-*
 3 *mission to carry out this section.*

4 (2) *AVAILABILITY.*—*Any sums appropriated pur-*
 5 *suant to the authorization of appropriations in para-*
 6 *graph (1) shall remain available until expended.*

7 **SEC. 455. NONDISCRIMINATION IN THE USE OF PRIVATE**
 8 **AIRPORTS.**

9 *Chapter 401 of subtitle VII of title 49, United States*
 10 *Code, is amended by inserting the following new section*
 11 *after section 40122:*

12 **“§ 40123. Nondiscrimination in the use of private air-**
 13 **ports**

14 *“(a) IN GENERAL.*—*Notwithstanding any other provi-*
 15 *sion of law, no State, county, city or municipal government*
 16 *may prohibit the use or full enjoyment of a private airport*
 17 *within its jurisdiction by any person on the basis of that*
 18 *person’s race, creed, color, national origin, sex, or ances-*
 19 *try.”.*

20 **SEC. 456. CURFEW.**

21 *Notwithstanding any other provision of law, any ex-*
 22 *emptions granted to air carriers under this Act may not*
 23 *result in additional operations at Ronald Reagan Wash-*
 24 *ington National Airport between the hours of 10:00 p.m.*
 25 *and 7:00 a.m.*

1 **SEC. 457. FEDERAL AVIATION ADMINISTRATION YEAR 2000**
2 **TECHNOLOGY SAFETY ENFORCEMENT ACT OF**
3 **1999.**

4 (a) *SHORT TITLE.*—*This section be cited as the “Fed-*
5 *eral Aviation Administration Year 2000 Technology Safety*
6 *Enforcement Act of 1999”.*

7 (b) *DEFINITIONS.*—*In this section:*

8 (1) *ADMINISTRATOR.*—*The term “Adminis-*
9 *trator” means the Administrator of the Federal Avia-*
10 *tion Administration.*

11 (2) *AIR CARRIER OPERATING CERTIFICATE.*—*The*
12 *term “air carrier operating certificate” has the same*
13 *meaning as in section 44705 of title 49, United States*
14 *Code.*

15 (3) *YEAR 2000 TECHNOLOGY PROBLEM.*—*The*
16 *term “year 2000 technology problem” means a failure*
17 *by any device or system (including any computer sys-*
18 *tem and any microchip or integrated circuit embed-*
19 *ded in another device or product), or any software,*
20 *firmware, or other set or collection of processing in-*
21 *structions to process, to calculate, to compare, to se-*
22 *quence, to display, to store, to transmit, or to receive*
23 *year-2000 date-related data failures—*

24 (A) *to deal with or account for transitions*
25 *or comparisons from, into, and between the years*
26 *1999 and 2000 accurately;*

1 (B) to recognize or accurately process any
2 specific date in 1999, 2000, or 2001; or

3 (C) to accurately account for the year
4 2000's status as a leap year, including recogni-
5 tion and processing of the correct date on Feb-
6 ruary 29, 2000.

7 (c) *RESPONSE TO REQUEST FOR INFORMATION.*—Any
8 person who has an air carrier operating certificate shall
9 respond on or before November 1, 1999, to any request for
10 information from the Administrator regarding readiness of
11 that person with regard to the year 2000 technology problem
12 as it relates to the compliance of that person with applicable
13 safety regulations.

14 (d) *FAILURE TO RESPOND.*—

15 (1) *SURRENDER OF CERTIFICATE.*—After Novem-
16 ber 1, 1999, the Administrator shall make a decision
17 on the record whether to compel any air carrier that
18 has not responded on or before November 1, 1999, to
19 a request for information regarding the readiness of
20 that air carrier with regard to the year 2000 tech-
21 nology problem as it relates to the air carrier's com-
22 pliance with applicable safety regulations to sur-
23 render its operating certificate to the Administrator.

24 (2) *REINSTATEMENT OF CERTIFICATE.*—The Ad-
25 ministrator may return an air carrier operating cer-

1 *tificate that has been surrendered under this sub-*
 2 *section upon—*

3 *(A) a finding by the Administrator that a*
 4 *person whose certificate has been surrendered has*
 5 *provided sufficient information to demonstrate*
 6 *compliance with applicable safety regulations as*
 7 *it relates to the year 2000 technology problem; or*

8 *(B) upon receipt of a certification, signed*
 9 *under penalty or perjury, by the chief operating*
 10 *officer of the air carrier, that such air carrier*
 11 *has addressed the year 2000 technology problem*
 12 *so that the air carrier will be in full compliance*
 13 *with applicable safety regulations on and after*
 14 *January 1, 2000.*

15 **SEC. 458. EXPRESSING THE SENSE OF THE SENATE CON-**
 16 **CERNING AIR TRAFFIC OVER NORTHERN**
 17 **DELAWARE.**

18 *(a) DEFINITION.—The term “Brandywine Intercept”*
 19 *means the point over Brandywine Hundred in northern*
 20 *Delaware that pilots use for guidance and maintenance of*
 21 *safe operation from other aircraft and over which most air-*
 22 *craft pass on their East Operations approach to Philadel-*
 23 *phia International Airport.*

24 *(b) FINDINGS.—Congress makes the following findings:*

1 (1) *The Brandywine Hundred area of New Cas-*
2 *tle County, Delaware serves as a major approach*
3 *causeway to Philadelphia International Airport's*
4 *East Operations runways.*

5 (2) *The standard of altitude over the Brandy-*
6 *wine Intercept is 3,000 feet, with airport scatter*
7 *charts indicating that within a given hour of con-*
8 *sistent weather and visibility aircraft fly over the*
9 *Brandywine Hundred at anywhere from 2,500 to*
10 *4,000 feet.*

11 (3) *Lower airplane altitudes result in increased*
12 *ground noise.*

13 (c) *SENSE OF THE SENATE.—It is the sense of the Sen-*
14 *ate that the Secretary of Transportation should—*

15 (1) *include northern Delaware in any study of*
16 *aircraft noise conducted under part 150 of title 14 of*
17 *the Code of Federal Regulations required under the*
18 *National Environmental Policy Act of 1969 for the*
19 *redesign of the airspace surrounding Philadelphia*
20 *International Airport;*

21 (2) *study the feasibility, consistent with safety,*
22 *of placing the approach causeway for Philadelphia*
23 *International Airport's East Operations over the*
24 *Delaware River (instead of Brandywine Hundred);*
25 *and*

1 (3) *study the feasibility of increasing the stand-*
2 *ard altitude over the Brandywine Intercept from*
3 *3,000 feet to 4,000 feet.*

4 **SEC. 459. STUDY OF OUTDOOR AIR, VENTILATION, AND RE-**
5 **CIRCULATION AIR REQUIREMENTS FOR PAS-**
6 **SENGER CABINS IN COMMERCIAL AIRCRAFT.**

7 (a) *DEFINITIONS.*—*In this section, the terms “air car-*
8 *rier” and “aircraft” have the meanings given those terms*
9 *in section 40102 of title 49, United States Code.*

10 (b) *IN GENERAL.*—*As soon as practicable after the date*
11 *of enactment of this section, the Secretary of Transportation*
12 *(referred to in this section as the “Secretary”) shall conduct*
13 *a study of sources of air supply contaminants of aircraft*
14 *and air carriers to develop alternatives to replace engine*
15 *and auxiliary power unit bleed air as a source of air sup-*
16 *ply. To carry out this paragraph, the Secretary may enter*
17 *into an agreement with the Director of the National Acad-*
18 *emy of Sciences for the National Research Council to con-*
19 *duct the study.*

20 (c) *AVAILABILITY OF INFORMATION.*—*Upon comple-*
21 *tion of the study under this section in one year’s time, the*
22 *Administrator of the Federal Aviation Administration shall*
23 *make available the results of the study to air carriers*
24 *through the Aviation Consumer Protection Division of the*

1 *Office of the General Counsel for the Department of Trans-*
 2 *portation.*

3 **SEC. 460. GENERAL AVIATION METROPOLITAN ACCESS AND**
 4 **RELIEVER AIRPORT GRANT FUND.**

5 (a) *DEFINITION.*—*Title 49, United States Code, is*
 6 *amended by adding the following new subparagraph at the*
 7 *end of section 47144(d)(1):*

8 “(C) *GENERAL AVIATION METROPOLITAN*
 9 *ACCESS AND RELIEVER AIRPORT.*—‘*General*
 10 *Aviation Metropolitan Access and Reliever Air-*
 11 *port’ means a Reliever Airport which has annual*
 12 *operations in excess of 75,000 operations, a run-*
 13 *way with a minimum usable landing distance of*
 14 *5,000 feet, a precision instrument landing proce-*
 15 *dure, a minimum of 150 based aircraft, and*
 16 *where the adjacent Air Carrier Airport exceeds*
 17 *20,000 hours of annual delays as determined by*
 18 *the Federal Aviation Administration.’”.*

19 (b) *APPORTIONMENT.*—*Title 49, United States Code,*
 20 *section 47114(d), is amended by adding at the end:*

21 “(4) *The Secretary shall apportion an additional*
 22 *5 percent of the amount subject to apportionment for*
 23 *each fiscal year to States that include a General*
 24 *Aviation Metropolitan Access and Reliever Airport*
 25 *equal to the percentage of the apportionment equal to*

1 *the percentage of the number of operations of the*
2 *State's eligible General Aviation Metropolitan Access*
3 *and Reliever Airports compared to the total oper-*
4 *ations of all General Aviation Metropolitan Access*
5 *and Reliever Airports."*

6 **SEC. 461. STUDY ON AIRPORT NOISE.**

7 *(a) IN GENERAL.—Not later than 18 months after the*
8 *date of enactment of this Act, the Administrator of the En-*
9 *vironmental Protection Agency shall submit a study on air-*
10 *port noise to Congress, the Secretary of Transportation, and*
11 *the Administrator of the Federal Aviation Administration.*

12 *(b) AREAS OF STUDY.—The study shall examine—*

13 *(1) the selection of noise measurement methodolo-*
14 *gies used by the Administrator of the Federal Avia-*
15 *tion Administration;*

16 *(2) the threshold of noise at which health impacts*
17 *are felt;*

18 *(3) the effectiveness of noise abatement programs*
19 *at airports around the United States; and*

20 *(4) the impacts of aircraft noise on students and*
21 *educators in schools.*

22 *(c) RECOMMENDATIONS.—The study shall include spe-*
23 *cific recommendations to the Secretary of Transportation*
24 *and the Administrator of the Federal Aviation Administra-*
25 *tion concerning new measures that should be implemented*

1 *to mitigate the impact of aircraft noise on communities sur-*
2 *rounding airports.*

3 **SEC. 462. SENSE OF THE SENATE CONCERNING EAS.**

4 *(a) SENSE OF THE SENATE.—It is the sense of the Sen-*
5 *ate that—*

6 *(1) essential air service (EAS) to smaller com-*
7 *munities remains vital, and that the difficulties en-*
8 *countered by many communities in retaining EAS*
9 *warrant increased Federal attention;*

10 *(2) the FAA should give full consideration to*
11 *ending the local match required by Dickinson, North*
12 *Dakota.*

13 *(b) REPORT.—Not later than 60 days after enactment*
14 *of this legislation, the Secretary of Transportation shall re-*
15 *port to the Congress with an analysis of the difficulties*
16 *faced by many smaller communities in retaining EAS and*
17 *a plan to facilitate easier EAS retention. This report shall*
18 *give particular attention to communities in North Dakota.*

19 **SEC. 463. AIRLINE QUALITY SERVICE REPORTS.**

20 *The Secretary of Transportation shall modify the Air-*
21 *line Service Quality Performance reports required under*
22 *part 234 of title 14, Code of Federal Regulations, to more*
23 *fully disclose to the public the nature and source of delays*
24 *and cancellations experienced by air travelers. Such modi-*
25 *fications shall include a requirement that air carriers re-*

1 *port delays and cancellations in categories which reflect the*
 2 *reasons for such delays and cancellations. Such categories*
 3 *and reporting shall be determined by the Administrator in*
 4 *consultation with representatives of airline passengers, air*
 5 *carriers, and airport operators, and shall include delays*
 6 *and cancellations caused by air traffic control.*

7 **SEC. 464. PREVENTION OF FRAUDS INVOLVING AIRCRAFT**
 8 **OR SPACE VEHICLE PARTS IN INTERSTATE**
 9 **OR FOREIGN COMMERCE.**

10 (a) *SHORT TITLE.*—*This section may be cited as the*
 11 *“Aircraft Safety Act of 1999”.*

12 (b) *DEFINITIONS.*—*Section 31 of title 18, United*
 13 *States Code, is amended by striking all after the section*
 14 *heading and inserting the following:*

15 “(a) *IN GENERAL.*—

16 “(1) *AIRCRAFT.*—*The term ‘aircraft’ means a*
 17 *civil, military, or public contrivance invented, used,*
 18 *or designed to navigate, fly, or travel in the air.*

19 “(2) *AVIATION QUALITY.*—*The term ‘aviation*
 20 *quality’, with respect to a part of an aircraft or space*
 21 *vehicle, means the quality of having been manufac-*
 22 *tured, constructed, produced, repaired, overhauled, re-*
 23 *built, reconditioned, or restored in conformity with*
 24 *applicable standards specified by law (including a*
 25 *regulation) or contract.*

1 “(3) *DESTRUCTIVE SUBSTANCE*.—The term ‘de-
2 *structive substance*’ means an explosive substance,
3 *flammable material, infernal machine, or other chem-*
4 *ical, mechanical, or radioactive device or matter of a*
5 *combustible, contaminative, corrosive, or explosive na-*
6 *ture.*

7 “(4) *IN FLIGHT*.—The term ‘in flight’ means—

8 “(A) any time from the moment at which
9 all the external doors of an aircraft are closed
10 following embarkation until the moment when
11 any such door is opened for disembarkation; and

12 “(B) in the case of a forced landing, until
13 competent authorities take over the responsibility
14 for the aircraft and the persons and property on
15 board.

16 “(5) *IN SERVICE*.—The term ‘in service’ means—

17 “(A) any time from the beginning of pre-
18 flight preparation of an aircraft by ground per-
19 sonnel or by the crew for a specific flight until
20 24 hours after any landing; and

21 “(B) in any event includes the entire period
22 during which the aircraft is in flight.

23 “(6) *MOTOR VEHICLE*.—The term ‘motor vehicle’
24 means every description of carriage or other contriv-
25 ance propelled or drawn by mechanical power and

1 *used for commercial purposes on the highways in the*
2 *transportation of passengers, passengers and prop-*
3 *erty, or property or cargo.*

4 “(7) *PART.*—*The term ‘part’ means a frame, as-*
5 *sembly, component, appliance, engine, propeller, ma-*
6 *terial, part, spare part, piece, section, or related inte-*
7 *gral or auxiliary equipment.*

8 “(8) *SPACE VEHICLE.*—*The term ‘space vehicle’*
9 *means a man-made device, either manned or un-*
10 *manned, designed for operation beyond the Earth’s*
11 *atmosphere.*

12 “(9) *STATE.*—*The term ‘State’ means a State of*
13 *the United States, the District of Columbia, and any*
14 *commonwealth, territory, or possession of the United*
15 *States.*

16 “(10) *USED FOR COMMERCIAL PURPOSES.*—*The*
17 *term ‘used for commercial purposes’ means the car-*
18 *riage of persons or property for any fare, fee, rate,*
19 *charge or other consideration, or directly or indirectly*
20 *in connection with any business, or other undertaking*
21 *intended for profit.*

22 “(b) *TERMS DEFINED IN OTHER LAW.*—*In this chap-*
23 *ter, the terms ‘aircraft engine’, ‘air navigation facility’,*
24 *‘appliance’, ‘civil aircraft’, ‘foreign air commerce’, ‘inter-*
25 *state air commerce’, ‘landing area’, ‘overseas air commerce’,*

1 ‘propeller’, ‘spare part’, and ‘special aircraft jurisdiction
 2 of the United States’ have the meanings given those terms
 3 in sections 40102(a) and 46501 of title 49.”.

4 (c) *FRAUD*.—

5 (1) *IN GENERAL*.—Chapter 2 of title 18, United
 6 States Code, is amended by adding at the end the fol-
 7 lowing:

8 **“§ 38. Fraud involving aircraft or space vehicle parts**
 9 **in interstate or foreign commerce**

10 “(a) *OFFENSES*.—A person that, in or affecting inter-
 11 state or foreign commerce, knowingly—

12 “(1)(A) falsifies or conceals a material fact;

13 “(B) makes any materially fraudulent represen-
 14 tation; or

15 “(C) makes or uses any materially false writing,
 16 entry, certification, document, record, data plate,
 17 label, or electronic communication;
 18 concerning any aircraft or space vehicle part;

19 “(2) exports from or imports or introduces into
 20 the United States, sells, trades, installs on or in any
 21 aircraft or space vehicle any aircraft or space vehicle
 22 part using or by means of a fraudulent representa-
 23 tion, document, record, certification, depiction, data
 24 plate, label, or electronic communication; or

1 “(3) *attempts or conspires to commit an offense*
2 *described in paragraph (1) or (2);*
3 *shall be punished as provided in subsection (b).*

4 “(b) *PENALTIES.—The punishment for an offense*
5 *under subsection (a) is as follows:*

6 “(1) *AVIATION QUALITY.—If the offense relates to*
7 *the aviation quality of a part and the part is in-*
8 *stalled in an aircraft or space vehicle, a fine of not*
9 *more than \$500,000, imprisonment for not more than*
10 *25 years, or both.*

11 “(2) *FAILURE TO OPERATE AS REPRESENTED.—*
12 *If, by reason of the failure of the part to operate as*
13 *represented, the part to which the offense is related is*
14 *the probable cause of a malfunction or failure that re-*
15 *sults in serious bodily injury (as defined in section*
16 *1365) to or the death of any person, a fine of not*
17 *more than \$1,000,000, imprisonment for any term of*
18 *years or life, or both.*

19 “(3) *ORGANIZATIONS.—If the offense is com-*
20 *mitted by an organization, a fine of not more than*
21 *\$25,000,000.*

22 “(4) *OTHER CIRCUMSTANCES.—In the case of an*
23 *offense not described in paragraph (1), (2), or (3), a*
24 *fine under this title, imprisonment for not more than*
25 *15 years, or both.*

1 “(c) *CIVIL REMEDIES.*—

2 “(1) *IN GENERAL.*—*The district courts of the*
3 *United States shall have jurisdiction to prevent and*
4 *restrain violations of this section by issuing appro-*
5 *priate orders, including—*

6 “(A) *ordering a person CONVICTED OF AN*
7 *OFFENSE UNDER THIS SECTION to divest any in-*
8 *terest, direct or indirect, in any enterprise, or to*
9 *destroy, or to mutilate and sell as scrap, aircraft*
10 *material or part inventories or stocks;*

11 “(B) *imposing reasonable restrictions on the*
12 *future activities or investments of any such per-*
13 *son, including prohibiting engagement in the*
14 *same type of endeavor as used to commit the of-*
15 *fense; and*

16 “(C) *ordering dissolution or reorganization*
17 *of any enterprise, making due provisions for the*
18 *rights and interests of innocent persons.*

19 “(2) *RESTRAINING ORDERS AND PROHIBITION.*—
20 *Pending final determination of a proceeding brought*
21 *under this section, the court may enter such restrain-*
22 *ing orders or prohibitions, or take such other actions*
23 *(including the acceptance of satisfactory performance*
24 *bonds) as the court deems proper.*

1 “(3) *ESTOPPEL*.—A final judgment rendered in
 2 favor of the United States in any criminal proceeding
 3 brought under this section shall estop the defendant
 4 from denying the essential allegations of the criminal
 5 offense in any subsequent civil proceeding brought by
 6 the United States.

7 “(d) *CRIMINAL FORFEITURE*.—

8 “(1) *IN GENERAL*.—The court, in imposing sen-
 9 tence on any person convicted of an offense under this
 10 section, shall order, in addition to any other sentence
 11 and irrespective of any provision of State law, that
 12 the person forfeit to the United States—

13 “(A) any property constituting, or derived
 14 from, any proceeds that the person obtained, di-
 15 rectly or indirectly, as a result of the offense; and

16 “(B) any property used, or intended to be
 17 used in any manner, to commit or facilitate the
 18 commission of the offense.

19 “(2) *APPLICATION OF OTHER LAW*.—The for-
 20 feiture of property under this section, including any
 21 seizure and disposition of the property, and any pro-
 22 ceedings relating to the property, shall be governed by
 23 section 413 of the Comprehensive Drug Abuse and
 24 Prevention Act of 1970 (21 U.S.C. 853) (not includ-
 25 ing subsection (d) of that section).

1 “(e) *CONSTRUCTION WITH OTHER LAW.*—*This section*
2 *does not preempt or displace any other remedy, civil or*
3 *criminal, provided by Federal or State law for the fraudu-*
4 *lent importation, sale, trade, installation, or introduction*
5 *into commerce of an aircraft or space vehicle part.*

6 “(f) *TERRITORIAL SCOPE.*—*This section applies to*
7 *conduct occurring inside or outside the United States.*

8 “(g) *AUTHORIZED INVESTIGATIVE DEMAND PROCE-*
9 *DURES.*—

10 “(1) *AUTHORIZATION.*—

11 “(A) *SUBPOENAS.*—*In any investigation re-*
12 *lating to any act or activity involving an offense*
13 *under this section, the Attorney General may*
14 *issue in writing and cause to be served a*
15 *subpoena—*

16 “(i) *requiring the production of any*
17 *record (including any book, paper, docu-*
18 *ment, electronic medium, or other object or*
19 *tangible thing) that may be relevant to an*
20 *authorized law enforcement inquiry, that a*
21 *person or legal entity may possess or have*
22 *care or custody of or control over; and*

23 “(ii) *requiring a custodian of a record*
24 *to give testimony concerning the production*
25 *and authentication of the record.*

1 “(B) *CONTENTS.*—*A subpoena under sub-*
2 *paragraph (A) shall—*

3 “(i) *describe the object required to be*
4 *produced; and*

5 “(ii) *prescribe a return date within a*
6 *reasonable period of time within which the*
7 *object can be assembled and produced.*

8 “(C) *LIMITATION.*—*The production of a*
9 *record shall not be required under this section at*
10 *any place more than 500 miles from the place at*
11 *which the subpoena for the production of the*
12 *record is served.*

13 “(D) *WITNESS FEES.*—*A witness summoned*
14 *under this section shall be paid the same fees*
15 *and mileage as are paid witnesses in courts of*
16 *the United States.*

17 “(b) *SERVICE.*—

18 “(1) *IN GENERAL.*—*A subpoena issued under*
19 *subsection (a) may be served by any person who is at*
20 *least 18 years of age and is designated in the sub-*
21 *poena to serve the subpoena.*

22 “(2) *NATURAL PERSONS.*—*Service of a subpoena*
23 *issued under subsection (a) on a natural person may*
24 *be made by personal delivery of the subpoena to the*
25 *person.*

1 “(3) *CORPORATIONS AND OTHER ORGANIZA-*
2 *TIONS.—Service of a subpoena issued under sub-*
3 *section (a) on a domestic or foreign corporation or on*
4 *a partnership or other unincorporated association*
5 *that is subject to suit under a common name may be*
6 *made by delivering the subpoena to an officer, to a*
7 *managing or general agent, or to any other agent au-*
8 *thorized by appointment or by law to receive service*
9 *of process for the corporation, partnership, or associa-*
10 *tion.*

11 “(4) *PROOF OF SERVICE.—The affidavit of the*
12 *person serving the subpoena entered or a true copy of*
13 *such an affidavit shall be proof of service.*

14 “(c) *ENFORCEMENT.—*

15 “(1) *IN GENERAL.—In the case of a failure to*
16 *comply with a subpoena issued under subsection (a),*
17 *the Attorney General may invoke the aid of any court*
18 *of the United States within the jurisdiction of which*
19 *the investigation is carried on or of which the subpoe-*
20 *naed person is an inhabitant, or in which the subpoe-*
21 *naed person carries on business or may be found, to*
22 *compel compliance with the subpoena.*

23 “(2) *ORDERS.—The court may issue an order re-*
24 *quiring the subpoenaed person to appear before the*
25 *Attorney General to produce a record or to give testi-*

1 *mony concerning the production and authentication*
 2 *of a record.*

3 “(3) *CONTEMPT.*—*Any failure to obey the order*
 4 *of the court may be punished by the court as a con-*
 5 *tempt of court.*

6 “(4) *PROCESS.*—*All process in a case under this*
 7 *subsection may be served in any judicial district in*
 8 *which the subpoenaed person may be found.*

9 “(d) *IMMUNITY FROM CIVIL LIABILITY.*—*Notwith-*
 10 *standing any Federal, State, or local law, any person (in-*
 11 *cluding any officer, agent, or employee of a person) that*
 12 *receives a subpoena under this section, who complies in good*
 13 *faith with the subpoena and produces a record or material*
 14 *sought by a subpoena under this section, shall not be liable*
 15 *in any court of any State or the United States to any cus-*
 16 *tomers or other person for the production or for nondisclo-*
 17 *sure of the production to the customer.”.*

18 (2) *CONFORMING AMENDMENTS.*—

19 (A) *CHAPTER ANALYSIS.*—*The analysis for*
 20 *chapter 2 of title 18, United States Code, is*
 21 *amended by adding at the end the following:*

 “38. *Fraud involving aircraft or space vehicle parts in interstate or foreign com-*
 merce.”.

22 (B) *WIRE AND ELECTRONIC COMMUNICA-*
 23 *TIONS.*—*Section 2516(1)(c) of title 18, United*
 24 *States Code, is amended by inserting “section 38*

1 *(relating to aircraft parts fraud),” after “section*
 2 *32 (relating to destruction of aircraft or aircraft*
 3 *facilities),”.*

4 **SEC. 465. PRESERVATION OF ESSENTIAL AIR SERVICE AT**
 5 **DOMINATED HUB AIRPORTS.**

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

8 **“§41743. Preservation of basic essential air service at**
 9 **dominated hub airports**

10 *“(a) IN GENERAL.—If the Secretary of Transportation*
 11 *determines that extraordinary circumstances jeopardize the*
 12 *reliable and competitive performance of essential air service*
 13 *under this subchapter from a subsidized essential air service*
 14 *community to and from an essential airport facility, then*
 15 *the Secretary may require the air carrier that has more*
 16 *than 50 percent of the total annual enplanements at the*
 17 *essential airport facility to take action to enable an air car-*
 18 *rier to provide reliable and competitive essential air service*
 19 *to that community. Action required by the Secretary under*
 20 *this subsection may include interline agreements, ground*
 21 *services, subleasing of gates, and the provision of any other*
 22 *service or facility necessary for the performance of satisfac-*
 23 *tory essential air service to that community.*

24 *“(b) ESSENTIAL AIRPORT FACILITY DEFINED.—In*
 25 *this section, the term ‘essential airport facility’ means a*

1 *large hub airport (as defined in section 41731) in the con-*
 2 *tiguous 48 States at which 1 air carrier has more than 50*
 3 *percent of the total annual enplanements at that airport.”.*

4 **SEC. 466. AVAILABILITY OF FUNDS FOR GEORGIA’S RE-**
 5 **GIONAL AIRPORT ENHANCEMENT PROGRAM.**

6 *Of the amounts made available to the Secretary of*
 7 *Transportation for the fiscal year 2000 under section 48103*
 8 *of title 49, United States Code, funds may be available for*
 9 *Georgia’s regional airport enhancement program for the ac-*
 10 *quisition of land.*

11 **TITLE V—AVIATION**
 12 **COMPETITION PROMOTION**

13 **SEC. 501. PURPOSE.**

14 *The purpose of this title is to facilitate, through a 4-*
 15 *year pilot program, incentives and projects that will help*
 16 *up to 40 communities or consortia of communities to im-*
 17 *prove their access to the essential airport facilities of the*
 18 *national air transportation system through public-private*
 19 *partnerships and to identify and establish ways to overcome*
 20 *the unique policy, economic, geographic, and marketplace*
 21 *factors that may inhibit the availability of quality, afford-*
 22 *able air service to small communities.*

1 **SEC. 502. ESTABLISHMENT OF SMALL COMMUNITY AVIA-**
2 **TION DEVELOPMENT PROGRAM.**

3 *Section 102 is amended by adding at the end thereof*
4 *the following:*

5 “(g) *SMALL COMMUNITY AIR SERVICE DEVELOPMENT*
6 *PROGRAM.*—

7 “(1) *ESTABLISHMENT.*—*The Secretary shall es-*
8 *tablish a 4-year pilot aviation development program*
9 *to be administered by a program director designated*
10 *by the Secretary.*

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

12 “(A) *function as a facilitator between small*
13 *communities and air carriers;*

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

15 “(C) *carry out the airline service restora-*
16 *tion program under sections 41744, 41745, and*
17 *41746 of this title;*

18 “(D) *ensure that the Bureau of Transpor-*
19 *tation Statistics collects data on passenger infor-*
20 *mation to assess the service needs of small com-*
21 *munities;*

22 “(E) *work with and coordinate efforts with*
23 *other Federal, State, and local agencies to in-*
24 *crease the viability of service to small commu-*
25 *nities and the creation of aviation development*
26 *zones; and*

1 “(F) provide policy recommendations to the
2 Secretary and the Congress that will ensure that
3 small communities have access to quality, afford-
4 able air transportation services.

5 “(3) *REPORTS.*—The program director shall pro-
6 vide an annual report to the Secretary and the Con-
7 gress beginning in 2000 that—

8 “(A) analyzes the availability of air trans-
9 portation services in small communities, includ-
10 ing, but not limited to, an assessment of the air
11 fares charged for air transportation services in
12 small communities compared to air fares charged
13 for air transportation services in larger metro-
14 politan areas and an assessment of the levels of
15 service, measured by types of aircraft used, the
16 availability of seats, and scheduling of flights,
17 provided to small communities;

18 “(B) identifies the policy, economic, geo-
19 graphic and marketplace factors that inhibit the
20 availability of quality, affordable air transpor-
21 tation services to small communities; and

22 “(C) provides policy recommendations to
23 address the policy, economic, geographic, and
24 marketplace factors inhibiting the availability of

1 *quality, affordable air transportation services to*
2 *small communities.”.*

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

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

6 **“§ 41743. Air service program for small communities**

7 *“(a) COMMUNITIES PROGRAM.—Under advisory*
8 *guidelines prescribed by the Secretary of Transportation,*
9 *a small community or a consortia of small communities*
10 *or a State may develop an assessment of its air service re-*
11 *quirements, in such form as the program director des-*
12 *ignated by the Secretary under section 102(g) may require,*
13 *and submit the assessment and service proposal to the pro-*
14 *gram director.*

15 *“(b) SELECTION OF PARTICIPANTS.—In selecting com-*
16 *munity programs for participation in the communities pro-*
17 *gram under subsection (a), the program director shall apply*
18 *criteria, including geographical diversity and the presen-*
19 *tation of unique circumstances, that will demonstrate the*
20 *feasibility of the program. For purposes of this subsection,*
21 *the application of geographical diversity criteria means cri-*
22 *teria that—*

23 *“(1) will promote the development of a national*
24 *air transportation system; and*

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

3 “(c) *CARRIERS PROGRAM*.—The program director
4 shall invite part 121 air carriers and regional/commuter
5 carriers (as such terms are defined in section 41715(d) of
6 this title) to offer service proposals in response to, or in
7 conjunction with, community aircraft service assessments
8 submitted to the office under subsection (a). A service pro-
9 posal under this paragraph shall include—

10 “(1) an assessment of potential daily passenger
11 traffic, revenues, and costs necessary for the carrier to
12 offer the service;

13 “(2) a forecast of the minimum percentage of
14 that traffic the carrier would require the community
15 to garner in order for the carrier to start up and
16 maintain the service; and

17 “(3) the costs and benefits of providing jet service
18 by regional or other jet aircraft.

19 “(d) *PROGRAM SUPPORT FUNCTION*.—The program
20 director shall work with small communities and air car-
21 riers, taking into account their proposals and needs, to fa-
22 cilitate the initiation of service. The program director—

23 “(1) may work with communities to develop in-
24 novative means and incentives for the initiation of
25 service;

1 “(2) may obligate funds authorized under section
2 504 of the Air Transportation Improvement Act to
3 carry out this section;

4 “(3) shall continue to work with both the carriers
5 and the communities to develop a combination of
6 community incentives and carrier service levels
7 that—

8 “(A) are acceptable to communities and
9 carriers; and

10 “(B) do not conflict with other Federal or
11 State programs to facilitate air transportation to
12 the communities;

13 “(4) designate an airport in the program as an
14 Air Service Development Zone and work with the
15 community on means to attract business to the area
16 surrounding the airport, to develop land use options
17 for the area, and provide data, working with the De-
18 partment of Commerce and other agencies;

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

21 “(e) LIMITATIONS.—

22 “(1) COMMUNITY SUPPORT.—The program direc-
23 tor may not provide financial assistance under sub-
24 section (c)(2) to any community unless the program
25 director determines that—

1 “(A) a public-private partnership exists at
2 the community level to carry out the commu-
3 nity’s proposal;

4 “(B) the community will make a substan-
5 tial financial contribution that is appropriate
6 for that community’s resources, but of not less
7 than 25 percent of the cost of the project in any
8 event;

9 “(C) the community has established an open
10 process for soliciting air service proposals; and

11 “(D) the community will accord similar
12 benefits to air carriers that are similarly situ-
13 ated.

14 “(2) AMOUNT.—The program director may not
15 obligate more than \$80,000,000 of the amounts au-
16 thorized under 504 of the Air Transportation Im-
17 provement Act over the 4 years of the program.

18 “(3) NUMBER OF PARTICIPANTS.—The program
19 established under subsection (a) shall not involve
20 more than 40 communities or consortia of commu-
21 nities.

22 “(f) REPORT.—The program director shall report
23 through the Secretary to the Congress annually on the
24 progress made under this section during the preceding year

1 *in expanding commercial aviation service to smaller com-*
 2 *munities.*

3 **“§ 41744. Pilot program project authority**

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

7 “(1) *to assist communities and States with inad-*
 8 *equately access to the national transportation system to*
 9 *improve their access to that system; and*

10 “(2) *to facilitate better air service link-ups to*
 11 *support the improved access.*

12 “(b) *PROJECT AUTHORITY.*—Under the pilot program
 13 *established pursuant to subsection (a), the program director*
 14 *may—*

15 “(1) *out of amounts authorized under section*
 16 *504 of the Air Transportation Improvement Act, pro-*
 17 *vide financial assistance by way of grants to small*
 18 *communities or consortia of small communities under*
 19 *section 41743 of up to \$500,000 per year; and*

20 “(2) *take such other action as may be appro-*
 21 *priate.*

22 “(c) *OTHER ACTION.*—Under the pilot program estab-
 23 *lished pursuant to subsection (a), the program director may*
 24 *facilitate service by—*

1 “(1) *working with airports and air carriers to*
2 *ensure that appropriate facilities are made available*
3 *at essential airports;*

4 “(2) *collecting data on air carrier service to*
5 *small communities; and*

6 “(3) *providing policy recommendations to the*
7 *Secretary to stimulate air service and competition to*
8 *small communities.*

9 “(d) *ADDITIONAL ACTION.—Under the pilot program*
10 *established pursuant to subsection (a), the Secretary shall*
11 *work with air carriers providing service to participating*
12 *communities and major air carriers serving large hub air-*
13 *ports (as defined in section 41731(a)(3)) to facilitate joint*
14 *fare arrangements consistent with normal industry prac-*
15 *tice.*

16 **“§41745. Assistance to communities for service**

17 “(a) *IN GENERAL.—Financial assistance provided*
18 *under section 41743 during any fiscal year as part of the*
19 *pilot program established under section 41744(a) shall be*
20 *implemented for not more than—*

21 “(1) *4 communities within any State at any*
22 *given time; and*

23 “(2) *40 communities in the entire program at*
24 *any time.*

1 *For purposes of this subsection, a consortium of commu-*
 2 *nities shall be treated as a single community.*

3 “(b) *ELIGIBILITY.*—*In order to participate in a pilot*
 4 *project under this subchapter, a State, community, or group*
 5 *of communities shall apply to the Secretary in such form*
 6 *and at such time, and shall supply such information, as*
 7 *the Secretary may require, and shall demonstrate to the sat-*
 8 *isfaction of the Secretary that—*

9 “(1) *the applicant has an identifiable need for*
 10 *access, or improved access, to the national air trans-*
 11 *portation system that would benefit the public;*

12 “(2) *the pilot project will provide material bene-*
 13 *fits to a broad section of the travelling public, busi-*
 14 *nesses, educational institutions, and other enterprises*
 15 *whose access to the national air transportation system*
 16 *is limited;*

17 “(3) *the pilot project will not impede competi-*
 18 *tion; and*

19 “(4) *the applicant has established, or will estab-*
 20 *lish, public-private partnerships in connection with*
 21 *the pilot project to facilitate service to the public.*

22 “(c) *COORDINATION WITH OTHER PROVISIONS OF*
 23 *SUBCHAPTER.*—*The Secretary shall carry out the 4-year*
 24 *pilot program authorized by this subchapter in such a man-*
 25 *ner as to complement action taken under the other provi-*

1 sions of this subchapter. To the extent the Secretary deter-
2 mines to be appropriate, the Secretary may adopt criteria
3 for implementation of the 4-year pilot program that are the
4 same as, or similar to, the criteria developed under the pre-
5 ceding sections of this subchapter for determining which
6 airports are eligible under those sections. The Secretary
7 shall also, to the extent possible, provide incentives where
8 no direct, viable, and feasible alternative service exists, tak-
9 ing into account geographical diversity and appropriate
10 market definitions.

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

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

18 “(2) obtain the greatest possible leverage from the
19 financial resources available to the Secretary and the
20 applicant by—

21 “(A) progressively decreasing, on a project-
22 by-project basis, any Federal financial incentives
23 provided under this chapter over the 4-year pe-
24 riod; and

1 “(B) terminating as early as feasible Fed-
 2 eral financial incentives for any project deter-
 3 mined by the Secretary after its implementation
 4 to be—

5 “(i) viable without further support
 6 under this subchapter; or

7 “(ii) failing to meet the purposes of
 8 this chapter or criteria established by the
 9 Secretary under the pilot program.

10 “(e) *SUCCESS BONUS.*—If Federal financial incentives
 11 to a community are terminated under subsection (d)(2)(B)
 12 because of the success of the program in that community,
 13 then that community may receive a one-time incentive
 14 grant to ensure the continued success of that program.

15 “(f) *PROGRAM TO TERMINATE IN 4 YEARS.*—No new
 16 financial assistance may be provided under this subchapter
 17 for any fiscal year beginning more than 4 years after the
 18 date of enactment of the Air Transportation Improvement
 19 Act.

20 **“§ 41746. Additional authority**

21 *“In carrying out this chapter, the Secretary—*

22 *“(1) may provide assistance to States and com-*
 23 *munities in the design and application phase of any*
 24 *project under this chapter, and oversee the implemen-*
 25 *tation of any such project;*

1 “(2) may assist States and communities in put-
 2 ting together projects under this chapter to utilize pri-
 3 vate sector resources, other Federal resources, or a
 4 combination of public and private resources;

5 “(3) may accord priority to service by jet air-
 6 craft;

7 “(4) take such action as may be necessary to en-
 8 sure that financial resources, facilities, and adminis-
 9 trative arrangements made under this chapter are
 10 used to carry out the purposes of title V of the Air
 11 Transportation Improvement Act; and

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

15 (b) CONFORMING AMENDMENT.—The chapter analysis
 16 for subchapter II of chapter 417 is amended by inserting
 17 after the item relating to section 41742 the following:

“41743. Air service program for small communities.

“41744. Pilot program project authority.

“41745. Assistance to communities for service.

“41746. Additional authority.”.

18 (c) WAIVER OF LOCAL CONTRIBUTION.—Section
 19 41736(b) is amended by inserting after paragraph (4) the
 20 following:

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

1 **SEC. 504. AUTHORIZATION OF APPROPRIATIONS.**

2 *There are authorized to be appropriated to the Sec-*
3 *retary of Transportation \$80,000,000 to carry out sections*
4 *41743 through 41746 of title 49, United States Code, for*
5 *the 4 fiscal-year period beginning with fiscal year 2000.*

6 **SEC. 505. MARKETING PRACTICES.**

7 *Section 41712 is amended—*

8 *(1) by inserting “(a) IN GENERAL.—” before*
9 *“On”; and*

10 *(2) by adding at the end thereof the following:*

11 *“(b) MARKETING PRACTICES THAT ADVERSELY AF-*
12 *FECT SERVICE TO SMALL OR MEDIUM COMMUNITIES.—*

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

19 *“(1) marketing arrangements between airlines*
20 *and travel agents;*

21 *“(2) code-sharing partnerships;*

22 *“(3) computer reservation system displays;*

23 *“(4) gate arrangements at airports;*

24 *“(5) exclusive dealing arrangements; and*

25 *“(6) any other marketing practice that may have*
26 *the same effect.*

1 “(c) *REGULATIONS.*—If the Secretary finds, after con-
 2 ducting the review required by subsection (b), that mar-
 3 keting practices inhibit the availability of such service to
 4 such communities, then, after public notice and an oppor-
 5 tunity for comment, the Secretary may promulgate regula-
 6 tions that address the problem, or take other appropriate
 7 action. Nothing in this section expands the authority or ju-
 8 risdiction of the Secretary to promulgate regulations under
 9 the Federal Aviation Act or under any other Act.”.

10 **SEC. 506. CHANGES IN, AND PHASE-OUT OF, SLOT RULES.**

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

13 (1) *PROMPT CONSIDERATION OF REQUESTS.*—

14 Section 41714(i) is amended to read as follows:

15 “(i) *45-DAY APPLICATION PROCESS.*—

16 “(1) *REQUEST FOR SLOT EXEMPTIONS.*—Any
 17 slot exemption request filed with the Secretary under
 18 this section, section 41717, or 41719 shall include—

19 “(A) the names of the airports to be served;

20 “(B) the times requested; and

21 “(C) such additional information as the
 22 Secretary may require.

23 “(2) *ACTION ON REQUEST; FAILURE TO ACT.*—

24 Within 45 days after a slot exemption request under

1 *this section, section 41717, or section 41719 is re-*
2 *ceived by the Secretary, the Secretary shall—*

3 *“(A) approve the request if the Secretary de-*
4 *termines that the requirements of the section*
5 *under which the request is made are met;*

6 *“(B) return the request to the applicant for*
7 *additional information; or*

8 *“(C) deny the request and state the reasons*
9 *for its denial.*

10 *“(3) 45-DAY PERIOD TOLLED FOR TIMELY RE-*
11 *QUEST FOR MORE INFORMATION.—If the Secretary re-*
12 *turns the request for additional information during*
13 *the first 10 days after the request is filed, then the 45-*
14 *day period shall be tolled until the date on which the*
15 *additional information is filed with the Secretary.*

16 *“(4) FAILURE TO DETERMINE DEEMED AP-*
17 *PROVAL.—If the Secretary neither approves the re-*
18 *quest under paragraph (2)(A) nor denies the request*
19 *under subparagraph (2)(C) within the 45-day period*
20 *beginning on the date it is received, excepting any*
21 *days during which the 45-day period is tolled under*
22 *paragraph (3), then the request is deemed to have*
23 *been approved on the 46th day after it was filed with*
24 *the Secretary.”.*

1 (2) *EXEMPTIONS MAY NOT BE BOUGHT OR*
 2 *SOLD.*—Section 41714 is further amended by adding
 3 *at the end the following:*

4 “(j) *EXEMPTIONS MAY NOT BE BOUGHT OR SOLD.*—
 5 *No exemption from the requirements of subparts K and S*
 6 *of part 93 of title 14, Code of Federal Regulations, granted*
 7 *under this section, section 41717, or section 41719 may be*
 8 *bought or sold by the carrier to which it is granted.”.*

9 (3) *EQUAL TREATMENT OF AFFILIATED CAR-*
 10 *RIERS.*—Section 41714, as amended by paragraph
 11 (2), is further amended by adding at the end thereof
 12 *the following:*

13 “(k) *AFFILIATED CARRIERS.*—For purposes of this sec-
 14 tion, section 41717, 41718, and 41719, the Secretary shall
 15 treat all commuter air carriers that have cooperative agree-
 16 ments, including code-share agreements, with other air car-
 17 riers equally for determining eligibility for the application
 18 of any provision of those sections regardless of the form of
 19 the corporate relationship between the commuter air carrier
 20 and the other air carrier.”.

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

23 (A) by striking “(1) *IN GENERAL.*—”;

24 (B) by striking “and the circumstances to
 25 be exceptional,”; and

1 (C) by striking paragraph (2).

2 (5) *LIMITED INCUMBENT; REGIONAL JET.*—Sec-
3 tion 40102 is amended by—

4 (A) inserting after paragraph (28) the fol-
5 lowing:

6 “(28A) The term ‘limited incumbent air carrier’
7 has the meaning given that term in subpart S of part
8 93 of title 14, Code of Federal Regulations, except
9 that ‘20’ shall be substituted for ‘12’ in sections
10 93.213(a)(5), 93.223(c)(3), and 93.225(h) as such sec-
11 tions were in effect on August 1, 1998.”; and

12 (B) inserting after paragraph (37) the fol-
13 lowing:

14 “(37A) The term ‘regional jet’ means a pas-
15 senger, turbofan-powered aircraft carrying not fewer
16 than 30 and not more than 50 passengers.”.

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

19 (1) by redesignating sections 41715 and 41716
20 as sections 41720 and 41721; and

21 (2) by inserting after section 41714 the fol-
22 lowing:

23 **“§ 41715. Phase-out of slot rules at certain airports**

24 “(a) *TERMINATION.*—The rules contained in subparts
25 S and K of part 93, title 14, Code of Federal Regulations,

1 *shall not apply after December 31, 2006, at LaGuardia Air-*
 2 *port or John F. Kennedy International Airport.*

3 “(b) *FAA SAFETY AUTHORITY NOT COMPROMISED.*—
 4 *Nothing in subsection (a) affects the Federal Aviation Ad-*
 5 *ministration’s authority for safety and the movement of air*
 6 *traffic.*

7 (c) *PRESERVATION OF EXISTING SERVICE.*—Chapter
 8 417, as amended by subsection (b), is amended by inserting
 9 after section 41715 the following:

10 “§41716. ***Preservation of certain existing slot-related***
 11 ***air service***

12 “An air carrier that provides air transportation of
 13 passengers from a high density airport (other than Ronald
 14 Reagan Washington National Airport) to a small hub air-
 15 port or nonhub airport, or to an airport that is smaller
 16 than a small hub or nonhub airport, on or before the date
 17 of enactment of the Air Transportation Improvement Act
 18 pursuant to an exemption from the requirements under sub-
 19 parts K and S of part 93 of title 14, Code of Federal Regu-
 20 lations (pertaining to slots at high density airports), or
 21 where slots were issued to an airline conditioned on a spe-
 22 cific airport being served, may not terminate air transpor-
 23 tation service for that route for a period of 2 years (with
 24 respect to service from LaGuardia Airport or John F. Ken-
 25 nedy International Airport), or 4 years (with respect to

1 *service from Chicago O'Hare International Airport), after*
 2 *the date on which those requirements cease to apply to that*
 3 *high density airport unless—*

4 “(1) before October 1, 1999, the Secretary re-
 5 ceived a written air service termination notice for
 6 that route; or

7 “(2) after September 30, 1999, the air carrier
 8 submits an air service termination notice under sec-
 9 tion 41720 for that route and the Secretary deter-
 10 mines that the carrier suffered excessive losses, includ-
 11 ing substantial losses on operations on that route dur-
 12 ing the calendar quarters immediately preceding sub-
 13 mission of the notice.”.

14 (d) *SPECIAL RULES AFFECTING LAGUARDIA AIRPORT*
 15 *AND JOHN F. KENNEDY INTERNATIONAL AIRPORT.—Chapter*
 16 *417, as amended by subsection (c), is amended by insert-*
 17 *ing after section 41716 the following:*

18 **“§41717. Interim slot rules at New York airports**

19 “(a) *IN GENERAL.—The Secretary of Transportation*
 20 *may, by order, grant exemptions from the requirements*
 21 *under subparts K and S of part 93 of title 14, Code of Fed-*
 22 *eral Regulations (pertaining to slots at high density air-*
 23 *ports) with respect to a regional jet aircraft providing air*
 24 *transportation between LaGuardia Airport or John F. Ken-*

1 *nedy International Airport and a small hub or nonhub*
 2 *airport—*

3 “(1) *if the operator of the regional jet aircraft*
 4 *was not providing such air transportation during the*
 5 *week of June 15, 1999; or*

6 “(2) *if the level of air transportation to be pro-*
 7 *vided between such airports by the operator of the re-*
 8 *gional jet aircraft during any week will exceed the*
 9 *level of air transportation provided by such operator*
 10 *between such airports during the week of June 15,*
 11 *1999.”.*

12 *(e) SPECIAL RULES AFFECTING CHICAGO O’HARE*
 13 *INTERNATIONAL AIRPORT.—*

14 *(1) IN GENERAL.—Subchapter I of chapter 417,*
 15 *as amended by subsection (d), is amended by insert-*
 16 *ing after section 41717 the following:*

17 **“§41718. Special Rules for Chicago O’Hare Inter-**
 18 ***national Airport***

19 “(a) *IN GENERAL.—The Secretary of Transportation*
 20 *shall grant 30 slot exemptions over a 3-year period begin-*
 21 *ning on the date of enactment of the Air Transportation*
 22 *Improvement Act at Chicago O’Hare International Airport.*

23 “(b) *EQUIPMENT AND SERVICE REQUIREMENTS.—*

24 “(1) *STAGE 3 AIRCRAFT REQUIRED.—An exemp-*
 25 *tion may not be granted under this section with re-*

1 *spect to any aircraft that is not a Stage 3 aircraft*
 2 *(as defined by the Secretary).*

3 “(2) *SERVICE PROVIDED.*—*Of the exemptions*
 4 *granted under subsection (a)—*

5 “(A) *18 shall be used only for service to un-*
 6 *derserved markets, of which no fewer than 6 shall*
 7 *be designated as commuter slot exemptions; and*

8 “(B) *12 shall be air carrier slot exemptions.*

9 “(c) *PROCEDURAL REQUIREMENTS.*—*Before granting*
 10 *exemptions under subsection (a), the Secretary shall—*

11 “(1) *conduct an environmental review, taking*
 12 *noise into account, and determine that the granting*
 13 *of the exemptions will not cause a significant increase*
 14 *in noise;*

15 “(2) *determine whether capacity is available and*
 16 *can be used safely and, if the Secretary so determines*
 17 *then so certify;*

18 “(3) *give 30 days notice to the public through*
 19 *publication in the Federal Register of the Secretary’s*
 20 *intent to grant the exemptions; and*

21 “(4) *consult with appropriate officers of the*
 22 *State and local government on any related noise and*
 23 *environmental issues.*

24 “(d) *UNDERSERVED MARKET DEFINED.*—*In this sec-*
 25 *tion, the term ‘service to underserved markets’ means pas-*

1 senger air transportation service to an airport that is a
 2 nonhub airport or a small hub airport (as defined in para-
 3 graphs (4) and (5), respectively, of section 41731(a)).”.

4 (2) 3-YEAR REPORT.—The Secretary shall study
 5 and submit a report 3 years after the first exemption
 6 granted under section 41718(a) of title 49, United
 7 States Code, is first used on the impact of the addi-
 8 tional slots on the safety, environment, noise, access
 9 to underserved markets, and competition at Chicago
 10 O’Hare International Airport.

11 (f) SPECIAL RULES AFFECTING REAGAN WASHINGTON
 12 NATIONAL AIRPORT.—

13 (1) IN GENERAL.—Chapter 417, as amended by
 14 subsection (e), is amended by inserting after section
 15 41718 the following:

16 “§41719. **Special Rules for Ronald Reagan Wash-**
 17 **ington National Airport**

18 “(a) BEYOND-PERIMETER EXEMPTIONS.—The Sec-
 19 retary shall by order grant exemptions from the application
 20 of sections 49104(a)(5), 49109, 49111(e), and 41714 of this
 21 title to air carriers to operate limited frequencies and air-
 22 craft on select routes between Ronald Reagan Washington
 23 National Airport and domestic hub airports and exemp-
 24 tions from the requirements of subparts K and S of part

1 93, Code of Federal Regulations, if the Secretary finds that
2 the exemptions will—

3 “(1) provide air transportation service with do-
4 mestic network benefits in areas beyond the perimeter
5 described in that section;

6 “(2) increase competition by new entrant air
7 carriers or in multiple markets;

8 “(3) not reduce travel options for communities
9 served by small hub airports and medium hub air-
10 ports within the perimeter described in section 49109
11 of this title; and

12 “(4) not result in meaningfully increased travel
13 delays.

14 “(b) *WITHIN-PERIMETER EXEMPTIONS.*—The Sec-
15 retary shall by order grant exemptions from the require-
16 ments of sections 49104(a)(5), 49111(e), and 41714 of this
17 title and subparts K and S of part 93 of title 14, Code
18 of Federal Regulations, to air carriers for service to airports
19 that were designated as medium-hub or smaller airports in
20 the Federal Aviation Administration’s Primary Airport
21 Enplanement Activity Summary for Calendar Year 1997
22 within the perimeter established for civil aircraft operations
23 at Ronald Reagan Washington National Airport under sec-
24 tion 49109. The Secretary shall develop criteria for distrib-
25 uting slot exemptions for flights within the perimeter to

1 *such airports under this paragraph in a manner that pro-*
2 *motes air transportation—*

3 “(1) *by new entrant and limited incumbent air*
4 *carriers;*

5 “(2) *to communities without existing service to*
6 *Ronald Reagan Washington National Airport;*

7 “(3) *to small communities; or*

8 “(4) *that will provide competitive service on a*
9 *monopoly nonstop route to Ronald Reagan Wash-*
10 *ington National Airport.*

11 “(c) *LIMITATIONS.—*

12 “(1) *STAGE 3 AIRCRAFT REQUIRED.—An exemp-*
13 *tion may not be granted under this section with re-*
14 *spect to any aircraft that is not a Stage 3 aircraft*
15 *(as defined by the Secretary).*

16 “(2) *GENERAL EXEMPTIONS.—The exemptions*
17 *granted under subsections (a) and (b) may not in-*
18 *crease the number of operations at Ronald Reagan*
19 *Washington National Airport in any 1-hour period*
20 *during the hours between 7:00 a.m. and 9:59 p.m. by*
21 *more than 2 operations.*

22 “(3) *ADDITIONAL EXEMPTIONS.—The Secretary*
23 *shall grant exemptions under subsections (a) and (b)*
24 *that—*

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

4 “(B) will result in 12 additional daily air
5 carrier slot exemptions at such airport for serv-
6 ice within the perimeter; and

7 “(C) will not result in additional daily slot
8 exemptions for service to any within-the-perim-
9 eter airport that was designated as a large-hub
10 airport in the Federal Aviation Administration’s
11 Primary Airport Enplanement Activity Sum-
12 mary for Calendar Year 1997.

13 “(4) ASSESSMENT OF SAFETY, NOISE AND ENVI-
14 RONMENTAL IMPACTS.—The Secretary shall assess the
15 impact of granting exemptions, including the impacts
16 of the additional slots and flights at Ronald Reagan
17 Washington National Airport provided under sub-
18 sections (a) and (b) on safety, noise levels and the en-
19 vironment within 90 days of the date of the enact-
20 ment of the Air Transportation Improvement Act.
21 The environmental assessment shall be carried out in
22 accordance with parts 1500–1508 of title 40, Code of
23 Federal Regulations. Such environmental assessment
24 shall include a public meeting.

1 “(5) *APPLICABILITY WITH EXEMPTION 5133.*—
 2 *Nothing in this section affects Exemption No. 5133,*
 3 *as from time-to-time amended and extended.*”.

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

7 “(D) *Subparagraph (C) does not apply to any*
 8 *increase in the number of instrument flight rule take-*
 9 *offs and landings necessary to implement exemptions*
 10 *granted by the Secretary under section 41719.*”.

11 (3) *MWAA NOISE-RELATED GRANT ASSUR-*
 12 *ANCES.*—

13 (A) *IN GENERAL.*—*In addition to any con-*
 14 *dition for approval of an airport development*
 15 *project that is the subject of a grant application*
 16 *submitted to the Secretary of Transportation*
 17 *under chapter 471 of title 49, United States*
 18 *Code, by the Metropolitan Washington Airports*
 19 *Authority, the Authority shall be required to sub-*
 20 *mit a written assurance that, for each such grant*
 21 *made to the Authority for fiscal year 2000 or*
 22 *any subsequent fiscal year—*

23 (i) *the Authority will make available*
 24 *for that fiscal year funds for noise compat-*
 25 *ibility planning and programs that are eli-*

1 gible to receive funding under chapter 471
2 of title 49, United States Code, in an
3 amount not less than 10 percent of the ag-
4 gregate annual amount of financial assist-
5 ance provided to the Authority by the Sec-
6 retary as grants under chapter 471 of title
7 49, United States Code; and

8 (ii) the Authority will not divert funds
9 from a high priority safety project in order
10 to make funds available for noise compat-
11 ibility planning and programs.

12 (B) *WAIVER.*—The Secretary of Transpor-
13 tation may waive the requirements of subpara-
14 graph (A) for any fiscal year for which the Sec-
15 retary determines that the Metropolitan Wash-
16 ington Airports Authority is in full compliance
17 with applicable airport noise compatibility plan-
18 ning and program requirements under part 150
19 of title 14, Code of Federal Regulations.

20 (C) *SUNSET.*—This paragraph shall cease to
21 be in effect 5 years after the date of enactment
22 of this Act if on that date the Secretary of
23 Transportation certifies that the Metropolitan
24 Washington Airports Authority has achieved full
25 compliance with applicable noise compatibility

1 *planning and program requirements under part*
2 *150 of title 14, Code of Federal Regulations.*

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

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

21 “(3) *The Secretary shall give priority in making*
22 *grants under paragraph (1)(A) to applications for*
23 *airport noise compatibility planning and programs*
24 *at and around—*

25 “(A) *LaGuardia Airport;*

1 “(B) *John F. Kennedy International Air-*
2 *port; and*

3 “(C) *Ronald Reagan Washington National*
4 *Airport.*”.

5 (h) *STUDY OF COMMUNITY NOISE LEVELS AROUND*
6 *HIGH DENSITY AIRPORTS.*—*The Secretary of Transpor-*
7 *tation shall study community noise levels in the areas sur-*
8 *rounding the 4 high-density airports after the 100 percent*
9 *Stage 3 fleet requirements are in place, and compare those*
10 *levels with the levels in such areas before 1991.*

11 (i) *CONFORMING AMENDMENTS.*—

12 (1) *Section 49111 is amended by striking sub-*
13 *section (e).*

14 (2) *The chapter analysis for subchapter I of*
15 *chapter 417 is amended—*

16 (A) *by redesignating the items relating to*
17 *sections 41715 and 41716 as relating to sections*
18 *41720 and 41721, respectively; and*

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

“41715. *Phase-out of slot rules at certain airports.*

“41716. *Preservation of certain existing slot-related air service.*

“41717. *Interim slot rules at New York airports.*

“41718. *Interim application of slot rules at Chicago O’Hare, International Air-*
port.

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

21 (3) *CONFORMING AMENDMENT.*—*Section*
22 *41714(a)(3) is amended by adding at the end thereof*

1 the following: “The 132 slot cap under this paragraph
 2 does not apply to exemptions or slots made available
 3 under section 41718.”.

4 **SEC. 507. CONSUMER NOTIFICATION OF E-TICKET EXPIRA-**
 5 **TION DATES.**

6 Section 41712, as amended by section 505 of this Act,
 7 is amended by adding at the end thereof the following:

8 “(d) *E-TICKET EXPIRATION NOTICE.*—It shall be an
 9 unfair or deceptive practice under subsection (a) for any
 10 air carrier utilizing electronically transmitted tickets to fail
 11 to notify the purchaser of such a ticket of its expiration
 12 date, if any.”.

13 **SEC. 508. REGIONAL AIR SERVICE INCENTIVE OPTIONS.**

14 (a) *PURPOSE.*—The purpose of this section is to pro-
 15 vide the Congress with an analysis of means to improve
 16 service by jet aircraft to underserved markets by author-
 17 izing a review of different programs of Federal financial
 18 assistance, including loan guarantees like those that would
 19 have been provided for by section 2 of S. 1353, 105th Con-
 20 gress, as introduced, to commuter air carriers that would
 21 purchase regional jet aircraft for use in serving those mar-
 22 kets.

23 (b) *STUDY.*—The Secretary of Transportation shall
 24 study the efficacy of a program of Federal loan guarantees
 25 for the purchase of regional jets by commuter air carriers.

1 *The Secretary shall include in the study a review of options*
2 *for funding, including alternatives to Federal funding. In*
3 *the study, the Secretary shall analyze—*

4 (1) *the need for such a program;*

5 (2) *its potential benefit to small communities;*

6 (3) *the trade implications of such a program;*

7 (4) *market implications of such a program for*
8 *the sale of regional jets;*

9 (5) *the types of markets that would benefit the*
10 *most from such a program;*

11 (6) *the competitive implications of such a pro-*
12 *gram; and*

13 (7) *the cost of such a program.*

14 (c) *REPORT.—The Secretary shall submit a report of*
15 *the results of the study to the Senate Committee on Com-*
16 *merce, Science, and Transportation and the House of Rep-*
17 *resentatives Committee on Transportation and Infrastruc-*
18 *ture not later than 24 months after the date of enactment*
19 *of this Act.*

1 **SEC. 509. REQUIREMENT TO ENHANCE COMPETITIVENESS**
 2 **OF SLOT EXEMPTIONS FOR REGIONAL JET**
 3 **AIR SERVICE AND NEW ENTRANT AIR CAR-**
 4 **RIERS AT CERTAIN HIGH DENSITY TRAFFIC**
 5 **AIRPORTS.**

6 (a) *IN GENERAL.*—Subchapter I of chapter 417, as
 7 amended by sections 507 and 508, is amended by adding
 8 at the end thereof the following:

9 **“§41721. Requirement to enhance competitiveness of**
 10 **slot exemptions for nonstop regional jet**
 11 **air service and new entrant air carriers**
 12 **at certain airports**

13 *“In granting slot exemptions for nonstop regional jet*
 14 *air service and new entrant air carriers under this sub-*
 15 *chapter to John F. Kennedy International Airport, and La*
 16 *Guardia Airport, the Secretary of Transportation shall re-*
 17 *quire the Federal Aviation Administration to provide com-*
 18 *mercially reasonable times to takeoffs and landings of air*
 19 *flights conducted under those exemptions.”.*

20 (b) *CONFORMING AMENDMENT.*—The chapter analysis
 21 for subchapter I of chapter 417, as amended by this title,
 22 is amended by adding at the end thereof the following:

“41721. Requirement to enhance competitiveness of slot exemptions for nonstop re-
gional jet air service and new entrant air carriers at certain
airports.”.

1 **TITLE VI—NATIONAL PARKS**
2 **OVERFLIGHTS**

3 **SEC. 601. FINDINGS.**

4 *The Congress finds that—*

5 (1) *the Federal Aviation Administration has sole*
6 *authority to control airspace over the United States;*

7 (2) *the Federal Aviation Administration has the*
8 *authority to preserve, protect, and enhance the envi-*
9 *ronment by minimizing, mitigating, or preventing*
10 *the adverse effects of aircraft overflights on the public*
11 *and tribal lands;*

12 (3) *the National Park Service has the responsi-*
13 *bility of conserving the scenery and natural and his-*
14 *toric objects and wildlife in national parks and of*
15 *providing for the enjoyment of the national parks in*
16 *ways that leave the national parks unimpaired for fu-*
17 *ture generations;*

18 (4) *the protection of tribal lands from aircraft*
19 *overflights is consistent with protecting the public*
20 *health and welfare and is essential to the mainte-*
21 *nance of the natural and cultural resources of Indian*
22 *tribes;*

23 (5) *the National Parks Overflights Working*
24 *Group, composed of general aviation, air tour, envi-*
25 *ronmental, and Native American representatives, rec-*

1 ommended that the Congress enact legislation based
2 on its consensus work product; and

3 (6) this title reflects the recommendations made
4 by that Group.

5 **SEC. 602. AIR TOUR MANAGEMENT PLANS FOR NATIONAL**
6 **PARKS.**

7 (a) *IN GENERAL*.—Chapter 401, as amended by sec-
8 tion 301 of this Act, is amended by adding at the end the
9 following:

10 **“§40126. Overflights of national parks**

11 “(a) *IN GENERAL*.—

12 “(1) *GENERAL REQUIREMENTS*.—A commercial
13 air tour operator may not conduct commercial air
14 tour operations over a national park or tribal lands
15 except—

16 “(A) in accordance with this section;

17 “(B) in accordance with conditions and
18 limitations prescribed for that operator by the
19 Administrator; and

20 “(C) in accordance with any effective air
21 tour management plan for that park or those
22 tribal lands.

23 “(2) *APPLICATION FOR OPERATING AUTHOR-*
24 *ITY*.—

1 “(A) *APPLICATION REQUIRED.*—Before com-
2 *mencing commercial air tour operations over a*
3 *national park or tribal lands, a commercial air*
4 *tour operator shall apply to the Administrator*
5 *for authority to conduct the operations over that*
6 *park or those tribal lands.*

7 “(B) *COMPETITIVE BIDDING FOR LIMITED*
8 *CAPACITY PARKS.*—Whenever a commercial air
9 *tour management plan limits the number of*
10 *commercial air tour flights over a national park*
11 *area during a specified time frame, the Adminis-*
12 *trator, in cooperation with the Director, shall*
13 *authorize commercial air tour operators to pro-*
14 *vide such service. The authorization shall specify*
15 *such terms and conditions as the Administrator*
16 *and the Director find necessary for management*
17 *of commercial air tour operations over the na-*
18 *tional park. The Administrator, in cooperation*
19 *with the Director, shall develop an open competi-*
20 *tive process for evaluating proposals from per-*
21 *sons interested in providing commercial air tour*
22 *services over the national park. In making a se-*
23 *lection from among various proposals submitted,*
24 *the Administrator, in cooperation with the Di-*

1 *rector, shall consider relevant factors,*
2 *including—*

3 *“(i) the safety record of the company*
4 *or pilots;*

5 *“(ii) any quiet aircraft technology pro-*
6 *posed for use;*

7 *“(iii) the experience in commercial air*
8 *tour operations over other national parks or*
9 *scenic areas;*

10 *“(iv) the financial capability of the*
11 *company;*

12 *“(v) any training programs for pilots;*
13 *and*

14 *“(vi) responsiveness to any criteria de-*
15 *veloped by the National Park Service or the*
16 *affected national park.*

17 *“(C) NUMBER OF OPERATIONS AUTHOR-*
18 *IZED.—In determining the number of authoriza-*
19 *tions to issue to provide commercial air tour*
20 *service over a national park, the Administrator,*
21 *in cooperation with the Director, shall take into*
22 *consideration the provisions of the air tour man-*
23 *agement plan, the number of existing commercial*
24 *air tour operators and current level of service*
25 *and equipment provided by any such companies,*

1 *and the financial viability of each commercial*
2 *air tour operation.*

3 “(D) *COOPERATION WITH NPS.—Before*
4 *granting an application under this paragraph,*
5 *the Administrator shall, in cooperation with the*
6 *Director, develop an air tour management plan*
7 *in accordance with subsection (b) and implement*
8 *such plan.*

9 “(E) *TIME LIMIT ON RESPONSE TO ATMP*
10 *APPLICATIONS.—The Administrator shall act on*
11 *any such application and issue a decision on the*
12 *application not later than 24 months after it is*
13 *received or amended.*

14 “(3) *EXCEPTION.—Notwithstanding paragraph*
15 *(1), commercial air tour operators may conduct com-*
16 *mercial air tour operations over a national park*
17 *under part 91 of the Federal Aviation Regulations*
18 *(14 CFR 91.1 et seq.) if—*

19 “(A) *such activity is permitted under part*
20 *119 (14 CFR 119.1(e)(2));*

21 “(B) *the operator secures a letter of agree-*
22 *ment from the Administrator and the national*
23 *park superintendent for that national park de-*
24 *scribing the conditions under which the flight op-*
25 *erations will be conducted; and*

1 “(C) *the total number of operations under*
2 *this exception is limited to not more than 5*
3 *flights in any 30-day period over a particular*
4 *park.*

5 “(4) *SPECIAL RULE FOR SAFETY REQUIRE-*
6 *MENTS.—Notwithstanding subsection (c), an existing*
7 *commercial air tour operator shall, not later than 90*
8 *days after the date of enactment of the Air Transpor-*
9 *tation Improvement Act, apply for operating author-*
10 *ity under part 119, 121, or 135 of the Federal Avia-*
11 *tion Regulations (14 CFR Pt. 119, 121, or 135). A*
12 *new entrant commercial air tour operator shall apply*
13 *for such authority before conducting commercial air*
14 *tour operations over a national park or tribal lands.*

15 “(b) *AIR TOUR MANAGEMENT PLANS.—*

16 “(1) *ESTABLISHMENT OF ATMPS.—*

17 “(A) *IN GENERAL.—The Administrator*
18 *shall, in cooperation with the Director, establish*
19 *an air tour management plan for any national*
20 *park or tribal land for which such a plan is not*
21 *already in effect whenever a person applies for*
22 *authority to operate a commercial air tour over*
23 *the park. The development of the air tour man-*
24 *agement plan is to be a cooperative undertaking*
25 *between the Federal Aviation Administration*

1 *and the National Park Service. The air tour*
2 *management plan shall be developed by means of*
3 *a public process, and the agencies shall develop*
4 *information and analysis that explains the con-*
5 *clusions that the agencies make in the applica-*
6 *tion of the respective criteria. Such explanations*
7 *shall be included in the Record of Decision and*
8 *may be subject to judicial review.*

9 “(B) *OBJECTIVE.*—*The objective of any air*
10 *tour management plan shall be to develop accept-*
11 *able and effective measures to mitigate or pre-*
12 *vent the significant adverse impacts, if any, of*
13 *commercial air tours upon the natural and cul-*
14 *tural resources and visitor experiences and tribal*
15 *lands.*

16 “(2) *ENVIRONMENTAL DETERMINATION.*—*In es-*
17 *tablishing an air tour management plan under this*
18 *subsection, the Administrator and the Director shall*
19 *each sign the environmental decision document re-*
20 *quired by section 102 of the National Environmental*
21 *Policy Act of 1969 (42 U.S.C. 4332) which may in-*
22 *clude a finding of no significant impact, an environ-*
23 *mental assessment, or an environmental impact state-*
24 *ment, and the Record of Decision for the air tour*
25 *management plan.*

1 “(3) CONTENTS.—An air tour management plan
2 for a national park—

3 “(A) may prohibit commercial air tour op-
4 erations in whole or in part;

5 “(B) may establish conditions for the con-
6 duct of commercial air tour operations, includ-
7 ing commercial air tour routes, maximum or
8 minimum altitudes, time-of-day restrictions, re-
9 strictions for particular events, maximum num-
10 ber of flights per unit of time, intrusions on pri-
11 vacy on tribal lands, and mitigation of noise,
12 visual, or other impacts;

13 “(C) shall apply to all commercial air tours
14 within $\frac{1}{2}$ mile outside the boundary of a na-
15 tional park;

16 “(D) shall include incentives (such as pre-
17 ferred commercial air tour routes and altitudes,
18 relief from caps and curfews) for the adoption of
19 quiet aircraft technology by commercial air tour
20 operators conducting commercial air tour oper-
21 ations at the park;

22 “(E) shall provide for the initial allocation
23 of opportunities to conduct commercial air tours
24 if the plan includes a limitation on the number

1 *of commercial air tour flights for any time pe-*
2 *riod; and*

3 *“(F) shall justify and document the need for*
4 *measures taken pursuant to subparagraphs (A)*
5 *through (E).*

6 *“(4) PROCEDURE.—In establishing a commercial*
7 *air tour management plan for a national park, the*
8 *Administrator and the Director shall—*

9 *“(A) initiate at least one public meeting*
10 *with interested parties to develop a commercial*
11 *air tour management plan for the park;*

12 *“(B) publish the proposed plan in the Fed-*
13 *eral Register for notice and comment and make*
14 *copies of the proposed plan available to the pub-*
15 *lic;*

16 *“(C) comply with the regulations set forth*
17 *in sections 1501.3 and 1501.5 through 1501.8 of*
18 *title 40, Code of Federal Regulations (for pur-*
19 *poses of complying with those regulations, the*
20 *Federal Aviation Administration is the lead*
21 *agency and the National Park Service is a co-*
22 *operating agency); and*

23 *“(D) solicit the participation of any Indian*
24 *tribe whose tribal lands are, or may be,*
25 *overflowed by aircraft involved in commercial air*

1 *tour operations over a national park or tribal*
2 *lands, as a cooperating agency under the regula-*
3 *tions referred to in paragraph (4)(C).*

4 “(5) *AMENDMENTS.*—*Any amendment of an air*
5 *tour management plan shall be published in the Fed-*
6 *eral Register for notice and comment. A request for*
7 *amendment of an air tour management plan shall be*
8 *made in such form and manner as the Administrator*
9 *may prescribe.*

10 “(c) *INTERIM OPERATING AUTHORITY.*—

11 “(1) *IN GENERAL.*—*Upon application for oper-*
12 *ating authority, the Administrator shall grant in-*
13 *terim operating authority under this paragraph to a*
14 *commercial air tour operator for a national park or*
15 *tribal lands for which the operator is an existing*
16 *commercial air tour operator.*

17 “(2) *REQUIREMENTS AND LIMITATIONS.*—*In-*
18 *terim operating authority granted under this*
19 *subsection—*

20 “(A) *shall provide annual authorization*
21 *only for the greater of—*

22 “(i) *the number of flights used by the*
23 *operator to provide such tours within the*
24 *12-month period prior to the date of enact-*

1 *ment of the Air Transportation Improve-*
2 *ment Act; or*

3 “(ii) *the average number of flights per*
4 *12-month period used by the operator to*
5 *provide such tours within the 36-month pe-*
6 *riod prior to such date of enactment, and,*
7 *for seasonal operations, the number of*
8 *flights so used during the season or seasons*
9 *covered by that 12-month period;*

10 “(B) *may not provide for an increase in the*
11 *number of operations conducted during any time*
12 *period by the commercial air tour operator to*
13 *which it is granted unless the increase is agreed*
14 *to by the Administrator and the Director;*

15 “(C) *shall be published in the Federal Reg-*
16 *ister to provide notice and opportunity for com-*
17 *ment;*

18 “(D) *may be revoked by the Administrator*
19 *for cause;*

20 “(E) *shall terminate 180 days after the date*
21 *on which an air tour management plan is estab-*
22 *lished for that park or those tribal lands; and*

23 “(F) *shall—*

1 “(i) promote protection of national
2 park resources, visitor experiences, and trib-
3 al lands;

4 “(ii) promote safe operations of the
5 commercial air tour;

6 “(iii) promote the adoption of quiet
7 technology, as appropriate; and

8 “(iv) allow for modifications of the op-
9 eration based on experience if the modifica-
10 tion improves protection of national park
11 resources and values and of tribal lands.

12 “(3) NEW ENTRANT AIR TOUR OPERATORS.—

13 “(A) IN GENERAL.—The Administrator, in
14 cooperation with the Director, may grant in-
15 terim operating authority under this paragraph
16 to an air tour operator for a national park for
17 which that operator is a new entrant air tour
18 operator if the Administrator determines the au-
19 thority is necessary to ensure competition in the
20 provision of commercial air tours over that na-
21 tional park or those tribal lands.

22 “(B) SAFETY LIMITATION.—The Adminis-
23 trator may not grant interim operating author-
24 ity under subparagraph (A) if the Administrator
25 determines that it would create a safety problem

1 *at that park or on tribal lands, or the Director*
2 *determines that it would create a noise problem*
3 *at that park or on tribal lands.*

4 “(C) *ATMP LIMITATION.*—*The Adminis-*
5 *trator may grant interim operating authority*
6 *under subparagraph (A) of this paragraph only*
7 *if the air tour management plan for the park or*
8 *tribal lands to which the application relates has*
9 *not been developed within 24 months after the*
10 *date of enactment of the Air Transportation Im-*
11 *provement Act.*

12 “(d) *DEFINITIONS.*—*In this section, the following defi-*
13 *nitions apply:*

14 “(1) *COMMERCIAL AIR TOUR.*—*The term ‘com-*
15 *mercial air tour’ means any flight conducted for com-*
16 *ensation or hire in a powered aircraft where a pur-*
17 *pose of the flight is sightseeing. If the operator of a*
18 *flight asserts that the flight is not a commercial air*
19 *tour, factors that can be considered by the Adminis-*
20 *trator in making a determination of whether the*
21 *flight is a commercial air tour, include, but are not*
22 *limited to—*

23 “(A) *whether there was a holding out to the*
24 *public of willingness to conduct a sightseeing*
25 *flight for compensation or hire;*

1 “(B) *whether a narrative was provided that*
2 *referred to areas or points of interest on the sur-*
3 *face;*

4 “(C) *the area of operation;*

5 “(D) *the frequency of flights;*

6 “(E) *the route of flight;*

7 “(F) *the inclusion of sightseeing flights as*
8 *part of any travel arrangement package; or*

9 “(G) *whether the flight or flights in question*
10 *would or would not have been canceled based on*
11 *poor visibility of the surface.*

12 “(2) *COMMERCIAL AIR TOUR OPERATOR.—The*
13 *term ‘commercial air tour operator’ means any per-*
14 *son who conducts a commercial air tour.*

15 “(3) *EXISTING COMMERCIAL AIR TOUR OPER-*
16 *ATOR.—The term ‘existing commercial air tour oper-*
17 *ator’ means a commercial air tour operator that was*
18 *actively engaged in the business of providing commer-*
19 *cial air tours over a national park at any time dur-*
20 *ing the 12-month period ending on the date of enact-*
21 *ment of the Air Transportation Improvement Act.*

22 “(4) *NEW ENTRANT COMMERCIAL AIR TOUR OP-*
23 *ERATOR.—The term ‘new entrant commercial air tour*
24 *operator’ means a commercial air tour operator*
25 *that—*

1 “(A) applies for operating authority as a
2 commercial air tour operator for a national
3 park; and

4 “(B) has not engaged in the business of pro-
5 viding commercial air tours over that national
6 park or those tribal lands in the 12-month pe-
7 riod preceding the application.

8 “(5) COMMERCIAL AIR TOUR OPERATIONS.—The
9 term ‘commercial air tour operations’ means commer-
10 cial air tour flight operations conducted—

11 “(A) over a national park or within $\frac{1}{2}$ mile
12 outside the boundary of any national park;

13 “(B) below a minimum altitude, determined
14 by the Administrator in cooperation with the Di-
15 rector, above ground level (except solely for pur-
16 poses of takeoff or landing, or necessary for safe
17 operation of an aircraft as determined under the
18 rules and regulations of the Federal Aviation
19 Administration requiring the pilot-in-command
20 to take action to ensure the safe operation of the
21 aircraft); and

22 “(C) less than 1 mile laterally from any ge-
23 ographic feature within the park (unless more
24 than $\frac{1}{2}$ mile outside the boundary).

1 “(6) *NATIONAL PARK*.—The term ‘national park’
2 *means any unit of the National Park System.*

3 “(7) *TRIBAL LANDS*.—The term ‘tribal lands’
4 *means ‘Indian country’, as defined by section 1151 of*
5 *title 18, United States Code, that is within or abut-*
6 *ting a national park.*

7 “(8) *ADMINISTRATOR*.—The term ‘Adminis-
8 trator’ *means the Administrator of the Federal Avia-*
9 *tion Administration.*

10 “(9) *DIRECTOR*.—The term ‘Director’ *means the*
11 *Director of the National Park Service.”.*

12 **(b) EXEMPTIONS AND SPECIAL RULES.—**

13 (1) *GRAND CANYON*.—Section 40126 of title 49,
14 *United States Code, as added by subsection (a), does*
15 *not apply to—*

16 (A) *the Grand Canyon National Park; or*

17 (B) *Indian country within or abutting the*
18 *Grand Canyon National Park.*

19 (2) *LAKE MEAD*.—A commercial air tour of the
20 *Grand Canyon that transits over or near the Lake*
21 *Mead National Recreation Area en route to, or re-*
22 *turning from, the Grand Canyon, without offering a*
23 *deviation in flight path between its point of origin*
24 *and the Grand Canyon, shall be considered, for pur-*

1 *poses of paragraph (1), to be exclusively a commercial*
2 *air tour of the Grand Canyon.*

3 (3) *QUIET AIRCRAFT TECHNOLOGY FOR GRAND*
4 *CANYON.—*

5 (A) *QUIET TECHNOLOGY REQUIREMENTS.—*

6 *Within 9 months after the date of enactment of*
7 *this Act, the Administrator of the Federal Avia-*
8 *tion Administration shall designate reasonably*
9 *achievable requirements for fixed-wing and heli-*
10 *copter aircraft necessary for such aircraft to be*
11 *considered as employing quiet aircraft tech-*
12 *nology for purposes of this section. If no require-*
13 *ments are promulgated as mandated by this*
14 *paragraph, then beginning 9 months after enact-*
15 *ment of this Act and until the provisions of this*
16 *paragraph are met, any aircraft shall be consid-*
17 *ered to be in compliance with this paragraph.*

18 (B) *ROUTES OR CORRIDORS.—The Admin-*
19 *istrator shall by rule establish routes or corridors*
20 *for commercial air tours (as defined in section*
21 *40126(d)(1) of title 49, United States Code) by*
22 *fixed-wing and helicopter aircraft that employ*
23 *quiet aircraft technology for—*

24 (i) *tours of the Grand Canyon origi-*
25 *nating in Clark County, Nevada; and*

1 (ii) “local loop” tours originating at
2 the Grand Canyon National Park Airport,
3 in Tusayan, Arizona.

4 (C) OPERATIONAL CAPS AND EXPANDED
5 HOURS.—Commercial air tours (as so defined)
6 by any fixed-wing or helicopter aircraft that em-
7 ploys quiet aircraft technology and that replaces
8 an existing aircraft—

9 (i) shall not be subject to operational
10 flight allocations applicable to other com-
11 mercial air tours of the Grand Canyon; and

12 (ii) may be conducted during the hours
13 from 7:00 a.m. to 7:00 p.m.

14 (D) MODIFICATION OF EXISTING AIRCRAFT
15 TO MEET STANDARDS.—A commercial air tour
16 (as so defined) by a fixed-wing or helicopter air-
17 craft in a commercial air tour operator’s fleet on
18 the date of enactment of this Act that meets the
19 requirements designated under subparagraph
20 (A), or is subsequently modified to meet the re-
21 quirements designated under subparagraph (A)
22 may be used for commercial air tours under the
23 same terms and conditions as a replacement air-
24 craft under subparagraph (C) without regard to
25 whether it replaces an existing aircraft.

1 (E) GOAL OF RESTORING NATURAL
2 QUIET.—Nothing in this paragraph reduces the
3 goal, established for the Federal Aviation Admin-
4 istration and the National Park Service under
5 Public Law 100–91 (16 U.S.C. 1a–1 note), of
6 achieving substantial restoration of the natural
7 quiet at the Grand Canyon National Park.

8 (4) ALASKA.—The provisions of this title and
9 section 40126 of title 49, United States Code, as
10 added by subsection (a), do not apply to any land or
11 waters located in Alaska.

12 (5) COMPLIANCE WITH OTHER REGULATIONS.—
13 For purposes of section 40126 of title 49, United
14 States Code—

15 (A) regulations issued by the Secretary of
16 Transportation and the Administrator of the
17 Federal Aviation Administration under section 3
18 of Public Law 100–91 (16 U.S.C. 1a–1, note);
19 and

20 (B) commercial air tour operations carried
21 out in compliance with the requirements of those
22 regulations,
23 shall be deemed to meet the requirements of such sec-
24 tion 40126.

1 (c) *CLERICAL AMENDMENT.*—*The table of sections for*
 2 *chapter 401 is amended by adding at the end thereof the*
 3 *following:*

“40126. *Overflights of national parks.*”.

4 **SEC. 603. ADVISORY GROUP.**

5 (a) *ESTABLISHMENT.*—*Not later than 1 year after the*
 6 *date of enactment of this Act, the Administrator of the Fed-*
 7 *eral Aviation Administration and the Director of the Na-*
 8 *tional Park Service shall jointly establish an advisory*
 9 *group to provide continuing advice and counsel with respect*
 10 *to the operation of commercial air tours over and near na-*
 11 *tional parks.*

12 (b) *MEMBERSHIP.*—

13 (1) *IN GENERAL.*—*The advisory group shall be*
 14 *composed of—*

15 (A) *a balanced group of —*

16 (i) *representatives of general aviation;*

17 (ii) *representatives of commercial air*
 18 *tour operators;*

19 (iii) *representatives of environmental*
 20 *concerns; and*

21 (iv) *representatives of Indian tribes;*

22 (B) *a representative of the Federal Aviation*
 23 *Administration; and*

24 (C) *a representative of the National Park*
 25 *Service.*

1 (2) *EX-OFFICIO MEMBERS.*—*The Administrator*
2 *and the Director shall serve as ex-officio members.*

3 (3) *CHAIRPERSON.*—*The representative of the*
4 *Federal Aviation Administration and the representa-*
5 *tive of the National Park Service shall serve alter-*
6 *nating 1-year terms as chairman of the advisory*
7 *group, with the representative of the Federal Aviation*
8 *Administration serving initially until the end of the*
9 *calendar year following the year in which the advi-*
10 *sory group is first appointed.*

11 (c) *DUTIES.*—*The advisory group shall provide advice,*
12 *information, and recommendations to the Administrator*
13 *and the Director—*

14 (1) *on the implementation of this title;*

15 (2) *on the designation of appropriate and fea-*
16 *sible quiet aircraft technology standards for quiet air-*
17 *craft technologies under development for commercial*
18 *purposes, which will receive preferential treatment in*
19 *a given air tour management plan;*

20 (3) *on other measures that might be taken to ac-*
21 *commodate the interests of visitors to national parks;*
22 *and*

23 (4) *on such other national park or tribal lands-*
24 *related safety, environmental, and air touring issues*
25 *as the Administrator and the Director may request.*

1 (d) *COMPENSATION; SUPPORT; FACA.*—

2 (1) *COMPENSATION AND TRAVEL.*—*Members of*
3 *the advisory group who are not officers or employees*
4 *of the United States, while attending conferences or*
5 *meetings of the group or otherwise engaged in its*
6 *business, or while serving away from their homes or*
7 *regular places of business, each member may be al-*
8 *lowed travel expenses, including per diem in lieu of*
9 *subsistence, as authorized by section 5703 of title 5,*
10 *United States Code, for persons in the Government*
11 *service employed intermittently.*

12 (2) *ADMINISTRATIVE SUPPORT.*—*The Federal*
13 *Aviation Administration and the National Park*
14 *Service shall jointly furnish to the advisory group*
15 *clerical and other assistance.*

16 (3) *NONAPPLICATION OF FACA.*—*Section 14 of*
17 *the Federal Advisory Committee Act (5 U.S.C. App.)*
18 *does not apply to the advisory group.*

19 (e) *REPORT.*—*The Administrator and the Director*
20 *shall jointly report to the Congress within 24 months after*
21 *the date of enactment of this Act on the success of this title*
22 *in providing incentives for quiet aircraft technology.*

23 **SEC. 604. OVERFLIGHT FEE REPORT.**

24 *Not later than 180 days after the date of enactment*
25 *of this Act, the Administrator of the Federal Aviation Ad-*

1 *ministration shall transmit to Congress a report on the ef-*
 2 *fects proposed overflight fees are likely to have on the com-*
 3 *mercial air tour industry. The report shall include, but*
 4 *shall not be limited to—*

5 *(1) the viability of a tax credit for the commer-*
 6 *cial air tour operators equal to the amount of the pro-*
 7 *posed fee charged by the National Park Service; and*

8 *(2) the financial effects proposed offsets are likely*
 9 *to have on Federal Aviation Administration budgets*
 10 *and appropriations.*

11 **SEC. 605. PROHIBITION OF COMMERCIAL AIR TOURS OVER**
 12 **THE ROCKY MOUNTAIN NATIONAL PARK.**

13 *Effective beginning on the date of enactment of this*
 14 *Act, no commercial air tour may be operated in the air-*
 15 *space over the Rocky Mountain National Park notwith-*
 16 *standing any other provision of this Act or section 40126*
 17 *of title 49, United States Code, as added by this Act.*

18 **TITLE VII—TITLE 49 TECHNICAL**
 19 **CORRECTIONS**

20 **SEC. 701. RESTATEMENT OF 49 U.S.C. 106(g).**

21 *(a) IN GENERAL.—Section 106(g) is amended by strik-*
 22 *ing “40113(a), (c), and (d), 40114(a), 40119, 44501(a) and*
 23 *(c), 44502(a)(1), (b) and (c), 44504, 44505, 44507, 44508,*
 24 *44511–44513, 44701–44716, 44718(c), 44721(a), 44901,*
 25 *44902, 44903(a)–(c) and (e), 44906, 44912, 44935–44937,*

1 *and 44938(a) and (b), chapter 451, sections 45302–45304,”*
 2 *and inserting “40113(a), (c)–(e), 40114(a), and 40119, and*
 3 *chapter 445 (except sections 44501(b), 44502(a)(2)–(4),*
 4 *44503, 44506, 44509, 44510, 44514, and 44515), chapter*
 5 *447 (except sections 44717, 44718(a) and (b), 44719, 44720,*
 6 *44721(b), 44722, and 44723), chapter 449 (except sections*
 7 *44903(d), 44904, 44905, 44907–44911, 44913, 44915, and*
 8 *44931–44934), chapter 451, chapter 453, sections”.*

9 *(b) TECHNICAL CORRECTION.—The amendment made*
 10 *by this section may not be construed as making a sub-*
 11 *stantive change in the language replaced.*

12 **SEC. 702. RESTATEMENT OF 49 U.S.C. 44909.**

13 *Section 44909(a)(2) is amended by striking “shall”*
 14 *and inserting “should”.*

15 **TITLE VIII—TRANSFER OF AERO-**
 16 **NAUTICAL CHARTING ACTIV-**
 17 **ITY**

18 **SEC. 801. TRANSFER OF FUNCTIONS, POWERS, AND DUTIES.**

19 *Effective October 1, 2000, there are transferred to the*
 20 *Federal Aviation Administration and vested in the Admin-*
 21 *istrator of the Federal Aviation Administration the func-*
 22 *tions, powers, and duties of the Secretary of Commerce and*
 23 *other officers of the Department of Commerce that relate*
 24 *to the Office of Aeronautical Charting and Cartography and*

1 are set forth in section 44721 of title 49, United States
2 Code.

3 **SEC. 802. TRANSFER OF OFFICE, PERSONNEL AND FUNDS.**

4 (a) Effective October 1, 2000 the Office of Aeronautical
5 Charting and Cartography of the National Oceanic and At-
6 mospheric Administration, Department of Commerce, is
7 transferred to the Federal Aviation Administration.

8 (b) Effective October 1, 2000 the personnel employed
9 in connection with, and the assets, liabilities, contracts,
10 property, equipment, facilities, records, and unexpended
11 balance of appropriations, and other funds employed, held,
12 used, arising from, available to, or to be made available
13 in connection with the function and offices, or portions of
14 offices, transferred by this Act, including all Senior Execu-
15 tive Service positions, subject to section 1531 of title 31,
16 United States Code, are transferred to the Administrator
17 of the Federal Aviation Administration for appropriate al-
18 location. Personnel employed in connection with functions
19 transferred by this Act transfer under any applicable law
20 and regulation relating to transfer of functions. Unex-
21 pended funds transferred under this section shall be used
22 only for the purposes for which the funds were originally
23 authorized and appropriated, except that funds may be used
24 for expenses associated with the transfer authorized by this
25 Act.

1 **SEC. 803. AMENDMENT OF TITLE 49, UNITED STATES CODE.**

2 (a) *IN GENERAL.*—Section 44721 is amended to read
3 *as follows:*

4 **“§ 44721. Aeronautical charts and related products**
5 **and services**

6 “(a) *IN GENERAL.*—The Administrator of the Federal
7 Aviation Administration is invested with and shall exercise,
8 effective October 1, 2000 the functions, powers, and duties
9 of the Secretary of Commerce and other officers of the De-
10 partment of Commerce that relate to the Office of Aero-
11 nautical Charting and Cartography to provide aeronautical
12 charts and related products and services for the safe and
13 efficient navigation of air commerce, under the following
14 authorities:

15 “(1) Sections 1 through 9 of the Act entitled “An
16 Act to define the functions and duties of the Coast
17 and Geodetic Survey, and for other purposes”, ap-
18 proved August 6, 1947, (33 U.S.C. 883a-883h).

19 “(2) Section 6082 of the Consolidated Omnibus
20 Budget Reconciliation Act of 1985 (33 U.S.C. 883j).

21 “(3) Section 1307 of title 44, United States
22 Code.

23 “(4) The provision of title II of the Departments
24 of Commerce, Justice, and State, the Judiciary, and
25 Related Agencies Appropriations Act, 1995 under the
26 heading ‘National Oceanic and Atmospheric Adminis-

1 *tration’ relating to aeronautical charts (44 U.S.C.*
2 *1307 nt).*

3 “(b) *AUTHORITY TO CONDUCT SURVEYS.—To provide*
4 *aeronautical charts and related products and services for*
5 *the safe and efficient navigation of air commerce, and to*
6 *provide basic data for engineering and scientific purposes*
7 *and for other commercial and industrial needs, the Admin-*
8 *istrator is authorized to conduct the following activities:*

9 “(1) *Aerial and field surveys for aeronautical*
10 *charts.*

11 “(2) *Other airborne and field surveys when in*
12 *the best interest of the United States Government.*

13 “(3) *Acquiring, owning, operating, maintaining*
14 *and staffing aircraft in support of surveys.*

15 “(c) *ADDITIONAL AUTHORITY.—In order that full pub-*
16 *lic benefit may be derived from the dissemination of data*
17 *resulting from activities under this section and of related*
18 *data from other sources, the Administrator is authorized to*
19 *conduct the following activities:*

20 “(1) *Developing, processing, disseminating and*
21 *publishing of digital and analog data, information,*
22 *compilations, and reports.*

23 “(2) *Compiling, printing, and disseminating*
24 *aeronautical charts and related products and services*
25 *of the United States, its Territories, and possessions.*

1 “(3) *Compiling, printing and disseminating*
2 *aeronautical charts and related products and services*
3 *covering international airspace as are required pri-*
4 *marily by United States civil aviation.*

5 “(4) *Compiling, printing and disseminating*
6 *non-aeronautical navigational, transportation or pub-*
7 *lic-safety-related products and services when in the*
8 *best interests of the United States Government.*

9 “(d) *CONTRACT, COOPERATIVE AGREEMENTS, GRANTS,*
10 *AND OTHER AGREEMENTS.—*

11 “(1) *The Administrator is authorized to contract*
12 *with qualified organizations for the performance of*
13 *any part of the authorized functions of the Office of*
14 *Aeronautical Charting and Cartography when the*
15 *Administrator deems such procedure to be in the pub-*
16 *lic interest and will not compromise public safety.*

17 “(2) *The Administrator is authorized to enter*
18 *into cooperative agreements, grants, reimbursable*
19 *agreements, memoranda of understanding and other*
20 *agreements, with a State, subdivision of a State, Fed-*
21 *eral agency, public or private organization, or indi-*
22 *vidual, to carry out the purposes of this section.*

23 “(e) *SPECIAL SERVICES AND PRODUCTS.—*

24 “(1) *The Administrator is authorized, at the re-*
25 *quest of a State, subdivision of a State, Federal agen-*

1 *cy, public or private organization, or individual, to*
2 *conduct special services, including making special*
3 *studies, or developing special publications or products*
4 *on matters relating to navigation, transportation, or*
5 *public safety.*

6 *“(2) The Administrator shall assess a fee for any*
7 *special service provided under paragraph (1). A fee*
8 *shall be not more than the actual or estimated full*
9 *cost of the service. A fee may be reduced or waived*
10 *for research organizations, educational organizations,*
11 *or non-profit organizations, when the Administrator*
12 *determines that reduction or waiver of the fee is in*
13 *the best interest of the United States Government by*
14 *furthering public safety.*

15 *“(f) SALE AND DISSEMINATION OF AERONAUTICAL*
16 *PRODUCTS.—*

17 *“(1) Aeronautical products created or main-*
18 *tained under the authority of this section shall be sold*
19 *at prices established annually by the Administrator*
20 *consistent with the following:*

21 *“(A) Subject to subparagraph (B), the price*
22 *of an aeronautical product sold to the public*
23 *shall be not more than necessary to recover all*
24 *costs attributable to (i) data base management*
25 *and processing; (ii) compilation; (iii) printing*

1 *or other types of reproduction; and (iv) dissemination*
2 *of the product.*

3 “(B) *The Administrator shall adjust the*
4 *price of an aeronautical product and service sold*
5 *to the public as necessary to avoid any adverse*
6 *impact on aviation safety attributable to the*
7 *price specified under this paragraph.*

8 “(C) *A price established under this para-*
9 *graph may not include costs attributable to the*
10 *acquisition of aeronautical data.*

11 “(2) *The Administrator shall publish annually*
12 *the prices at which aeronautical products are sold to*
13 *the public.*

14 “(3) *The Administrator may distribute aero-*
15 *nautical products and provide aeronautical services—*

16 “(A) *without charge to each foreign govern-*
17 *ment or international organization with which*
18 *the Administrator or a Federal agency has an*
19 *agreement for exchange of these products or serv-*
20 *ices without cost;*

21 “(B) *at prices the Administrator establishes,*
22 *to the departments and officers of the United*
23 *States requiring them for official use; and*

24 “(C) *at reduced or no charge where, in the*
25 *judgment of the Administrator, furnishing the*

1 aeronautical product or service to a recipient is
2 a reasonable exchange for voluntary contribution
3 of information by the recipient to the activities
4 under this section.

5 “(4) The fees provided for in this subsection are
6 for the purpose of reimbursing the United States Gov-
7 ernment for the costs of creating, printing and dis-
8 seminating aeronautical products and services under
9 this section. The collection of fees authorized by this
10 section does not alter or expand any duty or liability
11 of the Government under existing law for the perform-
12 ance of functions for which fees are collected, nor does
13 the collection of fees constitute an express or implied
14 undertaking by the Government to perform any activ-
15 ity in a certain manner.”.

16 (b) *CONFORMING AMENDMENT.*—The chapter analysis
17 of chapter 447 is amended by adding at the end thereof the
18 following:

 “44721. Aeronautical charts and related products and services.”.

19 **SEC. 804. SAVINGS PROVISION.**

20 (a) *CONTINUED EFFECTIVENESS OF DIRECTIVES.*—All
21 orders, determinations, rules, regulations, permits, con-
22 tracts, certificates, licenses, privileges, and financial assist-
23 ance that—

24 (1) have been issued, made, granted, or allowed
25 to become effective by the President of the United

1 *States, the Secretary of Commerce, the National Oce-*
2 *anic and Atmospheric Administration (NOAA) Ad-*
3 *ministrator, any Federal agency or official thereof, or*
4 *by a court of competent jurisdiction, in the perform-*
5 *ance of functions which are transferred by this Act;*
6 *and*

7 *(2) are in effect on the date of transfer, shall con-*
8 *tinue in effect according to their terms until modified,*
9 *terminated, superseded, set aside, or revoked in ac-*
10 *cordance with law by the President of the United*
11 *States, the Administrator, a court of competent juris-*
12 *isdiction, or by operation of law.*

13 *(b) CONTINUED EFFECTIVENESS OF PENDING AC-*
14 *TIONS.—*

15 *(1) The provisions of this Act shall not affect*
16 *any proceedings, including notices of proposed rule-*
17 *making, or any application for any license, permit,*
18 *certificate, or financial assistance pending on the date*
19 *of transfer before the Department of Commerce or the*
20 *NOAA Administrator, or any officer thereof with re-*
21 *spect to functions transferred by this Act; but such*
22 *proceedings or applications, to the extent that they re-*
23 *late to functions transferred, shall be continued in ac-*
24 *cord with transition guidelines promulgated by the*
25 *Administrator under the authority of this section. Or-*

1 *ders issued in any such proceedings shall continue in*
2 *effect until modified, terminated, superseded, or re-*
3 *voked by the Administrator, by a court of competent*
4 *jurisdiction, or by operation of law. Nothing in this*
5 *subsection prohibits the discontinuance or modifica-*
6 *tion of any such proceeding under the same terms and*
7 *conditions and to the same extent that such pro-*
8 *ceeding could have been discontinued or modified if*
9 *this Act had not been enacted.*

10 *(2) The Secretary of Commerce, the NOAA Ad-*
11 *ministrator, and the Administrator of the Federal*
12 *Aviation Administration are authorized to issue tran-*
13 *sition guidelines providing for the orderly transfer of*
14 *proceedings and otherwise to accomplish the orderly*
15 *transfer of functions, personnel and property under*
16 *this Act.*

17 *(c) CONTINUED EFFECTIVENESS OF JUDICIAL AC-*
18 *TIONS.—No cause of action by or against the Department*
19 *of Commerce or the National Oceanic and Atmospheric Ad-*
20 *ministration with respect to functions transferred by this*
21 *Act, or by or against any officer thereof in the official's*
22 *capacity, shall abate by reason of the enactment of this Act.*
23 *Causes of action and actions with respect to a function or*
24 *office transferred by this Act, or other proceedings may be*
25 *asserted by or against the United States or an official of*

1 *the Federal Aviation Administration, as may be appro-*
2 *priate, and, in an action pending when this Act takes effect,*
3 *the court may at any time, on its own motion or that of*
4 *any party, enter an order that will give effect to the provi-*
5 *sions of this subsection.*

6 (d) *SUBSTITUTION OR ADDITION OF PARTIES TO JUDI-*
7 *CIAL ACTIONS.—If, on the date of transfer, the Department*
8 *of Commerce or the National Oceanic and Atmospheric Ad-*
9 *ministration, or any officer thereof in the official's capac-*
10 *ity, is a party to an action, and under this Act any func-*
11 *tion relating to the action of such Department, Administra-*
12 *tion, or officer is transferred to the Federal Aviation Ad-*
13 *ministration, then such action shall be continued with the*
14 *Administrator of the Federal Aviation Administration sub-*
15 *stituted or added as a party.*

16 (e) *CONTINUED JURISDICTION OVER ACTIONS TRANS-*
17 *FERRED.—Orders and actions of the Administrator of the*
18 *Federal Aviation Administration in the exercise of func-*
19 *tions transferred by this Act shall be subject to judicial re-*
20 *view to the same extent and in the same manner as if such*
21 *orders and actions had been by the Department of Com-*
22 *merce or the National Oceanic and Atmospheric Adminis-*
23 *tration, or any office or officer thereof, in the exercise of*
24 *such functions immediately preceding their transfer.*

1 (f) *LIABILITIES AND OBLIGATIONS.*—*The Adminis-*
 2 *trator shall assume all liabilities and obligations (tangible*
 3 *and incorporeal, present and executory) associated with the*
 4 *functions transferred under this Act on the date of transfer,*
 5 *including leases, permits, licenses, contracts, agreements,*
 6 *claims, tariffs, accounts receivable, accounts payable, finan-*
 7 *cial assistance, and litigation relating to such obligations,*
 8 *regardless whether judgment has been entered, damages*
 9 *awarded, or appeal taken.*

10 **SEC. 805. NATIONAL OCEAN SURVEY.**

11 (a) *Section 1 of the Act entitled “An Act to define the*
 12 *functions and duties of the Coast and Geodetic Survey, and*
 13 *for other purposes”, approved August 6, 1947, (33 U.S.C.*
 14 *883a) is amended—*

15 (1) *by striking paragraph (1) and inserting the*
 16 *following:*

17 “*(1) Hydrographic, topographic and other types*
 18 *of field surveys;”*; and

19 (2) *by striking paragraph (4) and redesignating*
 20 *paragraph (5) as paragraph (4).*

21 (b) *Section 2 of that Act (33 U.S.C. 883b) is*
 22 *amended—*

23 (1) *by striking paragraphs (3) and (5), and re-*
 24 *designating paragraph (4) and (6) as paragraphs (3)*
 25 *and (4), respectively;*

1 (2) by striking “charts of the United States, its
2 Territories, and possessions;” in paragraph (3), as re-
3 designated, and inserting “charts;”; and

4 (3) by striking “publications for the United
5 States, its Territories, and possessions” in paragraph
6 (4), as redesignated, and inserting “publications.”.

7 (c) Section 5(1) of that Act (33 U.S.C. 883e(1)) is
8 amended by striking “cooperative agreements” and insert-
9 ing “cooperative agreements, or any other agreements,”.

10 **SEC. 806. SALE AND DISTRIBUTION OF NAUTICAL AND**
11 **AERONAUTICAL PRODUCTS BY NOAA.**

12 (a) Section 1307 of title 44, United States Code, is
13 amended by striking “and aeronautical” and “or aero-
14 nautical” each place they appear.

15 (b) Section 1307(a)(2)(B) of title 44, United States
16 Code, is amended by striking “aviation and”.

17 (c) Section 1307(d) of title 44, United States Code, is
18 amended by striking “aeronautical and”.

19 **TITLE IX—MANAGEMENT RE-**
20 **FORMS OF THE FEDERAL**
21 **AVIATION ADMINISTRATION**

22 **SEC. 901. SHORT TITLE.**

23 This title may be cited as the “Air Traffic Manage-
24 ment Improvement Act of 1999”.

1 **SEC. 902. AMENDMENTS TO TITLE 49, UNITED STATES**

2 **CODE.**

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

8 **SEC. 903. DEFINITIONS.**

9 *In this title:*

10 (1) *ADMINISTRATOR.*—*The term “Adminis-*
11 *trator” means the Administrator of the Federal Avia-*
12 *tion Administration.*

13 (2) *SECRETARY.*—*The term “Secretary” means*
14 *the Secretary of the Department of Transportation.*

15 **SEC. 904. FINDINGS.**

16 *The Congress makes the following findings:*

17 (1) *The Nation’s air transportation system is*
18 *projected to grow by 3.4 percent per year over the*
19 *next 12 years.*

20 (2) *Passenger enplanements are expected to rise*
21 *to more than 1 billion by 2009, from the current level*
22 *of 660 million.*

23 (3) *The aviation industry is one of our Nation’s*
24 *critical industries, providing a means of travel to*
25 *people throughout the world, and a means of moving*
26 *cargo around the globe.*

1 (4) *The ability of all sectors of American society,*
2 *urban and rural, to access and to compete effectively*
3 *in the new and dynamic global economy requires the*
4 *ability of the aviation industry to serve all the Na-*
5 *tion's communities effectively and efficiently.*

6 (5) *The Federal Government's role is to promote*
7 *a safe and efficient national air transportation sys-*
8 *tem through the management of the air traffic control*
9 *system and through effective and sufficient investment*
10 *in aviation infrastructure, including the Nation's air-*
11 *ports.*

12 (6) *Numerous studies and reports, including the*
13 *National Civil Aviation Review Commission, have*
14 *concluded that the projected expansion of air service*
15 *may be constrained by gridlock in our Nation's air-*
16 *ways, unless substantial management reforms are ini-*
17 *tiated for the Federal Aviation Administration.*

18 (7) *The Federal Aviation Administration is re-*
19 *sponsible for safely and efficiently managing the Na-*
20 *tional Airspace System 365 days a year, 24 hours a*
21 *day.*

22 (8) *The Federal Aviation Administration's abil-*
23 *ity to efficiently manage the air traffic system in the*
24 *United States is restricted by antiquated air traffic*
25 *control equipment.*

1 (9) *The Congress has previously recognized that*
2 *the Administrator needs relief from the Federal Gov-*
3 *ernment's cumbersome personnel and procurement*
4 *laws and regulations to take advantage of emerging*
5 *technologies and to hire and retain effective man-*
6 *agers.*

7 (10) *The ability of the Administrator to achieve*
8 *greater efficiencies in the management of the air traf-*
9 *fic control system requires additional management re-*
10 *forms, such as the ability to offer incentive pay for*
11 *excellence in the employee workforce.*

12 (11) *The ability of the Administrator to effec-*
13 *tively manage finances is dependent in part on the*
14 *Federal Aviation Administration's ability to enter*
15 *into long-term debt and lease financing of facilities*
16 *and equipment, which in turn is dependent on sus-*
17 *tained sound audits and implementation of a cost*
18 *management program.*

19 (12) *The Administrator should use the full au-*
20 *thority of the Federal Aviation Administration to*
21 *make organizational changes to improve the efficiency*
22 *of the air traffic control system, without compro-*
23 *mitting the Federal Aviation Administration's pri-*
24 *mary mission of protecting the safety of the travelling*
25 *public.*

1 **SEC. 905. AIR TRAFFIC CONTROL SYSTEM DEFINED.**

2 *Section 40102(a) is amended—*

3 *(1) by redesignating paragraphs (5) through (41)*
4 *as paragraphs (6) through (42), respectively; and*

5 *(2) by inserting after paragraph (4) the fol-*
6 *lowing:*

7 *“(5) ‘air traffic control system’ means the com-*
8 *bination of elements used to safely and efficiently*
9 *monitor, direct, control, and guide aircraft in the*
10 *United States and United States-assigned airspace,*
11 *including—*

12 *“(A) allocated electromagnetic spectrum and*
13 *physical, real, personal, and intellectual prop-*
14 *erty assets making up facilities, equipment, and*
15 *systems employed to detect, track, and guide air-*
16 *craft movement;*

17 *“(B) laws, regulations, orders, directives,*
18 *agreements, and licenses;*

19 *“(C) published procedures that explain re-*
20 *quired actions, activities, and techniques used to*
21 *ensure adequate aircraft separation; and*

22 *“(D) trained personnel with specific tech-*
23 *nical capabilities to satisfy the operational, engi-*
24 *neering, management, and planning require-*
25 *ments for air traffic control.”.*

1 **SEC. 906. CHIEF OPERATING OFFICER FOR AIR TRAFFIC**
2 **SERVICES.**

3 *(a) Section 106 is amended by adding at the end the*
4 *following:*

5 “(r) **CHIEF OPERATING OFFICER.**—

6 “(1) **IN GENERAL.**—

7 “(A) **APPOINTMENT.**—*There shall be a Chief*
8 *Operating Officer for the air traffic control sys-*
9 *tem to be appointed by the Administrator, after*
10 *consultation with the Management Advisory*
11 *Council. The Chief Operating Officer shall report*
12 *directly to the Administrator and shall be subject*
13 *to the authority of the Administrator.*

14 “(B) **QUALIFICATIONS.**—*The Chief Oper-*
15 *ating Officer shall have a demonstrated ability*
16 *in management and knowledge of or experience*
17 *in aviation.*

18 “(C) **TERM.**—*The Chief Operating Officer*
19 *shall be appointed for a term of 5 years.*

20 “(D) **REMOVAL.**—*The Chief Operating Offi-*
21 *cer shall serve at the pleasure of the Adminis-*
22 *trator, except that the Administrator shall make*
23 *every effort to ensure stability and continuity in*
24 *the leadership of the air traffic control system.*

25 “(E) **COMPENSATION.**—

1 “(i) *The Chief Operating Officer shall*
2 *be paid at an annual rate of basic pay not*
3 *to exceed that of the Administrator, includ-*
4 *ing any applicable locality-based payment.*
5 *This basic rate of pay shall subject the chief*
6 *operating officer to the post-employment*
7 *provisions of section 207 of title 18 as if*
8 *this position were described in section*
9 *207(c)(2)(A)(i) of that title.*

10 “(ii) *In addition to the annual rate of*
11 *basic pay authorized by paragraph (1) of*
12 *this subsection, the Chief Operating Officer*
13 *may receive a bonus not to exceed 50 per-*
14 *cent of the annual rate of basic pay, based*
15 *upon the Administrator’s evaluation of the*
16 *Chief Operating Officer’s performance in re-*
17 *lation to the performance goals set forth in*
18 *the performance agreement described in sub-*
19 *section (b) of this section. A bonus may not*
20 *cause the Chief Operating Officer’s total ag-*
21 *gregate compensation in a calendar year to*
22 *equal or exceed the amount of the Presi-*
23 *dent’s salary under section 102 of title 3,*
24 *United States Code.*

1 “(2) *ANNUAL PERFORMANCE AGREEMENT.*—*The*
2 *Administrator and the Chief Operating Officer shall*
3 *enter into an annual performance agreement that sets*
4 *forth measurable organization and individual goals*
5 *for the Chief Operating Officer in key operational*
6 *areas. The agreement shall be subject to review and*
7 *renegotiation on an annual basis.*

8 “(3) *ANNUAL PERFORMANCE REPORT.*—*The*
9 *Chief Operating Officer shall prepare and submit to*
10 *the Secretary of Transportation and Congress an an-*
11 *ual management report containing such information*
12 *as may be prescribed by the Secretary.*

13 “(4) *RESPONSIBILITIES.*—*The Administrator*
14 *may delegate to the Chief Operating Officer, or any*
15 *other authority within the Federal Aviation Adminis-*
16 *tration responsibilities, including, but not limited to*
17 *the following:*

18 “(A) *STRATEGIC PLANS.*—*To develop a*
19 *strategic plan of the Federal Aviation Adminis-*
20 *tration for the air traffic control system, includ-*
21 *ing the establishment of—*

22 “(i) *a mission and objectives;*

23 “(ii) *standards of performance relative*
24 *to such mission and objectives, including*
25 *safety, efficiency, and productivity; and*

1 “(iii) *annual and long-range strategic*
2 *plans.*

3 “(iv) *methods of the Federal Aviation*
4 *Administration to accelerate air traffic con-*
5 *trol modernization and improvements in*
6 *aviation safety related to air traffic control.*

7 “(B) *OPERATIONS.—To review the oper-*
8 *ational functions of the Federal Aviation Admin-*
9 *istration, including—*

10 “(i) *modernization of the air traffic*
11 *control system;*

12 “(ii) *increasing productivity or imple-*
13 *menting cost-saving measures; and*

14 “(iii) *training and education.*

15 “(C) *BUDGET.—To—*

16 “(i) *develop a budget request of the*
17 *Federal Aviation Administration related to*
18 *the air traffic control system prepared by*
19 *the Administrator;*

20 “(ii) *submit such budget request to the*
21 *Administrator and the Secretary of Trans-*
22 *portation; and*

23 “(iii) *ensure that the budget request*
24 *supports the annual and long-range stra-*

1 *tegic plans developed under paragraph*
 2 *(4)(A) of this subsection.*

3 “(5) *BUDGET SUBMISSION.*—*The Secretary shall*
 4 *submit the budget request prepared under paragraph*
 5 *(4)(D) of this subsection for any fiscal year to the*
 6 *President who shall submit such request, without revi-*
 7 *sion, to the Committees on Transportation and Infra-*
 8 *structure and Appropriations of the House of Rep-*
 9 *resentatives and the Committees on Commerce,*
 10 *Science, and Transportation and Appropriations of*
 11 *the Senate, together with the President’s annual budg-*
 12 *et request for the Federal Aviation Administration for*
 13 *such fiscal year.”.*

14 **SEC. 907. FEDERAL AVIATION MANAGEMENT ADVISORY**
 15 **COUNCIL.**

16 (a) *MEMBERSHIP.*—*Section 106(p)(2)(C) is amended*
 17 *to read as follows:*

18 “(C) *13 members representing aviation in-*
 19 *terests, appointed by—*

20 “(i) *in the case of initial appointments*
 21 *to the Council, the President by and with*
 22 *the advice and consent of the Senate; and*

23 “(ii) *in the case of subsequent appoint-*
 24 *ments to the Council, the Secretary of*
 25 *Transportation.”.*

1 (b) *TERMS OF MEMBERS.*—Section 106(p)(6)(A)(i) is
2 amended by striking “by the President”.

3 (c) *AIR TRAFFIC SERVICES SUBCOMMITTEE.*—Section
4 106(p)(6) is amended by adding at the end thereof the fol-
5 lowing:

6 “(E) AIR TRAFFIC SERVICES SUB-
7 COMMITTEE.—The Chairman of the Management
8 Advisory Council shall constitute an Air Traffic
9 Services Subcommittee to provide comments, rec-
10 ommend modifications, and provide dissenting
11 views to the Administrator on the performance of
12 air traffic services, including—

13 “(i) the performance of the Chief Oper-
14 ating Officer and other senior managers
15 within the air traffic organization of the
16 Federal Aviation Administration;

17 “(ii) long-range and strategic plans for
18 air traffic services;

19 “(iii) review the Administrator’s selec-
20 tion, evaluation, and compensation of sen-
21 ior executives of the Federal Aviation Ad-
22 ministration who have program manage-
23 ment responsibility over significant func-
24 tions of the air traffic control system;

1 “(iv) review and make recommenda-
2 tions to the Administrator’s plans for any
3 major reorganization of the Federal Avia-
4 tion Administration that would effect the
5 management of the air traffic control sys-
6 tem;

7 “(v) review, and make recommenda-
8 tions to the Administrator’s cost allocation
9 system and financial management structure
10 and technologies to help ensure efficient and
11 cost-effective air traffic control operation;

12 “(vi) review the performance and co-
13 operation of managers responsible for major
14 acquisition projects, including the ability of
15 the managers to meet schedule and budget
16 targets; and

17 “(vii) other significant actions that the
18 Subcommittee considers appropriate and
19 that are consistent with the implementation
20 of this Act.”.

21 **SEC. 908. COMPENSATION OF THE ADMINISTRATOR.**

22 Section 106(b) is amended—

23 (1) by inserting “(1)” before “The”; and

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

1 “(2) *In addition to the annual rate of pay au-*
2 *thorized for the Administrator, the Administrator*
3 *may receive a bonus not to exceed 50 percent of the*
4 *annual rate of basic pay, based upon the Secretary’s*
5 *evaluation of the Administrator’s performance in re-*
6 *lation to the performance goals set forth in a perform-*
7 *ance agreement. A bonus may not cause the Adminis-*
8 *trator’s total aggregate compensation in a calendar*
9 *year to equal or exceed the amount of the President’s*
10 *salary under section 102 of title 3, United States*
11 *Code.”.*

12 **SEC. 909. NATIONAL AIRSPACE REDESIGN.**

13 (a) *FINDINGS RELATING TO THE NATIONAL AIR-*
14 *SPACE.—The Congress makes the following additional find-*
15 *ings:*

16 (1) *The national airspace, comprising more than*
17 *29 million square miles, handles more than 55,000*
18 *flights per day.*

19 (2) *Almost 2,000,000 passengers per day traverse*
20 *the United States through 20 major en route centers*
21 *including more than 700 different sectors.*

22 (3) *Redesign and review of the national airspace*
23 *may produce benefits for the travelling public by in-*
24 *creasing the efficiency and capacity of the air traffic*
25 *control system and reducing delays.*

18 *SEC. 910. FAA COSTS AND ALLOCATIONS SYSTEM MANAGE-*
19 *MENT.*

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1 *tion Administration. The report shall include a specific*
2 *date for completion and implementation of the cost alloca-*
3 *tion system throughout the agency and shall also include*
4 *the timetable and plan for the implementation of a cost*
5 *management system.*

6 (b) *INDEPENDENT ASSESSMENT.—*

7 (1) *IN GENERAL.—The Inspector General of the*
8 *Department of Transportation shall conduct the as-*
9 *sessments described in this subsection. To conduct the*
10 *assessments, the Inspector General may use the staff*
11 *and resources of the Inspector General or contract*
12 *with one or more independent entities.*

13 (2) *ASSESSMENT OF ADEQUACY AND ACCURACY*
14 *OF FEDERAL AVIATION ADMINISTRATION COST DATA*
15 *AND ATTRIBUTIONS.—*

16 (A) *IN GENERAL.—The Inspector General*
17 *shall conduct an assessment to ensure that the*
18 *method for calculating the overall costs of the*
19 *Federal Aviation Administration and attrib-*
20 *uting such costs to specific users is appropriate,*
21 *reasonable, and understandable to the users.*

22 (B) *COMPONENTS.—In conducting the as-*
23 *essment under this paragraph, the Inspector*
24 *General shall assess the Federal Aviation Admin-*
25 *istration's definition of the services to which the*

1 *Federal Aviation Administration ultimately at-*
2 *tributes its costs.*

3 (3) *COST EFFECTIVENESS.*—

4 (A) *IN GENERAL.*—*The Inspector General*
5 *shall assess the progress of the Federal Aviation*
6 *Administration in cost and performance man-*
7 *agement, including use of internal and external*
8 *benchmarking in improving the performance and*
9 *productivity of the Federal Aviation Administra-*
10 *tion.*

11 (B) *ANNUAL REPORTS.*—*Not later than De-*
12 *cember 31, 2000, the Inspector General shall*
13 *transmit to Congress an updated report con-*
14 *taining the results of the assessment conducted*
15 *under this paragraph.*

16 (C) *INFORMATION TO BE INCLUDED IN FED-*
17 *ERAL AVIATION ADMINISTRATION FINANCIAL RE-*
18 *PORT.*—*The Administrator shall include in the*
19 *annual financial report of the Federal Aviation*
20 *Administration information on the performance*
21 *of the Administration sufficient to permit users*
22 *and others to make an informed evaluation of*
23 *the progress of the Administration in increasing*
24 *productivity.*

1 **SEC. 911. AIR TRAFFIC MODERNIZATION PILOT PROGRAM.**

2 (a) *IN GENERAL.*—Chapter 445 is amended by adding
3 at the end thereof the following:

4 **“§ 44516. Air traffic modernization joint venture pilot**
5 **program**

6 “(a) *PURPOSE.*—It is the purpose of this section to im-
7 prove aviation safety and enhance mobility of the Nation’s
8 air transportation system by facilitating the use of joint
9 ventures and innovative financing, on a pilot program
10 basis, between the Federal Aviation Administration and in-
11 dustry, to accelerate investment in critical air traffic con-
12 trol facilities and equipment.

13 “(b) *DEFINITIONS.*—As used in this section:

14 “(1) *ASSOCIATION.*—The term ‘Association’
15 means the Air Traffic Modernization Association es-
16 tablished by this section.

17 “(2) *PANEL.*—The term ‘panel’ means the execu-
18 tive panel of the Air Traffic Modernization Associa-
19 tion.

20 “(3) *OBLIGOR.*—The term ‘obligor’ means a pub-
21 lic airport, an air carrier or foreign air carrier that
22 operates a public airport, or a consortium consisting
23 of 2 or more of such entities.

24 “(4) *ELIGIBLE PROJECT.*—The term ‘eligible
25 project’ means a project relating to the Nation’s air
26 traffic control system that promotes safety, efficiency

1 *or mobility, and is included in the Airway Capital*
2 *Investment Plan required by section 44502,*
3 *including—*

4 *“(A) airport-specific air traffic facilities*
5 *and equipment, including local area augmenta-*
6 *tion systems, instrument landings systems,*
7 *weather and wind shear detection equipment,*
8 *lighting improvements and control towers;*

9 *“(B) automation tools to effect improve-*
10 *ments in airport capacity, including passive*
11 *final approach spacing tools and traffic manage-*
12 *ment advisory equipment; and*

13 *“(C) facilities and equipment that enhance*
14 *airspace control procedures, including consolida-*
15 *tion of terminal radar control facilities and*
16 *equipment, or assist in en route surveillance, in-*
17 *cluding oceanic and off-shore flight tracking.*

18 *“(5) SUBSTANTIAL COMPLETION.—The term ‘sub-*
19 *stantial completion’ means the date upon which a*
20 *project becomes available for service.*

21 *“(c) AIR TRAFFIC MODERNIZATION ASSOCIATION.—*

22 *“(1) IN GENERAL.—There may be established in*
23 *the District of Columbia a private, not for profit cor-*
24 *poration, which shall be known as the Air Traffic*
25 *Modernization Association, for the purpose of pro-*

1 *viding assistance to obligors through arranging lease*
2 *and debt financing of eligible projects.*

3 “(2) *NON-FEDERAL ENTITY.*—*The Association*
4 *shall not be an agency, instrumentality or establish-*
5 *ment of the United States Government and shall not*
6 *be a ‘wholly-owned Government controlled corpora-*
7 *tion’ as defined in section 9101 of title 31, United*
8 *States Code. No action under section 1491 of title 28,*
9 *United States Code, shall be allowable against the*
10 *United States based on the actions of the Association.*

11 “(3) *EXECUTIVE PANEL.*—

12 “(A) *The Association shall be under the di-*
13 *rection of an executive panel made up of 3 mem-*
14 *bers, as follows—*

15 “(i) *1 member shall be an employee of*
16 *the Federal Aviation Administration to be*
17 *appointed by the Administrator;*

18 “(ii) *1 member shall be a representa-*
19 *tive of commercial air carriers, to be ap-*
20 *pointed by the Management Advisory Coun-*
21 *cil; and*

22 “(iii) *1 member shall be a representa-*
23 *tive of operators of primary airports, to be*
24 *appointed by the Management Advisory*
25 *Council.*

1 “(B) *The panel shall elect from among its*
2 *members a chairman who shall serve for a term*
3 *of 1 year and shall adopt such bylaws, policies,*
4 *and administrative provisions as are necessary*
5 *to the functioning of the Association.*

6 “(4) *POWERS, DUTIES AND LIMITATIONS.—Consistent*
7 *with sound business techniques and provisions of this chap-*
8 *ter, the Association is authorized—*

9 “(A) *to borrow funds and enter into lease*
10 *arrangements as lessee with other parties relat-*
11 *ing to the financing of eligible projects, provided*
12 *that any public debt issuance shall be rated in-*
13 *vestment grade by a nationally recognized statis-*
14 *tical rating organization;*

15 “(B) *to lend funds and enter into lease ar-*
16 *rangements as lessor with obligors, but—*

17 “(i) *the term of financing offered by*
18 *the Association shall not exceed the useful*
19 *life of the eligible project being financed, as*
20 *estimated by the Administrator; and*

21 “(ii) *the aggregate amount of combined*
22 *debt and lease financing provided under*
23 *this subsection for air traffic control facili-*
24 *ties and equipment—*

1 “(I) may not exceed \$500,000,000
2 per fiscal year for fiscal years 2000,
3 2001, and 2002;

4 “(II) shall be used for not more
5 than 10 projects; and

6 “(III) may not provide funding
7 in excess of \$50,000,000 for any single
8 project; and

9 “(C) to exercise all other powers that
10 are necessary and proper to carry out the
11 purposes of this section.

12 “(5) *PROJECT SELECTION CRITERIA.*—In select-
13 ing eligible projects from applicants to be funded
14 under this section, the Association shall consider the
15 following criteria:

16 “(A) The eligible project’s contribution to
17 the national air transportation system, as out-
18 lined in the Federal Aviation Administration’s
19 modernization plan for alleviating congestion,
20 enhancing mobility, and improving safety.

21 “(B) The credit-worthiness of the revenue
22 stream pledged by the obligor.

23 “(C) The extent to which assistance by the
24 Association will enable the obligor to accelerate
25 the date of substantial completion of the project.

1 “(D) *The extent of economic benefit to be*
2 *derived within the aviation industry, including*
3 *both public and private sectors.*

4 “(d) *AUTHORITY TO ENTER INTO JOINT VENTURE.—*

5 “(1) *IN GENERAL.—Subject to the conditions set*
6 *forth in this section, the Administrator of the Federal*
7 *Aviation Administration is authorized to enter into a*
8 *joint venture, on a pilot program basis, with Federal*
9 *and non-Federal entities to establish the Air Traffic*
10 *Modernization Association described in subsection (c)*
11 *for the purpose of acquiring, procuring or utilizing*
12 *air traffic facilities and equipment in accordance*
13 *with the Airway Capital Investment Plan.*

14 “(2) *COST SHARING.—The Administrator is au-*
15 *thorized to make payments to the Association from*
16 *amounts available under section 4801(a) of this title,*
17 *provided that the agency’s share of an annual pay-*
18 *ment for a lease or other financing agreement does*
19 *not exceed the direct or imputed interest portion of*
20 *each annual payment for an eligible project. The*
21 *share of the annual payment to be made by an obligor*
22 *to the lease or other financing agreement shall be in*
23 *sufficient amount to amortize the asset cost. If the ob-*
24 *ligor is an airport sponsor, the sponsor may use rev-*
25 *enue from a passenger facility fee, provided that such*

1 *revenue does not exceed 25 cents per enplaned pas-*
2 *senger per year.*

3 *“(3) PROJECT SPECIFICATIONS.—The Adminis-*
4 *trator shall have the sole authority to approve the*
5 *specifications, staffing requirements, and operating*
6 *and maintenance plan for each eligible project, taking*
7 *into consideration the recommendations of the Air*
8 *Traffic Services Subcommittee of the Management Ad-*
9 *visory Council.*

10 *“(e) INCENTIVES FOR PARTICIPATION.—An airport*
11 *sponsor that enters into a lease or financial arrangement*
12 *financed by the Air Traffic Modernization Association may*
13 *use its share of the annual payment as a credit toward the*
14 *non-Federal matching share requirement for any funds*
15 *made available to the sponsor for airport development*
16 *projects under chapter 471 of this title.*

17 *“(f) UNITED STATES NOT OBLIGATED.—The contribu-*
18 *tion of Federal funds to the Association pursuant to sub-*
19 *section (d) of this section shall not be construed as a com-*
20 *mitment, guarantee, or obligation on the part of the United*
21 *States to any third party, nor shall any third party have*
22 *any right against the United States by virtue of the con-*
23 *tribution. The obligations of the Association do not con-*
24 *stitute any commitment, guarantee or obligation of the*
25 *United States.*

1 “(g) *REPORT TO CONGRESS.*—Not later than 3 years
2 *after establishment of the Association, the Administrator*
3 *shall provide a comprehensive and detailed report to the*
4 *Senate Committee on Commerce, Science, and Transpor-*
5 *tation and the House Committee on Transportation and In-*
6 *frastructure on the Association’s activities including—*

7 “(1) *an assessment of the Association’s effective-*
8 *ness in accelerating the modernization of the air traf-*
9 *fic control system;*

10 “(2) *a full description of the projects financed by*
11 *the Association and an evaluation of the benefits to*
12 *the aviation community and general public of such*
13 *investment; and*

14 “(3) *recommendations as to whether this pilot*
15 *program should be expanded or other strategies should*
16 *be pursued to improve the safety and efficiency of the*
17 *Nation’s air transportation system.*

18 “(h) *AUTHORIZATION.*—Not more than the following
19 *amounts may be appropriated to the Administrator from*
20 *amounts made available under section 4801(a) of this title*
21 *for the agency’s share of the organizational and administra-*
22 *tive costs for the Air Traffic Modernization Association—*

23 “(1) *\$500,000 for fiscal year 2000;*

24 “(2) *\$500,000 for fiscal year 2001; and*

25 “(3) *\$500,000 for fiscal year 2002.*

1 “(i) *RELATIONSHIP TO OTHER AUTHORITIES.*—Noth-
 2 *ing in this section is intended to limit or diminish existing*
 3 *authorities of the Administrator to acquire, establish, im-*
 4 *prove, operate, and maintain air navigation facilities and*
 5 *equipment.”.*

6 (b) *CONFORMING AMENDMENTS.*—

7 (1) *Section 40117(b)(1) is amended by striking*
 8 *“controls.” and inserting “controls, or to finance an*
 9 *eligible project through the Air Traffic Modernization*
 10 *Association in accordance with section 44516 of this*
 11 *title.”.*

12 (2) *The analysis for chapter 445 is amended by*
 13 *adding at the end the following:*

“44516. Air traffic modernization pilot program.”.

14 ***TITLE X—METROPOLITAN AIR-***
 15 ***PORTS AUTHORITY IMPROVE-***
 16 ***MENT ACT***

17 ***SEC. 1001. SHORT TITLE.***

18 *This title may be cited as the “Metropolitan Airports*
 19 *Authority Improvement Act”.*

20 ***SEC. 1002. REMOVAL OF LIMITATION.***

21 *Section 49106(c)(6) of title 49, United States Code, is*
 22 *amended—*

23 (1) *by striking subparagraph (C); and*

24 (2) *by redesignating subparagraph (D) as sub-*
 25 *paragraph (C).*

1 **TITLE XI—NOISE ABATEMENT**

2 **SEC. 1101. GOOD NEIGHBORS POLICY.**

3 (a) *PUBLIC DISCLOSURE OF NOISE MITIGATION EF-*
4 *FORTS BY AIR CARRIERS.*—Not later than 1 year after the
5 *date of enactment of this Act, and annually thereafter, the*
6 *Secretary of Transportation shall collect and publish infor-*
7 *mation provided by air carriers regarding their operating*
8 *practices that encourage their pilots to follow the Federal*
9 *Aviation Administration’s operating guidelines on noise*
10 *abatement.*

11 (b) *SAFETY FIRST.*—The Secretary shall take such ac-
12 *tion as is necessary to ensure that noise abatement efforts*
13 *do not threaten aviation safety.*

14 (c) *PROTECTION OF PROPRIETARY INFORMATION.*—In
15 *publishing information required by this section, the Sec-*
16 *retary shall take such action as is necessary to prevent the*
17 *disclosure of any air carrier’s proprietary information.*

18 (d) *NO MANDATE.*—Nothing in this section shall be
19 *construed to mandate, or to permit the Secretary to man-*
20 *date, the use of noise abatement settings by pilots.*

21 **SEC. 1102. GAO REVIEW OF AIRCRAFT ENGINE NOISE AS-**
22 **SESSMENT.**

23 (a) *GAO STUDY.*—Not later than 1 year after the date
24 *of enactment of this Act, the Comptroller General of the*
25 *United States shall conduct a study and report to Congress*

1 *on regulations and activities of the Federal Aviation Ad-*
2 *ministration in the area of aircraft engine noise assessment.*

3 *The study shall include a review of—*

4 *(1) the consistency of noise assessment techniques*
5 *across different aircraft models and aircraft engines,*
6 *and with varying weight and thrust settings; and*

7 *(2) a comparison of testing procedures used for*
8 *unmodified engines and engines with hush kits or*
9 *other quieting devices.*

10 *(b) RECOMMENDATIONS TO THE FAA.—The Comp-*
11 *troller General's report shall include specific recommenda-*
12 *tions to the Federal Aviation Administration on new meas-*
13 *ures that should be implemented to ensure consistent meas-*
14 *urement of aircraft engine noise.*

15 **SEC. 1103. GAO REVIEW OF FAA COMMUNITY NOISE ASSESS-**
16 **MENT.**

17 *(a) GAO STUDY.—Not later than 1 year after the date*
18 *of enactment of this Act, the Comptroller General of the*
19 *United States shall conduct a study and report to Congress*
20 *on the regulations and activities of the Federal Aviation*
21 *Administration in the area of noise assessment in commu-*
22 *nities near airports. The study shall include a review of*
23 *whether the noise assessment practices of the Federal Avia-*
24 *tion Administration fairly and accurately reflect the burden*
25 *of noise on communities.*

1 (b) *RECOMMENDATIONS TO THE FAA.*—The Comp-
 2 troller General’s report shall include specific recommenda-
 3 tions to the Federal Aviation Administration on new meas-
 4 ures to improve the assessment of airport noise in commu-
 5 nities near airports.

6 ***TITLE XII—STUDY TO ENSURE***
 7 ***CONSUMER INFORMATION***

8 ***SEC. 1201. SHORT TITLE.***

9 *This title may be cited as the “Improved Consumer*
 10 *Access to Travel Information Act”.*

11 ***SEC. 1202. NATIONAL COMMISSION TO ENSURE CONSUMER***
 12 ***INFORMATION AND CHOICE IN THE AIRLINE***
 13 ***INDUSTRY.***

14 (a) *ESTABLISHMENT.*—There is established a commis-
 15 sion to be known as the “National Commission to Ensure
 16 Consumer Information and Choice in the Airline Industry”
 17 (in this section referred to as the “Commission”).

18 (b) *DUTIES.*—

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

21 (A) *consumer access to information about*
 22 *the products and services of the airline industry;*

23 (B) *the effect on the marketplace of the*
 24 *emergence of new means of distributing such*
 25 *products and services;*

1 (C) the effect on consumers of the declining
2 financial condition of travel agents in the
3 United States; and

4 (D) the impediments imposed by the airline
5 industry on distributors of the industry's prod-
6 ucts and services, including travel agents and
7 Internet-based distributors.

8 (2) *POLICY RECOMMENDATIONS.*—Based on the
9 results of the study described in paragraph (1), the
10 Commission shall recommend to the President and
11 Congress policies necessary to—

12 (A) ensure full consumer access to complete
13 information concerning airline fares, routes, and
14 other services;

15 (B) ensure that the means of distributing
16 the products and services of the airline industry,
17 and of disseminating information about such
18 products and services, is adequate to ensure that
19 competitive information is available in the mar-
20 ketplace;

21 (C) ensure that distributors of the products
22 and services of the airline industry have ade-
23 quate relief from illegal, anticompetitive prac-
24 tices that occur in the marketplace; and

1 (D) foster healthy competition in the airline
2 industry and the entry of new entrants.

3 (c) *SPECIFIC MATTERS TO BE ADDRESSED.*—In car-
4 rying out the study authorized under subsection (b)(1), the
5 Commission shall specifically address the following:

6 (1) *CONSUMER ACCESS TO INFORMATION.*—With
7 respect to consumer access to information regarding
8 the services and products offered by the airline indus-
9 try, the following:

10 (A) *The state of such access.*

11 (B) *The effect in the 5-year period following*
12 *the date of the study of the making of alliances*
13 *in the airline industry.*

14 (C) *Whether and to what degree the trends*
15 *regarding such access will produce benefits to*
16 *consumers.*

17 (2) *MEANS OF DISTRIBUTION.*—With respect to
18 the means of distributing the products and services of
19 the airline industry, the following:

20 (A) *The state of such means of distribution.*

21 (B) *The roles played by travel agencies and*
22 *Internet-based providers of travel information*
23 *and services in distributing such products and*
24 *services.*

1 (C) *Whether the policies of the United*
2 *States promote the access of consumers to mul-*
3 *tiple means of distribution.*

4 (3) *AIRLINE RESERVATION SYSTEMS.—With re-*
5 *spect to airline reservation systems, the following:*

6 (A) *The rules, regulations, policies, and*
7 *practices of the industry governing such systems.*

8 (B) *How trends in such systems will affect*
9 *consumers, including—*

10 (i) *the effect on consumer access to*
11 *flight reservation information; and*

12 (ii) *the effect on consumers of the use*
13 *by the airline industry of penalties and*
14 *promotions to convince distributors to use*
15 *such systems, and the degree of consumer*
16 *awareness of such penalties and promotions.*

17 (4) *LEGAL IMPEDIMENTS TO DISTRIBUTORS*
18 *SEEKING RELIEF FOR ANTICOMPETITIVE ACTIONS.—*
19 *The policies of the United States with respect to the*
20 *legal impediments to distributors seeking relief for*
21 *anticompetitive actions, including—*

22 (A) *Federal preemption of civil actions*
23 *against airlines; and*

1 (B) *the role of the Department of Transpor-*
2 *tation in enforcing rules against anticompetitive*
3 *practices.*

4 (d) *MEMBERSHIP.—*

5 (1) *APPOINTMENT.—The Commission shall be*
6 *composed of 15 voting members and 11 nonvoting*
7 *members as follows:*

8 (A) *5 voting members and 1 nonvoting*
9 *member appointed by the President.*

10 (B) *3 voting members and 3 nonvoting*
11 *members appointed by the Speaker of the House*
12 *of Representatives.*

13 (C) *2 voting members and 2 nonvoting*
14 *members appointed by the Minority Leader of*
15 *the House of Representatives.*

16 (D) *3 voting members and 3 nonvoting*
17 *members appointed by the Majority Leader of*
18 *the Senate.*

19 (E) *2 voting members and 2 nonvoting*
20 *members appointed by the Minority Leader of*
21 *the Senate.*

22 (2) *QUALIFICATIONS.—Voting members ap-*
23 *pointed under paragraph (1) shall be appointed from*
24 *among individuals who are experts in economics,*
25 *service product distribution, or transportation, or any*

1 *related discipline, and who can represent consumers,*
2 *passengers, shippers, travel agents, airlines, or gen-*
3 *eral aviation.*

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

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

9 (5) *TRAVEL EXPENSES.*—*Members shall serve*
10 *without pay but shall receive travel expenses, includ-*
11 *ing per diem in lieu of subsistence, in accordance*
12 *with subchapter I of chapter 57 of title 5, United*
13 *States Code.*

14 (6) *CHAIRPERSON.*—*The President, in consulta-*
15 *tion with the Speaker of the House of Representatives*
16 *and the Majority Leader of the Senate, shall designate*
17 *the Chairperson of the Commission (referred to in this*
18 *title as the “Chairperson”) from among its voting*
19 *members.*

20 (e) *COMMISSION PANELS.*—*The Chairperson shall es-*
21 *tablish such panels consisting of voting members of the*
22 *Commission as the Chairperson determines appropriate to*
23 *carry out the functions of the Commission.*

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

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

7 (h) *OTHER STAFF AND SUPPORT.*—Upon the request
8 of the Commission, or a panel of the Commission, the Sec-
9 retary of Transportation shall provide the Commission or
10 panel with professional and administrative staff and other
11 support, on a reimbursable basis, to assist the Commission
12 or panel in carrying out its responsibilities.

13 (i) *OBTAINING OFFICIAL DATA.*—The Commission
14 may secure directly from any department or agency of the
15 United States information (other than information required
16 by any statute of the United States to be kept confidential
17 by such department or agency) necessary for the Commis-
18 sion to carry out its duties under this section. Upon request
19 of the Commission, the head of that department or agency
20 shall furnish such nonconfidential information to the Com-
21 mission.

22 (j) *REPORT.*—Not later than 6 months after the date
23 on which initial appointments of members to the Commis-
24 sion are completed, the Commission shall transmit to the
25 President and Congress a report on the activities of the

1 *Commission, including recommendations made by the Com-*
 2 *mission under subsection (b)(2).*

3 *(k) TERMINATION.—The Commission shall terminate*
 4 *on the 30th day following the date of transmittal of the re-*
 5 *port under subsection (j). All records and papers of the*
 6 *Commission shall thereupon be delivered by the Adminis-*
 7 *trator of General Services for deposit in the National Ar-*
 8 *chives.*

9 *(l) APPLICABILITY OF THE FEDERAL ADVISORY COM-*
 10 *MITTEE ACT.—The Federal Advisory Committee Act (5*
 11 *U.S.C. App.) shall not apply to the Commission.*

12 ***TITLE XIII—FEDERAL AVIATION***
 13 ***RESEARCH, ENGINEERING,***
 14 ***AND DEVELOPMENT***

15 ***SEC. 1301. AUTHORIZATION OF APPROPRIATIONS.***

16 *Section 48102(a) of title 49, United States Code, is*
 17 *amended—*

18 *(1) by striking “and” at the end of paragraph*

19 *(4)(J);*

20 *(2) by striking the period at the end of para-*

21 *graph (5) and inserting in lieu thereof a semicolon;*

22 *and*

23 *(3) by adding at the end the following:*

24 *“(6) \$240,000,000 for fiscal year 2000;*

25 *“(7) \$250,000,000 for fiscal year 2001; and*

1 “(8) \$260,000,000 for fiscal year 2002;”.

2 **SEC. 1302. INTEGRATED NATIONAL AVIATION RESEARCH**
3 **PLAN.**

4 (a) *IN GENERAL.*—Section 44501(c) of title 49, United
5 States Code, is amended—

6 (1) in paragraph (2)(B)—

7 (A) by striking “and” at the end of clause
8 (iii);

9 (B) by striking the period at the end of
10 clause (iv) and inserting in lieu thereof “; and”;
11 and

12 (C) by adding at the end the following new
13 clause:

14 “(v) highlight the research and development tech-
15 nology transfer activities that promote technology
16 sharing among government, industry, and academia
17 through the Stevenson-Wydler Technology Innovation
18 Act of 1980.”; and

19 (2) in paragraph (3), by inserting “The report
20 shall be prepared in accordance with requirements of
21 section 1116 of title 31, United States Code.” after
22 “effect for the prior fiscal year.”.

23 (b) *REQUIREMENT.*—Not later than March 1, 2000, the
24 Administrator of the National Aeronautics and Space Ad-
25 ministration and the Administrator of the Federal Aviation

1 *Administration shall jointly prepare and transmit to the*
2 *Congress an integrated civil aviation research and develop-*
3 *ment plan.*

4 *(c) CONTENTS.—The plan required by subsection (b)*
5 *shall include—*

6 *(1) an identification of the respective research*
7 *and development requirements, roles, and responsibil-*
8 *ities of the National Aeronautics and Space Adminis-*
9 *tration and the Federal Aviation Administration;*

10 *(2) formal mechanisms for the timely sharing of*
11 *information between the National Aeronautics and*
12 *Space Administration and the Federal Aviation Ad-*
13 *ministration; and*

14 *(3) procedures for increased communication and*
15 *coordination between the Federal Aviation Adminis-*
16 *tration research advisory committee established under*
17 *section 44508 of title 49, United States Code, and the*
18 *NASA Aeronautics and Space Transportation Tech-*
19 *nology Advisory Committee.*

20 **SEC. 1303. INTERNET AVAILABILITY OF INFORMATION.**

21 *The Administrator of the Federal Aviation Adminis-*
22 *tration shall make available through the Internet home page*
23 *of the Federal Aviation Administration the abstracts relat-*
24 *ing to all research grants and awards made with funds au-*
25 *thorized by the amendments made by this Act. Nothing in*

1 *this section shall be construed to require or permit the re-*
2 *lease of any information prohibited by law or regulation*
3 *from being released to the public.*

4 **SEC. 1304. RESEARCH ON NONSTRUCTURAL AIRCRAFT SYS-**
5 **TEMS.**

6 *Section 44504(b)(1) of title 49, United States Code, is*
7 *amended by inserting “, including nonstructural aircraft*
8 *systems,” after “life of aircraft”.*

9 **SEC. 1305. POST FREE FLIGHT PHASE I ACTIVITIES.**

10 *No later than May 1, 2000, the Administrator of the*
11 *Federal Aviation Administration shall transmit to Congress*
12 *a definitive plan for the continued implementation of Free*
13 *Flight Phase I operational capabilities for fiscal years 2003*
14 *through 2005. The plan shall include and address the rec-*
15 *ommendations concerning operational capabilities for fiscal*
16 *years 2003 through 2005 due to be made by the RTCA Free*
17 *Flight Steering Committee in December 1999 that was es-*
18 *tablished at the direction of the Federal Aviation Adminis-*
19 *tration. The plan shall also include budget estimates for the*
20 *implementation of these operational capabilities.*

21 **SEC. 1306. RESEARCH PROGRAM TO IMPROVE AIRFIELD**
22 **PAVEMENTS.**

23 *The Administrator of the Federal Aviation Adminis-*
24 *tration shall consider awards to nonprofit concrete pave-*
25 *ment research foundations to improve the design, construc-*

1 *tion, rehabilitation, and repair of rigid concrete airfield*
 2 *pavements to aid in the development of safer, more cost-*
 3 *effective, and durable airfield pavements. The Adminis-*
 4 *trator may use a grant or cooperative agreement for this*
 5 *purpose. Nothing in this section shall require the Adminis-*
 6 *trator to prioritize an airfield payment research program*
 7 *above safety, security, Flight 21, environment, or energy re-*
 8 *search programs.*

9 **SEC. 1307. SENSE OF SENATE REGARDING PROTECTING**
 10 **THE FREQUENCY SPECTRUM USED FOR AVIA-**
 11 **TION COMMUNICATION.**

12 *It is the sense of the Senate that with the World Radio*
 13 *Communication Conference scheduled to begin in May,*
 14 *2000, and the need to ensure that the frequency spectrum*
 15 *available for aviation communication and navigation is*
 16 *adequate, the Federal Aviation Administration should—*

17 *(1) give high priority to developing a national*
 18 *policy to protect the frequency spectrum used for the*
 19 *Global Positioning System that is critical to aviation*
 20 *communications and the safe operation of aircraft;*
 21 *and*

22 *(2) expedite the appointment of the United*
 23 *States Ambassador to the World Radio Communica-*
 24 *tion Conference.*

1 **SEC. 1308. STUDY.**

2 *The Secretary shall conduct a study to evaluate the*
 3 *applicability of the techniques used to fund and administer*
 4 *research under the National Highway Cooperative Research*
 5 *Program and the National Transit Research Program to*
 6 *the research needs of airports.*

7 **TITLE XIV—AIRLINE CUSTOMER**
 8 **SERVICE COMMITMENT**

9 **SEC. 1401. AIRLINE CUSTOMER SERVICE REPORTS.**

10 *(a) SECRETARY TO REPORT PLANS RECEIVED.—Each*
 11 *air carrier that provides scheduled passenger air transpor-*
 12 *tation and that is a member of the Air Transport Associa-*
 13 *tion, all of which have entered into the voluntary customer*
 14 *service commitments established by the Association on June*
 15 *17, 1999 (hereinafter referred to as the “Airline Customer*
 16 *Service Commitment”), shall provide a copy of its indi-*
 17 *vidual customer service plan to the Secretary of Transpor-*
 18 *tation by September 15, 1999. The Secretary, upon receipt*
 19 *of the individual plans, shall report to the Senate Com-*
 20 *mittee on Commerce, Science, and Transportation and to*
 21 *the House of Representatives Committee on Transportation*
 22 *and Infrastructure the receipt of each such plan and trans-*
 23 *mit a copy of each plan.*

24 *(b) IMPLEMENTATION.—The Inspector General of the*
 25 *Department of Transportation shall monitor the implemen-*
 26 *tation of any plan submitted to the Secretary under sub-*

1 *section (a) and evaluate the extent to which each such car-*
2 *rier has met its commitments under its plan. Each such*
3 *carrier shall provide such information to the Inspector Gen-*
4 *eral as may be necessary for the Inspector General to pre-*
5 *pare the report required by subsection (c).*

6 *(c) REPORTS TO THE CONGRESS.—*

7 *(1) INTERIM REPORT.—The Inspector General*
8 *shall submit a report of the Inspector General’s find-*
9 *ings under subsection (a) to the Senate Committee on*
10 *Commerce, Science, and Transportation and the*
11 *House of Representatives Committee on Transpor-*
12 *tation and Infrastructure by June 15, 2000, that in-*
13 *cludes a status report on completion, publication, and*
14 *implementation of the Airline Customer Service Com-*
15 *mitment and the individual airline plans to carry it*
16 *out. The report shall include a review of whether each*
17 *air carrier has modified its contract of carriage or*
18 *conditions of contract to reflect each item of the Air-*
19 *line Customer Service Commitment.*

20 *(2) FINAL REPORT; RECOMMENDATIONS.—*

21 *(A) IN GENERAL.—The Inspector General*
22 *shall submit a final report to the Senate Com-*
23 *mittee on Commerce, Science, and Transpor-*
24 *tation and the House of Representatives Com-*
25 *mittee on Transportation and Infrastructure by*

1 *December 31, 2000, on the effectiveness of the*
2 *Airline Customer Service Commitment and the*
3 *individual airline plans to carry it out, includ-*
4 *ing recommendations for improving account-*
5 *ability, enforcement, and consumer protections*
6 *afforded to commercial air passengers.*

7 *(B) SPECIFIC CONTENT.—In the final re-*
8 *port under subparagraph (A), the Inspector Gen-*
9 *eral shall—*

10 *(i) evaluate each carrier's plan for*
11 *whether it is consistent with the voluntary*
12 *commitments established by the Air Trans-*
13 *port Association in the Airline Customer*
14 *Service Commitment;*

15 *(ii) evaluate each carrier as to the ex-*
16 *tent to which, and the manner in which, it*
17 *has performed in carrying out its plan;*

18 *(iii) identify, by air carrier, how it*
19 *has implemented each commitment covered*
20 *by its plan; and*

21 *(iv) provide an analysis, by air car-*
22 *rier, of the methods of meeting each commit-*
23 *ment, and in such analysis provide infor-*
24 *mation that allows consumers to make deci-*

1 sions on the quality of air transportation
2 provided by such carriers.

3 **SEC. 1402. INCREASED FINANCIAL RESPONSIBILITY FOR**
4 **LOST BAGGAGE.**

5 *The Secretary of Transportation shall initiate a rule*
6 *making within 30 days after the date of enactment of this*
7 *Act to increase the domestic baggage liability limit in part*
8 *254 of title 14, Code of Federal Regulations.*

9 **SEC. 1403. INCREASED PENALTY FOR VIOLATION OF AVIA-**
10 **TION CONSUMER PROTECTION LAWS.**

11 *Section 46301(a), as amended by section 407 of this*
12 *Act, is amended by adding at the end thereof the following:*

13 “(8) *CONSUMER PROTECTION.—For a violation*
14 *of sections 41310 and 41712, any rule or regulation*
15 *promulgated thereunder, or any other rule or regula-*
16 *tion promulgated by the Secretary of Transportation*
17 *that is intended to afford protection to commercial*
18 *air transportation consumers, the maximum civil*
19 *penalty prescribed by subsection (a) may not exceed*
20 *\$2,500 for each violation.”.*

21 **SEC. 1404. COMPTROLLER GENERAL INVESTIGATION.**

22 *The Comptroller General of the United States shall*
23 *study the potential effects on aviation consumers, including*
24 *the impact on fares and service to small communities, of*
25 *a requirement that air carriers permit a ticketed passenger*

1 *to use any portion of a multiple-stop or round-trip air fare*
 2 *for transportation independent of any other portion without*
 3 *penalty. The Comptroller General shall submit a report,*
 4 *based on the study, to the Senate Committee on Commerce,*
 5 *Science, and Transportation and the House of Representa-*
 6 *tives Committee on Transportation and Infrastructure by*
 7 *June 15, 2000.*

8 **SEC. 1405. FUNDING OF ENFORCEMENT OF AIRLINE CON-**
 9 **SUMER PROTECTIONS.**

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

12 **“§48112. Consumer protection**

13 *“There are authorized to be appropriated to the Sec-*
 14 *retary of Transportation out of the Airport and Airway*
 15 *Trust Fund established under section 9502 of the Internal*
 16 *Revenue Code of 1986 for the purpose of ensuring compli-*
 17 *ance with, and enforcing, the rights of air travelers under*
 18 *sections 41310 and 41712 of this title—*

19 *“(1) \$2,300,000 for fiscal year 2000;*

20 *“(2) \$2,415,000 for fiscal year 2001;*

21 *“(3) \$2,535,750 for fiscal year 2002; and*

22 *“(4) \$2,662,500 for fiscal year 2003.”.*

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

“48112. Consumer protection.”.

1 **TITLE XV—PENALTIES FOR**
 2 **UNRULY PASSENGERS**

3 **SEC. 1501. PENALTIES FOR UNRULY PASSENGERS.**

4 (a) *IN GENERAL.*—Chapter 463 is amended by adding
 5 *at the end the following:*

6 **“§46317. Interference with cabin or flight crew**

7 “(a) *GENERAL RULE.*—An individual who physically
 8 *assaults or threatens to physically assault a member of the*
 9 *flight crew or cabin crew of a civil aircraft or any other*
 10 *individual on the aircraft, or takes any action that poses*
 11 *an imminent threat to the safety of the aircraft or other*
 12 *individuals on the aircraft is liable to the United States*
 13 *Government for a civil penalty of not more than \$25,000.*

14 “(b) *COMPROMISE AND SETOFF.*—

15 “(1) *COMPROMISE.*—The Secretary may com-
 16 *promise the amount of a civil penalty imposed under*
 17 *this section.*

18 “(2) *SETOFF.*—The United States Government
 19 *may deduct the amount of a civil penalty imposed or*
 20 *compromised under this section from amounts the*
 21 *Government owes the person liable for the penalty.”.*

22 (b) *CONFORMING AMENDMENT.*—The table of sections
 23 *for chapter 463 is amended by adding at the end the fol-*
 24 *lowing:*

 “46317. *Interference with cabin or flight crew.*”.

1 **SEC. 1502. DEPUTIZING OF STATE AND LOCAL LAW EN-**
2 **FORCEMENT OFFICERS.**

3 (a) *DEFINITIONS.—In this section:*

4 (1) *AIRCRAFT.—The term “aircraft” has the*
5 *meaning given that term in section 40102.*

6 (2) *AIR TRANSPORTATION.—The term “air trans-*
7 *portation” has the meaning given that term in section*
8 *40102.*

9 (3) *ATTORNEY GENERAL.—The term “Attorney*
10 *General” means the Attorney General of the United*
11 *States.*

12 (b) *ESTABLISHMENT OF A PROGRAM TO DEPUTIZE*
13 *LOCAL LAW ENFORCEMENT OFFICERS.—*

14 (1) *IN GENERAL.—The Attorney General may—*

15 (A) *establish a program under which the*
16 *Attorney General may deputize State and local*
17 *law enforcement officers having jurisdiction over*
18 *airports and airport authorities as Deputy*
19 *United States Marshals for the limited purpose*
20 *of enforcing Federal laws that regulate security*
21 *on board aircraft, including laws relating to vio-*
22 *lent, abusive, or disruptive behavior by pas-*
23 *sengers of air transportation; and*

24 (B) *encourage the participation of law en-*
25 *forcement officers of State and local governments*

1 *in the program established under subparagraph*
2 *(A).*

3 (2) *CONSULTATION.*—*In establishing the pro-*
4 *gram under paragraph (1), the Attorney General*
5 *shall consult with appropriate officials of—*

6 *(A) the Federal Government (including the*
7 *Administrator of the Federal Aviation Adminis-*
8 *tration or a designated representative of the Ad-*
9 *ministrator); and*

10 *(B) State and local governments in any ge-*
11 *ographic area in which the program may oper-*
12 *ate.*

13 (3) *TRAINING AND BACKGROUND OF LAW EN-*
14 *FORCEMENT OFFICERS.*—

15 *(A) IN GENERAL.*—*Under the program es-*
16 *tablished under this subsection, to qualify to*
17 *serve as a Deputy United States Marshal under*
18 *the program, a State or local law enforcement of-*
19 *ficer shall—*

20 *(i) meet the minimum background and*
21 *training requirements for a law enforcement*
22 *officer under part 107 of title 14, Code of*
23 *Federal Regulations (or equivalent require-*
24 *ments established by the Attorney General);*
25 *and*

1 (ii) receive approval to participate in
2 the program from the State or local law en-
3 forcement agency that is the employer of
4 that law enforcement officer.

5 (B) TRAINING NOT FEDERAL RESPONSI-
6 BILITY.—The Federal Government shall not be
7 responsible for providing to a State or local law
8 enforcement officer the training required to meet
9 the training requirements under subparagraph
10 (A)(i). Nothing in this subsection may be con-
11 strued to grant any such law enforcement officer
12 the right to attend any institution of the Federal
13 Government established to provide training to
14 law enforcement officers of the Federal Govern-
15 ment.

16 (c) POWERS AND STATUS OF DEPUTIZED LAW EN-
17 FORCEMENT OFFICERS.—

18 (1) IN GENERAL.—Subject to paragraph (2), a
19 State or local law enforcement officer that is depu-
20 tized as a Deputy United States Marshal under the
21 program established under subsection (b) may arrest
22 and apprehend an individual suspected of violating
23 any Federal law described in subsection (b)(1)(A), in-
24 cluding any individual who violates a provision sub-
25 ject to a civil penalty under section 46301 of title 49,

1 *United States Code, or section 46302, 46303, 46504,*
2 *46505, or 46507 of that title, or who commits an act*
3 *described in section 46506 of that title.*

4 (2) *LIMITATION.*—*The powers granted to a State*
5 *or local law enforcement officer deputized under the*
6 *program established under subsection (b) shall be lim-*
7 *ited to enforcing Federal laws relating to security on*
8 *board aircraft in flight.*

9 (3) *STATUS.*—*A State or local law enforcement*
10 *officer that is deputized as a Deputy United States*
11 *Marshal under the program established under sub-*
12 *section (b) shall not—*

13 (A) *be considered to be an employee of the*
14 *Federal Government; or*

15 (B) *receive compensation from the Federal*
16 *Government by reason of service as a Deputy*
17 *United States Marshal in the program.*

18 (d) *STATUTORY CONSTRUCTION.*—*Nothing in this sec-*
19 *tion may be construed to—*

20 (1) *grant a State or local law enforcement officer*
21 *that is deputized under the program under subsection*
22 *(b) the power to enforce any Federal law that is not*
23 *described in subsection (c); or*

24 (2) *limit the authority that a State or local law*
25 *enforcement officer may otherwise exercise in the ca-*

1 *capacity under any other applicable State or Federal*
 2 *law.*

3 *(e) REGULATIONS.—The Attorney General may pro-*
 4 *mulgate such regulations as may be necessary to carry out*
 5 *this section.*

6 **SEC. 1503. STUDY AND REPORT ON AIRCRAFT NOISE.**

7 *Not later than December 31, 2002, the Secretary of*
 8 *Transportation shall conduct a study and report to Con-*
 9 *gress on—*

10 *(1) airport noise problems in the United States;*

11 *(2) the status of cooperative consultations and*
 12 *agreements between the Federal Aviation Administra-*
 13 *tion and the International Civil Aviation Organiza-*
 14 *tion on stage 4 aircraft noise levels; and*

15 *(3) the feasibility of proceeding with the develop-*
 16 *ment and implementation of a timetable for air car-*
 17 *rier compliance with stage 4 aircraft noise require-*
 18 *ments.*

19 **TITLE XVI—AIRLINE**
 20 **COMMISSION**

21 **SEC. 1601. SHORT TITLE.**

22 *This title may be cited as the “Improved Consumer*
 23 *Access to Travel Information Act”.*

1 **SEC. 1602. NATIONAL COMMISSION TO ENSURE CONSUMER**
2 **INFORMATION AND CHOICE IN THE AIRLINE**
3 **INDUSTRY.**

4 (a) *ESTABLISHMENT.*—*There is established a commis-*
5 *sion to be known as the “National Commission to Ensure*
6 *Consumer Information and Choice in the Airline Industry”*
7 *(in this section referred to as the “Commission”).*

8 (b) *DUTIES.*—

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

11 (A) *consumer access to information about*
12 *the products and services of the airline industry;*

13 (B) *the effect on the marketplace of the*
14 *emergence of new means of distributing such*
15 *products and services;*

16 (C) *the effect on consumers of the declining*
17 *financial condition of travel agents in the*
18 *United States; and*

19 (D) *the impediments imposed by the airline*
20 *industry on distributors of the industry’s prod-*
21 *ucts and services, including travel agents and*
22 *Internet-based distributors.*

23 (2) *POLICY RECOMMENDATIONS.*—*Based on the*
24 *results of the study described in paragraph (1), the*
25 *Commission shall recommend to the President and*
26 *Congress policies necessary to—*

1 (A) ensure full consumer access to complete
2 information concerning airline fares, routes, and
3 other services;

4 (B) ensure that the means of distributing
5 the products and services of the airline industry,
6 and of disseminating information about such
7 products and services, is adequate to ensure that
8 competitive information is available in the mar-
9 ketplace;

10 (C) ensure that distributors of the products
11 and services of the airline industry have ade-
12 quate relief from illegal, anticompetitive prac-
13 tices that occur in the marketplace; and

14 (D) foster healthy competition in the airline
15 industry and the entry of new entrants.

16 (c) *SPECIFIC MATTERS TO BE ADDRESSED.*—In car-
17 rying out the study authorized under subsection (b)(1), the
18 Commission shall specifically address the following:

19 (1) *CONSUMER ACCESS TO INFORMATION.*—With
20 respect to consumer access to information regarding
21 the services and products offered by the airline indus-
22 try, the following:

23 (A) *The state of such access.*

1 (B) *The effect in the 5-year period following*
2 *the date of the study of the making of alliances*
3 *in the airline industry.*

4 (C) *Whether and to what degree the trends*
5 *regarding such access will produce benefits to*
6 *consumers.*

7 (2) *MEANS OF DISTRIBUTION.*—*With respect to*
8 *the means of distributing the products and services of*
9 *the airline industry, the following:*

10 (A) *The state of such means of distribution.*

11 (B) *The roles played by travel agencies and*
12 *Internet-based providers of travel information*
13 *and services in distributing such products and*
14 *services.*

15 (C) *Whether the policies of the United*
16 *States promote the access of consumers to mul-*
17 *tiple means of distribution.*

18 (3) *AIRLINE RESERVATION SYSTEMS.*—*With re-*
19 *spect to airline reservation systems, the following:*

20 (A) *The rules, regulations, policies, and*
21 *practices of the industry governing such systems.*

22 (B) *How trends in such systems will affect*
23 *consumers, including—*

24 (i) *the effect on consumer access to*
25 *flight reservation information; and*

1 (ii) the effect on consumers of the use
2 by the airline industry of penalties and
3 promotions to convince distributors to use
4 such systems, and the degree of consumer
5 awareness of such penalties and promotions.

6 (d) *MEMBERSHIP.*—

7 (1) *APPOINTMENT.*—The Commission shall be
8 composed of 15 voting members and 11 nonvoting
9 members as follows:

10 (A) 5 voting members and 1 nonvoting
11 member appointed by the President.

12 (B) 3 voting members and 3 nonvoting
13 members appointed by the Speaker of the House
14 of Representatives.

15 (C) 2 voting members and 2 nonvoting
16 members appointed by the minority leader of the
17 House of Representatives.

18 (D) 3 voting members and 3 nonvoting
19 members appointed by the majority leader of the
20 Senate.

21 (E) 2 voting members and 2 nonvoting
22 members appointed by the minority leader of the
23 Senate

24 (2) *QUALIFICATIONS.*—Voting members ap-
25 pointed under paragraph (1) shall be appointed from

1 *among individuals who are experts in economics,*
2 *service product distribution, or transportation, or any*
3 *related discipline, and who can represent consumers,*
4 *passengers, shippers, travel agents, airlines, or gen-*
5 *eral aviation.*

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

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

11 (5) *TRAVEL EXPENSES.—Members shall serve*
12 *without pay but shall receive travel expenses, includ-*
13 *ing per diem in lieu of subsistence, in accordance*
14 *with subchapter I of chapter 57 of title 5, United*
15 *States Code.*

16 (6) *CHAIRPERSON.—The President, in consulta-*
17 *tion with the Speaker of the House of Representatives*
18 *and the majority leader of the Senate, shall designate*
19 *the Chairperson of the Commission (referred to in this*
20 *title as the “Chairperson”) from among its voting*
21 *members.*

22 (e) *COMMISSION PANELS.—The Chairperson shall es-*
23 *tablish such panels consisting of voting members of the*
24 *Commission as the Chairperson determines appropriate to*
25 *carry out the functions of the Commission.*

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

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

9 (h) *OTHER STAFF AND SUPPORT*.—*Upon the request*
10 *of the Commission, or a panel of the Commission, the Sec-*
11 *retary of Transportation shall provide the Commission or*
12 *panel with professional and administrative staff and other*
13 *support, on a reimbursable basis, to assist the Commission*
14 *or panel in carrying out its responsibilities.*

15 (i) *OBTAINING OFFICIAL DATA*.—*The Commission*
16 *may secure directly from any department or agency of the*
17 *United States information (other than information required*
18 *by any statute of the United States to be kept confidential*
19 *by such department or agency) necessary for the Commis-*
20 *sion to carry out its duties under this section. Upon request*
21 *of the Commission, the head of that department or agency*
22 *shall furnish such nonconfidential information to the Com-*
23 *mission.*

24 (j) *REPORT*.—*Not later than 6 months after the date*
25 *on which initial appointments of members to the Commis-*

1 sion are completed, the Commission shall transmit to the
 2 President and Congress a report on the activities of the
 3 Commission, including recommendations made by the Com-
 4 mission under subsection (b)(2).

5 (k) *TERMINATION.*—The Commission shall terminate
 6 on the 30th day following the date of transmittal of the re-
 7 port under subsection (j). All records and papers of the
 8 Commission shall thereupon be delivered by the Adminis-
 9 trator of General Services for deposit in the National Ar-
 10 chives.

11 (l) *APPLICABILITY OF THE FEDERAL ADVISORY COM-*
 12 *MITTEE ACT.*—The Federal Advisory Committee Act (5
 13 U.S.C. App.) shall not apply to the Commission.

14 **TITLE XVII—TRANSPORTATION** 15 **OF ANIMALS**

16 **SEC. 1701. SHORT TITLE; TABLE OF CONTENTS.**

17 (a) *SHORT TITLE.*—This title may be cited as the
 18 “Safe Air Travel for Animals Act”.

19 (b) *TABLE OF CONTENTS.*—The table of contents of this
 20 title is as follows:

Sec. 1701. Short title; table of contents.

Sec. 1702. Findings.

SUBTITLE A—ANIMAL WELFARE

Sec. 1711. Definition of transport.

Sec. 1712. Information on incidence of animals in air transport.

*Sec. 1713. Reports by carriers on incidents involving animals during air trans-
 port.*

Sec. 1714. Annual reports.

SUBTITLE B—TRANSPORTATION

Sec. 1721. Policies and procedures for transporting animals.

Sec. 1722. Civil penalties and compensation for loss, injury, or death of animals during air transport.

Sec. 1723. Cargo hold improvements to protect animal health and safety.

1 **SEC. 1702. FINDINGS.**

2 Congress finds that—

3 (1) animals are live, sentient creatures, with the
4 ability to feel pain and suffer;

5 (2) it is inappropriate for animals transported
6 by air to be treated as baggage;

7 (3) according to the Air Transport Association,
8 over 500,000 animals are transported by air each
9 year and as many as 5,000 of those animals are lost,
10 injured, or killed;

11 (4) most injuries to animals traveling by air-
12 plane are due to mishandling by baggage personnel,
13 severe temperature fluctuations, insufficient oxygen in
14 cargo holds, or damage to kennels;

15 (5) there are no Federal requirements that air-
16 lines report incidents of animal loss, injury, or death;

17 (6) members of the public have no information to
18 use in choosing an airline based on its record of safe-
19 ty with regard to transporting animals;

20 (7) the last congressional action on animals
21 transported by air was conducted over 22 years ago;
22 and

1 (8) *the conditions of cargo holds of airplanes*
 2 *must be improved to protect the health, and ensure*
 3 *the safety, of transported animals.*

4 ***Subtitle A—Animal Welfare***

5 ***SEC. 1711. DEFINITION OF TRANSPORT.***

6 *Section 2 of the Animal Welfare Act (7 U.S.C. 2132)*
 7 *is amended by adding at the end the following:*

8 “(p) *TRANSPORT.*—*The term ‘transport’, when used*
 9 *with respect to the air transport of an animal by a carrier,*
 10 *means the transport of the animal during the period the*
 11 *animal is in the custody of the carrier, from check-in of*
 12 *the animal prior to departure until the animal is returned*
 13 *to the owner or guardian of the animal at the final destina-*
 14 *tion of the animal.”.*

15 ***SEC. 1712. INFORMATION ON INCIDENCE OF ANIMALS IN*** 16 ***AIR TRANSPORT.***

17 *Section 6 of the Animal Welfare Act (7 U.S.C. 2136)*
 18 *is amended—*

19 (1) *by striking “SEC. 6. Every” and inserting*
 20 *the following:*

21 ***“SEC. 6. REGISTRATION.***

22 “(a) *IN GENERAL.*—*Each”; and*

23 (2) *by adding at the end the following:*

24 “(b) *INFORMATION ON INCIDENCE OF ANIMALS IN AIR*
 25 *TRANSPORT.*—*Not later than 2 years after the date of enact-*

1 *ment of this subsection, the Secretary shall require each air-*
 2 *line carrier to—*

3 “(1) submit to the Secretary real-time informa-
 4 tion (as the information becomes available, but at
 5 least 24 hours in advance of a departing flight) on
 6 each flight that will be carrying a live animal,
 7 including—

8 “(A) the flight number;

9 “(B) the arrival and departure points of the
 10 flight;

11 “(C) the date and times of the flight; and

12 “(D) a description of the number and types
 13 of animals aboard the flight; and

14 “(2) ensure that the flight crew of an aircraft is
 15 notified of the number and types of animals, if any,
 16 on each flight of the crew.”.

17 **SEC. 1713. REPORTS BY CARRIERS ON INCIDENTS INVOLV-**
 18 **ING ANIMALS DURING AIR TRANSPORT.**

19 Section 19 of the Animal Welfare Act (7 U.S.C. 2149)
 20 *is amended by adding at the end the following:*

21 “(e) **REPORTS BY CARRIERS ON INCIDENTS INVOLVING**
 22 **ANIMALS DURING AIR TRANSPORT.—**

23 “(1) **IN GENERAL.**—An airline carrier that
 24 causes, or is otherwise involved in or associated with,
 25 an incident involving the loss, injury, death or mis-

1 *handling of an animal during air transport shall*
2 *submit a report to the Secretary of Agriculture and*
3 *the Secretary of Transportation that provides a com-*
4 *plete description of the incident.*

5 “(2) *ADMINISTRATION.*—*Not later than 90 days*
6 *after the date of enactment of this subsection, the Sec-*
7 *retary of Agriculture, in consultation with the Sec-*
8 *retary of Transportation, shall issue regulations that*
9 *specify—*

10 “(A) *the type of information that shall be*
11 *included in a report required under paragraph*
12 *(1), including—*

13 “(i) *the date and time of an incident;*

14 “(ii) *the location and environmental*
15 *conditions of the incident site;*

16 “(iii) *the probable cause of the inci-*
17 *dent; and*

18 “(iv) *the remedial action of the carrier;*

19 *and*

20 “(B) *a mechanism for notifying the public*
21 *concerning the incident.*

22 “(3) *CONSUMER INFORMATION.*—*The Secretary*
23 *of Transportation shall include information received*
24 *under paragraph (1) in the Air Travel Consumer Re-*
25 *ports and other consumer publications of the Depart-*

1 *ment of Transportation in a separate category of in-*
 2 *formation.*

3 “(4) *CONSUMER COMPLAINTS.*—Not later than
 4 15 days after receiving a consumer complaint con-
 5 cerning the loss, injury, death or mishandling of an
 6 animal during air transport, the Secretary of Trans-
 7 portation shall provide a description of the complaint
 8 to the Secretary of Agriculture.”.

9 **SEC. 1714. ANNUAL REPORTS.**

10 *Section 25 of the Animal Welfare Act (7 U.S.C. 2155)*
 11 *is amended in the first sentence—*

12 (1) *in paragraph (4), by striking “and” at the*
 13 *end;*

14 (2) *in paragraph (5), by striking the period at*
 15 *the end and inserting “; and”; and*

16 (3) *by adding at the end the following:*

17 “(6) *a summary of—*

18 “(A) *incidents involving the loss, injury, or*
 19 *death of animals transported by airline carriers;*
 20 *and*

21 “(B) *consumer complaints regarding the in-*
 22 *cidents.*”.

Subtitle B—Transportation

SEC. 1721. POLICIES AND PROCEDURES FOR TRANSPORTING ANIMALS.

(a) *IN GENERAL.*—Subchapter I of chapter 417 of title 49, United States Code, is amended by adding at the end the following:

“§41716. Policies and procedures for transporting animals

“An air carrier shall establish and include in each contract of carriage under part 253 of title 14, Code of Federal Regulations (or any successor regulation) policies and procedures of the carrier for transporting animals safely, including—

“(1) training requirements for airline personnel in the proper treatment of animals being transported;

“(2) information on the risks associated with air travel for animals;

“(3) a description of the conditions under which animals are transported;

“(4) the safety record of the carrier with respect to transporting animals; and

“(5) plans for handling animals prior to and after flight, and when there are flight delays or other circumstances that may affect the health or safety of an animal during transport.”.

1 (b) *TABLE OF CONTENTS.*—*The analysis for chapter*
 2 *417 of title 49, United States Code, is amended by adding*
 3 *at the end of the items relating to subchapter I the following:*
“41716. Policies and procedures for transporting animals.”.

4 **SEC. 1722. CIVIL PENALTIES AND COMPENSATION FOR**
 5 **LOSS, INJURY, OR DEATH OF ANIMALS DUR-**
 6 **ING AIR TRANSPORT.**

7 (a) *IN GENERAL.*—*Chapter 463 of title 49, United*
 8 *States Code, is amended by adding at the end the following:*
 9 **“§46317. Civil penalties and compensation for loss,**
 10 **injury, or death of animals during air**
 11 **transport**

12 “(a) *DEFINITIONS.*—*In this section:*

13 “(1) *CARRIER.*—*The term ‘carrier’ means a per-*
 14 *son (including any employee, contractor, or agent of*
 15 *the person) operating an aircraft for the transpor-*
 16 *tation of passengers or property for compensation.*

17 “(2) *TRANSPORT.*—*The term ‘transport’, when*
 18 *used with respect to the air transport of an animal*
 19 *by a carrier, means the transport of the animal dur-*
 20 *ing the period the animal is in the custody of a car-*
 21 *rier, from check-in of the animal prior to departure*
 22 *until the animal is returned to the owner or guardian*
 23 *of the animal at the final destination of the animal.*

24 “(b) *CIVIL PENALTIES.*—

1 “(1) *IN GENERAL.*—*The Secretary may assess a*
2 *civil penalty of not more than \$5,000 for each viola-*
3 *tion on, or issue a cease and desist order against, any*
4 *carrier that causes, or is otherwise involved in or as-*
5 *sociated with, the loss, injury, or death of an animal*
6 *during air transport.*

7 “(2) *CEASE AND DESIST ORDERS.*—*A carrier*
8 *who knowingly fails to obey a cease and desist order*
9 *issued by the Secretary under this subsection shall be*
10 *subject to a civil penalty of \$1,500 for each offense.*

11 “(3) *SEPARATE OFFENSES.*—*For purposes of de-*
12 *termining the amount of a penalty imposed under*
13 *this subsection, each violation and each day during*
14 *which a violation continues shall be a separate of-*
15 *fense.*

16 “(4) *FACTORS.*—*In determining whether to as-*
17 *sess a civil penalty under this subsection and the*
18 *amount of the civil penalty, the Secretary shall*
19 *consider—*

20 “(A) *the size and financial resources of the*
21 *business of the carrier;*

22 “(B) *the gravity of the violation;*

23 “(C) *the good faith of the carrier; and*

24 “(D) *any history of previous violations by*
25 *the carrier.*

1 “(5) *COLLECTION OF PENALTIES.*—

2 “(A) *IN GENERAL.*—*On the failure of a car-*
3 *rier to pay a civil penalty assessed by a final*
4 *order under this section, the Secretary shall re-*
5 *quest the Attorney General to institute a civil ac-*
6 *tion in a district court of the United States or*
7 *other United States court for any district in*
8 *which the carrier is found or resides or transacts*
9 *business, to collect the penalty.*

10 “(B) *PENALTIES.*—*The court shall have ju-*
11 *risdiction to hear and decide an action brought*
12 *under subparagraph (A).*

13 “(c) *COMPENSATION.*—*If an animal is lost, injured, or*
14 *dies in transport by a carrier, unless the carrier proves that*
15 *the carrier did not cause, and was not otherwise involved*
16 *in or associated with, the loss, injury, or death of the ani-*
17 *mal, the owner of the animal shall be entitled to compensa-*
18 *tion from the carrier in an amount that—*

19 “(1) *is not less than 2 times any limitation es-*
20 *tablished by the carrier for loss or damage to baggage*
21 *under part 254 of title 14, Code of Federal Regula-*
22 *tions (or any successor regulation); and*

23 “(2) *includes all veterinary and other related*
24 *costs that are documented and initiated not later*

1 *than 1 year after the incident that caused the loss, in-*
2 *jury, or death of the animal.”.*

3 **(b) TABLE OF CONTENTS.**—*The analysis for chapter*
4 *463 of title 49, United States Code, is amended by adding*
5 *at the end the following:*

“46317. Civil penalties and compensation for loss, injury, or death of animals
 during air transport.”.

6 **SEC. 1723. CARGO HOLD IMPROVEMENTS TO PROTECT ANI-**
7 **MAL HEALTH AND SAFETY.**

8 **(a) IN GENERAL.**—*To protect the health and safety of*
9 *animals in transport, the Secretary of Transportation*
10 *shall—*

11 *(1) in conjunction with requiring certain trans-*
12 *port category airplanes used in passenger service to*
13 *replace class D cargo or baggage compartments with*
14 *class C cargo or baggage compartments under parts*
15 *25, 121, and 135 of title 14, Code of Federal Regula-*
16 *tions, to install, to the maximum extent practicable,*
17 *systems that permit positive airflow and heating and*
18 *cooling for animals that are present in cargo or bag-*
19 *gage compartments; and*

20 *(2) effective beginning January 1, 2001, prohibit*
21 *the transport of an animal by any carrier in a cargo*
22 *or baggage compartment that fails to include a system*
23 *described in paragraph (1).*

1 *(b) REPORT.—Not later than March 31, 2002, the Sec-*
2 *retary shall submit a report to Congress that describes ac-*
3 *tions that have been taken to carry out subsection (a).*

Attest:

Secretary.

106TH CONGRESS
1ST SESSION

H. R. 1000

AMENDMENT

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HR 1000 EAS—3

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