

Calendar No. 29

106TH CONGRESS
1ST Session

S. 82

[Report No. 106-9]

A BILL

To authorize appropriations for the Federal
Aviation Administration, and for other purposes.

MARCH 8, 1999

Reported with amendments

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1ST SESSION**S. 82****[Report No. 106–9]**

To authorize appropriations for the Federal Aviation Administration, and
for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 19, 1999

Mr. MCCAIN (for himself, Mr. HOLLINGS, Mr. LOTT, Mr. ROCKEFELLER, Mr. FRIST, Mr. BRYAN, Mr. WYDEN, Mr. AKAKA, Mr. GORTON, and Mr. DORGAN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

MARCH 8, 1999

Reported by Mr. MCCAIN with amendments

[Omit the part struck through and insert the part printed in *italic*]**A BILL**

To authorize appropriations for the Federal Aviation
Administration, and for other purposes.

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

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Air Transportation Improvement Act”.

- 1 (b) TABLE OF SECTIONS.—The table of sections for
2 this 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 pro-
grams.
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.

TITLE III—AMENDMENTS TO AVIATION LAW

- Sec. 301. Severable services contracts for periods crossing fiscal years.
~~Sec. 302. Foreign carriers eligible for waiver under Airport Noise and Capacity
Act.~~
Sec. 302. Limited transportation of 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.

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 air guides.
- Sec. 412. Application of FAA regulations.
- Sec. 413. Human factors program.
- Sec. 414. Independent validation of FAA costs and allocations.
- Sec. 415. Whistleblower protection for FAA employees.
- 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. Equivalency of FAA and EU safety standards.
- Sec. 424. Sense of the Senate on property taxes on public-use airports.
- Sec. 425. Federal Aviation Administration Personnel Management System.
- Sec. 426. Aircraft and aviation component repair and maintenance advisory panel.
- ~~Sec. 427. Report on enhanced domestic airline competition.~~
- Sec. 427. Authority to sell aircraft and aircraft parts for use in responding to oil spills.*
- Sec. 428. Aircraft situational display data.
- Sec. 429. To express the sense of the Senate concerning a bilateral agreement between the United States and the United Kingdom regarding Charlotte-London route.
- Sec. 430. To express the sense of the Senate concerning a bilateral agreement between the United States and the United Kingdom regarding Cleveland-London route.
- Sec. 431. Allocation of Trust Fund funding.
- Sec. 432. Taos Pueblo and Blue Lakes Wilderness Area demonstration project.
- Sec. 433. Airline marketing disclosure.
- Sec. 434. Certain air traffic control towers.
- Sec. 435. Compensation under the Death on the High Seas Act.
- Sec. 436. FAA study of breathing hoods.*
- Sec. 437. FAA study of alternative power sources for flight data recorders and cockpit voice recorders.*
- Sec. 438. Passenger facility fee letters of intent.*
- Sec. 439. Elimination of HAZMAT enforcement backlog.*
- Sec. 440. FAA evaluation of long-term capital leasing.*

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. Slot exemptions for nonstop regional jet service.
- Sec. 507. Exemptions to perimeter rule at Ronald Reagan Washington National Airport.
- Sec. 508. Additional slot exemptions at Chicago O'Hare International Airport.

- Sec. 509. Consumer notification of e-ticket expiration dates.
- Sec. 510. Regional air service incentive options.
- Sec. 511. GAO study of air transportation needs.

TITLE VI—NATIONAL PARK 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.

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
4 of an amendment to, or a repeal of, a section or other
5 provision, the reference shall be considered to be made to
6 a section or other provision of title 49, United States
7 Code.

8 **TITLE I—AUTHORIZATIONS**

9 **SEC. 101. FEDERAL AVIATION ADMINISTRATION OPER-** 10 **ATIONS.**

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

13 “(k) AUTHORIZATION OF APPROPRIATIONS FOR OP-
14 ERATIONS.—

15 “(1) IN GENERAL.—There are authorized to be
16 appropriated to the Secretary of Transportation for
17 operations of the Administration \$5,631,000,000 for
18 fiscal year 1999 and \$5,784,000,000 for fiscal year

1 2000. Of the amounts authorized to be appropriated
 2 for fiscal year 1999, not more than \$9,100,000 shall
 3 be used to support air safety efforts through pay-
 4 ment of United States membership obligations, to be
 5 paid as soon as practicable.

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

11 “(3) UNIVERSITY CONSORTIUM.—There are au-
 12 thorized to be appropriated not more than
 13 \$9,100,000 for the 3 fiscal year period beginning
 14 with fiscal year 1999 to support a university consor-
 15 tium established to provide an air safety and secu-
 16 rity management certificate program, working coop-
 17 eratively with the Federal Aviation Administration
 18 and United States air carriers. Funds authorized
 19 under this paragraph—

20 “(A) may not be used for the construction
 21 of a building or other facility; and

22 “(B) shall be awarded on the basis of open
 23 competition.”.

24 (b) COORDINATION.—The authority granted the Sec-
 25 retary under section 41720 of title 49, United States

1 Code, does not affect the Secretary's authority under any
 2 other provision of law.

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

4 (a) IN GENERAL.—Section 48101(a) is amended by
 5 striking paragraphs (1) and (2) and inserting the follow-
 6 ing:

7 “(1) for fiscal year 1999—

8 “(A) \$222,800,000 for engineering, devel-
 9 opment, test, and evaluation: en route pro-
 10 grams;

11 “(B) \$74,700,000 for engineering, develop-
 12 ment, test, and evaluation: terminal programs;

13 “(C) \$108,000,000 for engineering, devel-
 14 opment, test, and evaluation: landing and navi-
 15 gational aids;

16 “(D) \$17,790,000 for engineering, develop-
 17 ment, test, and evaluation: research, test, and
 18 evaluation equipment and facilities programs;

19 “(E) \$391,358,300 for air traffic control
 20 facilities and equipment: en route programs;

21 “(F) \$492,315,500 for air traffic control
 22 facilities and equipment: terminal programs;

23 “(G) \$38,764,400 for air traffic control fa-
 24 cilities and equipment: flight services programs;

1 “(H) \$50,500,000 for air traffic control fa-
 2 cilities and equipment: other ATC facilities pro-
 3 grams;

4 “(I) \$162,400,000 for non-ATC facilities
 5 and equipment programs;

6 “(J) \$14,500,000 for training and equip-
 7 ment facilities programs;

8 “(K) \$280,800,000 for mission support
 9 programs;

10 “(L) \$235,210,000 for personnel and re-
 11 lated expenses; and

12 “(2) \$2,189,000,000 for fiscal year 2000.”.

13 (b) CONTINUATION OF ILS INVENTORY PROGRAM.—
 14 Section 44502(a)(4)(B) is amended—

15 (1) by striking “fiscal years 1995 and 1996”
 16 and inserting “fiscal years 1999 and 2000”; and

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

19 (c) LIFE-CYCLE COST ESTIMATES.—The Adminis-
 20 trator of the Federal Aviation Administration shall estab-
 21 lish life-cycle cost estimates for any air traffic control
 22 modernization project the total life-cycle costs of which
 23 equal or exceed \$50,000,000.

1 **SEC. 103. AIRPORT PLANNING AND DEVELOPMENT AND**
2 **NOISE COMPATIBILITY PLANNING AND PRO-**
3 **GRAMS.**

4 (a) EXTENSION AND AUTHORIZATION.—Section
5 48103 is amended by striking “\$1,205,000,000 for the 6-
6 month period beginning October 1, 1998.” and inserting
7 “\$2,410,000,000 for fiscal years ending before October 1,
8 1999, and \$4,885,000,000 for fiscal years ending before
9 October 1, 2000.”.

10 (b) PROJECT GRANT AUTHORITY.—Section 47104(c)
11 is amended by striking “March 31, 1999,” and inserting
12 “September 30, 2000.”.

13 **SEC. 104. REPROGRAMMING NOTIFICATION REQUIREMENT.**

14 Before reprogramming any amounts appropriated
15 under section 106(k), 48101(a), or 48103 of title 49,
16 United States Code, for which notification of the Commit-
17 tees on Appropriations of the Senate and the House of
18 Representatives is required, the Secretary of Transpor-
19 tation shall submit a written explanation of the proposed
20 reprogramming to the Committee on Commerce, Science,
21 and Transportation of the Senate and the Committee on
22 Transportation and Infrastructure of the House of Rep-
23 resentatives.

1 **SEC. 105. AIRPORT SECURITY PROGRAM.**

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

5 **“§ 47136. Airport security program**

6 “(a) GENERAL AUTHORITY.—To improve security at
7 public airports in the United States, the Secretary of
8 Transportation shall carry out not less than 1 project to
9 test and evaluate innovative airport security systems and
10 related technology.

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

15 “(1) evaluates and tests the benefits of innova-
16 tive airport security systems or related technology,
17 including explosives detection systems, for the pur-
18 pose of improving airport and aircraft physical secu-
19 rity and access control; and

20 “(2) provides testing and evaluation of airport
21 security systems and technology in an operational,
22 ~~test bed~~ *testbed* environment.

23 “(c) MATCHING SHARE.—Notwithstanding section
24 47109, the United States Government’s share of allowable
25 project costs for a project under this section is 100 per-
26 cent.

1 “(d) TERMS AND CONDITIONS.—The Secretary may
 2 establish such terms and conditions as the Secretary de-
 3 termines appropriate for carrying out a project under this
 4 section, including terms and conditions relating to the
 5 form and content of a proposal for a project, project assur-
 6 ances, and schedule of payments.

7 “(e) ELIGIBLE SPONSOR DEFINED.—In this section,
 8 the term ‘eligible sponsor’ means a nonprofit corporation
 9 composed of a consortium of public and private persons,
 10 including a sponsor of a primary airport, with the nec-
 11 essary engineering and technical expertise to successfully
 12 conduct the testing and evaluation of airport and aircraft
 13 related security systems.

14 “(f) AUTHORIZATION OF APPROPRIATIONS.—Of the
 15 amounts made available to the Secretary under section
 16 47115 in a fiscal year, the Secretary shall make available
 17 not less than \$5,000,000 for the purpose of carrying out
 18 this section.”.

19 (b) CONFORMING AMENDMENT.—The chapter analy-
 20 sis for such chapter (as amended by section 202(b) of this
 21 Act) is amended by inserting after the item relating to
 22 section 47135 the following:

“47136. Airport security program.”.

1 **SEC. 106. AUTOMATED SURFACE OBSERVATION SYSTEM**
 2 **STATIONS.**

3 The Administrator of the Federal Aviation Adminis-
 4 tration shall not terminate human weather observers for
 5 Automated Surface Observation System stations until—

6 (1) the Secretary of Transportation determines
 7 that the System provides consistent reporting of
 8 changing meteorological conditions and notifies the
 9 Congress in writing of that determination; and

10 (2) 60 days have passed since the report was
 11 submitted to the Congress.

12 **TITLE II—AIRPORT IMPROVE-**
 13 **MENT PROGRAM AMEND-**
 14 **MENTS**

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

16 Section 47115(g) is amended by striking paragraph
 17 (4).

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

19 (a) CODIFICATION AND IMPROVEMENT OF 1996 PRO-
 20 GRAM.—Subchapter I of chapter 471 is amended by add-
 21 ing at the end thereof the following:

22 **“§ 47135. Innovative financing techniques**

23 **“(a) IN GENERAL.—**The Secretary of Transportation
 24 is authorized to carry out a demonstration program under
 25 which the Secretary may approve applications under this
 26 subchapter for not more than 20 projects for which grants

1 received under the subchapter may be used to implement
 2 innovative financing techniques.

3 “(b) PURPOSE.—The purpose of the demonstration
 4 program shall be to provide information on the use of in-
 5 novative financing techniques for airport development
 6 projects.

7 “(c) LIMITATION—In no case shall the implementa-
 8 tion of an innovative financing technique under this sec-
 9 tion be used in a manner giving rise to a direct or indirect
 10 guarantee of any airport debt instrument by the United
 11 States Government.

12 “(d) INNOVATIVE FINANCING TECHNIQUE DE-
 13 FINED.—In this section, the term ‘innovative financing
 14 technique’ includes methods of financing projects that the
 15 Secretary determines may be beneficial to airport develop-
 16 ment, including—

17 “(1) payment of interest;

18 “(2) commercial bond insurance and other cred-
 19 it enhancement associated with airport bonds for eli-
 20 gible airport development; and

21 “(3) flexible non-Federal matching require-
 22 ments.”.

23 (b) CONFORMING AMENDMENT.—The chapter analy-
 24 sis for chapter 471 is amended by inserting after the item
 25 relating to section 47134 the following:

“47135. Innovative financing techniques.”.

1 **SEC. 203. MATCHING SHARE.**

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

4 **SEC. 204. INCREASE IN APPORTIONMENT FOR NOISE COM-**
5 **PATIBILITY PLANNING AND PROGRAMS.**

6 Section 47117(e)(1)(A) is amended by striking “31”
7 each time it appears and ~~substituting~~ *inserting* “35”.

8 **SEC. 205. TECHNICAL AMENDMENTS.**

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

12 “(3) An amount apportioned under paragraph
13 (2) of this subsection for airports in Alaska, Hawaii,
14 or Puerto Rico may be made available by the Sec-
15 retary for any public airport in those respective ju-
16 risdictions.”.

17 (b) SUPPLEMENTAL APPORTIONMENT FOR ALAS-
18 KA.—Section 47114(e) is amended—

19 (1) by striking “ALTERNATIVE” in the sub-
20 section caption and inserting “SUPPLEMENTAL”;

21 (2) in paragraph (1) by—

22 (A) striking “Instead of apportioning
23 amounts for airports in Alaska under” and in-
24 serting “Notwithstanding”; and

25 (B) striking “those airports” and inserting
26 “airports in Alaska”; and

1 (3) striking paragraph (3) and inserting the fol-
2 lowing:

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

6 (c) REPEAL OF APPORTIONMENT LIMITATION ON
7 COMMERCIAL SERVICE AIRPORTS IN ALASKA.—Section
8 47117 is amended by striking subsection (f) and redesi-
9 gnating subsections (g) and (h) as subsections (f) and (g),
10 respectively.

11 (d) DISCRETIONARY FUND DEFINITION.—

12 (1) Section 47115 is amended—

13 (A) by striking “25” in subsection (a) and
14 inserting “12.5”; and

15 (B) by striking the second sentence in sub-
16 section (b).

17 (2) Section 47116 is amended—

18 (A) by striking “75” in subsection (a) and
19 inserting “87.5”;

20 (B) by redesignating paragraphs (1) and
21 (2) in subsection (b) as subparagraphs (A) and
22 (B), respectively, and inserting before subpara-
23 graph (A), as so redesignated, the following:

1 “(1) one-seventh for grants for projects at small
2 hub airports (as defined in section 41731 of this
3 title); and

4 “(2) the remaining amounts based on the fol-
5 lowing:”.

6 (e) CONTINUATION OF PROJECT FUNDING.—Section
7 47108 is amended by adding at the end thereof the follow-
8 ing:

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

17 (f) GRANT ELIGIBILITY FOR PRIVATE RELIEVER
18 AIRPORTS.—Section 47102(17)(B) is amended by—

19 (1) striking “or” at the end of clause (i) and
20 redesignating clause (ii) as clause (iii); and

21 (2) inserting after clause (i) the following:

22 “(ii) a privately-owned airport that, as
23 a reliever airport, received Federal aid for
24 airport development prior to October 9,
25 1996, but only if the Administrator issues

1 revised administrative guidance after July
 2 1, 1998, for the designation of reliever air-
 3 ports; or”.

4 (g) RELIEVER AIRPORTS NOT ELIGIBLE FOR LET-
 5 TERS OF INTENT.—Section 47110(e)(1) is amended by
 6 striking “or reliever”.

7 (h) PASSENGER FACILITY FEE WAIVER FOR CER-
 8 TAIN CLASS OF CARRIERS.—Section 40117(e)(2) is
 9 amended—

10 (1) by striking “and” after the semicolon in
 11 subparagraph (B);

12 (2) by striking “payment.” in subparagraph (C)
 13 and inserting “payment; ~~and~~”; and

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

15 “(D) in Alaska aboard an aircraft having
 16 a seating capacity of less than 20 ~~passengers.~~”
 17 *passengers; and*

18 “(E) on flights, including flight segments,
 19 between 2 or more points in Hawaii.”.

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

24 (1) by striking “and” at the end of paragraph

25 (1);

1 (2) by striking “transportation.” in paragraph

2 (2)(D) and inserting “transportation; and”; and

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

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

6 “(A) passengers enplaned by any class of
7 air carrier or foreign air carrier if the number
8 of passengers enplaned by the carriers in the
9 class constitutes not more than one percent of
10 the total number of passengers enplaned annu-
11 ally at the airport at which the fee is imposed;
12 or

13 “(B) passengers enplaned on a flight to an
14 airport—

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

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

23 (j) USE OF THE WORD “GIFT” AND PRIORITY FOR
24 AIRPORTS IN SURPLUS PROPERTY DISPOSAL.—

25 (1) Section 47151 is amended—

1 (A) by striking “give” in subsection (a)
2 and inserting “convey to”;

3 (B) by striking “gift” in subsection (a)(2)
4 and inserting “conveyance”;

5 (C) by striking “giving” in subsection (b)
6 and inserting “conveying”;

7 (D) by striking “gift” in subsection (b)
8 and inserting “conveyance”; and

9 (E) by adding at the end thereof the fol-
10 lowing:

11 “(d) PRIORITY FOR PUBLIC AIRPORTS.—Except for
12 requests from another Federal agency, a department,
13 agency, or instrumentality of the Executive Branch of the
14 United States Government shall give priority to a request
15 by a public agency (as defined in section 47102 of this
16 title) for surplus property described in subsection (a) of
17 this section for use at a public airport.”.

18 (2) Section 47152 is amended—

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

21 (B) by striking “gift” in the first sentence
22 and inserting “conveyance”.

23 (3) The chapter analysis for chapter 471 is
24 amended by striking the item relating to section
25 47152 and inserting the following:

“47152. Terms of conveyances.”.

1 (4) Section 47153(a) is amended—

2 (A) by striking “gift” in paragraph (1)
3 and inserting “conveyance”;

4 (B) by striking “given” in paragraph
5 (1)(A) and inserting “conveyed”; and

6 (C) by striking “gift” in paragraph (1)(B)
7 and inserting “conveyance”.

8 (k) *MINIMUM APPORTIONMENT.*—*Section*
9 *47114(c)(1)(B) is amended by adding at the end thereof the*
10 *following: “For fiscal years beginning after fiscal year*
11 *1999, the preceding sentence shall be applied by substituting*
12 *‘\$650,000’ for ‘\$500,000’.”.*

13 ~~(k) APPORTIONMENT FOR CARGO ONLY AIRPORTS.—~~
14 ~~Section 47114(c)(2)(A) is amended by striking “2.5 per-~~
15 ~~cent” and inserting “3 percent”.~~

16 (l) *APPORTIONMENT FOR CARGO ONLY AIRPORTS.*—
17 (1) *Section 47114(c)(2)(A) is amended by strik-*
18 *ing “2.5 percent” and inserting “3 percent”.*

19 (2) *Section 47114(c)(2) is further amended by*
20 *striking subparagraph (C) and redesignating sub-*
21 *paragraph (D) as subparagraph (C).*

22 (m) *TEMPORARY AIR SERVICE INTERRUPTIONS.*—*Sec-*
23 *tion 47114(c)(1) is amended by adding at the end thereof*
24 *the following:*

1 “(C) *The Secretary may, notwithstanding*
 2 *subparagraph (A), apportion to an airport spon-*
 3 *sor in a fiscal year an amount equal to the*
 4 *amount apportioned to that sponsor in the pre-*
 5 *vious fiscal year if the Secretary finds that—*

6 “(i) *passenger boardings at the airport*
 7 *fell below 10,000 in the calendar year used*
 8 *to calculate the apportionment;*

9 “(ii) *the airport had at least 10,000*
 10 *passenger boardings in the calendar year*
 11 *prior to the calendar year used to calculate*
 12 *apportionments to airport sponsors in a fis-*
 13 *cal year; and*

14 “(iii) *the cause of the shortfall in pas-*
 15 *senger boardings was a temporary but sig-*
 16 *nificant interruption in service by an air*
 17 *carrier to that airport due to an employ-*
 18 *ment action, natural disaster, or other event*
 19 *unrelated to the demand for air transpor-*
 20 *tation at the affected airport.”.*

21 ~~(4)~~(n) FLEXIBILITY IN PAVEMENT DESIGN STAND-
 22 ARDS.—Section 47114(d) is amended by adding at the end
 23 thereof the following:

24 “(4) The Secretary may permit the use of State
 25 highway specifications for airfield pavement con-

struction using funds made available under this subsection at nonprimary airports with runways of 5,000 feet or shorter serving aircraft that do not exceed 60,000 pounds gross weight, if the Secretary determines that—

“(A) safety will not be negatively affected;

and

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

An airport may not seek funds under this subchapter for runway rehabilitation or reconstruction of any such airfield pavement constructed using State highway specifications for a period of 10 years after construction is completed.”.

(o) ELIGIBILITY OF RUNWAY INCURSION PREVENTION DEVICES.—

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

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

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

3 (B) by striking “area.” in paragraph (10)
4 and inserting “area; and”; and

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

6 “(11) runway and taxiway incursion prevention
7 devices, including integrated in-pavement lighting
8 systems for runways and taxiways.”.

9 (3) AIRPORT DEVELOPMENT DEFINED.—Section
10 47102(3)(B)(ii) is amended by inserting “and includ-
11 ing integrated in-pavement lighting systems for run-
12 ways and taxiways and other runway and taxiway
13 incursion prevention devices” before the semicolon at
14 the end.

15 **SEC. 206. REPORT ON EFFORTS TO IMPLEMENT CAPACITY**
16 **ENHANCEMENTS.**

17 Within 9 months after the date of enactment of this
18 Act, the Secretary of Transportation shall report to the
19 Committee on Commerce, Science, and Transportation of
20 the Senate and the Committee on Transportation and In-
21 frastructure of the House of Representatives on efforts by
22 the Federal Aviation Administration to implement capac-
23 ity enhancements and improvements, *both technical and*
24 *procedural*, such as precision runway monitoring systems,

1 and the time frame for implementation of such enhance-
 2 ments and improvements.

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

4 Section 47120 is amended by—

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

7 (2) adding at the end thereof the following:

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

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

19 (a) IN GENERAL.—Notwithstanding any other provi-
 20 sion of law to the contrary, the Secretary of Transpor-
 21 tation may not waive any assurance required under section
 22 47107 of title 49, United States Code, that requires prop-
 23 erty to be used for aeronautical purposes unless the Sec-
 24 retary provides notice to the public not less than 30 days
 25 before issuing any such waiver. Nothing in this section

1 shall be construed to authorize the Secretary to issue a
 2 waiver of any assurance required under that section.

3 (b) EFFECTIVE DATE.—This section applies to any
 4 request filed on or after the date of enactment of this Act.

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

6 Section 40102(a)(37)(B)(ii) is amended—

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

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

9 and inserting “States; or”; and

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

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

15 **SEC. 210. TERMINAL DEVELOPMENT COSTS.**

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

18 “(j) SHELL OF TERMINAL BUILDING.—In order to
 19 enable additional air service by an air carrier with less
 20 than 50 percent of the scheduled passenger traffic at an
 21 airport, the Secretary may consider the shell of a terminal
 22 building (including heating, ventilation, and air condi-
 23 tioning) and aircraft fueling facilities adjacent to an air-
 24 port terminal building to be an eligible airport-related
 25 project under subsection (a)(3)(E).”.

1 **SEC. 211. AIRFIELD PAVEMENT CONDITIONS.**

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

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

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

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

22 (b) REPORT TO CONGRESS.—The Administrator shall
23 transmit a report, containing an evaluation of such op-
24 tions, to the Senate Committee on Commerce, Science,
25 and Transportation and the House of Representatives

1 Committee on Transportation and Infrastructure not later
 2 than 12 months after the date of enactment of this Act.

3 **SEC. 212. DISCRETIONARY GRANTS.**

4 Notwithstanding any limitation on the amount of
 5 funds that may be expended for grants for noise abate-
 6 ment, if any funds made available under section 48103
 7 of title 49, United States Code, remain available at the
 8 end of the fiscal year for which those funds were made
 9 available, and are not allocated under section 47115 of
 10 that title, or under any other provision relating to the
 11 awarding of discretionary grants from unobligated funds
 12 made available under section 48103 of that title, the Sec-
 13 retary of Transportation may use those funds to make dis-
 14 cretionary grants for noise abatement activities.

15 **TITLE III—AMENDMENTS TO**
 16 **AVIATION LAW**

17 **SEC. 301. SEVERABLE SERVICES CONTRACTS FOR PERIODS**
 18 **CROSSING FISCAL YEARS.**

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

21 **“§ 40125. Severable services contracts for periods**
 22 **crossing fiscal years**

23 “(a) IN GENERAL.—The Administrator of the Fed-
 24 eral Aviation Administration may enter into a contract for
 25 procurement of severable services for a period that begins

1 in one fiscal year and ends in the next fiscal year if (with-
 2 out regard to any option to extend the period of the con-
 3 tract) 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
 6 of a contract entered into under the authority of sub-
 7 section (a) of this section.”.

8 (b) CONFORMING AMENDMENT.—The chapter analy-
 9 sis for chapter 401 is amended by adding at the end there-
 10 of the following:

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

11 **SEC. 302. FOREIGN CARRIERS ELIGIBLE FOR WAIVER**
 12 **UNDER AIRPORT NOISE AND CAPACITY ACT.**

13 The first sentence of section ~~47528(b)(1)~~ is amended
 14 by inserting “or foreign air carrier” after “air carrier”
 15 the first place it appears and after “carrier” the first place
 16 it appears.

17 **SEC. 302. LIMITED TRANSPORTATION OF CERTAIN AIR-**
 18 **CRAFT.**

19 *Section 47528(e) is amended by adding at the end*
 20 *thereof the following:*

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

1 “(A) *perform maintenance (including major*
 2 *alterations) or preventative maintenance on air-*
 3 *craft operated, or to be operated, within the limi-*
 4 *tations of paragraph (2)(B); or*
 5 “(B) *conduct operations within the limita-*
 6 *tions of paragraph (2)(B).”.*

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

8 Section 44903 is amended by adding at the end
 9 thereof the following:

10 “(f) GOVERNMENT AND INDUSTRY CONSORTIA.—
 11 The Administrator may establish at airports such consor-
 12 tia of government and aviation industry representatives as
 13 the Administrator may designate to provide advice on mat-
 14 ters related to aviation security and safety. Such consortia
 15 shall not be considered federal advisory committees for
 16 purposes of the Federal Advisory Committee Act (5
 17 U.S.C. App.).”.

18 **SEC. 304. IMPLEMENTATION OF ARTICLE 83 BIS OF THE**
 19 **CHICAGO CONVENTION.**

20 Section 44701 is amended—

- 21 (1) by redesignating subsection (e) as sub-
 22 section (f); and
 23 (2) by inserting after subsection (d) the follow-
 24 ing:

1 “(e) BILATERAL EXCHANGES OF SAFETY OVER-
2 SIGHT RESPONSIBILITIES.—

3 “(1) Notwithstanding the provisions of this
4 chapter, and pursuant to Article 83 bis of the Con-
5 vention on International Civil Aviation, the Adminis-
6 trator may, by a bilateral agreement with the aero-
7 nautical authorities of another country, exchange
8 with that country all or part of their respective func-
9 tions and duties with respect to aircraft described in
10 subparagraphs (A) and (B), under the following ar-
11 ticles of the Convention:

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

13 “(B) Article 31 (Certificates of Airworthi-
14 ness).

15 “(C) Article 32a (Licenses of Personnel).

16 “(2) The agreement under paragraph (1) may
17 apply to—

18 “(A) aircraft registered in the United
19 States operated pursuant to an agreement for
20 the lease, charter, or interchange of the aircraft
21 or any similar arrangement by an operator that
22 has its principal place of business, or, if it has
23 no such place of business, its permanent resi-
24 dence, in another country; or

1 “(B) aircraft registered in a foreign coun-
2 try operated under an agreement for the lease,
3 charter, or interchange of the aircraft or any
4 similar arrangement by an operator that has its
5 principal place of business, or, if it has no such
6 place of business, its permanent residence, in
7 the United States.

8 “(3) The Administrator relinquishes responsibil-
9 ity with respect to the functions and duties trans-
10 ferred by the Administrator as specified in the bilat-
11 eral agreement, under the Articles listed in para-
12 graph (1) of this subsection for United States-reg-
13 istered aircraft transferred abroad as described in
14 subparagraph (A) of that paragraph, and accepts re-
15 sponsibility with respect to the functions and duties
16 under those Articles for aircraft registered abroad
17 that are transferred to the United States as de-
18 scribed in subparagraph (B) of that paragraph.

19 “(4) The Administrator may, in the agreement
20 under paragraph (1), predicate the transfer of these
21 functions and duties on any conditions the Adminis-
22 trator deems necessary and prudent.”.

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

2 Section 45301 is amended by striking “government.”
 3 in subsection (a)(2) and inserting “government or to any
 4 entity obtaining services outside the United States.”.

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

6 “(2) *Services provided to a foreign government*
 7 *or to any entity obtaining services outside the United*
 8 *States other than—*

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

10 “(B) *fees for production-certification-related*
 11 *service (as defined in Appendix C of part 187 of*
 12 *title 14, Code of Federal Regulations) performed*
 13 *outside the United States.”.*

14 **SEC. 306. FLEXIBILITY TO PERFORM CRIMINAL HISTORY**
 15 **RECORD CHECKS; TECHNICAL AMENDMENTS**
 16 **TO PILOT RECORDS IMPROVEMENT ACT.**

17 Section 44936 is amended—

18 (1) by striking “subparagraph (C))” in sub-
 19 section (a)(1)(B) and inserting “subparagraph (C),
 20 or in the case of passenger, baggage, or property
 21 screening at airports, the Administrator decides it is
 22 necessary to ensure air transportation security)”;

23 (2) by striking “individual” in subsection
 24 (f)(1)(B)(ii) and inserting “individual’s performance
 25 as a pilot”; and

1 (3) by inserting “or from a foreign government
2 or entity that employed the individual,” in sub-
3 section (f)(14)(B) after “exists,”.

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

5 Section 44310 is amended by striking “March 31,
6 1999.” and inserting “December 31, 2003.”.

7 **SEC. 308. TECHNICAL CORRECTIONS TO CIVIL PENALTY**
8 **PROVISIONS.**

9 Section 46301 is amended—

10 (1) by striking “46302, 46303, or” in sub-
11 section (a)(1)(A);

12 (2) by striking “*an* individual” the first time it
13 appears in subsection (d)(7)(A) and inserting “*a*
14 person”; and

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

17 **SEC. 309. CRIMINAL PENALTY FOR PILOTS OPERATING IN**
18 **AIR TRANSPORTATION WITHOUT AN AIR-**
19 **MAN’S CERTIFICATE.**

20 (a) IN GENERAL.—Chapter 463 is amended by add-
21 ing at the end the following:

1 **“§ 46317. Criminal penalty for pilots operating in air**
 2 **transportation without an airman’s cer-**
 3 **tificate**

4 “(a) APPLICATION.—This section applies only to air-
 5 craft used to provide air transportation.

6 “(b) GENERAL CRIMINAL PENALTY.—An individual
 7 shall be fined under title 18, imprisoned for not more than
 8 3 years, or both, if that individual—

9 “(1) knowingly and willfully serves or attempts
 10 to serve in any capacity as an airman without an
 11 airman’s certificate authorizing the individual to
 12 serve in that capacity; or

13 “(2) knowingly and willfully employs for service
 14 or uses in any capacity as an airman an individual
 15 who does not have an airman’s certificate authoriz-
 16 ing the individual to serve in that capacity.

17 “(c) CONTROLLED SUBSTANCE CRIMINAL PEN-
 18 ALTY.—

19 “(1) In this subsection, the term ‘controlled
 20 substance’ has the same meaning given that term in
 21 section 102 of the Comprehensive Drug Abuse Pre-
 22 vention and Control Act of 1970 (21 U.S.C. 802).

23 “(2) An individual violating subsection (b) shall
 24 be fined under title 18, imprisoned for not more
 25 than 5 years, or both, if the violation is related to
 26 transporting a controlled substance by aircraft or

1 aiding or facilitating a controlled substance violation
 2 and that transporting, aiding, or facilitating—

3 “(A) is punishable by death or imprison-
 4 ment of more than 1 year under a Federal or
 5 State law; or

6 “(B) is related to an act punishable by
 7 death or imprisonment for more than 1 year
 8 under a Federal or State law related to a con-
 9 trolled substance (except a law related to simple
 10 possession (as that term is used in section
 11 46306(c)) of a controlled substance).

12 “(3) A term of imprisonment imposed under
 13 paragraph (2) shall be served in addition to, and not
 14 concurrently with, any other term of imprisonment
 15 imposed on the individual subject to the imprison-
 16 ment.”.

17 (b) CLERICAL AMENDMENT.—The chapter analysis
 18 for chapter 463 is amended by adding at the end thereof
 19 the following:

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

20 **SEC. 310. NONDISCRIMINATORY INTERLINE INTERCONNEC-**
 21 **TION REQUIREMENTS.**

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

1 **“§ 41717. Interline agreements for domestic transpor-**
 2 **tation**

3 “(a) NONDISCRIMINATORY REQUIREMENTS.—If a
 4 major air carrier that provides air service to an essential
 5 airport facility has any agreement involving ticketing, bag-
 6 gage and ground handling, and terminal and gate access
 7 with another carrier, it shall provide the same services to
 8 any requesting air carrier that offers service to a commu-
 9 nity selected for participation in the program under sec-
 10 tion 41743 under similar terms and conditions and on a
 11 nondiscriminatory basis within 30 days after receiving the
 12 request, as long as the requesting air carrier meets such
 13 safety, service, financial, and maintenance requirements,
 14 if any, as the Secretary may by regulation establish con-
 15 sistent with public convenience and necessity. The Sec-
 16 retary must review any proposed agreement to determine
 17 if the requesting carrier meets operational requirements
 18 consistent with the rules, procedures, and policies of the
 19 major carrier. This agreement may be terminated by ei-
 20 ther party in the event of failure to meet the standards
 21 and conditions outlined in the ~~agreement.~~ *agreement.*

22 “(b) DEFINITIONS.—In this section the term ‘essen-
 23 tial airport facility’ means a large hub airport (as defined
 24 in section 41731(a)(3)) in the contiguous 48 States in
 25 which one carrier has more than 50 percent of such air-
 26 port’s total annual enplanements.”.

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

“41717. Interline agreements for domestic transportation.”.

TITLE IV—MISCELLANEOUS

SEC. 401. OVERSIGHT OF FAA RESPONSE TO YEAR 2000

PROBLEM.

The Administrator of the Federal Aviation Administration shall report to the Senate Committee on Commerce, Science, and Transportation and the House Committee on Transportation and Infrastructure every 3 months, in oral or written form, on electronic data processing problems associated with the year 2000 within the Administration.

SEC. 402. CARGO COLLISION AVOIDANCE SYSTEMS DEAD-

LINE.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall require by regulation that, not later than December 31, 2002, collision avoidance equipment be installed on each cargo aircraft with a payload capacity of 15,000 kilograms or more.

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

1 (1) a safe and orderly transition to the oper-
 2 ation of a fleet of cargo aircraft equipped with colli-
 3 sion avoidance equipment; or

4 (2) other safety or public interest objectives.

5 (c) COLLISION AVOIDANCE EQUIPMENT.—For pur-
 6 poses of this section, the term “collision avoidance equip-
 7 ment” means TCAS II equipment (as defined by the Ad-
 8 ministrators), or any other similar system approved by the
 9 Administration for collision avoidance purposes.

10 **SEC. 403. RUNWAY SAFETY AREAS; PRECISION APPROACH**
 11 **PATH INDICATORS.**

12 Within 6 months after the date of enactment of this
 13 Act, the Administrator of the Federal Aviation Adminis-
 14 tration shall solicit comments on the need for—

15 (1) the improvement of runway safety areas;

16 and

17 (2) the installation of precision approach path
 18 indicators.

19 **SEC. 404. AIRPLANE EMERGENCY LOCATORS.**

20 (a) REQUIREMENT.—Section 44712(b) is amended to
 21 read as follows:

22 “(b) NONAPPLICATION.—Subsection (a) does not
 23 apply to aircraft when used in—

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

4 “(2) training operations conducted entirely
5 within a 50-mile radius of the airport from which
6 the training operations begin;

7 “(3) flight operations related to the design and
8 testing, manufacture, preparation, and delivery of
9 aircraft;

10 “(4) showing compliance with regulations, exhi-
11 bition, or air racing; or

12 “(5) the aerial application of a substance for an
13 agricultural purpose.”.

14 (b) COMPLIANCE.—Section 44712 is amended by re-
15 designating subsection (c) as subsection (d), and by insert-
16 ing after subsection (b) the following:

17 “(c) COMPLIANCE.—An aircraft is deemed to meet
18 the requirement of subsection (a) if it is equipped with
19 an emergency locator transmitter that transmits on the
20 121.5/243 megahertz frequency or the 406 megahertz fre-
21 quency, or with other equipment approved by the Sec-
22 retary for meeting the requirement of subsection (a).”.

23 (c) EFFECTIVE DATE; REGULATIONS.—

24 (1) REGULATIONS.—The Secretary of Trans-
25 portation shall promulgate regulations under section

1 44712(b) of title 49, United States Code, as amend-
2 ed by this section not later than January 1, 2002.

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

5 **SEC. 405. COUNTERFEIT AIRCRAFT PARTS.**

6 (a) DENIAL; REVOCATION; AMENDMENT OF CERTIFI-
7 CATE.—

8 (1) IN GENERAL.—Chapter 447 is amended by
9 adding at the end thereof the following:

10 **“§ 44725. Denial and revocation of certificate for**
11 **counterfeit parts violations**

12 “(a) DENIAL OF CERTIFICATE.—

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

17 “(A) convicted of a violation of a law of
18 the United States or of a State relating to the
19 installation, production, repair, or sale of a
20 counterfeit or falsely-represented aviation part
21 or material; or

22 “(B) subject to a controlling or ownership
23 interest of an individual convicted of such a vio-
24 lation.

1 “(2) EXCEPTION.—Notwithstanding paragraph
 2 (1), the Administrator may issue a certificate under
 3 this chapter to a person described in paragraph (1)
 4 if issuance of the certificate will facilitate law en-
 5 forcement efforts.

6 “(b) REVOCATION OF CERTIFICATE.—

7 “(1) IN GENERAL.—Except as provided in sub-
 8 sections (f) and (g) of this section, the Adminis-
 9 trator shall issue an order revoking a certificate
 10 issued under this chapter if the Administrator finds
 11 that the holder of the certificate, or an individual
 12 who has a controlling or ownership interest in the
 13 holder—

14 “(A) was convicted of a violation of a law
 15 of the United States or of a State relating to
 16 the installation, production, repair, or sale of a
 17 counterfeit or falsely-represented aviation part
 18 or material; or

19 “(B) knowingly carried out or facilitated
 20 an activity punishable under such a law.

21 “(2) NO AUTHORITY TO REVIEW VIOLATION.—

22 In carrying out paragraph (1) of this subsection, the
 23 Administrator may not review whether a person vio-
 24 lated such a law.

1 “(c) NOTICE REQUIREMENT.—Before the Adminis-
 2 trator revokes a certificate under subsection (b), the Ad-
 3 ministrators shall—

4 “(1) advise the holder of the certificate of the
 5 reason for the revocation; and

6 “(2) provide the holder of the certificate an op-
 7 portunity to be heard on why the certificate should
 8 not be revoked.

9 “(d) APPEAL.—The provisions of section 44710(d)
 10 apply to the appeal of a revocation order under subsection
 11 (b). For the purpose of applying that section to such an
 12 appeal, ‘person’ shall be substituted for ‘individual’ each
 13 place it appears.

14 “(e) AQUITTAL OR REVERSAL.—

15 “(1) IN GENERAL.—The Administrator may not
 16 revoke, and the Board may not affirm a revocation
 17 of, a certificate under subsection (b)(1)(B) of this
 18 section if the holder of the certificate, or the individ-
 19 ual, is acquitted of all charges related to the viola-
 20 tion.

21 “(2) REISSUANCE.—The Administrator may re-
 22 issue a certificate revoked under subsection (b) of
 23 this section to the former holder if—

1 “(A) the former holder otherwise satisfies
 2 the requirements of this chapter for the certifi-
 3 cate;

4 “(B) the former holder, or individual, is
 5 acquitted of all charges related to the violation
 6 on which the revocation was based; or

7 “(C) the conviction of the former holder,
 8 or individual, of the violation on which the rev-
 9 ocation was based is reversed.

10 “(f) WAIVER.—The Administrator may waive revoca-
 11 tion of a certificate under subsection (b) of this section
 12 if—

13 “(1) a law enforcement official of the United
 14 States Government, or of a State (with respect to
 15 violations of State law), requests a waiver; or

16 “(2) the waiver will facilitate law enforcement
 17 efforts.

18 “(g) AMENDMENT OF CERTIFICATE.—If the holder
 19 of a certificate issued under this chapter is other than an
 20 individual and the Administrator finds that—

21 “(1) an individual who had a controlling or
 22 ownership interest in the holder committed a viola-
 23 tion of a law for the violation of which a certificate
 24 may be revoked under this section, or knowingly car-

1 ried out or facilitated an activity punishable under
2 such a law; and

3 “(2) the holder satisfies the requirements for
4 the certificate without regard to that individual,
5 then the Administrator may amend the certificate to im-
6 pose a limitation that the certificate will not be valid if
7 that individual has a controlling or ownership interest in
8 the holder. A decision by the Administrator under this
9 subsection is not reviewable by the Board.”.

10 (2) CONFORMING AMENDMENT.—The chapter
11 analysis for chapter 447 is amended by adding at
12 the end thereof the following:

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

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

15 “(c) PROHIBITION ON EMPLOYMENT OF CONVICTED
16 COUNTERFEIT PART DEALERS.—No person subject to
17 this chapter may employ anyone to perform a function re-
18 lated to the procurement, sale, production, or repair of a
19 part or material, or the installation of a part into a civil
20 aircraft, who has been convicted of a violation of any Fed-
21 eral or State law relating to the installation, production,
22 repair, or sale of a counterfeit or falsely-represented avia-
23 tion part or material.”.

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

2 (a) IN GENERAL.—Chapter 463 is amended by redес-
 3 ignating section 46316 as section 46217, and by inserting
 4 after section 46317 the following: *(as amended by section*
 5 *309) is amended by adding at the end thereof the following:*

6 “§ ~~46316.~~ **46318. Interference with cabin or flight**
 7 **crew**

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

16 “(b) COMPROMISE AND SETOFF.—

17 “(1) The Secretary of Transportation or the
 18 Administrator may compromise the amount of a civil
 19 penalty imposed under subsection (a).

20 “(2) The Government may deduct the amount
 21 of a civil penalty imposed or compromised under this
 22 section from amounts it owes the individual liable
 23 for the penalty.”.

24 (b) CONFORMING CHANGE.—The chapter analysis
 25 for chapter 463 is amended by striking the item relating

1 to section 46316 and inserting after the item relating to
 2 section 46315 the following:

“46316. Interference with cabin or flight crew.

“46317. General criminal penalty when specific penalty not provided.”.

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

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

12 (b) *INVESTIGATION OF ALL COMPLAINTS REQUIRED.*—
 13 *Section 41705 is amended by—*

14 (1) *inserting “(a) IN GENERAL.—” before “In*
 15 *providing”;*

16 (2) *striking “carrier” and inserting “carrier, in-*
 17 *cluding any foreign air carrier doing business in the*
 18 *United States,”; and after “In providing air trans-*
 19 *portation, an air carrier”; and*

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

21 “(b) *EACH ACT CONSTITUTES SEPARATE OFFENSE.—*
 22 *Each separate act of discrimination prohibited by sub-*
 23 *section (a) constitutes a separate violation of that sub-*
 24 *section.*

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

2 “(1) *IN GENERAL.*—*The Secretary or a person*
 3 *designated by the Secretary within the Office of Civil*
 4 *Rights shall investigate each complaint of a violation*
 5 *of subsection (a).*

6 “(2) *PUBLICATION OF DATA.*—*The Secretary or a*
 7 *person designated by the Secretary within the Office*
 8 *of Civil Rights shall publish disability-related com-*
 9 *plaint data in a manner comparable to other con-*
 10 *sumer 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 within the Office*
 15 *of Civil Rights shall regularly review all complaints*
 16 *received by air carriers alleging discrimination on the*
 17 *basis of disability, and report annually to Congress*
 18 *on the results of such review.*

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

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

ability, to provide technical assistance to air carriers and individuals with disabilities in understanding the rights and responsibilities of this section; and

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

~~(b)~~ (c) INCREASED CIVIL PENALTIES.—Section 46301(a) is amended by—

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

(2) adding at the end thereof the following:

~~“(7) Unless an air carrier that violates section 41705 with respect to an individual provides that individual a credit or voucher for the purchase of a ticket on that air carrier or any affiliated air carrier in an amount (determined by the Secretary) of—~~

~~“(A) not less than \$500 and not more than \$2,500 for the first violation; or~~

~~“(B) not less than \$2,500 and not more than \$5,000 for any subsequent violation; then that air carrier is liable to the United States Government for a civil penalty, determined by the Secretary, of not more than 100 percent of~~

the amount of the credit or voucher so determined. For purposes of this paragraph, each act of discrimination prohibited by section 41705 constitutes a separate violation of that section.”.

“(7) VIOLATION OF SECTION 41705.—

“(A) CREDIT; VOUCHER; CIVIL PENALTY.—

Unless an individual accepts a credit or voucher for the purchase of a ticket on an air carrier or any affiliated air carrier for a violation of subsection (a) in an amount (determined by the Secretary) of—

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

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

then that air carrier is liable to the United States Government for a civil penalty, determined by the Secretary, of not more than 100 percent of the amount of the credit or voucher so determined.

“(B) REMEDY NOT EXCLUSIVE.—*Nothing in subparagraph (A) precludes or affects the right of persons with disabilities to file private rights of action under section 41705 or to limit claims for*

1 *compensatory or punitive damages asserted in*
 2 *such cases.*

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

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

8 “(ii) *who is awarded damages by the*
 9 *court in which the action is brought,*
 10 *may be awarded reasonable attorneys’ fees and*
 11 *costs of litigation reasonably incurred in bring-*
 12 *ing the action if the court deems it appro-*
 13 *priate.”.*

14 **SEC. 408. CONVEYANCES OF UNITED STATES GOVERNMENT**
 15 **LAND.**

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

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

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

22 “(A) shall request the head of the depart-
 23 ment, agency, or instrumentality of the United
 24 States Government owning or controlling land
 25 or airspace to convey a property interest in the

1 land or airspace to the public agency sponsoring
2 the project or owning or controlling the airport
3 when necessary to carry out a project under
4 this subchapter at a public airport, to operate
5 a public airport, or for the future development
6 of an airport under the national plan of inte-
7 grated airport systems; and

8 “(B) may request the head of such a de-
9 partment, agency, or instrumentality to convey
10 a property interest in the land or airspace to
11 such a public agency for a use that will com-
12 plement, facilitate, or augment airport develop-
13 ment, including the development of additional
14 revenue from both aviation and nonaviation
15 sources.

16 “(2) RESPONSE TO REQUEST FOR CERTAIN
17 CONVEYANCES.—Within 4 months after receiving a
18 request from the Secretary under paragraph (1), the
19 head of the department, agency, or instrumentality
20 shall—

21 “(A) decide whether the requested convey-
22 ance is consistent with the needs of the depart-
23 ment, agency, or instrumentality;

24 “(B) notify the Secretary of the decision;
25 and

1 “(C) make the requested conveyance if—

2 “(i) the requested conveyance is con-
3 sistent with the needs of the department,
4 agency, or instrumentality;

5 “(ii) the Attorney General approves
6 the conveyance; and

7 “(iii) the conveyance can be made
8 without cost to the United States Govern-
9 ment.

10 “(3) REVERSION.—Except as provided in sub-
11 section (b), a conveyance under this subsection may
12 only be made on the condition that the property in-
13 terest conveyed reverts to the Government, at the
14 option of the Secretary, to the extent it is not devel-
15 oped for an airport purpose or used consistently with
16 the conveyance.”.

17 (b) RELEASE OF CERTAIN CONDITIONS.—Section
18 47125 is amended—

19 (1) by redesignating subsection (b) as sub-
20 section (c); and

21 (2) by inserting the following after subsection
22 (a):

23 “(b) RELEASE OF CERTAIN CONDITIONS.—The Sec-
24 retary may grant a release from any term, condition, res-
25 ervation, or restriction contained in any conveyance exe-

1 cuted under this section, section 16 of the Federal Airport
 2 Act, section 23 of the Airport and Airway Development
 3 Act of 1970, or section 516 of the Airport and Airway
 4 Improvement Act of 1982, to facilitate the development
 5 of additional revenue from aeronautical and nonaeronauti-
 6 cal sources if the Secretary—

7 “(1) determines that the property is no longer
 8 needed for aeronautical purposes;

9 “(2) determines that the property will be used
 10 solely to generate revenue for the public airport;

11 “(3) provides preliminary notice to the head of
 12 the department, agency, or instrumentality that con-
 13 veyed the property interest at least 30 days before
 14 executing the release;

15 “(4) provides notice to the public of the re-
 16 quested release;

17 “(5) includes in the release a written justifica-
 18 tion for the release of the property; and

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

21 (c) EFFECTIVE DATE.—Section 47125(b) of title 49,
 22 United States Code, as added by subsection (b) of this
 23 section, applies to property interests conveyed before, on,
 24 or after the date of enactment of this Act.

(d) IDITAROD AREA SCHOOL DISTRICT.—Notwithstanding any other provision of law (including section 47125 of title 49, United States Code, as amended by this section), the Administrator of the Federal Aviation Administration, or the Administrator of the General Services Administration, may convey to the Iditarod Area School District without reimbursement all right, title, and interest in 12 acres of property at Lake Minchumina, Alaska, identified by the Administrator of the Federal Aviation Administration, including the structures known as housing units 100 through 105 and as utility building 301.

SEC. 409. FLIGHT OPERATIONS QUALITY ASSURANCE RULES.

Not later than 90 days after the date of enactment of this Act, the Administrator shall issue a notice of proposed rulemaking to develop procedures to protect air carriers and their employees from ~~civil enforcement action under the program known as Flight Operations Quality Assurance~~ *enforcement actions for violations of the Federal Aviation Regulations other than criminal or deliberate acts that are reported or discovered as a result of voluntary reporting programs, such as the Flight Operations Quality Assurance Program and the Aviation Safety Action Program*. Not later than 1 year after the last day of the period for public comment provided for in the notice of proposed

1 rulemaking, the Administrator shall issue a final rule es-
2 tablishing those procedures.

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

4 (a) PLAN.—The Administrator shall identify or de-
5 velop a plan to implement WAAS to provide navigation
6 and landing approach capabilities for civilian use and
7 make a determination as to whether a backup system is
8 necessary. Until the Administrator determines that WAAS
9 is the sole means of navigation, the Administration shall
10 continue to develop and maintain a backup system.

11 (b) REPORT.—Within 6 months after the date of en-
12 actment of this Act, the Administrator shall—

13 (1) report to the Senate Committee on Com-
14 merce, Science, and Transportation and the House
15 of Representatives Committee on Transportation
16 and Infrastructure, on the plan developed under sub-
17 section (a);

18 (2) submit a timetable for implementing
19 WAAS; and

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

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

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

SEC. 411. REGULATION OF ALASKA AIR GUIDES.

The Administrator shall reissue the notice to operators originally published in the Federal Register on January 2, 1998, which advised Alaska guide pilots of the applicability of part 135 of title 14, Code of Federal Regulations, to guide pilot operations. In reissuing the notice, the Administrator shall provide for not less than 60 days of public comment on the Federal Aviation Administration action. If, notwithstanding the public comments, the Administrator decides to proceed with the action, the Administrator shall publish in the Federal Register a notice justifying the Administrator's decision and providing at least 90 days for compliance.

SEC. 412. APPLICATION OF FAA REGULATIONS.

SEC. 412. ALASKA RURAL AVIATION IMPROVEMENT.

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

“(f) *APPLICATION OF CERTAIN REGULATIONS TO ALASKA*.—In amending title 14, Code of Federal Regulations, in a manner affecting intrastate aviation in Alaska, the Administrator of the Federal Aviation Administration

1 shall consider the extent to which Alaska is not served by
 2 transportation modes other than aviation, and shall estab-
 3 lish such regulatory distinctions as the Administrator con-
 4 siders appropriate.”.

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

16 **(c) MIKE-IN-HAND WEATHER OBSERVATION.**—*The Ad-*
 17 *ministrator of the Federal Aviation Administration and the*
 18 *Assistant Administrator of the National Weather Service,*
 19 *in consultation with the National Transportation Safety*
 20 *Board and the Governor of the State of Alaska, shall develop*
 21 *and implement a “mike-in-hand” weather observation pro-*
 22 *gram in Alaska under which Federal Aviation Administra-*
 23 *tion employees, National Weather Service employees, other*
 24 *Federal or State employees sited at an airport, or persons*
 25 *contracted specifically for such purpose (including part-*

1 *time contract employees who are not sited at such airport),*
 2 *will provide near-real time aviation weather information*
 3 *via radio and otherwise to pilots who request such informa-*
 4 *tion.*

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

9 **SEC. 413. HUMAN FACTORS PROGRAM.**

10 (a) IN GENERAL.—Chapter 445 is amended by add-
 11 ing at the end thereof the following:

12 **“§ 44516. Human factors program**

13 “(a) OVERSIGHT COMMITTEE.—The Administrator
 14 of the Federal Aviation Administration shall establish an
 15 advanced qualification program oversight committee to ad-
 16 vise the Administrator on the development and execution
 17 of Advanced Qualification Programs for air carriers under
 18 this section, and to encourage their adoption and imple-
 19 mentation.

20 “(b) HUMAN FACTORS TRAINING.—

21 “(1) AIR TRAFFIC CONTROLLERS.—The Admin-
 22 istrator shall—

23 “(A) address the problems and concerns
 24 raised by the National Research Council in its

1 report ‘The Future of Air Traffic Control’ on
2 air traffic control automation; and

3 “(B) respond to the recommendations
4 made by the National Research Council.

5 “(2) PILOTS AND FLIGHT CREWS.—The Admin-
6 istrator shall work with the aviation industry to de-
7 velop specific training curricula, within 12 months
8 after the date of enactment of the Air Transpor-
9 tation Improvement Act, to address critical safety
10 problems, including problems of pilots—

11 “(A) in recovering from loss of control of
12 the aircraft, including handling unusual atti-
13 tudes and mechanical malfunctions;

14 “(B) in deviating from standard operating
15 procedures, including inappropriate responses to
16 emergencies and hazardous weather;

17 “(C) in awareness of altitude and location
18 relative to terrain to prevent controlled flight
19 into terrain; and

20 “(D) in landing and approaches, including
21 nonprecision approaches and go-around proce-
22 dures.

23 “(c) ACCIDENT INVESTIGATIONS.—The Adminis-
24 trator, working with the National Transportation Safety
25 Board and representatives of the aviation industry, shall

1 establish a process to assess human factors training as
 2 part of accident and incident investigations.

3 “(d) TEST PROGRAM.—The Administrator shall es-
 4 tablish a test program in cooperation with United States
 5 air carriers to use model Jeppesen approach plates or
 6 other similar tools to improve nonprecision landing ap-
 7 proaches for aircraft.

8 “(e) ADVANCED QUALIFICATION PROGRAM DE-
 9 FINED.—For purposes of this section, the term ‘advanced
 10 qualification program’ means an alternative method for
 11 qualifying, training, certifying, and ensuring the com-
 12 petency of flight crews and other commercial aviation op-
 13 erations personnel subject to the training and evaluation
 14 requirements of Parts 121 and 135 of title 14, Code of
 15 Federal Regulations.”.

16 (b) AUTOMATION AND ASSOCIATED TRAINING.—The
 17 Administrator shall complete the Administration’s updat-
 18 ing of training practices for *flight deck* automation and
 19 associated training requirements within 12 months after
 20 the date of enactment of this Act.

21 (c) CONFORMING AMENDMENT.—The chapter analy-
 22 sis for chapter 445 is amended by adding at the end there-
 23 of the following:

“44516. Human factors program.”.

1 **SEC. 414. INDEPENDENT VALIDATION OF FAA COSTS AND**
2 **ALLOCATIONS.**

3 (a) INDEPENDENT ASSESSMENT.—

4 (1) INITIATION.—Not later than 90 days after
5 the date of enactment of this Act, the Inspector
6 General of the Department of Transportation shall
7 initiate the analyses described in paragraph (2). In
8 conducting the analyses, the Inspector General shall
9 ensure that the analyses are carried out by 1 or
10 more entities that are independent of the Federal
11 Aviation Administration. The Inspector General may
12 use the staff and resources of the Inspector General
13 or may contract with independent entities to conduct
14 the analyses.

15 (2) ASSESSMENT OF ADEQUACY AND ACCURACY
16 OF FAA COST DATA AND ATTRIBUTIONS.—To ensure
17 that the method for capturing and distributing the
18 overall costs of the Federal Aviation Administration
19 is appropriate and reasonable, the Inspector General
20 shall conduct an assessment that includes the follow-
21 ing:

22 (A)(i) Validation of Federal Aviation Ad-
23 ministration cost input data, including an audit
24 of the reliability of Federal Aviation Adminis-
25 tration source documents and the integrity and

1 reliability of the Federal Aviation Administra-
2 tion's data collection process.

3 (ii) An assessment of the reliability of the
4 Federal Aviation Administration's system for
5 tracking assets.

6 (iii) An assessment of the reasonableness
7 of the Federal Aviation Administration's bases
8 for establishing asset values and depreciation
9 rates.

10 (iv) An assessment of the Federal Aviation
11 Administration's system of internal controls for
12 ensuring the consistency and reliability of re-
13 ported data to begin immediately after full
14 operational capability of the cost accounting
15 system.

16 (B) A review and validation of the Federal
17 Aviation Administration's definition of the serv-
18 ices to which the Federal Aviation Administra-
19 tion ultimately attributes its costs, and the
20 methods used to identify direct costs associated
21 with the services.

22 (C) An assessment and validation of the
23 general cost pools used by the Federal Aviation
24 Administration, including the rationale for and
25 reliability of the bases on which the Federal

1 Aviation Administration proposes to allocate
2 costs of services to users and the integrity of
3 the cost pools as well as any other factors con-
4 sidered important by the Inspector General. Ap-
5 propriate statistical tests shall be performed to
6 assess relationships between costs in the various
7 cost pools and activities and services to which
8 the costs are attributed by the Federal Aviation
9 Administration.

10 (b) DEADLINE.—The independent analyses described
11 in this section shall be completed no later than 270 days
12 after the contracts are awarded to the outside independent
13 contractors. The Inspector General shall submit a final re-
14 port combining the analyses done by its staff with those
15 of the outside independent contractors to the Secretary of
16 Transportation, the Administrator, the Committee on
17 Commerce, Science, and Transportation of the Senate,
18 and the Committee on Transportation and Infrastructure
19 of the House of Representatives. The final report shall be
20 submitted by the Inspector General not later than 300
21 days after the award of contracts.

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

1 **SEC. 415. WHISTLEBLOWER PROTECTION FOR FAA EM-**
2 **PLOYEES.**

3 Section 347(b)(1) of Public Law 104–50 (49 U.S.C.
4 106, note) is amended by striking “protection;” and in-
5 serting “protection, including the provisions for investiga-
6 tions and enforcement as provided in chapter 12 of title
7 5, United States Code;”.

8 **SEC. 416. REPORT ON MODERNIZATION OF OCEANIC ATC**
9 **SYSTEM.**

10 The Administrator of the Federal Aviation Adminis-
11 tration shall report to the Congress on plans to modernize
12 the oceanic air traffic control system, including a budget
13 for the program, a determination of the requirements for
14 modernization, and, if necessary, a proposal to fund the
15 program.

16 **SEC. 417. REPORT ON AIR TRANSPORTATION OVERSIGHT**
17 **SYSTEM.**

18 Beginning in 2000, the Administrator of the Federal
19 Aviation Administration shall report biannually to the
20 Congress on the air transportation oversight system pro-
21 gram announced by the Administration on May 13, 1998,
22 in detail on the training of inspectors, the number of in-
23 spectors using the system, air carriers subject to the sys-
24 tem, and the budget for the system.

1 **SEC. 418. RECYCLING OF EIS.**

2 Notwithstanding any other provision of law to the
3 contrary, the Secretary of Transportation may authorize
4 the use, in whole or in part, of a completed environmental
5 assessment or environmental impact study for a new air-
6 port construction project on the air operations area, that
7 is substantially similar in nature to one previously con-
8 structed pursuant to the completed environmental assess-
9 ment or environmental impact study in order to avoid un-
10 necessary duplication of expense and effort, and any such
11 authorized use shall meet all requirements of Federal law
12 for the completion of such an assessment or study.

13 **SEC. 419. PROTECTION OF EMPLOYEES PROVIDING AIR**
14 **SAFETY INFORMATION.**

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

17 “SUBCHAPTER III—WHISTLEBLOWER
18 PROTECTION PROGRAM

19 **“§ 42121. Protection of employees providing air safe-**
20 **ty information**

21 “(a) DISCRIMINATION AGAINST AIRLINE EMPLOY-
22 EES.—No air carrier or contractor or subcontractor of an
23 air carrier may discharge an employee of the air carrier
24 or the contractor or subcontractor of an air carrier or oth-
25 erwise discriminate against any such employee with re-
26 spect to compensation, terms, conditions, or privileges of

1 employment because the employee (or any person acting
2 pursuant to a request of the employee)—

3 “(1) provided, caused to be provided, or is
4 about to provide or cause to be provided to the Fed-
5 eral Government information relating to any viola-
6 tion or alleged violation of any order, regulation, or
7 standard of the Federal Aviation Administration or
8 any other provision of Federal law relating to air
9 carrier safety under this subtitle or any other law of
10 the United States;

11 “(2) has filed, caused to be filed, or is about to
12 file or cause to be filed a proceeding relating to any
13 violation or alleged violation of any order, regulation,
14 or standard of the Federal Aviation Administration
15 or any other provision of Federal law relating to air
16 carrier safety under this subtitle or any other law of
17 the United States;

18 “(3) testified or will testify in such a proceed-
19 ing; or

20 “(4) assisted or participated or is about to as-
21 sist or participate in such a proceeding.

22 “(b) DEPARTMENT OF LABOR COMPLAINT PROCE-
23 DURE.—

24 “(1) FILING AND NOTIFICATION.—

1 “(A) IN GENERAL.—In accordance with
2 this paragraph, a person may file (or have a
3 person file on behalf of that person) a com-
4 plaint with the Secretary of Labor if that per-
5 son believes that an air carrier or contractor or
6 subcontractor of an air carrier discharged or
7 otherwise discriminated against that person in
8 violation of subsection (a).

9 “(B) REQUIREMENTS FOR FILING COM-
10 PLAINTS.—A complaint referred to in subpara-
11 graph (A) may be filed not later than 90 days
12 after an alleged violation occurs. The complaint
13 shall state the alleged violation.

14 “(C) NOTIFICATION.—Upon receipt of a
15 complaint submitted under subparagraph (A),
16 the Secretary of Labor shall notify the air car-
17 rier, contractor, or subcontractor named in the
18 complaint and the Administrator of the Federal
19 Aviation Administration of the—

20 “(i) filing of the complaint;

21 “(ii) allegations contained in the com-
22 plaint;

23 “(iii) substance of evidence supporting
24 the complaint; and

1 “(iv) opportunities that are afforded
2 to the air carrier, contractor, or sub-
3 contractor under paragraph (2).

4 “(2) INVESTIGATION; PRELIMINARY ORDER.—

5 “(A) IN GENERAL.—

6 “(i) INVESTIGATION.—Not later than
7 60 days after receipt of a complaint filed
8 under paragraph (1) and after affording
9 the person named in the complaint an op-
10 portunity to submit to the Secretary of
11 Labor a written response to the complaint
12 and an opportunity to meet with a rep-
13 resentative of the Secretary to present
14 statements from witnesses, the Secretary
15 of Labor shall conduct an investigation
16 and determine whether there is reasonable
17 cause to believe that the complaint has
18 merit and notify in writing the complain-
19 ant and the person alleged to have commit-
20 ted a violation of subsection (a) of the Sec-
21 retary’s findings.

22 “(ii) ORDER.—Except as provided in
23 subparagraph (B), if the Secretary of
24 Labor concludes that there is reasonable
25 cause to believe that a violation of sub-

1 section (a) has occurred, the Secretary
 2 shall accompany the findings referred to in
 3 clause (i) with a preliminary order provid-
 4 ing the relief prescribed under paragraph
 5 (3)(B).

6 “(iii) OBJECTIONS.—Not later than
 7 30 days after the date of notification of
 8 findings under this paragraph, the person
 9 alleged to have committed the violation or
 10 the complainant may file objections to the
 11 findings or preliminary order and request a
 12 hearing on the record.

13 “(iv) EFFECT OF FILING.—The filing
 14 of objections under clause (iii) shall not op-
 15 erate to stay any reinstatement remedy
 16 contained in the preliminary order.

17 “(v) HEARINGS.—Hearings conducted
 18 pursuant to a request made under clause
 19 (iii) shall be conducted ~~expeditiously~~. *expe-*
 20 *ditiously and governed by the Federal Rules*
 21 *of Civil Procedure*. If a hearing is not re-
 22 quested during the 30-day period pre-
 23 scribed in clause (iii), the preliminary
 24 order shall be deemed a final order that is
 25 not subject to judicial review.

1 “(B) REQUIREMENTS.—

2 “(i) REQUIRED SHOWING BY COM-
3 PLAINANT.—The Secretary of Labor shall
4 dismiss a complaint filed under this sub-
5 section and shall not conduct an investiga-
6 tion otherwise required under subpara-
7 graph (A) unless the complainant makes a
8 prima facie showing that any behavior de-
9 scribed in paragraphs (1) through (4) of
10 subsection (a) was a contributing factor in
11 the unfavorable personnel action alleged in
12 the complaint.

13 “(ii) SHOWING BY EMPLOYER.—Not-
14 withstanding a finding by the Secretary
15 that the complainant has made the show-
16 ing required under clause (i), no investiga-
17 tion otherwise required under subpara-
18 graph (A) shall be conducted if the em-
19 ployer demonstrates, by clear and convince-
20 ing evidence, that the employer would have
21 taken the same unfavorable personnel ac-
22 tion in the absence of that behavior.

23 “(iii) CRITERIA FOR DETERMINATION
24 BY SECRETARY.—The Secretary may de-
25 termine that a violation of subsection (a)

1 has occurred only if the complainant dem-
2 onstrates that any behavior described in
3 paragraphs (1) through (4) of subsection
4 (a) was a contributing factor in the unfa-
5 vorable personnel action alleged in the
6 complaint.

7 “(iv) PROHIBITION.—Relief may not
8 be ordered under subparagraph (A) if the
9 employer demonstrates by clear and con-
10 vincing evidence that the employer would
11 have taken the same unfavorable personnel
12 action in the absence of that behavior.

13 “(3) FINAL ORDER.—

14 “(A) DEADLINE FOR ISSUANCE; SETTLE-
15 MENT AGREEMENTS.—

16 “(i) IN GENERAL.—Not later than
17 120 days after conclusion of a hearing
18 under paragraph (2), the Secretary of
19 Labor shall issue a final order that—

20 “(I) provides relief in accordance
21 with this paragraph; or

22 “(II) denies the complaint.

23 “(ii) SETTLEMENT AGREEMENT.—At
24 any time before issuance of a final order
25 under this paragraph, a proceeding under

1 this subsection may be terminated on the
2 basis of a settlement agreement entered
3 into by the Secretary of Labor, the com-
4 plainant, and the air carrier, contractor, or
5 subcontractor alleged to have committed
6 the violation.

7 “(B) REMEDY.—If, in response to a com-
8 plaint filed under paragraph (1), the Secretary
9 of Labor determines that a violation of sub-
10 section (a) has occurred, the Secretary of Labor
11 shall order the air carrier, contractor, or sub-
12 contractor that the Secretary of Labor deter-
13 mines to have committed the violation to—

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

15 “(ii) reinstate the complainant to the
16 former position of the complainant and en-
17 sure the payment of compensation (includ-
18 ing back pay) and the restoration of terms,
19 conditions, and privileges associated with
20 the employment; and

21 “(iii) provide compensatory damages
22 to the complainant.

23 “(C) COSTS OF COMPLAINT.—If the Sec-
24 retary of Labor issues a final order that pro-
25 vides for relief in accordance with this para-

graph, the Secretary of Labor, at the request of the complainant, shall assess against the air carrier, contractor, or subcontractor named in the order an amount equal to the aggregate amount of all costs and expenses (including attorney and expert witness fees) reasonably incurred by the complainant (as determined by the Secretary of Labor) for, or in connection with, the bringing of the complaint that resulted in the issuance of the order.

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

“(4) (5) *REVIEW.*—

“(A) *APPEAL TO COURT OF APPEALS.*—

“(i) *IN GENERAL.*—Not later than 60 days after a final order is issued under paragraph (3), a person adversely affected or aggrieved by that order may obtain review of the order in the United States court of appeals for the circuit in which the violation allegedly occurred or the cir-

1 cuit in which the complainant resided on
2 the date of that violation.

3 “(ii) REQUIREMENTS FOR JUDICIAL
4 REVIEW.—A review conducted under this
5 paragraph shall be conducted in accord-
6 ance with chapter 7 of title 5. The com-
7 mencement of proceedings under this sub-
8 paragraph shall not, unless ordered by the
9 court, operate as a stay of the order that
10 is the subject of the review.

11 “(B) LIMITATION ON COLLATERAL AT-
12 TACK.—An order referred to in subparagraph
13 (A) shall not be subject to judicial review in any
14 criminal or other civil proceeding.

15 “~~(5)~~ (6) ENFORCEMENT OF ORDER BY SEC-
16 RETARY OF LABOR.—

17 “(A) IN GENERAL.—If an air carrier, con-
18 tractor, or subcontractor named in an order
19 issued under paragraph (3) fails to comply with
20 the order, the Secretary of Labor may file a
21 civil action in the United States district court
22 for the district in which the violation occurred
23 to enforce that order.

24 “(B) RELIEF.—In any action brought
25 under this paragraph, the district court shall

1 have jurisdiction to grant any appropriate form
2 of relief, including injunctive relief and compen-
3 satory damages.

4 “(6) (7) ENFORCEMENT OF ORDER BY PAR-
5 TIES.—

6 “(A) COMMENCEMENT OF ACTION.—A per-
7 son on whose behalf an order is issued under
8 paragraph (3) may commence a civil action
9 against the air carrier, contractor, or sub-
10 contractor named in the order to require com-
11 pliance with the order. The appropriate United
12 States district court shall have jurisdiction,
13 without regard to the amount in controversy or
14 the citizenship of the parties, to enforce the
15 order.

16 “(B) ATTORNEY FEES.—In issuing any
17 final order under this paragraph, the court may
18 award costs of litigation (including reasonable
19 attorney and expert witness fees) to any party
20 if the court determines that the awarding of
21 those costs is appropriate.

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

1 “(d) NONAPPLICABILITY TO DELIBERATE VIOLA-
 2 TIONS.—Subsection (a) shall not apply with respect to an
 3 employee of an air carrier, or contractor or subcontractor
 4 of an air carrier who, acting without direction from the
 5 air carrier (or an agent, contractor, or subcontractor of
 6 the air carrier), deliberately causes a violation of any re-
 7 quirement relating to air carrier safety under this subtitle
 8 or any other law of the ~~United States.~~” *United States.*

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

12 (b) CONFORMING AMENDMENT.—The chapter analy-
 13 sis for chapter 421 is amended by adding at the end the
 14 following:

“SUBCHAPTER III—WHISTLEBLOWER PROTECTION PROGRAM

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

15 (c) CIVIL PENALTY.—Section 46301(a)(1)(A) is
 16 amended by striking “subchapter II of chapter 421,” and
 17 inserting “subchapter II or III of chapter 421,”.

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

19 Section 44502(a) is amended by adding at the end
 20 thereof the following:

21 “(5) The Administrator may improve real prop-
 22 erty leased for air navigation facilities without re-

1 gard to the costs of the improvements in relation to
2 the cost of the lease if—

3 “(A) the improvements primarily benefit
4 the government;

5 “(B) are essential for mission accomplish-
6 ment; and

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

9 **SEC. 421. DENIAL OF AIRPORT ACCESS TO CERTAIN AIR**
10 **CARRIERS.**

11 Section 47107 is amended by adding at the end
12 thereof the following:

13 “(q) DENIAL OF ACCESS.—

14 “(1) EFFECT OF DENIAL.—If an owner or oper-
15 ator of an airport described in paragraph (2) denies
16 access to an air carrier described in paragraph (3),
17 that denial shall not be considered to be unreason-
18 able or unjust discrimination or a violation of this
19 section.

20 “(2) AIRPORTS TO WHICH SUBSECTION AP-
21 PLIES.—An airport is described in this paragraph if
22 it—

23 “(A) is designated as a reliever airport by
24 the Administrator of the Federal Aviation Ad-
25 ministration;

1 “(B) does not have an operating certificate
 2 issued under part 139 of title 14, Code of Fed-
 3 eral Regulations (or any subsequent similar reg-
 4 ulations); and

5 “(C) is located within a 35-mile radius of
 6 an airport that has—

7 “(i) at least 0.05 percent of the total
 8 annual boardings in the United States; and

9 “(ii) current gate capacity to handle
 10 the demands of a public charter operation.

11 “(3) AIR CARRIERS DESCRIBED.—An air carrier
 12 is described in this paragraph if it conducts oper-
 13 ations as a public charter under part 380 of title 14,
 14 Code of Federal Regulations (or any subsequent
 15 similar regulations) with aircraft that is designed to
 16 carry more than 9 passengers per flight.

17 “(4) DEFINITIONS.—In this subsection:

18 “(A) AIR CARRIER; AIR TRANSPORTATION;
 19 AIRCRAFT; AIRPORT.—The terms ‘air carrier’,
 20 ‘air transportation’, ‘aircraft’, and ‘airport’
 21 have the meanings given those terms in section
 22 40102 of this title.

23 “(B) PUBLIC CHARTER.—The term ‘public
 24 charter’ means charter air transportation for
 25 which the general public is provided in advance

1 a schedule containing the departure location,
2 departure time, and arrival location of the
3 flights.”.

4 **SEC. 422. TOURISM.**

5 (a) FINDINGS.—Congress finds that—

6 (1) through an effective public-private partner-
7 ship, Federal, State, and local governments and the
8 travel and tourism industry can successfully market
9 the United States as the premiere international tour-
10 ist destination in the world;

11 (2) in 1997, the travel and tourism industry
12 made a substantial contribution to the health of the
13 Nation’s economy, as follows:

14 (A) The industry is one of the Nation’s
15 largest employers, directly employing 7,000,000
16 Americans, throughout every region of the
17 country, heavily concentrated among small busi-
18 nesses, and indirectly employing an additional
19 9,200,000 Americans, for a total of 16,200,000
20 jobs.

21 (B) The industry ranks as the first, sec-
22 ond, or third largest employer in 32 States and
23 the District of Columbia, generating a total
24 tourism-related annual payroll of
25 \$127,900,000,000.

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

4 (D) The industry generated
5 \$71,700,000,000 in tax revenues for Federal,
6 State, and local governments;

7 (3) the more than \$98,000,000,000 spent by
8 foreign visitors in the United States in 1997 gen-
9 erated a trade services surplus of more than
10 \$26,000,000,000;

11 (4) the private sector, States, and cities cur-
12 rently spend more than \$1,000,000,000 annually to
13 promote particular destinations within the United
14 States to international visitors;

15 (5) because other nations are spending hun-
16 dreds of millions of dollars annually to promote the
17 visits of international tourists to their countries, the
18 United States will miss a major marketing oppor-
19 tunity if it fails to aggressively compete for an in-
20 creased share of international tourism expenditures
21 as they continue to increase over the next decade;

22 (6) a well-funded, well-coordinated international
23 marketing effort—combined with additional public
24 and private sector efforts—would help small and
25 large businesses, as well as State and local govern-

1 ments, share in the anticipated phenomenal growth
2 of the international travel and tourism market in the
3 21st century;

4 (7) by making permanent the successful visa
5 waiver pilot program, Congress can facilitate the in-
6 creased flow of international visitors to the United
7 States;

8 (8) Congress can increase the opportunities for
9 attracting international visitors and enhancing their
10 stay in the United States by—

11 (A) improving international signage at air-
12 ports, seaports, land border crossings, high-
13 ways, and bus, train, and other public transit
14 stations in the United States;

15 (B) increasing the availability of multi-
16 lingual tourist information; and

17 (C) creating a toll-free, private-sector oper-
18 ated, telephone number, staffed by multilingual
19 operators, to provide assistance to international
20 tourists coping with an emergency;

21 (9) by establishing a satellite system of ac-
22 counting for travel and tourism, the Secretary of
23 Commerce could provide Congress and the President
24 with objective, thorough data that would help policy-
25 makers more accurately gauge the size and scope of

1 the domestic travel and tourism industry and its sig-
2 nificant impact on the health of the Nation's econ-
3 omy; and

4 (10) having established the United States Na-
5 tional Tourism Organization under the United
6 States National Tourism Organization Act of 1996
7 (22 U.S.C. 2141 et seq.) to increase the United
8 States share of the international tourism market by
9 developing a national travel and tourism strategy,
10 Congress should support a long-term marketing ef-
11 fort and other important regulatory reform initia-
12 tives to promote increased travel to the United
13 States for the benefit of every sector of the economy.

14 (b) PURPOSES.—The purposes of this section are to
15 provide international visitor initiatives and an inter-
16 national marketing program to enable the United States
17 travel and tourism industry and every level of government
18 to benefit from a successful effort to make the United
19 States the premiere travel destination in the world.

20 (c) INTERNATIONAL VISITOR ASSISTANCE TASK
21 FORCE.—

22 (1) ESTABLISHMENT.—Not later than 9
23 months after the date of enactment of this Act, the
24 Secretary of Commerce shall establish an Intergov-
25 ernmental Task Force for International Visitor As-

1 sistance (hereafter in this subsection referred to as
2 the “Task Force”).

3 (2) DUTIES.—The Task Force shall examine—

4 (A) signage at facilities in the United
5 States, including airports, seaports, land border
6 crossings, highways, and bus, train, and other
7 public transit stations, and shall identify exist-
8 ing inadequacies and suggest solutions for such
9 inadequacies, such as the adoption of uniform
10 standards on international signage for use
11 throughout the United States in order to facili-
12 tate international visitors’ travel in the United
13 States;

14 (B) the availability of multilingual travel
15 and tourism information and means of dissemi-
16 nating, at no or minimal cost to the Govern-
17 ment, of such information; and

18 (C) facilitating the establishment of a toll-
19 free, private-sector operated, telephone number,
20 staffed by multilingual operators, to provide as-
21 sistance to international tourists coping with an
22 emergency.

23 (3) MEMBERSHIP.—The Task Force shall be
24 composed of the following members:

25 (A) The Secretary of Commerce.

1 (B) The Secretary of State.

2 (C) The Secretary of Transportation.

3 (D) The Chair of the Board of Directors
4 of the United States National Tourism Organi-
5 zation.

6 (E) Such other representatives of other
7 Federal agencies and private-sector entities as
8 may be determined to be appropriate to the
9 mission of the Task Force by the Chairman.

10 (4) CHAIRMAN.—The Secretary of Commerce
11 shall be Chairman of the Task Force. The Task
12 Force shall meet at least twice each year. Each
13 member of the Task Force shall furnish necessary
14 assistance to the Task Force.

15 (5) REPORT.—Not later than 18 months after
16 the date of the enactment of this Act, the Chairman
17 of the Task Force shall submit to the President and
18 to Congress a report on the results of the review, in-
19 cluding proposed amendments to existing laws or
20 regulations as may be appropriate to implement
21 such recommendations.

22 (d) TRAVEL AND TOURISM INDUSTRY SATELLITE
23 SYSTEM OF ACCOUNTING.—

24 (1) IN GENERAL.—The Secretary of Commerce
25 shall complete, as soon as may be practicable, a sat-

1 elite system of accounting for the travel and tour-
2 ism industry.

3 (2) FUNDING.—To the extent any costs or ex-
4 penditures are incurred under this subsection, they
5 shall be covered to the extent funds are available to
6 the Department of Commerce for such purpose.

7 (e) AUTHORIZATION OF APPROPRIATIONS.—

8 (1) AUTHORIZATION.—Subject to paragraph
9 (2), there are authorized to be appropriated such
10 sums as may be necessary for the purpose of fund-
11 ing international promotional activities by the
12 United States National Tourism Organization to
13 help brand, position, and promote the United States
14 as the premiere travel and tourism destination in the
15 world.

16 (2) RESTRICTIONS ON USE OF FUNDS.—None
17 of the funds appropriated under paragraph (1) may
18 be used for purposes other than marketing, research,
19 outreach, or any other activity designed to promote
20 the United States as the premiere travel and tour-
21 ism destination in the world, except that the general
22 and administrative expenses of operating the United
23 States National Tourism Organization shall be borne
24 by the private sector through such means as the

1 Board of Directors of the Organization shall deter-
2 mine.

3 (3) REPORT TO CONGRESS.—Not later than
4 March 30 of each year in which funds are made
5 available under subsection (a), the Secretary shall
6 submit to the Committee on Commerce of the House
7 of Representatives and the Committee on Commerce,
8 Science, and Transportation of the Senate a detailed
9 report setting forth—

10 (A) the manner in which appropriated
11 funds were expended;

12 (B) changes in the United States market
13 share of international tourism in general and as
14 measured against specific countries and regions;

15 (C) an analysis of the impact of inter-
16 national tourism on the United States economy,
17 including, as specifically as practicable, an anal-
18 ysis of the impact of expenditures made pursu-
19 ant to this section;

20 (D) an analysis of the impact of inter-
21 national tourism on the United States trade
22 balance and, as specifically as practicable, an
23 analysis of the impact on the trade balance of
24 expenditures made pursuant to this section; and

1 (E) an analysis of other relevant economic
 2 impacts as a result of expenditures made pursu-
 3 ant to this section.

4 **SEC. 423. EQUIVALENCY OF FAA AND EU SAFETY STAND-**
 5 **ARDS.**

6 The Administrator of the Federal Aviation Adminis-
 7 tration shall determine whether the Administration's safe-
 8 ty regulations are equivalent to the safety standards set
 9 forth in European Union Directive 89/336EEC. If the Ad-
 10 ministrator determines that the standards are equivalent,
 11 the Administrator shall work with the Secretary of Com-
 12 merce to gain acceptance of that determination pursuant
 13 to the Mutual Recognition Agreement between the United
 14 States and the European Union of May 18, 1998, in order
 15 to ensure that aviation products approved by the Adminis-
 16 tration are acceptable under that Directive.

17 **SEC. 424. 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 lo-
 22 cation of the owner of the airport; and

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

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

3 **SEC. 425. FEDERAL AVIATION ADMINISTRATION PERSON-**
 4 **NEL MANAGEMENT SYSTEM.**

5 (a) APPLICABILITY OF MERIT SYSTEMS PROTECTION
 6 BOARD PROVISIONS.—Section 347(b) of the Department
 7 of Transportation and Related Agencies Appropriations
 8 Act, 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
 15 7701–7703, relating to the Merit Systems Protec-
 16 tion 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
 23 developed and implemented under subsection (a), an em-
 24 ployee of the Federal Aviation Administration may submit
 25 an appeal to the Merit Systems Protection Board and may

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

5 **SEC 426. AIRCRAFT AND AVIATION COMPONENT REPAIR**
 6 **AND MAINTENANCE ADVISORY PANEL.**

7 (a) ESTABLISHMENT OF PANEL.—The Administrator
 8 of the Federal Aviation Administration—

9 (1) shall establish an Aircraft Repair and Main-
 10 tenance Advisory Panel to review issues related to
 11 the use and oversight of aircraft and aviation com-
 12 ponent repair and maintenance facilities located
 13 within, or outside of, the United States; and

14 (2) may seek the advice of the panel on any
 15 issue related to methods to improve the safety of do-
 16 mestic or foreign contract aircraft and aviation com-
 17 ponent repair facilities.

18 (b) MEMBERSHIP.—The panel shall consist of—

19 (1) 8 members, appointed by the Administrator
 20 as follows:

21 (A) 3 representatives of labor organiza-
 22 tions representing aviation mechanics;

23 (B) 1 representative of cargo air carriers;

24 (C) 1 representative of passenger air car-
 25 riers;

1 (D) 1 representative of aircraft and avia-
2 tion component repair stations;

3 (E) 1 representative of aircraft manufac-
4 turers; and

5 (F) 1 representative of the aviation indus-
6 try not described in the preceding subpara-
7 graphs;

8 (2) 1 representative from the Department of
9 Transportation, designated by the Secretary of
10 Transportation;

11 (3) 1 representative from the Department of
12 State, designated by the Secretary of State; and

13 (4) 1 representative from the Federal Aviation
14 Administration, designated by the Administrator.

15 (c) RESPONSIBILITIES.—The panel shall—

16 (1) determine how much aircraft and aviation
17 component repair work and what type of aircraft
18 and aviation component repair work is being per-
19 formed by aircraft and aviation component repair
20 stations located within, and outside of, the United
21 States to better understand and analyze methods to
22 improve the safety and oversight of such facilities;
23 and

24 (2) provide advice and counsel to the Adminis-
25 trator with respect to aircraft and aviation compo-

1 nent repair work performed by those stations, staff-
2 ing needs, and any safety issues associated with that
3 work.

4 (d) FAA TO REQUEST INFORMATION FROM FOR-
5 EIGN AIRCRAFT REPAIR STATIONS.—

6 (1) COLLECTION OF INFORMATION.—The Ad-
7 ministrator shall by regulation request aircraft and
8 aviation component repair stations located outside
9 the United States to submit such information as the
10 Administrator may require in order to assess safety
11 issues and enforcement actions with respect to the
12 work performed at those stations on aircraft used by
13 United States air carriers.

14 (2) DRUG AND ALCOHOL TESTING INFORMA-
15 TION.—Included in the information the Adminis-
16 trator requests under paragraph (1) shall be infor-
17 mation on the existence and administration of em-
18 ployee drug and alcohol testing programs in place at
19 such stations, if applicable.

20 (3) DESCRIPTION OF WORK DONE.—Included in
21 the information the Administrator requests under
22 paragraph (1) shall be information on the amount
23 and type of aircraft and aviation component repair
24 work performed at those stations on aircraft reg-
25 istered in the United States.

1 (e) FAA TO REQUEST INFORMATION ABOUT DOMES-
 2 TIC AIRCRAFT REPAIR STATIONS.—If the Administrator
 3 determines that information on the volume of the use of
 4 domestic aircraft and aviation component repair stations
 5 is needed in order to better utilize Federal Aviation Ad-
 6 ministration resources, the Administrator may—

7 (1) require United States air carriers to submit
 8 the information described in subsection (d) with re-
 9 spect to their use of contract and noncontract air-
 10 craft and aviation component repair facilities located
 11 in the United States; and

12 (2) obtain information from such stations about
 13 work performed for foreign air carriers.

14 (f) FAA TO MAKE INFORMATION AVAILABLE TO
 15 PUBLIC.—The Administrator shall make any information
 16 received under subsection (d) or (e) available to the public.

17 (g) TERMINATION.—The panel established under
 18 subsection (a) shall terminate on the earlier of—

19 (1) the date that is 2 years after the date of en-
 20 actment of this Act; or

21 (2) December 31, 2000.

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

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

4 **SEC. 427. REPORT ON ENHANCED DOMESTIC AIRLINE COM-**
 5 **PETITION.**

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

8 (1) There has been a reduction in the level of
 9 competition in the domestic airline business brought
 10 about by mergers, consolidations, and proposed do-
 11 mestic alliances.

12 (2) Foreign citizens and foreign air carriers
 13 may be willing to invest in existing or start-up air-
 14 lines if they are permitted to acquire a larger equity
 15 share of a United States airline.

16 (b) STUDY.—The Secretary of Transportation, after
 17 consulting the appropriate Federal agencies, shall study
 18 and report to the Congress not later than June 30, 1999,
 19 on the desirability and implications of—

20 (1) decreasing the foreign ownership provision
 21 in section 40102(a)(15) of title 49, United States
 22 Code, to 51 percent from 75 percent; and

23 (2) changing the definition of air carrier in sec-
 24 tion 40102(a)(2) of such title by substituting “a

1 company whose principal place of business is in the
 2 United States” for “a citizen of the United States”.

3 **SEC. 427. AUTHORITY TO SELL AIRCRAFT AND AIRCRAFT**
 4 **PARTS FOR USE IN RESPONDING TO OIL**
 5 **SPILLS.**

6 (a) *AUTHORITY.*—

7 (1) *Notwithstanding section 202 of the Federal*
 8 *Property and Administrative Services Act of 1949 (40*
 9 *U.S.C. 483) and subject to subsections (b) and (c), the*
 10 *Secretary of Defense may, during the period begin-*
 11 *ning March 1, 1999, and ending on September 30,*
 12 *2002, sell aircraft and aircraft parts referred to in*
 13 *paragraph (2) to a person or entity that contracts to*
 14 *deliver oil dispersants by air in order to disperse oil*
 15 *spills, and that has been approved by the Secretary*
 16 *of the Department in which the Coast Guard is oper-*
 17 *ating, for the delivery of oil dispersants by air in*
 18 *order to disperse oil spills.*

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

23 (A) *excess to the needs of the Department;*

24 (B) *acceptable for commercial sale; and*

1 (C) with respect to aircraft, 10 years old or
2 older.

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

5 (1) may be used only for oil spill spotting, obser-
6 vation, and dispersant delivery; and

7 (2) may not be flown outside of or removed from
8 the United States except for the purpose of fulfilling
9 an international agreement to assist in oil spill dis-
10 persing efforts, or for other purposes that are jointly
11 approved by the Secretary of Defense and the Sec-
12 retary of Transportation.

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

20 (d) *REGULATIONS.*—

21 (1) As soon as practicable after the date of enact-
22 ment of this Act, the Secretary of Defense shall, in
23 consultation with the Secretary of Transportation
24 and the Administrator of General Services, prescribe

1 *regulations relating to the sale of aircraft and air-*
2 *craft parts under this section.*

3 *(2) The regulations shall—*

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

8 *(B) require a certification by the purchaser*
9 *that the aircraft and aircraft parts will be used*
10 *in subsection (b);*

11 *(C) establish appropriate means of verifying*
12 *and enforcing the use of the aircraft and aircraft*
13 *parts by the purchaser and other end-users in*
14 *accordance with the conditions set forth in sub-*
15 *section (b) or pursuant to sub- section (e); and*

16 *(D) ensure, to the maximum extent prac-*
17 *ticable, that the Secretary of Defense consults*
18 *with the Administrator of General Services and*
19 *with the heads of appropriate departments and*
20 *agencies of the Federal Government regarding al-*
21 *ternative requirements for such aircraft and air-*
22 *craft parts before the sale of such aircraft and*
23 *aircraft parts under this section.*

24 *(e) ADDITIONAL TERMS AND CONDITIONS.—The Sec-*
25 *retary of Defense may require such other terms and condi-*

1 tions in connection with each sale of aircraft and aircraft
 2 parts under this section as the Secretary considers appro-
 3 priate for such sale. Such terms and conditions shall meet
 4 the requirements of regulations prescribed under subsection
 5 (d).

6 (f) *REPORT*.—Not later than March 31, 2002, the Sec-
 7 retary of Defense shall submit to the Committee on Armed
 8 Services of the Senate and the Committee on National Secu-
 9 rity of the House of Representatives a report on the Sec-
 10 retary's exercise of authority under this section. The report
 11 shall set forth—

12 (1) the number and types of aircraft sold under
 13 the authority, and the terms and conditions under
 14 which the aircraft were sold;

15 (2) the persons or entities to which the aircraft
 16 were sold; and

17 (3) an accounting of the current use of the air-
 18 craft sold.

19 (g) *CONSTRUCTION*.—Nothing in this section may be
 20 construed as affecting the authority of the Administrator
 21 of the Federal Aviation Administration under any other
 22 provision of law.

23 (h) *PROCEEDS FROM SALE*.—The net proceeds of any
 24 amounts received by the Secretary of Defense from the sale
 25 of aircraft and aircraft parts under this section shall be

1 *covered into the general fund of the Treasury as miscellane-*
2 *ous receipts.*

3 **SEC. 428. AIRCRAFT SITUATIONAL DISPLAY DATA.**

4 (a) IN GENERAL.—A memorandum of agreement be-
5 tween the Administrator of the Federal Aviation Adminis-
6 tration and any person directly that obtains aircraft situa-
7 tional display data from the Administration shall require
8 that—

9 (1) the person demonstrate to the satisfaction
10 of the Administrator that such person is capable of
11 selectively blocking the display of any aircraft-situa-
12 tion-display-to-industry derived data related to any
13 identified aircraft registration number; and

14 (2) the person agree to block selectively the air-
15 craft registration numbers of any aircraft owner or
16 operator upon the Administration's request.

17 (b) EXISTING MEMORANDA TO BE CONFORMED.—
18 The Administrator shall conform any memoranda of
19 agreement, in effect on the date of enactment of this Act,
20 between the Administration and a person under which that
21 person obtains such data to incorporate the requirements
22 of subsection (a) within 30 days after that date.

1 **SEC. 429. TO EXPRESS THE SENSE OF THE SENATE CON-**
 2 **CERNING A BILATERAL AGREEMENT BE-**
 3 **TWEEN THE UNITED STATES AND THE**
 4 **UNITED KINGDOM REGARDING CHARLOTTE-**
 5 **LONDON ROUTE.**

6 (a) DEFINITIONS.—In this section:

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

10 (2) BERMUDA II AGREEMENT.—The term “Ber-
 11 muda II Agreement” means the Agreement Between
 12 the United States of America and United Kingdom
 13 of Great Britain and Northern Ireland Concerning
 14 Air Services, signed at Bermuda on July 23, 1977
 15 (TIAS 8641).

16 (3) CHARLOTTE-LONDON (GATWICK) ROUTE.—
 17 The term “Charlotte-London (Gatwick) route”
 18 means the route between Charlotte, North Carolina,
 19 and the Gatwick Airport in London, England.

20 (4) FOREIGN AIR CARRIER.—The term “foreign
 21 air carrier” has the meaning given that term in sec-
 22 tion 40102 of title 49, United States Code.

23 (5) SECRETARY.—The term “Secretary” means
 24 the Secretary of Transportation.

25 (b) FINDINGS.—Congress finds that—

1 (1) under the Bermuda II Agreement, the
2 United States has a right to designate an air carrier
3 of the United States to serve the Charlotte-London
4 (Gatwick) route;

5 (2) the Secretary awarded the Charlotte-Lon-
6 don (Gatwick) route to US Airways on September
7 12, 1997, and on May 7, 1998, US Airways an-
8 nounced plans to launch nonstop service in competi-
9 tion with the monopoly held by British Airways on
10 the route and to provide convenient single-carrier
11 one-stop service to the United Kingdom from dozens
12 of cities in North Carolina and South Carolina and
13 the surrounding region;

14 (3) US Airways was forced to cancel service for
15 the Charlotte-London (Gatwick) route for the sum-
16 mer of 1998 and the following winter because the
17 Government of the United Kingdom refused to pro-
18 vide commercially viable access to Gatwick Airport;

19 (4) British Airways continues to operate mo-
20 nopoly service on the Charlotte-London (Gatwick)
21 route and recently upgraded the aircraft for that
22 route to B-777 aircraft;

23 (5) British Airways had been awarded an addi-
24 tional monopoly route between London England and
25 Denver, Colorado, resulting in a total of 10 monop-

1 oly routes operated by British Airways between the
2 United Kingdom and points in the United States;

3 (6) monopoly service results in higher fares to
4 passengers; and

5 (7) US Airways is prepared, and officials of the
6 air carrier are eager, to initiate competitive air serv-
7 ice on the Charlotte-London (Gatwick) route as soon
8 as the Government of the United Kingdom provides
9 commercially viable access to the Gatwick Airport.

10 (c) SENSE OF THE SENATE.—It is the sense of the
11 Senate that the Secretary should—

12 (1) act vigorously to ensure the enforcement of
13 the rights of the United States under the Bermuda
14 II Agreement;

15 (2) intensify efforts to obtain the necessary as-
16 surances from the Government of the United King-
17 dom to allow an air carrier of the United States to
18 operate commercially viable, competitive service for
19 the Charlotte-London (Gatwick) route; and

20 (3) ensure that the rights of the Government of
21 the United States and citizens and air carriers of
22 the United States are enforced under the Bermuda
23 II Agreement before seeking to renegotiate a broad-
24 er bilateral agreement to establish additional rights

1 for air carriers of the United States and foreign air
 2 carriers of the United Kingdom.

3 **SEC. 430. TO EXPRESS THE SENSE OF THE SENATE CON-**
 4 **CERNING A BILATERAL AGREEMENT BE-**
 5 **TWEEN THE UNITED STATES AND THE**
 6 **UNITED KINGDOM REGARDING CLEVELAND-**
 7 **LONDON ROUTE.**

8 (a) DEFINITIONS.—In this section:

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

12 (2) AIRCRAFT.—The term “aircraft” has the
 13 meaning given that term in section 40102 of title
 14 49, United States Code.

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

18 (4) BERMUDA II AGREEMENT.—The term “Ber-
 19 muda II Agreement” means the Agreement Between
 20 the United States of America and United Kingdom
 21 of Great Britain and Northern Ireland Concerning
 22 Air Services, signed at Bermuda on July 23, 1977
 23 (TIAS 8641).

24 (5) CLEVELAND-LONDON (GATWICK) ROUTE.—
 25 The term “Cleveland-London (Gatwick) route”

1 means the route between Cleveland, Ohio, and the
2 Gatwick Airport in London, England.

3 (6) FOREIGN AIR CARRIER.—The term “foreign
4 air carrier” has the meaning given that term in sec-
5 tion 40102 of title 49, United States Code.

6 (7) SECRETARY.—The term “Secretary” means
7 the Secretary of Transportation.

8 (8) SLOT.—The term “slot” means a reserva-
9 tion for an instrument flight rule takeoff or landing
10 by an air carrier of an aircraft in air transportation.

11 (b) FINDINGS.—Congress finds that—

12 (1) under the Bermuda II Agreement, the
13 United States has a right to designate an air carrier
14 of the United States to serve the Cleveland-London
15 (Gatwick) route;

16 (2)(A) on December 3, 1996, the Secretary
17 awarded the Cleveland-London (Gatwick) route to
18 Continental Airlines;

19 (B) on June 15, 1998, Continental Airlines an-
20 nounced plans to launch nonstop service on that
21 route on February 19, 1999, and to provide single-
22 carrier one-stop service between London, England
23 (from Gatwick Airport) and dozens of cities in Ohio
24 and the surrounding region; and

1 (C) on August 4, 1998, the Secretary ten-
2 tatively renewed the authority of Continental Air-
3 lines to carry out the nonstop service referred to in
4 subparagraph (B) and selected Cleveland, Ohio, as a
5 new gateway under the Bermuda II Agreement;

6 (3) unless the Government of the United King-
7 dom provides Continental Airlines commercially via-
8 ble access to Gatwick Airport, Continental Airlines
9 will not be able to initiate service on the Cleveland-
10 London (Gatwick) route; and

11 (4) Continental Airlines is prepared to initiate
12 competitive air service on the Cleveland-London
13 (Gatwick) route when the Government of the United
14 Kingdom provides commercially viable access to the
15 Gatwick Airport.

16 (c) SENSE OF THE SENATE.—It is the sense of the
17 Senate that the Secretary should—

18 (1) act vigorously to ensure the enforcement of
19 the rights of the United States under the Bermuda
20 II Agreement;

21 (2) intensify efforts to obtain the necessary as-
22 surances from the Government of the United King-
23 dom to allow an air carrier of the United States to
24 operate commercially viable, competitive service for
25 the Cleveland-London (Gatwick) route; and

1 (3) ensure that the rights of the Government of
 2 the United States and citizens and air carriers of
 3 the United States are enforced under the Bermuda
 4 II Agreement before seeking to renegotiate a broad-
 5 er bilateral agreement to establish additional rights
 6 for air carriers of the United States and foreign air
 7 carriers of the United Kingdom, including the right
 8 to commercially viable competitive slots at Gatwick
 9 Airport and Heathrow Airport in London, England,
 10 for air carriers of the United States.

11 **SEC. 431. ALLOCATION OF TRUST FUND FUNDING.**

12 (a) DEFINITIONS.—In this section:

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

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

19 (3) STATE.—The term “State” means each of
 20 the States, the District of Columbia, and the Com-
 21 monwealth of Puerto Rico.

22 (4) STATE DOLLAR CONTRIBUTION TO THE AIR-
 23 PORT AND AIRWAY TRUST FUND.—The term “State
 24 dollar contribution to the Airport and Airway Trust
 25 Fund”, with respect to a State and fiscal year,

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

7 (b) REPORTING.—

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

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

20 (A) the State dollar contribution to the
21 Airport and Airway Trust Fund; and

22 (B) the amount of funds (from funds made
23 available under section 48103 of title 49,
24 United States Code) that were made available
25 to the State (including any political subdivision

1 thereof) under chapter 471 of title 49, United
2 States Code.

3 **SEC. 432. TAOS PUEBLO AND BLUE LAKES WILDERNESS**
4 **AREA DEMONSTRATION PROJECT.**

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

13 **SEC. 433. 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
17 title 49, United States Code.

18 (2) AIR TRANSPORTATION.—The term “air
19 transportation” has the meaning given that term in
20 section 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 ac-
 4 count the proposed regulations issued by the Secretary on
 5 January 17, 1995, published at page 3359, volume 60,
 6 Federal Register.

7 **SEC. 434. CERTAIN AIR TRAFFIC CONTROL TOWERS.**

8 Notwithstanding any other provision of law, regula-
 9 tion, intergovernmental circular advisories or other proc-
 10 ess, or any judicial proceeding or ruling to the contrary,
 11 the Federal Aviation Administration shall use such funds
 12 as necessary to contract for the operation of air traffic
 13 control towers, located in Salisbury, Maryland; Bozeman,
 14 Montana; and Boca Raton, Florida: *Provided*, That the
 15 Federal Aviation Administration has made a prior deter-
 16 mination of eligibility for such towers to be included in
 17 the contract tower program.

18 **SEC. 435. COMPENSATION UNDER THE DEATH ON THE**
 19 **HIGH SEAS ACT.**

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

22 (1) inserting “(a) IN GENERAL.—” before “The
 23 recovery”; and

24 (2) adding at the end thereof the following:

25 “(b) COMMERCIAL AVIATION.—

1 “(1) IN GENERAL.—If the death was caused
 2 during commercial aviation, additional compensation
 3 for nonpecuniary damages for wrongful death of a
 4 decedent is recoverable in a total amount, for all
 5 beneficiaries of that decedent, that shall not exceed
 6 the greater of the pecuniary loss sustained or a sum
 7 total of \$750,000 from all defendants for all claims.
 8 Punitive damages are not recoverable.

9 “(2) INFLATION ADJUSTMENT.—The \$750,000
 10 amount shall be adjusted, beginning in calendar year
 11 2000 by the increase, if any, in the Consumer Price
 12 Index for all urban consumers for the prior year
 13 over the Consumer Price Index for all urban con-
 14 sumers for the calendar year 1998.

15 “(3) NONPECUNIARY DAMAGES.—For purposes
 16 of this subsection, the term ‘nonpecuniary damages’
 17 means damages for loss of care, comfort, and com-
 18 panionship.”.

19 (b) EFFECTIVE DATE.—The amendment made by
 20 subsection (a) applies to any death caused during commer-
 21 cial aviation occurring after July 16, 1996.

22 **SEC. 436. FAA STUDY OF BREATHING HOODS.**

23 *The Administrator shall study whether breathing hoods*
 24 *currently available for use by flight crews when smoke is*
 25 *detected are adequate and report the results of that study*

1 *to the Congress within 120 days after the date of enactment*
 2 *of this Act.*

3 **SEC. 437. FAA STUDY OF ALTERNATIVE POWER SOURCES**
 4 **FOR FLIGHT DATA RECORDERS AND COCKPIT**
 5 **VOICE RECORDERS.**

6 *The Administrator of the Federal Aviation Adminis-*
 7 *tration shall study the need for an alternative power source*
 8 *for on-board flight data recorders and cockpit voice record-*
 9 *ers and shall report the results of that study to the Congress*
 10 *within 120 days after the date of enactment of this Act.*
 11 *If, within that time, the Administrator determines, after*
 12 *consultation with the National Transportation Safety*
 13 *Board that the Board is preparing recommendations with*
 14 *respect to this subject matter and will issue those rec-*
 15 *ommendations within a reasonable period of time, the Ad-*
 16 *ministrator shall report to the Congress the Administrator's*
 17 *comments on the Board's recommendations rather than con-*
 18 *ducting a separate study.*

19 **SEC. 438. PASSENGER FACILITY FEE LETTERS OF INTENT.**

20 *The Secretary of Transportation may not require an*
 21 *eligible agency (as defined in section 40117(a)(2) of title*
 22 *49, United States Code), to impose a passenger facility fee*
 23 *(as defined in section 40117(a)(4) of that title) in order*
 24 *to obtain a letter of intent under section 47110 of that title.*

1 **SEC. 439. ELIMINATION OF HAZMAT ENFORCEMENT BACK-**
2 **LOG.**

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

5 (1) *The transportation of hazardous materials*
6 *continues to present a serious aviation safety problem*
7 *which poses a potential threat to health and safety,*
8 *and can result in evacuations, emergency landings,*
9 *fires, injuries, and deaths.*

10 (2) *Although the Federal Aviation Administra-*
11 *tion budget for hazardous materials inspection in-*
12 *creased \$10,500,000 in fiscal year 1998, the General*
13 *Accounting Office has reported that the backlog of*
14 *hazardous materials enforcement cases has increased*
15 *from 6 to 18 months.*

16 (b) *ELIMINATION OF HAZARDOUS MATERIALS EN-*
17 *FORCEMENT BACKLOG.*—*The Administrator of the Federal*
18 *Aviation Administration shall—*

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

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

23 (3) *make every effort to ensure that inspection*
24 *and enforcement of hazardous materials laws are car-*
25 *ried out in a consistent manner among all geographic*

1 *regions, and that appropriate fines and penalties are*
 2 *imposed in a timely manner for violations.*

3 *(c) INFORMATION REGARDING PROGRESS.—The Ad-*
 4 *ministrator shall provide information to the Committee on*
 5 *Commerce, Science, and Transportation, on a quarterly*
 6 *basis beginning 3 months after the date of enactment of this*
 7 *Act for a year, on plans to eliminate the backlog and en-*
 8 *forcement activities undertaken to carry out subsection (b).*

9 **SEC. 440. FAA EVALUATION OF LONG-TERM CAPITAL LEAS-**
 10 **ING.**

11 *Notwithstanding any other provision of law to the*
 12 *contrary, the Administrator of the Federal Aviation Admin-*
 13 *istration may establish a pilot program for fiscal years*
 14 *2001 through 2004 to test and evaluate the benefits of long-*
 15 *term capital leasing contracts. The Administrator shall es-*
 16 *tablish criteria for the program, but may enter into no more*
 17 *than 10 leasing contracts under this section, each of which*
 18 *shall be for a period greater than 5 years, under which the*
 19 *equipment or facility operates. The contracts to be evaluated*
 20 *may include requirements related to oceanic air traffic con-*
 21 *trol, air-to-ground radio communications, and air traffic*
 22 *control tower construction.*

TITLE V—AVIATION
COMPETITION PROMOTION

SEC. 501. PURPOSE.

The purpose of this title is to facilitate, through a 4-year pilot program, incentives and projects that will help up to 40 communities or consortia of communities to improve their access to the essential airport facilities of the national air transportation system through public-private partnerships and to identify and establish ways to overcome the unique policy, economic, geographic, and marketplace factors that may inhibit the availability of quality, affordable air service to small communities.

SEC. 502. ESTABLISHMENT OF SMALL COMMUNITY AVIATION DEVELOPMENT PROGRAM.

Section 102 is amended by adding at the end thereof the following:

“(g) SMALL COMMUNITY AIR SERVICE DEVELOPMENT PROGRAM.—

“(1) ESTABLISHMENT.—The Secretary shall establish a 4-year pilot aviation development program to be administered by a program director designated by the Secretary.

“(2) FUNCTIONS.—The program director shall—

1 “(A) function as a facilitator between
2 small communities and air carriers;

3 “(B) carry out section 41743 of this title;

4 “(C) carry out the airline service restora-
5 tion program under sections 41744, 41745, and
6 41746 of this title;

7 “(D) ensure that the Bureau of Transpor-
8 tation Statistics collects data on passenger in-
9 formation to assess the service needs of small
10 communities;

11 “(E) work with and coordinate efforts with
12 other Federal, State, and local agencies to in-
13 crease the viability of service to small commu-
14 nities and the creation of aviation development
15 zones; and

16 “(F) provide policy recommendations to
17 the Secretary and the Congress that will ensure
18 that small communities have access to quality,
19 affordable air transportation services.

20 “(3) REPORTS.—The program director shall
21 provide an annual report to the Secretary and the
22 Congress beginning in 2000 that—

23 “(A) analyzes the availability of air trans-
24 portation services in small communities, includ-
25 ing, but not limited to, an assessment of the air

fares charged for air transportation services in small communities compared to air fares charged for air transportation services in larger metropolitan areas and an assessment of the levels of service, measured by types of aircraft used, the availability of seats, and scheduling of flights, provided to small communities;

“(B) identifies the policy, economic, geographic and marketplace factors that inhibit the availability of quality, affordable air transportation services to small communities; and

“(C) provides policy recommendations to address the policy, economic, geographic, and marketplace factors inhibiting the availability of quality, affordable air transportation services to small communities.”.

SEC. 503. COMMUNITY-CARRIER AIR SERVICE PROGRAM.

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

“§ 41743. Air service program for small communities

“(a) COMMUNITIES PROGRAM.—Under advisory guidelines prescribed by the Secretary of Transportation, a small community or a consortia of small communities or a State may develop an assessment of its air service requirements, in such form as the program director des-

1 ignated by the Secretary under section 102(g) may re-
2 quire, and submit the assessment and service proposal to
3 the program director.

4 “(b) SELECTION OF PARTICIPANTS.—In selecting
5 community programs for participation in the communities
6 program under subsection (a), the program director shall
7 apply criteria, including geographical diversity and the
8 presentation of unique circumstances, that will dem-
9 onstrate the feasibility of the program. For purposes of
10 this subsection, the application of geographical diversity
11 criteria means criteria that—

12 “(1) will promote the development of a national
13 air transportation system; and

14 “(2) will involve the participation of commu-
15 nities in all regions of the country.

16 “(c) CARRIERS PROGRAM.—The program director
17 shall invite part 121 air carriers and regional/commuter
18 carriers (as such terms are defined in section 41715(d)
19 of this title) to offer service proposals in response to, or
20 in conjunction with, community aircraft service assess-
21 ments submitted to the office under subsection (a). A serv-
22 ice proposal under this paragraph shall include—

23 “(1) an assessment of potential daily passenger
24 traffic, revenues, and costs necessary for the carrier
25 to offer the service;

1 “(2) a forecast of the minimum percentage of
2 that traffic the carrier would require the community
3 to garner in order for the carrier to start up and
4 maintain the service; and

5 “(3) the costs and benefits of providing jet serv-
6 ice by regional or other jet aircraft.

7 “(d) PROGRAM SUPPORT FUNCTION.—The program
8 director shall work with small communities and air car-
9 riers, taking into account their proposals and needs, to
10 facilitate the initiation of service. The program director—

11 “(1) may work with communities to develop in-
12 novative means and incentives for the initiation of
13 service;

14 “(2) may obligate funds authorized under sec-
15 tion 504 of the Air Transportation Improvement Act
16 to carry out this section;

17 “(3) shall continue to work with both the car-
18 riers and the communities to develop a combination
19 of community incentives and carrier service levels
20 that—

21 “(A) are acceptable to communities and
22 carriers; and

23 “(B) do not conflict with other Federal or
24 State programs to facilitate air transportation
25 to the communities;

1 “(4) designate an airport in the program as an
2 Air Service Development Zone and work with the
3 community on means to attract business to the area
4 surrounding the airport, to develop land use options
5 for the area, and provide data, working with the De-
6 partment of Commerce and other agencies;

7 “(5) take such other action under this chapter
8 as may be appropriate.

9 “(e) LIMITATIONS.—

10 “(1) COMMUNITY SUPPORT.—The program di-
11 rector may not provide financial assistance under
12 subsection (c)(2) to any community unless the pro-
13 gram director determines that—

14 “(A) a public-private partnership exists at
15 the community level to carry out the commu-
16 nity’s proposal;

17 “(B) the community will make a substan-
18 tial financial contribution that is appropriate
19 for that community’s resources, but of not less
20 than 25 percent of the cost of the project in
21 any event;

22 “(C) the community has established an
23 open process for soliciting air service proposals;
24 and

1 “(D) the community will accord similar
2 benefits to air carriers that are similarly situ-
3 ated.

4 “(2) AMOUNT.—The program director may not
5 obligate more than ~~\$30,000,000~~ \$80,000,000 of the
6 amounts authorized under 504 of the Air Transpor-
7 tation Improvement Act over the 4 years of the pro-
8 gram.

9 “(3) NUMBER OF PARTICIPANTS.—The pro-
10 gram established under subsection (a) shall not in-
11 volve more than 40 communities or consortia of
12 communities.

13 “(f) REPORT.—The program director shall report
14 through the Secretary to the Congress annually on the
15 progress made under this section during the preceding
16 year in expanding commercial aviation service to smaller
17 communities.

18 **“§ 41744. Pilot program project authority**

19 “(a) IN GENERAL.—The program director designated
20 by the Secretary of Transportation under section
21 102(g)(1) shall establish a 4-year pilot program—

22 “(1) to assist communities and States with in-
23 adequate access to the national transportation sys-
24 tem to improve their access to that system; and

1 “(2) to facilitate better air service link-ups to
2 support the improved access.

3 “(b) PROJECT AUTHORITY.—Under the pilot pro-
4 gram established pursuant to subsection (a), the program
5 director may—

6 “(1) out of amounts authorized under section
7 504 of the Air Transportation Improvement Act,
8 provide financial assistance by way of grants to
9 small communities or consortia of small communities
10 under section 41743 of up to \$500,000 per year;
11 and

12 “(2) take such other action as may be appro-
13 priate.

14 “(c) OTHER ACTION.—Under the pilot program es-
15 tablished pursuant to subsection (a), the program director
16 may facilitate service by—

17 “(1) working with airports and air carriers to
18 ensure that appropriate facilities are made available
19 at essential airports;

20 “(2) collecting data on air carrier service to
21 small communities; and

22 “(3) providing policy recommendations to the
23 Secretary to stimulate air service and competition to
24 small communities.

1 “(d) ADDITIONAL ACTION.—Under the pilot program
 2 established pursuant to subsection (a), the Secretary shall
 3 work with air carriers providing service to participating
 4 communities and major air carriers serving large hub air-
 5 ports (as defined in section 41731(a)(3)) to facilitate joint
 6 fare arrangements consistent with normal industry prac-
 7 tice.

8 **“§ 41745. Assistance to communities for service**

9 “(a) IN GENERAL.—Financial assistance provided
 10 under section 41743 during any fiscal year as part of the
 11 pilot program established under section 41744(a) shall be
 12 implemented for not more than—

13 “(1) 4 communities within any State at any
 14 given time; and

15 “(2) 40 communities in the entire program at
 16 any time.

17 For purposes of this subsection, a consortium of commu-
 18 nities shall be treated as a single community.

19 “(b) ELIGIBILITY.—In order to participate in a pilot
 20 project under this subchapter, a State, community, or
 21 group of communities shall apply to the Secretary in such
 22 form and at such time, and shall supply such information,
 23 as the Secretary may require, and shall demonstrate to
 24 the satisfaction of the Secretary that—

1 “(1) the applicant has an identifiable need for
2 access, or improved access, to the national air trans-
3 portation system that would benefit the public;

4 “(2) the pilot project will provide material bene-
5 fits to a broad section of the travelling public, busi-
6 nesses, educational institutions, and other enter-
7 prises whose access to the national air transpor-
8 tation system is limited;

9 “(3) the pilot project will not impede competi-
10 tion; and

11 “(4) the applicant has established, or will estab-
12 lish, public-private partnerships in connection with
13 the pilot project to facilitate service to the public.

14 “(c) COORDINATION WITH OTHER PROVISIONS OF
15 SUBCHAPTER.—The Secretary shall carry out the 4-year
16 pilot program authorized by this subchapter in such a
17 manner as to complement action taken under the other
18 provisions of this subchapter. To the extent the Secretary
19 determines to be appropriate, the Secretary may adopt cri-
20 teria for implementation of the 4-year pilot program that
21 are the same as, or similar to, the criteria developed under
22 the preceding sections of this subchapter for determining
23 which airports are eligible under those sections. The Sec-
24 retary shall also, to the extent possible, provide incentives
25 where no direct, viable, and feasible alternative service ex-

1 ists, taking into account geographical diversity and appro-
 2 priate market definitions.

3 “(d) MAXIMIZATION OF PARTICIPATION.—The Sec-
 4 retary shall structure the program established pursuant
 5 to section 41744(a) in a way designed to—

6 “(1) permit the participation of the maximum
 7 feasible number of communities and States over a 4-
 8 year period by limiting the number of years of par-
 9 ticipation or otherwise; and

10 “(2) obtain the greatest possible leverage from
 11 the financial resources available to the Secretary and
 12 the applicant by—

13 “(A) progressively decreasing, on a project-
 14 by-project basis, any Federal financial incen-
 15 tives provided under this chapter over the 4-
 16 year period; and

17 “(B) terminating as early as feasible Fed-
 18 eral financial incentives for any project deter-
 19 mined by the Secretary after its implementation
 20 to be—

21 “(i) viable without further support
 22 under this subchapter; or

23 “(ii) failing to meet the purposes of
 24 this chapter or criteria established by the
 25 Secretary under the pilot program.

1 “(e) SUCCESS BONUS.—If Federal financial incen-
 2 tives to a community are terminated under subsection
 3 (d)(2)(B) because of the success of the program in that
 4 community, then that community may receive a one-time
 5 incentive grant to ensure the continued success of that
 6 program.

7 “(f) PROGRAM TO TERMINATE IN 4 YEARS.—No new
 8 financial assistance may be provided under this sub-
 9 chapter for any fiscal year beginning more than 4 years
 10 after the date of enactment of the Air Transportation Im-
 11 provement Act.

12 **“§ 41746. Additional authority**

13 “In carrying out this chapter, the Secretary—

14 “(1) may provide assistance to States and com-
 15 munities in the design and application phase of any
 16 project under this chapter, and oversee the imple-
 17 mentation of any such project;

18 “(2) may assist States and communities in put-
 19 ting together projects under this chapter to utilize
 20 private sector resources, other Federal resources, or
 21 a combination of public and private resources;

22 “(3) may accord priority to service by jet air-
 23 craft;

24 “(4) take such action as may be necessary to
 25 ensure that financial resources, facilities, and admin-

1 istrative arrangements made under this chapter are
 2 used to carry out the purposes of title V of the Air
 3 Transportation Improvement Act; and

4 “(5) shall work with the Federal Aviation Ad-
 5 ministration on airport and air traffic control needs
 6 of communities in the program.

7 **“§ 41747. Air traffic control services pilot program**

8 “(a) IN GENERAL.—To further facilitate the use of,
 9 and improve the safety at, small airports, the Adminis-
 10 trator of the Federal Aviation Administration shall estab-
 11 lish a pilot program to contract for Level I air traffic con-
 12 trol services at 20 facilities not eligible for participation
 13 in the Federal Contract Tower Program.

14 “(b) PROGRAM COMPONENTS.—In carrying out the
 15 pilot program established under subsection (a), the Ad-
 16 ministrator may—

17 “(1) utilize current, actual, site-specific data,
 18 forecast estimates, or airport system plan data pro-
 19 vided by a facility owner or operator;

20 “(2) take into consideration unique aviation
 21 safety, weather, strategic national interest, disaster
 22 relief, medical and other emergency management re-
 23 lief services, status of regional airline service, and
 24 related factors at the facility;

1 “(3) approve for participation any facility will-
 2 ing to fund a pro rata share of the operating costs
 3 used by the Federal Aviation Administration to cal-
 4 culate, and, as necessary, a 1:1 benefit-to-cost ratio,
 5 as required for eligibility under the Federal Contract
 6 Tower Program; and

7 “(4) approve for participation no more than 3
 8 facilities willing to fund a pro rata share of con-
 9 struction costs for an air traffic control tower so as
 10 to achieve, at a minimum, a 1:1 benefit-to-cost ratio,
 11 as required for eligibility under the Federal Contract
 12 Tower Program, and for each of such facilities the
 13 Federal share of construction costs does not exceed
 14 \$1,000,000.

15 “(c) REPORT.—One year before the pilot program es-
 16 tablished under subsection (a) terminates, the Adminis-
 17 trator shall report to the Congress on the effectiveness of
 18 the program, with particular emphasis on the safety and
 19 economic benefits provided to program participants and
 20 the national air transportation system.”.

21 (b) CONFORMING AMENDMENT.—The chapter analy-
 22 sis for subchapter II of chapter 417 is amended by insert-
 23 ing 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.

“41747. Air traffic control services pilot program.”.

1 (c) WAIVER OF LOCAL CONTRIBUTION.—Section
 2 41736(b) is amended by inserting after paragraph (4) the
 3 following:

4 “Paragraph (4) does not apply to any community ap-
 5 proved for service under this section during the period be-
 6 ginning October 1, 1991, and ending December 31,
 7 1997.”.

8 (d) AUTHORIZATION OF APPROPRIATIONS.—There
 9 are authorized to be appropriated to the Secretary of
 10 Transportation such sums as may be necessary to carry
 11 out section 41747 of title 49, United States Code.

12 **SEC. 504. AUTHORIZATION OF APPROPRIATIONS.**

13 ~~To carry out sections 41743 through 41746 of title~~
 14 ~~49, United States Code, for the 4 fiscal-year period begin-~~
 15 ~~ning with fiscal year 2000—~~

16 (1) there are authorized to be appropriated to
 17 the Secretary of Transportation not more than
 18 \$10,000,000; and

19 (2) not more than \$20,000,000 shall be made
 20 available, if available, to the Secretary for obligation
 21 and expenditure out of the account established under
 22 section 45303(a) of title 49, United States Code.

23 ~~To the extent that amounts are not available in such ac-~~
 24 ~~count, there are authorized to be appropriated such sums~~
 25 ~~as may be necessary to provide the amount authorized to~~

1 be obligated under paragraph (2) to carry out those sec-
 2 tions for that 4 fiscal-year period.

3 *There are authorized to be appropriated to the Sec-*
 4 *retary of Transportation \$80,000,000 to carry out sections*
 5 *41743 through 41746 of title 49, United States Code, for*
 6 *the 4 fiscal-year period beginning with fiscal year 2000.*

7 **SEC. 505. MARKETING PRACTICES.**

8 Section 41712 is amended by—

9 (1) inserting “(a) IN GENERAL.—” before
 10 “On”; and

11 (2) adding at the end thereof the following:

12 “(b) MARKETING PRACTICES THAT ADVERSELY AF-
 13 FECT SERVICE TO SMALL OR MEDIUM COMMUNITIES.—
 14 Within 180 days after the date of enactment of the Air
 15 Transportation Improvement Act, the Secretary shall re-
 16 view the marketing practices of air carriers that may in-
 17 hibit the availability of quality, affordable air transpor-
 18 tation services to small and medium-sized communities,
 19 including—

20 “(1) marketing arrangements between airlines
 21 and travel agents;

22 “(2) code-sharing partnerships;

23 “(3) computer reservation system displays;

24 “(4) gate arrangements at airports;

25 “(5) exclusive dealing arrangements; and

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

3 “(c) REGULATIONS.—If the Secretary finds, after
4 conducting the review required by subsection (b), that
5 marketing practices inhibit the availability of such service
6 to such communities, then, after public notice and an op-
7 portunity for comment, the Secretary ~~shall~~ *may* promul-
8 gate regulations that address the ~~problem.~~ *problem, or*
9 *take other appropriate action. Nothing in this section ex-*
10 *pands the authority or jurisdiction of the Secretary to pro-*
11 *mulgate regulations under the Federal Aviation Act or*
12 *under any other Act.”.*

13 **SEC. 506. SLOT EXEMPTIONS FOR NONSTOP REGIONAL JET**
14 **SERVICE.**

15 (a) IN GENERAL.—Subchapter I of chapter 417, as
16 amended by section 310, is amended by adding at the end
17 thereof the following:

18 **“§ 41718. Slot exemptions for nonstop regional jet**
19 **service.**

20 “(a) IN GENERAL.—Within 90 days after receiving
21 an application for an exemption to provide nonstop re-
22 gional jet air service between—

23 “(1) an airport with fewer than 2,000,000 an-
24 nual enplanements; and

1 “(2) a high density airport subject to the ex-
 2 emption authority under section 41714(a),
 3 the Secretary of Transportation shall grant or deny the
 4 exemption in accordance with established principles of
 5 safety and the promotion of competition.

6 “(b) EXISTING SLOTS TAKEN INTO ACCOUNT.—In
 7 deciding to grant or deny an exemption under subsection
 8 (a), the Secretary may take into consideration the slots
 9 and slot exemptions already used by the applicant.

10 “(c) CONDITIONS.—The Secretary may grant an ex-
 11 emption to an air carrier under subsection (a)—

12 “(1) for a period of not less than 12 months;

13 “(2) for a minimum of 2 daily roundtrip flights;

14 and

15 “(3) for a maximum of 3 daily roundtrip
 16 flights.

17 “(d) CHANGE OF NONHUB, SMALL HUB, OR MEDIUM
 18 HUB AIRPORT; JET AIRCRAFT.—The Secretary may,
 19 upon application made by an air carrier operating under
 20 an exemption granted under subsection (a)—

21 “(1) authorize the air carrier or an affiliated air
 22 carrier to upgrade service under the exemption to a
 23 larger jet aircraft; or

24 “(2) authorize an air carrier operating under
 25 such an exemption to change the nonhub airport or

1 small hub airport for which the exemption was
 2 granted to provide the same service to a different
 3 airport that is smaller than a large hub airport (as
 4 defined in section 47134(d)(2)) if—

5 “(A) the air carrier has been operating
 6 under the exemption for a period of not less
 7 than 12 months; and

8 “(B) the air carrier can demonstrate
 9 unmitigatable losses.

10 “(e) FORFEITURE FOR MISUSE.—Any exemption
 11 granted under subsection (a) shall be terminated imme-
 12 diately by the Secretary if the air carrier to which it was
 13 granted uses the slot for any purpose other than the pur-
 14 pose for which it was granted or in violation of the condi-
 15 tions under which it was granted.

16 “(f) RESTORATION OF AIR SERVICE.—To the extent
 17 that—

18 “(1) slots were withdrawn from an air carrier
 19 under section 41714(b);

20 “(2) the withdrawal of slots under that section
 21 resulted in a net loss of slots; and

22 “(3) the net loss of slots and slot exemptions
 23 resulting from the withdrawal had an adverse effect
 24 on service to nonhub airports and in other domestic
 25 markets;

1 the Secretary shall give priority consideration to the re-
 2 quest of any air carrier from which slots were withdrawn
 3 under that section for an equivalent number of slots at
 4 the airport where the slots were withdrawn. No priority
 5 consideration shall be given under this subsection to an
 6 air carrier described in paragraph (1) when the net loss
 7 of slots and slot exemptions is eliminated.

8 “(g) (f) PRIORITY TO NEW ENTRANTS AND LIMITED
 9 INCUMBENT CARRIERS.—

10 “(1) IN GENERAL.—In granting slot exemptions
 11 under this section the Secretary shall give priority
 12 consideration to an application from an air carrier
 13 that, as of July 1, 1998, operated or held fewer than
 14 20 slots or slot exemptions at the high density air-
 15 port for which it filed an exemption application.

16 “(2) LIMITATION.—No priority may be given
 17 under paragraph (1) to an air carrier that, at the
 18 time of application, operates or holds 20 or more
 19 slots and slot exemptions at the airport for which
 20 the exemption application is filed.

21 “(3) AFFILIATED CARRIERS.—The Secretary
 22 shall treat all commuter air carriers that have coop-
 23 erative agreements, including code-share agreements,
 24 with other air carriers equally for determining eligi-
 25 bility for exemptions under this section regardless of

1 the form of the corporate relationship between the
 2 commuter air carrier and the other air carrier.

3 “~~(h)~~ (g) STAGE 3 AIRCRAFT REQUIRED.—An exemp-
 4 tion may not be granted under this section with respect
 5 to any aircraft that is not a Stage 3 aircraft (as defined
 6 by the Secretary).

7 “~~(i)~~ (h) REGIONAL JET DEFINED.—In this section,
 8 the term ‘regional jet’ means a passenger, turbofan-pow-
 9 ered aircraft carrying not fewer than 30 and not more
 10 than 50 passengers.”.

11 (b) CONFORMING AMENDMENTS.—

12 (1) Section 40102 is amended by inserting after
 13 paragraph (28) the following:

14 “(28A) *LIMITED INCUMBENT AIR CARRIER.*—~~The~~
 15 ~~term~~ ‘limited incumbent air carrier’ has the meaning
 16 given that term in subpart S of part 93 of title 14,
 17 Code of Federal Regulations, except that ‘20’ shall
 18 be substituted for ‘12’ in sections 93.213(a)(5),
 19 93.223(c)(3), and 93.225(h) as such sections were in
 20 effect on August 1, 1998.”.

21 (2) The chapter analysis for subchapter I of
 22 chapter 417 is amended by adding at the end there-
 23 of the following:

“41718. Slot exemptions for nonstop regional jet service.”.

1 **SEC. 507. EXEMPTIONS TO PERIMETER RULE AT RONALD**
 2 **REAGAN WASHINGTON NATIONAL AIRPORT.**

3 (a) IN GENERAL.—Subchapter I of chapter 417, as
 4 amended by section 506, is amended by adding at the end
 5 thereof the following:

6 **“§ 41719. Special Rules for Ronald Reagan Washing-**
 7 **ton National Airport**

8 “(a) BEYOND-PERIMETER EXEMPTIONS.—The Sec-
 9 retary shall by order grant exemptions from the applica-
 10 tion of sections 49104(a)(5), 49109, 49111(e), and 41714
 11 of this title to air carriers to operate limited frequencies
 12 and aircraft on select routes between Ronald Reagan
 13 Washington National Airport and domestic hub airports
 14 of such carriers and exemptions from the requirements of
 15 subparts K and S of part 93, Code of Federal Regulations,
 16 if the Secretary finds that the exemptions will—

17 “(1) provide air transportation service with do-
 18 mestic network benefits in areas beyond the perim-
 19 eter described in that section;

20 “(2) increase competition *by new entrant air*
 21 *carriers or in* multiple markets;

22 “(3) not reduce travel options for communities
 23 served by small hub airports and medium hub air-
 24 ports within the perimeter described in section
 25 49109 of title 49, United States Code; and

1 “(4) not result in meaningfully increased travel
2 delays.

3 “(b) WITHIN-PERIMETER EXEMPTIONS.—The Sec-
4 retary shall by order grant exemptions from the require-
5 ments of sections 49104(a)(5), 49111(e), and 41714 of
6 this title and subparts K and S of part 93 of title 14,
7 Code of Federal Regulations, to commuter air carriers for
8 service to airports with fewer than 2,000,000 annual
9 enplanements within the perimeter established for civil air-
10 craft operations at Ronald Reagan Washington National
11 Airport under section 49109. The Secretary shall develop
12 criteria for distributing slot exemptions for flights within
13 the perimeter to such airports under this paragraph in a
14 manner consistent with the promotion of air transpor-
15 tation.

16 “(c) LIMITATIONS.—

17 “(1) STAGE 3 AIRCRAFT REQUIRED.—An ex-
18 emption may not be granted under this section with
19 respect to any aircraft that is not a Stage 3 aircraft
20 (as defined by the Secretary).

21 “(2) GENERAL EXEMPTIONS.—The exemptions
22 granted under subsections (a) and (b) may not in-
23 crease the number of operations at Ronald Reagan
24 Washington National Airport in any 1-hour period

1 during the hours between 7:00 a.m. and 9:59 p.m.
 2 by more than ~~2~~ 3 operations.”.

3 “(3) ADDITIONAL EXEMPTIONS.—The Sec-
 4 retary shall grant exemptions under subsections (a)
 5 and (b) that—

6 “(A) will result in ~~12~~ 24 additional daily
 7 air carrier slot exemptions at such airport for
 8 long-haul service beyond the perimeter;

9 “(B) will result in 12 additional daily com-
 10 muter slot exemptions at such airport; and

11 “(C) will not result in additional daily
 12 commuter slot exemptions for service to any
 13 within-the-perimeter airport that is ~~not smaller~~
 14 ~~than a large hub airport (as defined in section~~
 15 ~~47134(d)(2)).~~ *has 2,000,000 or fewer annual*
 16 *enplanements.*

17 “(4) ASSESSMENT OF SAFETY, NOISE AND EN-
 18 VIRONMENTAL IMPACTS.—The Secretary shall assess
 19 the impact of granting exemptions, including the im-
 20 pacts of the additional slots and flights at Ronald
 21 Reagan Washington National Airport provided
 22 under subsections (a) and (b) on safety, noise levels
 23 and the environment within 90 days of the date of
 24 the enactment of this Act. The environmental as-
 25 sessment shall be carried out in accordance with

1 parts 1500–1508 of title 40, Code of Federal Regu-
 2 lations. Such environmental assessment shall include
 3 a public meeting.

4 “(5) APPLICABILITY WITH EXEMPTION 5133.—
 5 Nothing in this section affects Exemption No. 5133,
 6 as from time-to-time amended and ~~extended.~~” *ex-*
 7 *tended.*

8 “(d) *ADDITIONAL WITHIN-PERIMETER SLOT EXEMP-*
 9 *TIONS AT RONALD REAGAN WASHINGTON NATIONAL AIR-*
 10 *PORT.—The Secretary shall by order grant 12 slot exemp-*
 11 *tions from the requirements of sections 49104(a)(5),*
 12 *49111(e), and 41714 of this title and subparts K and S*
 13 *of part 93 of title 14, Code of Federal Regulations, to air*
 14 *carriers for flights to airports within the perimeter estab-*
 15 *lished for civil aircraft operations at Ronald Reagan Wash-*
 16 *ington National Airport under section 49109. The Secretary*
 17 *shall develop criteria for distributing slot exemptions for*
 18 *flights within the perimeter to such airports under this sub-*
 19 *section in a manner consistent with the promotion of air*
 20 *transportation.*”.

21 (b) *OVERRIDE OF MWAA RESTRICTION.*—Section
 22 49104(a)(5) is amended by adding at the end thereof the
 23 following:

24 “(D) Subparagraph (C) does not apply to any
 25 increase in the number of instrument flight rule

1 takeoffs and landings necessary to implement ex-
 2 emptions granted by the Secretary under section
 3 41719.”.

4 (c) MWAA NOISE-RELATED GRANT ASSURANCES.—

5 (1) IN GENERAL.—In addition to any condition
 6 for approval of an airport development project that
 7 is the subject of a grant application submitted to the
 8 Secretary of Transportation under chapter 471 of
 9 title 49, United States Code, by the Metropolitan
 10 Washington Airports Authority, the Authority shall
 11 be required to submit a written assurance that, for
 12 each such grant made to the Authority for fiscal
 13 year 2000 or any subsequent fiscal year—

14 (A) the Authority will make available for
 15 that fiscal year funds for noise compatibility
 16 planning and programs that are eligible to re-
 17 ceive funding under chapter 471 of title 49,
 18 United States Code, in an amount not less than
 19 10 percent of the aggregate annual amount of
 20 financial assistance provided to the Authority
 21 by the Secretary as grants under chapter 471
 22 of title 49, United States Code; and

23 (B) the Authority will not divert funds
 24 from a high priority safety project in order to

1 make funds available for noise compatibility
2 planning and programs.

3 (2) WAIVER.—The Secretary of Transportation
4 may waive the requirements of paragraph (1) for
5 any fiscal year for which the Secretary determines
6 that the Metropolitan Washington Airports Author-
7 ity is in full compliance with applicable airport noise
8 compatibility planning and program requirements
9 under part 150 of title 14, Code of Federal Regula-
10 tions.

11 (3) SUNSET.—This subsection shall cease to be
12 in effect 5 years after the date of enactment of this
13 Act, if on that date the Secretary of Transportation
14 certifies that the Metropolitan Washington Airports
15 Authority has achieved full compliance with applica-
16 ble noise compatibility planning and program re-
17 quirements under part 150 of title 14, Code of Fed-
18 eral Regulations.

19 (d) NOISE COMPATIBILITY PLANNING AND PRO-
20 GRAMS.—Section 47117(e) is amended by adding at the
21 end the following:

22 “(3) The Secretary shall give priority in making
23 grants under paragraph (1)(A) to applications for
24 airport noise compatibility planning and programs at
25 and around airports where operations increase under

1 title V of the Air Transportation Improvement Act
 2 and the amendments made by that title.”.

3 (e) CONFORMING AMENDMENTS.—

4 (1) Section 49111 is amended by striking sub-
 5 section (e).

6 (2) The chapter analysis for subchapter I of
 7 chapter 417, as amended by section 506(b) of this
 8 Act, is amended by adding at the end thereof the
 9 following:

“41719. Special Rules for Ronald Reagan Washington National Airport.”.

10 (f) REPORT.—Within 1 year after the date of enact-
 11 ment of this Act, and biannually thereafter, the Secretary
 12 shall certify to the United States Senate Committee on
 13 Commerce, Science, and Transportation, the United
 14 States House of Representatives Committee on Transpor-
 15 tation and Infrastructure, the Governments of Maryland,
 16 Virginia, and West Virginia and the metropolitan planning
 17 organization for Washington, D.C., that noise standards,
 18 air traffic congestion, airport-related vehicular congestion,
 19 safety standards, and adequate air service to communities
 20 served by small hub airports and medium hub airports
 21 within the perimeter described in section 49109 of title
 22 49, United States Code, have been maintained at appro-
 23 priate levels.

1 **SEC. 508. ADDITIONAL SLOT EXEMPTIONS AT CHICAGO**
 2 **O'HARE INTERNATIONAL AIRPORT.**

3 (a) IN GENERAL.—Subchapter I of chapter 417, as
 4 amended by section 507, is amended by adding at the end
 5 thereof the following:

6 **“§ 41720. Special Rules for Chicago O'Hare Inter-**
 7 **national Airport**

8 “(a) IN GENERAL.—The Secretary of Transportation
 9 shall grant 30 slot exemptions over a 3-year period begin-
 10 ning on the date of enactment of the Air Transportation
 11 Improvement Act at Chicago O'Hare International Air-
 12 port.

13 “(b) EQUIPMENT AND SERVICE REQUIREMENTS.—

14 “(1) STAGE 3 AIRCRAFT REQUIRED.—An ex-
 15 emption may not be granted under this section with
 16 respect to any aircraft that is not a Stage 3 aircraft
 17 (as defined by the Secretary).

18 “(2) SERVICE PROVIDED.—Of the exemptions
 19 granted under subsection (a)—

20 “(A) 18 shall be used only for service to
 21 underserved markets, of which no fewer than 6
 22 shall be designated as commuter slot exemp-
 23 tions; and

24 “(B) 12 shall be air carrier slot exemp-
 25 tions.

1 “(c) PROCEDURAL REQUIREMENTS.—Before grant-
2 ing exemptions under subsection (a), the Secretary shall—

3 “(1) conduct an environmental review, taking
4 noise into account, and determine that the granting
5 of the exemptions will not cause a significant in-
6 crease in noise;

7 “(2) determine whether capacity is available
8 and can be used safely and, if the Secretary so de-
9 termines then so certify;

10 “(3) give 30 days notice to the public through
11 publication in the Federal Register of the Sec-
12 retary’s intent to grant the exemptions; and

13 “(4) consult with appropriate officers of the
14 State and local government on any related noise and
15 environmental issues.

16 “(d) UNDERSERVED MARKET DEFINED.—In this
17 section, the term ‘service to underserved markets’ means
18 passenger air transportation service to an airport that is
19 a nonhub airport or a small hub airport (as defined in
20 paragraphs (4) and (5), respectively, of section
21 41731(a)).”.

22 (b) STUDIES.—

23 (1) 3-YEAR REPORT.—The Secretary shall
24 study and submit a report 3 years after the first ex-
25 emption granted under section 41720(a) of title 49,

1 United States Code, is first used on the impact of
 2 the additional slots on the safety, environment,
 3 noise, access to underserved markets, and competi-
 4 tion at Chicago O'Hare International Airport.

5 (2) DOT STUDY IN 2000.—The Secretary of
 6 Transportation shall study community noise levels in
 7 the areas surrounding the 4 high-density airports
 8 after the 100 percent Stage 3 fleet requirements are
 9 in place, and compare those levels with the levels in
 10 such areas before 1991.

11 (c) CONFORMING AMENDMENT.—The chapter analy-
 12 sis for subchapter I of chapter 417, as amended by section
 13 507(b) of this Act, is amended by adding at the end there-
 14 of the following:

“41720. Special Rules for Chicago O'Hare International Airport.”.

15 **SEC. 509. CONSUMER NOTIFICATION OF E-TICKET EXPIRA-**
 16 **TION DATES.**

17 Section 41712, as amended by section 505 of this
 18 Act, is amended by adding at the end thereof the follow-
 19 ing:

20 “(d) E-TICKET EXPIRATION NOTICE.—It shall be an
 21 unfair or deceptive practice under subsection (a) for any
 22 air carrier utilizing electronically transmitted tickets to
 23 fail to notify the purchaser of such a ticket of its expira-
 24 tion date, if any.”.

1 **SEC. 510. REGIONAL AIR SERVICE INCENTIVE OPTIONS.**

2 (a) PURPOSE.—The purpose of this section is to pro-
3 vide the Congress with an analysis of means to improve
4 service by jet aircraft to underserved markets by authoriz-
5 ing a review of different programs of Federal financial as-
6 sistance, including loan guarantees like those that would
7 have been provided for by section 2 of S. 1353, 105th Con-
8 gress, as introduced, to commuter air carriers that would
9 purchase regional jet aircraft for use in serving those mar-
10 kets.

11 (b) STUDY.—The Secretary of Transportation shall
12 study the efficacy of a program of Federal loan guarantees
13 for the purchase of regional jets by commuter air carriers.
14 The Secretary shall include in the study a review of op-
15 tions for funding, including alternatives to Federal fund-
16 ing. In the study, the Secretary shall analyze—

- 17 (1) the need for such a program;
18 (2) its potential benefit to small communities;
19 (3) the trade implications of such a program;
20 (4) market implications of such a program for
21 the sale of regional jets;
22 (5) the types of markets that would benefit the
23 most from such a program;
24 (6) the competitive implications of such a pro-
25 gram; and
26 (7) the cost of such a program.

1 (c) REPORT.—The Secretary shall submit a report of
2 the results of the study to the Senate Committee on Com-
3 merce, Science, and Transportation and the House of Rep-
4 resentatives Committee on Transportation and Infrastruc-
5 ture not later than 24 months after the date of enactment
6 of this Act.

7 **SEC. 511. GAO STUDY OF AIR TRANSPORTATION NEEDS.**

8 The General Accounting Office shall conduct a study
9 of the current state of the national airport network and
10 its ability to meet the air transportation needs of the
11 United States over the next 15 years. The study shall in-
12 clude airports located in remote communities and reliever
13 airports. In assessing the effectiveness of the system the
14 Comptroller General may consider airport runway length
15 of 5,500 feet or the equivalent altitude-adjusted length,
16 air traffic control facilities, and navigational aids.

17 **TITLE VI—NATIONAL PARKS**
18 **OVERFLIGHTS**

19 **SEC. 601. FINDINGS.**

20 The Congress finds that—

21 (1) the Federal Aviation Administration has
22 sole authority to control airspace over the United
23 States;

24 (2) the Federal Aviation Administration has the
25 authority to preserve, protect, and enhance the envi-

1 ronment by minimizing, mitigating, or preventing
2 the adverse effects of aircraft overflights on the pub-
3 lic and tribal lands;

4 (3) the National Park Service has the respon-
5 sibility of conserving the scenery and natural and
6 historic objects and wildlife in national parks and of
7 providing for the enjoyment of the national parks in
8 ways that leave the national parks unimpaired for
9 future generations;

10 (4) the protection of tribal lands from aircraft
11 overflights is consistent with protecting the public
12 health and welfare and is essential to the mainte-
13 nance of the natural and cultural resources of In-
14 dian tribes;

15 (5) the National Parks Overflights Working
16 Group, composed of general aviation, air tour, envi-
17 ronmental, and Native American representatives,
18 recommended that the Congress enact legislation
19 based on its consensus work product; and

20 (6) this title reflects the recommendations made
21 by that Group.

1 **SEC. 602. AIR TOUR MANAGEMENT PLANS FOR NATIONAL**
2 **PARKS.**

3 (a) IN GENERAL.—Chapter 401, as amended by sec-
4 tion 301 of this Act, is amended by adding at the end
5 the following:

6 **“§ 40126. Overflights of national parks**

7 “(a) IN GENERAL.—

8 “(1) GENERAL REQUIREMENTS.—A commercial
9 air tour operator may not conduct commercial air
10 tour operations over a national park or tribal lands
11 except—

12 “(A) in accordance with this section;

13 “(B) in accordance with conditions and
14 limitations prescribed for that operator by the
15 Administrator; and

16 “(C) in accordance with any effective air
17 tour management plan for that park or those
18 tribal lands.

19 “(2) APPLICATION FOR OPERATING AUTHOR-
20 ITY.—

21 “(A) APPLICATION REQUIRED.—Before
22 commencing commercial air tour operations
23 over a national park or tribal lands, a commer-
24 cial air tour operator shall apply to the Admin-
25 istrator for authority to conduct the operations
26 over that park or those tribal lands.

1 “(B) COMPETITIVE BIDDING FOR LIMITED
2 CAPACITY PARKS.—Whenever a commercial air
3 tour management plan limits the number of
4 commercial air tour flights over a national park
5 area during a specified time frame, the Admin-
6 istrator, in cooperation with the Director, shall
7 authorize commercial air tour operators to pro-
8 vide such service. The authorization shall speci-
9 fy such terms and conditions as the Adminis-
10 trator and the Director find necessary for man-
11 agement of commercial air tour operations over
12 the national park. The Administrator, in co-
13 operation with the Director, shall develop an
14 open competitive process for evaluating propos-
15 als from persons interested in providing com-
16 mercial air tour services over the national park.
17 In making a selection from among various pro-
18 posals submitted, the Administrator, in co-
19 operation with the Director, shall consider rel-
20 evant factors, including—

21 “(i) the safety record of the company
22 or pilots;

23 “(ii) any quiet aircraft technology pro-
24 posed for use;

1 “(iii) the experience in commercial air
 2 tour operations over other national parks
 3 or scenic areas;

4 “(iv) the financial capability of the
 5 company;

6 “(v) any training programs for pilots;
 7 and

8 “(vi) responsiveness to any criteria de-
 9 veloped by the National Park Service or
 10 the affected national park.

11 “(C) NUMBER OF OPERATIONS AUTHOR-
 12 IZED.—In determining the number of author-
 13 izations to issue to provide commercial air tour
 14 service over a national park, the Administrator,
 15 in cooperation with the Director, shall take into
 16 consideration the provisions of the air tour
 17 management plan, the number of existing com-
 18 mercial air tour operators and current level of
 19 service and equipment provided by any such
 20 companies, and the financial viability of each
 21 commercial air tour operation.

22 “(D) COOPERATION WITH NPS.—Before
 23 granting an application under this paragraph,
 24 the Administrator shall, in cooperation with the
 25 Director, develop an air tour management plan

1 in accordance with subsection (b) and imple-
2 ment such plan.

3 “(E) TIME LIMIT ON RESPONSE TO ATMP
4 APPLICATIONS.—The Administrator shall act on
5 any such application and issue a decision on the
6 application not later than 24 months after it is
7 received or amended.

8 “(3) EXCEPTION.—Notwithstanding paragraph
9 (1), commercial air tour operators may conduct com-
10 mercial air tour operations over a national park
11 under part 91 of the Federal Aviation Regulations
12 (14 CFR 91.1 et seq.) if—

13 “(A) such activity is permitted under part
14 119 (14 CFR 119.1(e)(2));

15 “(B) the operator secures a letter of agree-
16 ment from the Administrator and the national
17 park superintendent for that national park de-
18 scribing the conditions under which the flight
19 operations will be conducted; and

20 “(C) the total number of operations under
21 this exception is limited to not more than 5
22 flights in any 30-day period over a particular
23 park.

24 “(4) SPECIAL RULE FOR SAFETY REQUIRE-
25 MENTS.—Notwithstanding subsection (c), an exist-

1 ing commercial air tour operator shall, not later
2 than 90 days after the date of enactment of the Air
3 Transportation Improvement Act, apply for operat-
4 ing authority under part 119, 121, or 135 of the
5 Federal Aviation Regulations (14 CFR Pt. 119, 121,
6 or 135). A new entrant commercial air tour operator
7 shall apply for such authority before conducting
8 commercial air tour operations over a national park
9 or tribal lands.

10 “(b) AIR TOUR MANAGEMENT PLANS.—

11 “(1) ESTABLISHMENT OF ATMPS.—

12 “(A) IN GENERAL.—The Administrator
13 shall, in cooperation with the Director, establish
14 an air tour management plan for any national
15 park or tribal land for which such a plan is not
16 already in effect whenever a person applies for
17 authority to operate a commercial air tour over
18 the park. The development of the air tour man-
19 agement plan is to be a cooperative undertaking
20 between the Federal Aviation Administration
21 and the National Park Service. The air tour
22 management plan shall be developed by means
23 of a public process, and the agencies shall de-
24 velop information and analysis that explains the
25 conclusions that the agencies make in the appli-

1 cation of the respective criteria. Such expla-
2 nations shall be included in the Record of Deci-
3 sion and may be subject to judicial review.

4 “(B) OBJECTIVE.—The objective of any
5 air tour management plan shall be to develop
6 acceptable and effective measures to mitigate or
7 prevent the significant adverse impacts, if any,
8 of commercial air tours upon the natural and
9 cultural resources and visitor experiences and
10 tribal lands.

11 “(2) ENVIRONMENTAL DETERMINATION.—In
12 establishing an air tour management plan under this
13 subsection, the Administrator and the Director shall
14 each sign the environmental decision document re-
15 quired by section 102 of the National Environmental
16 Policy Act of 1969 (42 U.S.C. 4332) which may in-
17 clude a finding of no significant impact, an environ-
18 mental assessment, or an environmental impact
19 statement, and the Record of Decision for the air
20 tour management plan.

21 “(3) CONTENTS.—An air tour management
22 plan for a national park—

23 “(A) may prohibit commercial air tour op-
24 erations in whole or in part;

1 “(B) may establish conditions for the con-
2 duct of commercial air tour operations, includ-
3 ing commercial air tour routes, maximum or
4 minimum altitudes, time-of-day restrictions, re-
5 strictions for particular events, maximum num-
6 ber of flights per unit of time, intrusions on pri-
7 vacy on tribal lands, and mitigation of noise,
8 visual, or other impacts;

9 “(C) shall apply to all commercial air tours
10 within ½ mile outside the boundary of a na-
11 tional park;

12 “(D) shall include incentives (such as pre-
13 ferred commercial air tour routes and altitudes,
14 relief from caps and curfews) for the adoption
15 of quiet aircraft technology by commercial air
16 tour operators conducting commercial air tour
17 operations at the park;

18 “(E) shall provide for the initial allocation
19 of opportunities to conduct commercial air
20 tours if the plan includes a limitation on the
21 number of commercial air tour flights for any
22 time period; and

23 “(F) shall justify and document the need
24 for measures taken pursuant to subparagraphs
25 (A) through (E).

1 “(4) PROCEDURE.—In establishing a commer-
 2 cial air tour management plan for a national park,
 3 the Administrator and the Director shall—

4 “(A) initiate at least one public meeting
 5 with interested parties to develop a commercial
 6 air tour management plan for the park;

7 “(B) publish the proposed plan in the Fed-
 8 eral Register for notice and comment and make
 9 copies of the proposed plan available to the
 10 public;

11 “(C) comply with the regulations set forth
 12 in sections 1501.3 and 1501.5 through 1501.8
 13 of title 40, Code of Federal Regulations (for
 14 purposes of complying with those regulations,
 15 the Federal Aviation Administration is the lead
 16 agency and the National Park Service is a co-
 17 operating agency); and

18 “(D) solicit the participation of any Indian
 19 tribe whose tribal lands are, or may be,
 20 overflowed by aircraft involved in commercial air
 21 tour operations over a national park or tribal
 22 lands, as a cooperating agency under the regu-
 23 lations referred to in paragraph (4)(C).

24 “(5) AMENDMENTS.—Any amendment of an air
 25 tour management plan shall be published in the

1 Federal Register for notice and comment. A request
 2 for amendment of an air tour management plan
 3 shall be made in such form and manner as the Ad-
 4 ministrator may prescribe.

5 “(c) INTERIM OPERATING AUTHORITY.—

6 “(1) IN GENERAL.—Upon application for oper-
 7 ating authority, the Administrator shall grant in-
 8 terim operating authority under this paragraph to a
 9 commercial air tour operator for a national park or
 10 tribal lands for which the operator is an existing
 11 commercial air tour operator.

12 “(2) REQUIREMENTS AND LIMITATIONS.—In-
 13 terim operating authority granted under this
 14 subsection—

15 “(A) shall provide annual authorization
 16 only for the greater of—

17 “(i) the number of flights used by the
 18 operator to provide such tours within the
 19 12-month period prior to the date of enact-
 20 ment of the Air Transportation Improve-
 21 ment Act; or

22 “(ii) the average number of flights per
 23 12-month period used by the operator to
 24 provide such tours within the 36-month pe-
 25 riod prior to such date of enactment, and,

1 for seasonal operations, the number of
2 flights so used during the season or sea-
3 sons covered by that 12-month period;

4 “(B) may not provide for an increase in
5 the number of operations conducted during any
6 time period by the commercial air tour operator
7 to which it is granted unless the increase is
8 agreed to by the Administrator and the Direc-
9 tor;

10 “(C) shall be published in the Federal Reg-
11 ister to provide notice and opportunity for com-
12 ment;

13 “(D) may be revoked by the Administrator
14 for cause;

15 “(E) shall terminate 180 days after the
16 date on which an air tour management plan is
17 established for that park or those tribal lands;
18 and

19 “(F) shall—

20 “(i) promote protection of national
21 park resources, visitor experiences, and
22 tribal lands;

23 “(ii) promote safe operations of the
24 commercial air tour;

1 “(iii) promote the adoption of quiet
2 technology, as appropriate; and

3 “(iv) allow for modifications of the op-
4 eration based on experience if the modi-
5 fication improves protection of national
6 park resources and values and of tribal
7 lands.

8 “(3) NEW ENTRANT AIR TOUR OPERATORS.—

9 “(A) IN GENERAL.—The Administrator, in
10 cooperation with the Director, may grant in-
11 terim operating authority under this paragraph
12 to an air tour operator for a national park for
13 which that operator is a new entrant air tour
14 operator if the Administrator determines the
15 authority is necessary to ensure competition in
16 the provision of commercial air tours over that
17 national park or those tribal lands.

18 “(B) SAFETY LIMITATION.—The Adminis-
19 trator may not grant interim operating author-
20 ity under subparagraph (A) if the Adminis-
21 trator determines that it would create a safety
22 problem at that park or on tribal lands, or the
23 Director determines that it would create a noise
24 problem at that park or on tribal lands.

1 “(C) ATMP LIMITATION.—The Adminis-
 2 trator may grant interim operating authority
 3 under subparagraph (A) of this paragraph only
 4 if the air tour management plan for the park or
 5 tribal lands to which the application relates has
 6 not been developed within 24 months after the
 7 date of enactment of the Air Transportation
 8 Improvement Act.

9 “(d) DEFINITIONS.—In this section, the following
 10 definitions apply:

11 “(1) COMMERCIAL AIR TOUR.—The term ‘com-
 12 mercial air tour’ means any flight conducted for
 13 compensation or hire in a powered aircraft where a
 14 purpose of the flight is sightseeing. If the operator
 15 of a flight asserts that the flight is not a commercial
 16 air tour, factors that can be considered by the Ad-
 17 ministrator in making a determination of whether
 18 the flight is a commercial air tour, include, but are
 19 not limited to—

20 “(A) whether there was a holding out to
 21 the public of willingness to conduct a sightsee-
 22 ing flight for compensation or hire;

23 “(B) whether a narrative was provided
 24 that referred to areas or points of interest on
 25 the surface;

1 “(C) the area of operation;

2 “(D) the frequency of flights;

3 “(E) the route of flight;

4 “(F) the inclusion of sightseeing flights as
5 part of any travel arrangement package; or

6 “(G) whether the flight or flights in ques-
7 tion would or would not have been canceled
8 based on poor visibility of the surface.

9 “(2) COMMERCIAL AIR TOUR OPERATOR.—The
10 term ‘commercial air tour operator’ means any per-
11 son who conducts a commercial air tour.

12 “(3) EXISTING COMMERCIAL AIR TOUR OPERA-
13 TOR.—The term ‘existing commercial air tour opera-
14 tor’ means a commercial air tour operator that was
15 actively engaged in the business of providing com-
16 mercial air tours over a national park at any time
17 during the 12-month period ending on the date of
18 enactment of the Air Transportation Improvement
19 Act.

20 “(4) NEW ENTRANT COMMERCIAL AIR TOUR
21 OPERATOR.—The term ‘new entrant commercial air
22 tour operator’ means a commercial air tour operator
23 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
5 providing commercial air tours over that na-
6 tional park or those tribal lands in the 12-
7 month period preceding the application.

8 “(5) COMMERCIAL AIR TOUR OPERATIONS.—
9 The term ‘commercial air tour operations’ means
10 commercial air tour flight operations conducted—

11 “(A) over a national park or within ½ mile
12 outside the boundary of any national park;

13 “(B) below a minimum altitude, deter-
14 mined by the Administrator in cooperation with
15 the Director, above ground level (except solely
16 for purposes of takeoff or landing, or necessary
17 for safe operation of an aircraft as determined
18 under the rules and regulations of the Federal
19 Aviation Administration requiring the pilot-in-
20 command to take action to ensure the safe op-
21 eration of the aircraft); and

22 “(C) less than 1 mile laterally from any
23 geographic feature within the park (unless more
24 than ½ mile outside the boundary).

1 “(6) NATIONAL PARK.—The term ‘national
2 park’ 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
5 of title 18, United States Code, that is within or
6 abutting 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
11 the Director of the National Park Service.”.

12 (b) EXEMPTIONS.—

13 (1) GRAND CANYON.—Section 40126 of title
14 49, United States Code, as added by subsection (a),
15 does 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 ~~(2)~~ (3) ALASKA.—The provisions of this title
 4 and section 40126 of title 49, United States Code,
 5 as added by subsection (a), do not apply to any land
 6 or waters located in Alaska.

7 ~~(3)~~ (4) COMPLIANCE WITH OTHER REGULA-
 8 TIONS.—For purposes of section 40126 of title 49,
 9 United States Code—

10 (A) regulations issued by the Secretary of
 11 Transportation and the Administrator of the
 12 Federal Aviation Administration under section
 13 3 of Public Law 100–91 (16 U.S.C. 1a–1,
 14 note); and

15 (B) commercial air tour operations carried
 16 out in compliance with the requirements of
 17 those regulations,

18 shall be deemed to meet the requirements of such
 19 section 40126.

20 (c) CLERICAL AMENDMENT.—The table of sections
 21 for chapter 401 is amended by adding at the end thereof
 22 the following:

“40126. Overflights of national parks.”.

23 **SEC. 603. ADVISORY GROUP.**

24 (a) ESTABLISHMENT.—Not later than 1 year after
 25 the date of enactment of this Act, the Administrator of

1 the Federal Aviation Administration and the Director of
2 the National Park Service shall jointly establish an advisory
3 group to provide continuing advice and counsel with
4 respect to the operation of commercial air tours over and
5 near national parks.

6 (b) MEMBERSHIP.—

7 (1) IN GENERAL.—The advisory group shall be
8 composed of—

9 (A) a balanced group of —

10 (i) representatives of general aviation;

11 (ii) representatives of commercial air
12 tour operators;

13 (iii) representatives of environmental
14 concerns; and

15 (iv) representatives of Indian tribes;

16 (B) a representative of the Federal Aviation
17 Administration; and

18 (C) a representative of the National Park
19 Service.

20 (2) EX-OFFICIO MEMBERS.—The Administrator
21 and the Director shall serve as ex-officio members.

22 (3) CHAIRPERSON.—The representative of the
23 Federal Aviation Administration and the representative
24 of the National Park Service shall serve alternating
25 1-year terms as chairman of the advisory

1 group, with the representative of the Federal Avia-
2 tion Administration serving initially until the end of
3 the calendar year following the year in which the ad-
4 visory group is first appointed.

5 (c) DUTIES.—The advisory group shall provide ad-
6 vice, information, and recommendations to the Adminis-
7 trator and the Director—

8 (1) on the implementation of this title;

9 (2) on the designation of appropriate and fea-
10 sible quiet aircraft technology standards for quiet
11 aircraft technologies under development for commer-
12 cial purposes, which will receive preferential treat-
13 ment in a given air tour management plan;

14 (3) on other measures that might be taken to
15 accommodate the interests of visitors to national
16 parks; and

17 (4) on such other national park or tribal lands-
18 related safety, environmental, and air touring issues
19 as the Administrator and the Director may request.

20 (d) COMPENSATION; SUPPORT; FACA.—

21 (1) COMPENSATION AND TRAVEL.—Members of
22 the advisory group who are not officers or employees
23 of the United States, while attending conferences or
24 meetings of the group or otherwise engaged in its
25 business, or while serving away from their homes or

1 regular places of business, each member may be al-
2 lowed travel expenses, including per diem in lieu of
3 subsistence, as authorized by section 5703 of title 5,
4 United States Code, for persons in the Government
5 service employed intermittently.

6 (2) ADMINISTRATIVE SUPPORT.—The Federal
7 Aviation Administration and the National Park
8 Service shall jointly furnish to the advisory group
9 clerical and other assistance.

10 (3) NONAPPLICATION OF FACA.—Section 14 of
11 the Federal Advisory Committee Act (5 U.S.C.
12 App.) does not apply to the advisory group.

13 (e) REPORT.—The Administrator and the Director
14 shall jointly report to the Congress within 24 months after
15 the date of enactment of this Act on the success of this
16 title in providing incentives for quiet aircraft technology.

17 **SEC. 604. OVERFLIGHT FEE REPORT.**

18 Not later than 180 days after the date of enactment
19 of this Act, the Administrator of the Federal Aviation Ad-
20 ministration shall transmit to Congress a report on the
21 effects proposed overflight fees are likely to have on the
22 commercial air tour industry. The report shall include, but
23 shall not be limited to—

24 (1) the viability of a tax credit for the commer-
25 cial air tour operators equal to the amount of the

1 proposed fee charged by the National Park Service;
 2 and

3 (2) the financial effects proposed offsets are
 4 likely to have on Federal Aviation Administration
 5 budgets and appropriations.

6 **SEC. 605. PROHIBITION OF COMMERCIAL AIR TOURS OVER**
 7 **THE ROCKY MOUNTAIN NATIONAL PARK.**

8 Effective beginning on the date of enactment of this
 9 Act, no commercial air tour may be operated in the air-
 10 space over the Rocky Mountain National Park notwith-
 11 standing any other provision of this Act or section 40126
 12 of title 49, United States Code, as added by this Act.

13 **TITLE VII—TITLE 49 TECHNICAL**
 14 **CORRECTIONS**

15 **SEC. 701. RESTATEMENT OF 49 U.S.C. 106(g).**

16 (a) IN GENERAL.—Section 106(g) is amended by
 17 striking “40113(a), (c), and (d), 40114(a), 40119,
 18 44501(a) and (c), 44502(a)(1), (b) and (c), 44504, 44505,
 19 44507, 44508, 44511–44513, 44701–44716, 44718(c),
 20 44721(a), 44901, 44902, 44903(a)–(c) and (e), 44906,
 21 44912, 44935–44937, and 44938(a) and (b), chapter 451,
 22 sections 45302–45304,” and inserting “40113(a), (c)–(e),
 23 40114(a), and 40119, and chapter 445 (except sections
 24 44501(b), 44502(a)(2)–(4), 44503, 44506, 44509, 44510,
 25 44514, and 44515), chapter 447 (except sections 44717,

1 44718(a) and (b), 44719, 44720, 44721(b), 44722, and
2 44723), chapter 449 (except sections 44903(d), 44904,
3 44905, 44907–44911, 44913, 44915, and 44931–44934),
4 chapter 451, chapter 453, sections”.

5 (b) TECHNICAL CORRECTION.—The amendment
6 made by this section may not be construed as making a
7 substantive change in the language replaced.

8 **SEC. 702. RESTATEMENT OF 49 U.S.C. 44909.**

9 Section 44909(a)(2) is amended by striking “shall”
10 and inserting “should”.