

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 414, the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

AIRPORT IMPROVEMENT PROGRAM REAUTHORIZATION ACT OF 1998

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4057) to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4057

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Airport Improvement Program Reauthorization Act of 1998".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Amendments to title 49, United States Code.

Sec. 3. Applicability.

Sec. 4. Administrator defined.

TITLE I—AIRPORT AND AIRWAY IMPROVEMENTS

Sec. 101. Airport improvement program.
Sec. 102. Airway facilities improvement program.
Sec. 103. FAA operations.
Sec. 104. AIP formula changes.
Sec. 105. Grants from small airport fund.
Sec. 106. Innovative use of airport grant funds.
Sec. 107. Airport security program.
Sec. 108. Matching share for State block grant program.
Sec. 109. Treatment of certain facilities as airport-related projects.
Sec. 110. Terminal development costs.
Sec. 111. Conveyances of surplus property for public airports.
Sec. 112. Construction of runways.
Sec. 113. Potomac Metroplex terminal radar approach control facility.
Sec. 114. General facilities authority.
Sec. 115. Transportation assistance for Olympic cities.
Sec. 116. Denial of airport access to certain air carriers.
Sec. 117. Period of applicability of amendments.
Sec. 118. Technical amendments.

TITLE II—CONTRACT TOWER PROGRAM

Sec. 201. Contract towers.

TITLE III—FAMILY ASSISTANCE

Sec. 301. Responsibilities of National Transportation Safety Board.
Sec. 302. Air carrier plans.
Sec. 303. Foreign air carrier plans.
Sec. 304. Applicability of Death on the High Seas Act.

TITLE IV—WAR RISK INSURANCE PROGRAM

Sec. 401. Aviation insurance program amendments.

TITLE V—SAFETY

Sec. 501. Cargo collision avoidance systems deadline.

Sec. 502. Records of employment of pilot applicants.

Sec. 503. Whistleblower protection for FAA employees.

Sec. 504. Safety risk mitigation programs.

Sec. 505. Flight operations quality assurance rules.

Sec. 506. Small airport certification.

Sec. 507. Marking of life limited aircraft parts.

TITLE VI—WHISTLEBLOWER PROTECTION

Sec. 601. Protection of employees providing air safety information.

Sec. 602. Civil penalty.

TITLE VII—CENTENNIAL OF FLIGHT COMMISSION

Sec. 701. Short title.

Sec. 702. Findings.

Sec. 703. Establishment.

Sec. 704. Membership.

Sec. 705. Duties.

Sec. 706. Powers.

Sec. 707. Staff and support services.

Sec. 708. Contributions.

Sec. 709. Exclusive right to name, logos, emblems, seals, and marks.

Sec. 710. Reports.

Sec. 711. Audit of financial transactions.

Sec. 712. Advisory Board.

Sec. 713. Definitions.

Sec. 714. Termination.

Sec. 715. Authorization of appropriations.

TITLE VIII—MISCELLANEOUS PROVISIONS

Sec. 801. Clarification of regulatory approval process.

Sec. 802. Duties and powers of Administrator.

Sec. 803. Prohibition on release of offeror proposals.

Sec. 804. Multiyear procurement contracts.

Sec. 805. Federal Aviation Administration personnel management system.

Sec. 806. General facilities and personnel authority.

Sec. 807. Implementation of article 83 bis of the Chicago Convention.

Sec. 808. Public availability of airmen records.

Sec. 809. Government and industry consortium.

Sec. 810. Passenger manifest.

Sec. 811. Cost recovery for foreign aviation services.

Sec. 812. Technical corrections to civil penalty provisions.

Sec. 813. Enhanced vision technologies.

Sec. 814. Foreign carriers eligible for waiver under Airport Noise and Capacity Act.

Sec. 815. Typographical errors.

Sec. 816. Acquisition management system.

Sec. 817. Independent validation of FAA costs and allocations.

Sec. 818. Elimination of backlog of equal employment opportunity complaints.

Sec. 819. Newport News, Virginia.

Sec. 820. Grant of easement, Los Angeles, California.

Sec. 821. Regulation of Alaska air guides.

Sec. 822. Public aircraft defined.

TITLE IX—NATIONAL PARKS AIR TOUR MANAGEMENT

Sec. 901. Short title.

Sec. 902. Findings.

Sec. 903. Air tour management plans for national parks.

Sec. 904. Advisory group.

Sec. 905. Reports.

Sec. 906. Exemptions.

Sec. 907. Definitions.

TITLE X—EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY

Sec. 1001. Extension of expenditure authority.

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

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

SEC. 3. APPLICABILITY.

(a) IN GENERAL.—Except as otherwise specifically provided, this Act and the amendments made by this Act apply only to fiscal years beginning after September 30, 1998.

(b) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this Act or any amendment made by this Act shall be construed as affecting funds made available for a fiscal year ending before October 1, 1998.

SEC. 4. ADMINISTRATOR DEFINED.

In this Act, the term "Administrator" means the Administrator of the Federal Aviation Administration.

TITLE I—AIRPORT AND AIRWAY IMPROVEMENTS**SEC. 101. AIRPORT IMPROVEMENT PROGRAM.**

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 48103 is amended—

(1) by striking "September 30, 1996" and inserting "September 30, 1998"; and

(2) by striking "\$2,280,000,000" and all that follows through the period at the end and inserting the following: "\$2,347,000,000 for fiscal years ending before October 1, 1999."

(b) OBLIGATIONAL AUTHORITY.—Section 47104(c) is amended by striking "1998" and inserting "1999".

SEC. 102. AIRWAY FACILITIES IMPROVEMENT PROGRAM.

(a) GENERAL AUTHORIZATION AND APPROPRIATIONS.—Section 48101(a) is amended by adding at the end the following:

"(3) \$2,131,000,000 for fiscal year 1999."

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

"(d) UNIVERSAL ACCESS SYSTEMS.—Of the amounts appropriated under subsection (a) for fiscal year 1999, \$8,000,000 may be used for the voluntary purchase and installation of universal access systems."

SEC. 103. FAA OPERATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS FROM GENERAL FUND.—Section 106(k) is amended—

(1) by inserting "(1) IN GENERAL.—" before "There";

(2) in paragraph (1) (as so designated) by striking "\$5,158,000,000" and all that follows through the period at the end and inserting the following: "\$5,632,000,000 for fiscal year 1999.";

(3) by adding at the end the following:

"(2) AUTHORIZED EXPENDITURES.—Of the amounts appropriated under paragraph (1) for fiscal year 1999—

"(A) \$450,000 may be used for wildlife hazard mitigation measures and management of the wildlife strike database of the Federal Aviation Administration;

"(B) such sums as may be necessary may be used to fund an office within the Federal Aviation Administration dedicated to supporting infrastructure systems development for both general aviation and the vertical flight industry;

"(C) such sums as may be necessary may be used to revise existing terminal and en route procedures and instrument flight rules to facilitate the takeoff, flight, and landing of tiltrotor aircraft and to improve the national airspace system by separating such aircraft from congested flight paths of fixed-wing aircraft; and

"(D) \$3,000,000 may be used to establish a prototype helicopter infrastructure using

current technologies (such as the Global Positioning System) to support all-weather, emergency medical service for trauma patients.”; and

(4) by indenting paragraph (1) (as designated by paragraph (1) of this subsection) and aligning such paragraph (1) with paragraph (2) (as added by paragraph (2) of this subsection).

(b) AUTHORIZATION OF APPROPRIATIONS FROM TRUST FUND.—Section 48104 is amended—

(1) by striking subsection (b) and redesignating subsection (c) as subsection (b);

(2) in subsection (b), as so redesignated—

(A) in the subsection heading by striking “FISCAL YEARS 1994–1998” and inserting “FISCAL YEAR 1999”; and

(B) in the matter preceding paragraph (1) by striking “each of fiscal years 1994 through 1998” and inserting “fiscal year 1999”.

(c) LIMITATION ON OBLIGATING OR EXPENDING AMOUNTS.—Section 48108(c) is amended by striking “1998” and inserting “1999”.

SEC. 104. AIP FORMULA CHANGES.

(a) DISCRETIONARY FUND.—Section 47115 is amended—

(1) by striking subsection (g);

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

(3) by inserting before the period at the end of subsection (g) (as so redesignated) the following: “with funds made available under this section and, if such funds are not sufficient, with funds made available under sections 47114(c)(1)(A), 47114(c)(2), 47114(d), and 47117(e) on a pro rata basis”.

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

(1) in subparagraph (A)(v) by inserting “subject to subparagraph (C),” before “\$.50”; and

(2) by adding at the end the following:

“(C) The amount to be apportioned for a fiscal year for a passenger described in subparagraph (A)(v) shall be reduced to \$.40 if the total amount made available under section 48103 for such fiscal year is less than \$1,350,000,000.”.

(c) ENTITLEMENT FOR GENERAL AVIATION AIRPORTS.—Section 47114(d)(2) is amended—

(1) in the matter preceding subparagraph (A) by striking “18.5 percent” and inserting “20 percent”;

(2) in subparagraph (A) by striking “0.66” and inserting “0.62; and

(3) in each of subparagraphs (B) and (C) by striking “49.67” and inserting “49.69”.

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

“(3) SPECIAL RULE.—An amount apportioned under paragraph (2) of this subsection for airports in Alaska, Puerto Rico, or Hawaii may be made available by the Secretary for any public airport in those respective jurisdictions.”.

(e) USE OF STATE-APPORTIONED FUNDS FOR SYSTEM PLANNING.—Section 47114(d) is further amended by adding at the end the following:

“(4) INTEGRATED AIRPORT SYSTEM PLANNING.—Notwithstanding paragraph (2), funds made available under this subsection may be used for integrated airport system planning that encompasses 1 or more primary airports.”.

(f) GRANTS FOR AIRPORT NOISE COMPATIBILITY PLANNING.—Section 47117(e)(1) is amended—

(1) in subparagraph (A) by striking “31 percent” each place it appears and inserting “33 percent”; and

(2) in subparagraph (B) by striking “At least” and all that follows through “sponsors of current” and inserting “At least 4 percent to sponsors of current”.

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

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

(2) in paragraph (1)—

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

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

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

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

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

(5) by indenting paragraph (1) and aligning it and paragraph (2) with paragraph (3) (as amended by paragraph (4) of this subsection).

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

(i) DESIGNATING CURRENT AND FORMER MILITARY AIRPORTS.—Section 47118 is amended—

(1) in subsection (a) by striking “12” and inserting “15”;

(2) by striking subsection (c) and redesignating subsections (d) through (f) as subsections (c) through (e), respectively;

(3) in subsection (c), as so redesignated, by striking “47117(e)(1)(E)” and inserting “47117(e)(1)(B)”;

(4) by adding at the end the following:

“(f) DESIGNATION OF GENERAL AVIATION AIRPORT.—Notwithstanding any other provision of this section, at least 1 of the airports designated under subsection (a) shall be a general aviation airport that is a former military installation closed or realigned under a law described in subsection (a)(1).”.

(j) 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—

(A) by striking “and” at the end of paragraph (9); and

(B) by striking the period at the end of paragraph (10) and inserting “; and”; and

(C) by adding at the end the following:

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

(3) AIRPORT DEVELOPMENT DEFINED.—Section 47102(3)(B)(ii) is amended by inserting “and including integrated in-pavement lighting systems for runways and taxiways and other runway and taxiway incursion prevention devices” before the semicolon at the end.

SEC. 105. GRANTS FROM SMALL AIRPORT FUND.

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

“(e) SET-ASIDE FOR MEETING SAFETY TERMS IN AIRPORT OPERATING CERTIFICATES.—In the first fiscal year beginning after the effective date of regulations issued to carry out section 44706(b) with respect to airports described in section 44706(a)(2), and in each of the next 4 fiscal years, the lesser of

\$15,000,000 or 20 percent of the amounts distributed to sponsors of airports under subsection (b)(2) shall be used to assist the airports in meeting the terms established by the regulations. If the Secretary publishes in the Federal Register a finding that all the terms established by the regulations have been met, this subsection shall cease to be effective as of the date of such publication.”.

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

“(f) NOTIFICATION OF SOURCE OF GRANT.—Whenever the Secretary makes a grant under this section, the Secretary shall notify the recipient of the grant, in writing, that the source of the grant is from the small airport fund.”.

SEC. 106. INNOVATIVE USE OF AIRPORT GRANT FUNDS.

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

“§ 47135. Innovative financing techniques

“(a) IN GENERAL.—The Secretary of Transportation may approve applications under this subchapter for not more than 20 projects for which grants made under this subchapter may be used to implement innovative financing techniques.

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

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

“(d) INNOVATIVE FINANCING TECHNIQUE DEFINED.—In this section, the term ‘innovative financing technique’ is limited to—

“(1) payment of interest;

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

“(3) flexible non-Federal matching requirements.”.

(b) CONFORMING AMENDMENT.—The analysis for subchapter 1 of chapter 471 is amended by adding at the end the following:

“47135. Innovative financing techniques.”.

SEC. 107. AIRPORT SECURITY PROGRAM.

(a) IN GENERAL.—Chapter 471 (as amended by section 106 of this Act) is amended by adding the following new section:

“§ 47136. Airport security program

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

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

“(1) evaluates and tests the benefits of innovative airport security systems or related technology, including explosives detection systems, for the purpose of improving airport and aircraft physical security and access control; and

“(2) provides testing and evaluation of airport security systems and technology in an operational, test bed environment.

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

“(d) TERMS AND CONDITIONS.—The Secretary may establish such terms and conditions as the Secretary determines appropriate for carrying out a project under this

section, including terms and conditions relating to the form and content of a proposal for a project, project assurances, and schedule of payments.

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

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

(b) CONFORMING AMENDMENT.—The analysis for subchapter 1 of such chapter is amended by adding at the end the following:

SEC. 108. MATCHING SHARE FOR STATE BLOCK GRANT PROGRAM.

Section 47109(a) is amended—

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

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

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

(3) by striking "and" at the end of paragraph (3) (as so redesignated); and

(4) by striking the period at the end of paragraph (4) (as so redesignated) and inserting "; and".

SEC. 109. TREATMENT OF CERTAIN FACILITIES AS AIRPORT-RELATED PROJECTS.

Section 40117 is amended by adding at the end the following:

"(j) SHELL OF TERMINAL BUILDING AND AIRCRAFT FUELING FACILITIES.—In order to enable additional air service by an air carrier with less than 50 percent of the scheduled passenger traffic at an airport, the Secretary may consider the shell of a terminal building (including heating, ventilation, and air conditioning) and aircraft fueling facilities adjacent to an airport terminal building to be an eligible airport-related project under subsection (a)(3)(E)."

SEC. 110. TERMINAL DEVELOPMENT COSTS.

(a) REPAYING BORROWED MONEY.—Section 47119(a) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking "0.05" and inserting "0.25"; and

(B) by striking "between January 1, 1992, and October 31, 1992," and inserting "between August 1, 1986, and September 30, 1990, or between June 1, 1991, and October 31, 1992,"; and

(2) in paragraph (1)(B) by striking "an airport development project outside the terminal area at that airport" and inserting "any needed airport development project affecting safety, security, or capacity".

(b) NONHUB AIRPORTS.—Section 47119(c) is amended by striking "0.05" and inserting "0.25".

SEC. 111. CONVEYANCES OF SURPLUS PROPERTY FOR PUBLIC AIRPORTS.

(a) REQUESTS BY PUBLIC AGENCIES.—Section 47151 is amended by adding at the end the following:

"(d) REQUESTS BY PUBLIC AGENCIES.—Except with respect to a request made by another department, agency, or instrumentality of the executive branch of the United States Government, such a department, agency, or instrumentality shall give priority consideration to a request made by a public agency (as defined in section 47102) for surplus property described in subsection (a) for use at a public airport."

(b) NOTICE AND PUBLIC COMMENT; PUBLICATION OF DECISIONS.—Section 47153(a) is amended—

(1) in paragraph (1) by inserting ", after providing notice and an opportunity for public comment," after "if the Secretary decides"; and

(2) by adding at the end the following:

"(3) PUBLICATION OF DECISIONS.—The Secretary shall publish in the Federal Register any decision to waive a term under paragraph (1) and the reasons for the decision."

(c) CONSIDERATIONS.—Section 47153 is amended by adding at the end the following:

"(c) CONSIDERATIONS.—In deciding whether to waive a term required under section 47152 or add another term, the Secretary shall consider the current and future needs of the users of the airport and the interests of the owner of the property."

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

(1) in section 47151—

(A) in subsection (a)—

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

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

(B) in subsection (b)—

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

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

(C) in subsection (c)—

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

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

(2) in section 47152—

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

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

(3) in section 47153(a)(1)—

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

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

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

"47152. Terms of conveyances."

SEC. 112. CONSTRUCTION OF RUNWAYS.

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

SEC. 113. POTOMAC METROPLEX TERMINAL RADAR APPROACH CONTROL FACILITY.

(a) SITE SELECTION.—The Administrator may not select a site for, or begin construction of, the Potomac Metroplex terminal radar approach control facility before the 90th day after the Administrator transmits to Congress a report on the relative costs and benefits of constructing the facility on land already owned by the United States, including land located outside the Washington, D.C., metropolitan area.

(b) CONTENTS OF REPORT.—The report to be transmitted under subsection (a) shall include—

(1) a justification for the current construction plan, including the size and cost of the consolidated facility; and

(2) a complete risk analysis of the possibility that the redesigned airspace may not be completed, or may be only partially completed, including an explanation of whether or not the consolidation will be cost bene-

ficial if the airspace is only partially redesigned.

SEC. 114. GENERAL FACILITIES AUTHORITY.

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

(1) by striking "each of fiscal years 1995 and 1996" and inserting "fiscal year 1999"; and

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

(b) LORAN-C NAVIGATION FACILITIES.—Section 44502(a) is amended by adding at the end the following:

"(5) MAINTENANCE AND UPGRADE OF LORAN-C NAVIGATION FACILITIES.—The Secretary shall maintain and upgrade Loran-C navigation facilities throughout the transition period to satellite-based navigation."

SEC. 115. TRANSPORTATION ASSISTANCE FOR OLYMPIC CITIES.

(a) PURPOSE.—The purpose of this section is to provide assistance and support to State and local efforts on aviation-related transportation issues necessary to obtain the national recognition and economic benefits of participation in the International Olympic, Paralympic, and Special Olympics movements by hosting international quadrennial Olympic events and Paralympic and Special Olympic events in the United States.

(b) AIRPORT DEVELOPMENT PROJECTS.—

(1) AIRPORT DEVELOPMENT DEFINED.—Section 47102(3) is amended by adding at the end the following:

"(H) Developing, in coordination with State and local transportation agencies, intermodal transportation plans necessary for Olympic-related projects at an airport."

(2) DISCRETIONARY GRANTS.—Section 47115(d) is amended—

(A) by striking "and" at the end of paragraph (5);

(B) by striking the period at the end of paragraph (6) and inserting "; and"; and

(C) by adding at the end the following:

"(7) the need for the project in order to meet the unique demands of hosting international quadrennial Olympic events."

SEC. 116. DENIAL OF AIRPORT ACCESS TO CERTAIN AIR CARRIERS.

(a) IN GENERAL.—It shall not be considered unreasonable or unjust discrimination or a violation of section 47107 of title 49, United States Code, for the owner or operator of an airport described in (b) to deny access to any air carrier that is conducting operations as a public charter under part 380 of title 14, Code of Federal Regulations, with aircraft designed to carry more than 9 passengers per flight.

(b) COVERED AIRPORTS.—This section shall only apply to an airport that—

(1) is designated as a reliever airport by the Administrator;

(2) does not have an operating certificate issued under part 139 of title 14, Code of Federal Regulations; and

(3) is located within 25 miles of an airport that has at least 0.05 percent of the total annual boardings in the United States and has current gate capacity to handle the demands of the public charter operation.

(c) PUBLIC CHARTER DEFINED.—In this section, the term 'public charter' means charter air transportation for which the general public is provided in advance a schedule containing the departure location, departure time, and arrival location of the flights.

SEC. 117. PERIOD OF APPLICABILITY OF AMENDMENTS.

Effective September 29, 1998, section 125 of the Federal Aviation Reauthorization Act of 1996 (49 U.S.C. 47114 note; 110 Stat. 3220) is repealed.

SEC. 118. TECHNICAL AMENDMENTS.

(a) DISCRETIONARY FUND DEFINITION.—

(1) AMOUNTS IN FUND AND AVAILABILITY.—Section 47115 is amended—

(A) in subsection (a)(2) by striking "25" and inserting "12.5"; and

(B) by striking the second sentence of subsection (b).

(2) SMALL AIRPORT FUND.—Section 47116 is amended—

(A) in subsection (a) by striking "75" and inserting "87.5"; and

(B) in subsection (b) by striking paragraphs (1) and (2) and inserting the following:

"(1) 1/2 for grants for projects at small hub airports (as defined in section 41731 of this title).

"(2) The remaining amounts as follows:

"(A) 1/3 for grants to sponsors of public-use airports (except commercial service airports).

"(B) 2/3 for grants to sponsors of each commercial service airport that each year has less than .05 percent of the total boardings in the United States in that year."

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

"(e) CHANGE IN AIRPORT STATUS.—In the event that the status of a primary airport changes to a nonprimary airport at a time when a terminal development project under a multiyear agreement under subsection (a) is not yet completed, the project shall remain eligible for funding from discretionary funds under section 47115 at the funding level and under the terms provided by the agreement, subject to the availability of funds."

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

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

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

(3) by adding at the end the following:

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

"(A) passengers enplaned by any class of air carrier or foreign air carrier if the number of passengers enplaned by the carrier in the class constitutes not more than 1 percent of the total number of passengers enplaned annually at the airport at which the fee is imposed; or

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

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

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

TITLE II—CONTRACT TOWER PROGRAM

SEC. 201. CONTRACT TOWERS.

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

"(3) NONQUALIFYING AIR TRAFFIC CONTROL TOWERS.—

"(A) IN GENERAL.—The Secretary shall establish a program to contract for air traffic control services at not more than 20 level I air traffic control towers, as defined by the Administrator of the Federal Aviation Administration, that do not qualify for the program established under subsection (a) and continued under paragraph (1).

"(B) PRIORITY.—In selecting facilities to participate in the program under this paragraph, the Administrator shall give priority to the following:

"(i) Air traffic control towers that are participating in the program continued under paragraph (1) but have been notified that they will be terminated from such program because the Administrator has determined that the benefit-to-cost ratio for their continuation in such program is less than 1.

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

"(iii) Air traffic control towers that are located at airports that receive air service from an air carrier that is receiving compensation under the essential air service program of subchapter II of chapter 417.

"(iv) Air traffic control towers located at airports that are prepared to assume responsibility for tower construction and maintenance costs.

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

"(C) COSTS EXCEEDING BENEFITS.—If the costs of operating a control tower under the program established under this paragraph exceed the benefits, the airport sponsor or State or local government having jurisdiction over the airport shall pay the portion of the costs that exceed such benefits.

"(D) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$6,000,000 per fiscal year to carry out this paragraph."

TITLE III—FAMILY ASSISTANCE

SEC. 301. RESPONSIBILITIES OF NATIONAL TRANSPORTATION SAFETY BOARD.

(a) PROHIBITION ON UNSOLICITED COMMUNICATIONS.—

(1) IN GENERAL.—Section 1136(g)(2) is amended—

(A) by inserting after "transportation," the following: "and in a case involving a foreign air carrier and an accident that occurs within the United States,";

(B) by inserting after "attorney" the following: "(including any associate, agent, employee, or other representative of the attorney)"; and

(C) by striking "30th day" and inserting "45th day".

(2) ENFORCEMENT.—Section 1151 is amended by inserting "1136(g)(2)," before "or 1155(a)" each place it appears.

(b) PROHIBITION ON ACTIONS TO PREVENT MENTAL HEALTH AND COUNSELING SERVICES.—Section 1136(g) is amended by adding at the end the following:

"(3) PROHIBITION ON ACTIONS TO PREVENT MENTAL HEALTH AND COUNSELING SERVICES.—No State or political subdivision may prevent the employees, agents, or volunteers of an organization designated for an accident under subsection (a)(2) from providing mental health and counseling services under subsection (c)(1) in the 30-day period beginning on the date of the accident. The director of family support services designated for the accident under subsection (a)(1) may extend such period for not to exceed an additional 30 days if the director determines that the extension is necessary to meet the needs of the families and if State and local authorities are notified of the determination."

(c) INCLUSION OF NON-REVENUE PASSENGERS IN FAMILY ASSISTANCE COVERAGE.—Section 1136(h)(2) is amended to read as follows:

"(2) PASSENGER.—The term 'passenger' includes—

"(A) an employee of an air carrier or foreign air carrier aboard an aircraft; and

"(B) any other person aboard the aircraft without regard to whether the person paid for the transportation, occupied a seat, or held a reservation for the flight."

(d) LIMITATION ON STATUTORY CONSTRUCTION.—Section 1136 is amended by adding at the end the following:

"(i) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed as limiting the actions that an air carrier may take, or the obligations that an air carrier may have, in providing assistance

to the families of passengers involved in an aircraft accident."

SEC. 302. AIR CARRIER PLANS.

(a) CONTENTS OF PLANS.—

(1) FLIGHT RESERVATION INFORMATION.—Section 4113(b) is amended by adding at the end the following:

"(14) An assurance that, upon request of the family of a passenger, the air carrier will inform the family of whether the passenger's name appeared on a preliminary passenger manifest for the flight involved in the accident."

(2) TRAINING OF EMPLOYEES AND AGENTS.—Section 4113(b) is further amended by adding at the end the following:

"(15) An assurance that the air carrier will provide adequate training to the employees and agents of the carrier to meet the needs of survivors and family members following an accident."

(3) SUBMISSION OF UPDATED PLANS.—The amendments made by paragraphs (1) and (2) shall take effect on the 180th day following the date of enactment of this Act. On or before such 180th day, each air carrier holding a certificate of public convenience and necessity under section 41102 of title 49, United States Code, shall submit to the Secretary of Transportation and the Chairman of the National Transportation Safety Board an updated plan under section 4113 of such title that meets the requirement of the amendments made by paragraphs (1) and (2).

(4) CONFORMING AMENDMENTS.—Section 4113 is amended—

(A) in subsection (a) by striking "Not later than 6 months after the date of the enactment of this section, each air carrier" and inserting "Each air carrier"; and

(B) in subsection (c) by striking "After the date that is 6 months after the date of the enactment of this section, the Secretary" and inserting "The Secretary".

(b) LIMITATION ON LIABILITY.—Section 4113(d) is amended by inserting ", or in providing information concerning a flight reservation," before "pursuant to a plan".

(c) LIMITATION ON STATUTORY CONSTRUCTION.—Section 4113 is amended by adding at the end the following:

"(f) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed as limiting the actions that an air carrier may take, or the obligations that an air carrier may have, in providing assistance to the families of passengers involved in an aircraft accident."

SEC. 303. FOREIGN AIR CARRIER PLANS.

(a) INCLUSION OF NON-REVENUE PASSENGERS IN FAMILY ASSISTANCE COVERAGE.—Section 4131(a)(2) is amended to read as follows:

"(2) PASSENGER.—The term 'passenger' has the meaning given such term by section 1136 of this title."

(b) ACCIDENTS FOR WHICH PLAN IS REQUIRED.—Section 4131(b) is amended by striking "significant" and inserting "major".

(c) CONTENTS OF PLANS.—

(1) IN GENERAL.—Section 4131(c) is amended by adding at the end the following:

"(15) An assurance that the foreign air carrier will provide adequate training to the employees and agents of the carrier to meet the needs of survivors and family members following an accident."

(2) SUBMISSION OF UPDATED PLANS.—The amendment made by paragraph (1) shall take effect on the 180th day following the date of enactment of this Act. On or before such 180th day, each foreign air carrier providing foreign air transportation under chapter 413 of title 49, United States Code, shall submit to the Secretary of Transportation and the Chairman of the National Transportation Safety Board an updated plan under section

41313 of such title that meets the requirement of the amendment made by paragraph (1).

SEC. 304. APPLICABILITY OF DEATH ON THE HIGH SEAS ACT.

(a) IN GENERAL.—Section 40120(a) is amended by inserting “(including the Act entitled ‘An Act relating to the maintenance of actions for death on the high seas and other navigable waters’, approved March 30, 1920, commonly known as the Death on the High Seas Act (46 U.S.C. App. 761-767; 41 Stat. 537-538))” after “United States”.

(b) APPLICABILITY.—The amendment made by subsection (a) applies to civil actions commenced after the date of enactment of this Act and to civil actions that are not adjudicated by a court of original jurisdiction or settled on or before such date of enactment.

TITLE IV—WAR RISK INSURANCE PROGRAM

SEC. 401. AVIATION INSURANCE PROGRAM AMENDMENTS.

(a) REIMBURSEMENT OF INSURED PARTY'S SUBROGEE.—Section 44309(a) is amended to read as follows:

“(a) LOSSES.—

“(1) ACTIONS AGAINST UNITED STATES.—A person may bring a civil action in a district court of the United States or in the United States Court of Federal Claims against the United States Government when—

“(A) a loss insured under this chapter is in dispute; or

“(B)(i) the person is subrogated under a contract between the person and a party insured under this chapter (other than section 44305(b)) to the rights of the insured party against the United States Government; and

“(ii) the person has paid to the insured party, with the approval of the Secretary of Transportation, an amount for a physical damage loss that the Secretary has determined is a loss covered by insurance issued under this chapter (other than section 44305(b)).

“(2) LIMITATION.—A civil action involving the same matter (except the action authorized by this subsection) may not be brought against an agent, officer, or employee of the Government carrying out this chapter.

“(3) PROCEDURE.—To the extent applicable, the procedure in an action brought under section 1346(a)(2) of title 28 applies to an action under this subsection.”.

(b) EXTENSION OF AVIATION INSURANCE PROGRAM.—Section 44310 of such title is amended by striking “1998” and inserting “2003”.

TITLE V—SAFETY

SEC. 501. CARGO COLLISION AVOIDANCE SYSTEMS DEADLINE.

(a) IN GENERAL.—The Administrator shall require by regulation that, not later than December 31, 2002, equipment be installed, on each cargo aircraft with a payload capacity of 15,000 kilograms or more, that provides protection from mid-air collisions and resolution advisory capability that is at least as good as is provided by the collision avoidance system known as TCAS-II.

(b) EXTENSION OF DEADLINE.—The Administrator may extend the deadline established by subsection (a) by not more than 1 year if the Administrator finds that the extension would promote safety.

SEC. 502. RECORDS OF EMPLOYMENT OF PILOT APPLICANTS.

Section 44936 is amended—

(1) in subsection (f)(1)(B) by inserting “(except a branch of the United States Armed Forces, the National Guard, or a reserve component of the United States Armed Forces)” after “person” the first place it appears;

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

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

SEC. 503. WHISTLEBLOWER PROTECTION FOR FAA EMPLOYEES.

Section 347(b)(1) of the Department of Transportation and Related Agencies Appropriations Act, 1996 (49 U.S.C. 106 note; 109 Stat. 460) is amended by inserting before the semicolon at the end the following: “, including the provisions for investigation and enforcement as provided in chapter 12 of title 5, United States Code”.

SEC. 504. SAFETY RISK MITIGATION PROGRAMS.

Section 44701 (as amended by section 805 of this Act) is amended by adding at the end the following:

“(g) SAFETY RISK MANAGEMENT PROGRAM GUIDELINES.—The Administrator shall issue guidelines and encourage the development of air safety risk mitigation programs throughout the aviation industry, including self-audits and self-disclosure programs.”.

SEC. 505. FLIGHT OPERATIONS QUALITY ASSURANCE RULES.

Not later than 30 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 actions under the program known as Flight Operations Quality Assurance. Not later than 1 year after the last day of the period for public comment provided for in the notice of proposed rulemaking, the Administrator shall issue a final rule establishing such procedures.

SEC. 506. SMALL AIRPORT CERTIFICATION.

Not later than 180 days after the date of enactment of this Act, the Administrator shall issue a notice of proposed rulemaking on implementing section 44706(a)(2) of title 49, United States Code, relating to issuance of airport operating certificates for small scheduled passenger air carrier operations. Not later than 1 year after the last day of the period for public comment provided for in the notice of proposed rulemaking, the Administrator shall issue a final rule on implementing such program.

SEC. 507. MARKING OF LIFE LIMITED AIRCRAFT PARTS.

(a) MARKING AUTHORITY.—Chapter 447 is amended by adding the following new section:

“§ 44725. Marking of life limited aircraft parts

“(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to determine the most effective way to permanently mark all life limited civil aviation parts. In accordance with that determination, the Administrator shall issue a rule to require the mandatory marking of all such parts that exceed their useful life.

“(b) DEADLINES.—In conducting the rulemaking proceeding under subsection (a), the Administrator shall—

“(1) not later than 180 days after the date of enactment of this section, issue a notice of proposed rulemaking; and

“(2) not later than 120 days after the close of the comment period on the proposed rule, issue a final rule.”.

(b) CIVIL PENALTY.—Section 46301(a) is amended—

(1) in paragraph (1)(A) by striking “and 44719-44723” and inserting “, 44719-44723, and 44725”; and

(2) in paragraph (3)—

(A) in subparagraph (A) by striking “or” at the end;

(B) in subparagraph (B) by striking the period at the end and inserting “; or”; and

(C) by adding at the end the following:

“(C) the failure to mark life limited aircraft parts in accordance of section 44725.”.

(c) CONFORMING AMENDMENT.—The analysis for chapter 447 is amended by adding at the end the following:

“44725. Marking of life limited aircraft parts.”.

TITLE VI—WHISTLEBLOWER PROTECTION
SEC. 601. PROTECTION OF EMPLOYEES PROVIDING AIR SAFETY INFORMATION.

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

“SUBCHAPTER III—WHISTLEBLOWER PROTECTION PROGRAM

“§ 42121. Protection of employees providing air safety information

“(a) DISCRIMINATION AGAINST AIRLINE EMPLOYEES.—No air carrier or contractor or subcontractor of an air carrier may discharge an employee or otherwise discriminate against an employee with respect to compensation, terms, conditions, or privileges of employment because the employee (or any person acting pursuant to a request of the employee)—

“(1) provided, caused to be provided, or is about to provide or cause to be provided to the Federal Government information relating to air safety under this subtitle or any other law of the United States;

“(2) has filed, caused to be filed, or is about to file or cause to be filed a proceeding relating to air carrier safety under this subtitle or any other law of the United States;

“(3) testified or is about to testify in such a proceeding; or

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

“(b) DEPARTMENT OF LABOR COMPLAINT PROCEDURE.—

“(1) FILING AND NOTIFICATION.—A person who believes that he or she has been discharged or otherwise discriminated against by a person in violation of subsection (a) may, not later than 180 days after the date on which such violation occurs, file (or have any person file on his or her behalf) a complaint with the Secretary of Labor alleging such discharge or discrimination. Upon receipt of such a complaint, the Secretary of Labor shall notify the person named in the complaint and the Administrator of the Federal Aviation Administration of the filing of the complaint, of the allegations contained in the complaint, of the substance of evidence supporting the complaint, and of the opportunities that will be afforded to such person under paragraph (2).

“(2) INVESTIGATION; PRELIMINARY ORDER.—Not later than 60 days after the date of receipt of a complaint filed under paragraph (1) and after affording the person named in the complaint of an opportunity to submit to the Secretary of Labor a written response to the complaint and an opportunity to meet with a representative of the Secretary to present statements from witnesses, the Secretary of Labor shall conduct an investigation and determine whether there is reasonable cause to believe that the complaint has merit and notify the complainant and the person alleged to have committed a violation of subsection (a) of the Secretary's findings. If the Secretary of Labor concludes that there is a reasonable cause to believe that a violation of subsection (a) has occurred, the Secretary shall accompany the Secretary's findings with a preliminary order providing the relief prescribed by paragraph (3)(B). Not later than 30 days after the date of notification of findings under this paragraph, either the person alleged to have committed the violation or the complainant may file objections to the findings or preliminary order, or both, and request a hearing on the record. The filing of such objections shall not operate to stay any reinstatement remedy contained in the preliminary order. Such hearings shall

be conducted expeditiously. If a hearing is not requested in such 30-day period, the preliminary order shall be deemed a final order that is not subject to judicial review.

“(3) FINAL ORDER.—

“(A) DEADLINE FOR ISSUANCE; SETTLEMENT AGREEMENTS.—Not later than 120 days after the date of conclusion of a hearing under paragraph (2), the Secretary of Labor shall issue a final order providing the relief prescribed by this paragraph or denying the complaint. At any time before issuance of a final order, a proceeding under this subsection may be terminated on the basis of a settlement agreement entered into by the Secretary of Labor, the complainant, and the person alleged to have committed the violation.

“(B) REMEDY.—If, in response to a complaint filed under paragraph (1), the Secretary of Labor determines that a violation of subsection (a) has occurred, the Secretary of Labor shall order the person who committed such violation to—

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

“(ii) reinstate the complainant to his or her former position together with the compensation (including back pay), terms, conditions, and privileges associated with his or her employment; and

“(iii) provide compensatory damages to the complainant.

If such an order is issued under this paragraph, the Secretary of Labor, at the request of the complainant, shall assess against the person against whom the order is issued a sum equal to the aggregate amount of all costs and expenses (including attorneys' and expert witness fees) reasonably incurred, as determined by the Secretary of Labor, by the complainant for, or in connection with, the bringing of the complaint upon which the order was issued.

“(C) FRIVOLOUS COMPLAINTS.—If the Secretary of Labor finds that a complaint under paragraph (1) is frivolous or has been brought in bad faith, the Secretary of Labor may award to the prevailing employer a reasonable attorney's fee not exceeding \$5,000.

“(4) REVIEW.—

“(A) APPEAL TO COURT OF APPEALS.—Any person adversely affected or aggrieved by an order issued under paragraph (3) may obtain review of the order in the United States Court of Appeals for the circuit in which the violation, with respect to which the order was issued, allegedly occurred or the circuit in which the complainant resided on the date of such violation. The petition for review must be filed not later than 60 days after the date of the issuance of the order of the Secretary of Labor. Review shall conform to chapter 7 of title 5, United States Code. The commencement of proceedings under this subparagraph shall not, unless ordered by the court, operate as a stay of the order.

“(B) LIMITATION ON COLLATERAL ATTACK.—An order of the Secretary of Labor with respect to which review could have been obtained under subparagraph (A) shall not be subject to judicial review in any criminal or other civil proceeding.

“(5) ENFORCEMENT OF ORDER BY SECRETARY OF LABOR.—Whenever a person has failed to comply with an order issued under paragraph (3), the Secretary of Labor may file a civil action in the United States district court for the district in which the violation was found to occur to enforce such order. In actions brought under this paragraph, the district courts shall have jurisdiction to grant all appropriate relief including, but not limited to, injunctive relief and compensatory damages.

“(6) ENFORCEMENT OF ORDER BY PARTIES.—

“(A) COMMENCEMENT OF ACTION.—A person on whose behalf an order was issued under paragraph (3) may commence a civil action

against the person to whom such order was issued to require compliance with such order. The appropriate United States district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such order.

“(B) ATTORNEY FEES.—The court, in issuing any final order under this paragraph, may award costs of litigation (including reasonable attorney and expert witness fees) to any party whenever the court determines such award is appropriate.

“(C) MANDAMUS.—Any nondiscretionary duty imposed by this section shall be enforceable in a mandamus proceeding brought under section 1361 of title 28.

“(d) NONAPPLICABILITY TO DELIBERATE VIOLATIONS.—Subsection (a) shall not apply with respect to an employee of an air carrier who, acting without direction from such air carrier (or such air carrier's agent), deliberately causes a violation of any requirement relating to air carrier safety under this subtitle or any other law of the United States.

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

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

“SUBCHAPTER III—WHISTLEBLOWER PROTECTION PROGRAM

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

SEC. 602. CIVIL PENALTY.

Section 46301(a)(1)(A) is amended by striking “subchapter II of chapter 421” and inserting “subchapter II or III of chapter 421”.

TITLE VII—CENTENNIAL OF FLIGHT COMMISSION

SEC. 701. SHORT TITLE.

This title may be cited as the “Centennial of Flight Commemoration Act”.

SEC. 702. FINDINGS.

Congress finds that—

(1) December 17, 2003, is the 100th anniversary of the first successful manned, free, controlled, and sustained flight by a power-driven, heavier-than-air machine;

(2) the first flight by Orville and Wilbur Wright represents the fulfillment of the age-old dream of flying;

(3) the airplane has dramatically changed the course of transportation, commerce, communication, and warfare throughout the world;

(4) the achievement by the Wright brothers stands as a triumph of American ingenuity, inventiveness, and diligence in developing new technologies, and remains an inspiration for all Americans;

(5) it is appropriate to remember and renew the legacy of the Wright brothers at a time when the values of creativity and daring represented by the Wright brothers are critical to the future of the Nation; and

(6) as the Nation approaches the 100th anniversary of powered flight, it is appropriate to celebrate and commemorate the centennial year through local, national, and international observances and activities.

SEC. 703. ESTABLISHMENT.

There is established a commission to be known as the Centennial of Flight Commission.

SEC. 704. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 7 members as follows:

(1) The Administrator of the Federal Aviation Administration (or the designee of the Administrator).

(2) The Director of the National Air and Space Museum (or the designee of the Director).

(3) The Administrator of the National Aeronautics and Space Administration (or the designee of the Administrator).

(4) The chairman of the First Flight Centennial Foundation of North Carolina (or the designee of the chairman).

(5) The chairman of the 2003 Committee of Ohio (or the designee of the chairman).

(6) The president of the American Institute of Aeronautics and Astronautics Foundation of Reston, Virginia (or the designee of the president).

(7) An individual of national stature who shall be selected by the members of the Commission designated under paragraphs (1) through (6).

(b) VACANCIES.—Any vacancy in the Commission shall be filled in the same manner in which the original designation was made.

(c) COMPENSATION.—

(1) PROHIBITION OF PAY.—Except as provided in paragraph (2), members of the Commission shall serve without pay or compensation.

(2) TRAVEL EXPENSES.—The Commission may adopt a policy for members of the Commission and related advisory panels to receive travel expenses, including per diem in lieu of subsistence. The policy may not exceed the levels established under sections 5702 and 5703 of title 5, United States Code. Members who are Federal employees shall not receive travel expenses if otherwise reimbursed by the Federal Government.

(d) QUORUM.—Three members of the Commission shall constitute a quorum.

(e) CHAIRPERSON.—The Commission member selected under subsection (a)(7) shall serve as Chairperson of the Commission. The Chairperson may not vote on matters before the Commission except in the case of a tie vote.

(f) ORGANIZATION.—Not later than 90 days after the date of enactment of this Act, the Commission shall meet and select a Chairperson, Vice Chairperson, and Executive Director.

SEC. 705. DUTIES.

(a) IN GENERAL.—The Commission shall—

(1) represent the United States and take a leadership role with other nations in recognizing the importance of aviation history in general and the centennial of powered flight in particular, and promote participation by the United States in such activities;

(2) encourage and promote national and international participation and sponsorships in commemoration of the centennial of powered flight by persons and entities such as—

(A) aerospace manufacturing companies;

(B) aerospace-related military organizations;

(C) workers employed in aerospace-related industries;

(D) commercial aviation companies;

(E) general aviation owners and pilots;

(F) aerospace researchers, instructors, and enthusiasts;

(G) elementary, secondary, and higher educational institutions;

(H) civil, patriotic, educational, sporting, arts, cultural, and historical organizations and technical societies;

(I) aerospace-related museums; and

(J) State and local governments;

(3) plan and develop, in coordination with the First Flight Centennial Commission, the First Flight Centennial Foundation of North Carolina, and the 2003 Committee of Ohio, programs and activities that are appropriate to commemorate the 100th anniversary of powered flight;

(4) maintain, publish, and distribute a calendar or register of national and international programs and projects concerning, and provide a central clearinghouse for, information and coordination regarding, dates,

events, and places of historical and commemorative significance regarding aviation history in general and the centennial of powered flight in particular;

(5) provide national coordination for celebration dates to take place throughout the United States during the centennial year;

(6) assist in conducting educational, civic, and commemorative activities relating to the centennial of powered flight throughout the United States, especially activities that occur in the States of North Carolina and Ohio and that highlight the activities of the Wright brothers in such States; and

(7) publish popular and scholarly works related to the history of aviation or the anniversary of the centennial of powered flight.

(b) NONDUPLICATION OF ACTIVITIES.—The Commission shall attempt to plan and conduct its activities in such a manner that activities conducted pursuant to this title enhance, but do not duplicate, traditional and established activities of Ohio's 2003 Committee, North Carolina's First Flight Centennial Commission, and the First Flight Centennial Foundation.

SEC. 706. POWERS.

(a) ADVISORY COMMITTEES AND TASK FORCES.—

(1) IN GENERAL.—The Commission may appoint any advisory committee or task force that it determines to be necessary to carry out this title.

(2) FEDERAL COOPERATION.—To ensure the overall success of the Commission's efforts, the Commission may call upon various Federal departments and agencies to assist in and give support to programs of the Commission. Where appropriate, all Federal departments and agencies shall provide any assistance possible.

(3) PROHIBITION OF PAY OTHER THAN TRAVEL EXPENSES.—Members of an advisory committee or task force authorized by paragraph (1) shall not receive pay, but may receive travel expenses pursuant to the policy adopted by the Commission under section 704(c)(2).

(b) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action that the Commission is authorized to take under this title.

(c) AUTHORITY TO PROCURE AND TO MAKE LEGAL AGREEMENTS.—

(1) IN GENERAL.—The Commission may procure supplies, services, and property, and make or enter into leases and other legal agreements in order to carry out this title.

(2) RESTRICTION.—A contract, lease, or other legal agreement made or entered into by the Commission may not extend beyond the date of the termination of the Commission.

(3) SUPPLIES AND PROPERTY POSSESSED BY COMMISSION AT TERMINATION.—Any supplies and property, except historically significant items, that are acquired by the Commission under this title and remain in the possession of the Commission on the date of the termination of the Commission shall become the property of the General Services Administration upon the date of termination.

(d) REQUESTS FOR OFFICIAL INFORMATION.—The Commission may request from any Federal department or agency information necessary to enable the Commission to carry out this title. The head of the Federal department or agency shall furnish the information to the Commission unless the release of the information by the department or agency to the public is prohibited by law.

(e) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as any other Federal agency.

(f) APPLICABILITY OF CERTAIN LAWS.—Except as otherwise expressly provided by this

title, laws relating to the general operation and management of Federal agencies shall apply to the Commission only to the extent such laws apply to the Smithsonian Institution.

SEC. 707. STAFF AND SUPPORT SERVICES.

(a) EXECUTIVE DIRECTOR.—There shall be an Executive Director appointed by the Commission. The Executive Director may be paid at a rate not to exceed the maximum rate of basic pay payable for the Senior Executive Service.

(b) STAFF.—The Commission may appoint and fix the pay of any additional personnel that it considers appropriate, except that an individual appointed under this subsection may not receive pay in excess of the maximum rate of basic pay payable for GS-14 of the General Schedule.

(c) INAPPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Executive Director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates, except as provided under subsections (a) and (b).

(d) STAFF OF FEDERAL AGENCIES.—Upon request by the Chairperson of the Commission, the head of any Federal department or agency may detail, on a nonreimbursable basis, any of the personnel of the department or agency to the Commission to assist the Commission to carry out its duties under this title.

(e) EXPERTS AND CONSULTANTS.—The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at a rate that does not exceed the daily equivalent of the annual rate of basic pay payable under level V of the Executive Schedule under section 5316 of such title.

(f) ADMINISTRATIVE SUPPORT SERVICES.—

(1) REIMBURSABLE SERVICES.—The Secretary of the Smithsonian Institution may provide to the Commission on a reimbursable basis any administrative support services that are necessary to enable the Commission to carry out this title.

(2) NONREIMBURSABLE SERVICES.—The Secretary may provide administrative support services to the Commission on a nonreimbursable basis when, in the opinion of the Secretary, the value of such services is insignificant or not practical to determine.

(g) COOPERATIVE AGREEMENTS.—The Commission may enter into cooperative agreements or grant agreements with other Federal agencies, State and local governments, and private interests and organizations that will contribute to public awareness of and interest in the centennial of powered flight and toward furthering the goals and purposes of this title.

(h) PROGRAM SUPPORT.—The Commission may receive program support from the non-profit sector.

SEC. 708. CONTRIBUTIONS.

(a) DONATIONS.—

(1) IN GENERAL.—The Commission may accept donations of money, personal service, and historic materials relating to the implementation of its responsibilities under the provisions of this title.

(2) DONATED FUNDS AND SALES.—Any funds donated to the Commission or revenues from direct sales shall be used by the Commission to carry out this title. Funds donated to and accepted by the Commission under this section shall not be considered to be appropriated funds and shall not be subject to any requirements or restrictions applicable to appropriated funds.

(3) FUNDRAISING.—Any fundraising undertaken by the Commission shall be coordinated with fundraising undertaken at the State level, and coordinated with the First Flight Centennial Commission, the First Flight Centennial Foundation of North Carolina, and the 2003 Committee of Ohio.

(b) VOLUNTEER SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and use voluntary and uncompensated services as the Commission determines necessary.

(c) REMAINING FUNDS.—Any donated funds remaining with the Commission on the date of the termination of the Commission may be used to ensure proper disposition, as specified in the final report required under section 710(b), of historically significant property which was donated to or acquired by the Commission. Any donated funds remaining after such disposition shall be transferred to the Secretary of the Treasury for deposit into the general fund of the Treasury of the United States.

(d) SENSE OF CONGRESS.—It is the sense of Congress that, in raising or accepting funds from the private sector, the Commission should not compete against fundraising efforts by non-profit organizations that were initiated before the date of enactment of this Act and that are attempting to raise funds for nationally-significant commemorative projects related to the Wright brothers.

SEC. 709. EXCLUSIVE RIGHT TO NAME, LOGOS, EMBLEMS, SEALS, AND MARKS.

(a) IN GENERAL.—The Commission may devise any logo, emblem, seal, or descriptive or designating mark that is required to carry out its duties or that it determines is appropriate for use in connection with the commemoration of the centennial of powered flight.

(b) LICENSING.—The Commission shall have the sole and exclusive right to use, or to allow or refuse the use of, the name "Centennial of Flight Commission" on any logo, emblem, seal, or descriptive or designating mark that the Commission lawfully adopts.

(c) EFFECT ON OTHER RIGHTS.—No provision of this section may be construed to conflict or interfere with established or vested rights.

(d) USE OF FUNDS.—Funds donated to, or raised by, the Commission under section 708 and licensing royalties received pursuant to section 709 shall be used by the Commission to carry out the duties of the Commission specified by this title. If the Commission determines that such funds are in excess of the amount needed to carry out these duties, funds may be made available to State and local governments and private interests and organizations to contribute to public awareness of and interest in the centennial of powered flight. Funds disbursed under this section shall be required to be disbursed in accordance with a plan adopted unanimously by the voting members of the Commission.

(e) LIMITATION ON FUNDS COLLECTED.—Except as approved by a unanimous vote of the voting members of the Commission, funds donated to, or raised by, the Commission under section 708 and licensing royalties received pursuant to section 709 may not exceed \$1,750,000 in a fiscal year.

SEC. 710. REPORTS.

(a) ANNUAL REPORT.—In each fiscal year in which the Commission is in existence, the Commission shall prepare and submit to Congress a report describing the activities of the Commission during the fiscal year. Each annual report shall also include—

(1) recommendations regarding appropriate activities to commemorate the centennial of powered flight, including—

(A) the production, publication, and distribution of books, pamphlets, films, and other educational materials;

(B) bibliographical and documentary projects and publications;

(C) conferences, convocations, lectures, seminars, and other similar programs;

(D) the development of exhibits for libraries, museums, and other appropriate institutions;

(E) ceremonies and celebrations commemorating specific events that relate to the history of aviation;

(F) programs focusing on the history of aviation and its benefits to the United States and humankind; and

(G) competitions, commissions, and awards regarding historical, scholarly, artistic, literary, musical, and other works, programs, and projects related to the centennial of powered flight;

(2) recommendations to appropriate agencies or advisory bodies regarding the issuance of commemorative coins, medals, and stamps by the United States relating to aviation or the centennial of powered flight;

(3) recommendations for any legislation or administrative action that the Commission determines to be appropriate regarding the commemoration of the centennial of powered flight; and

(4) an accounting of funds received and expended by the Commission in the fiscal year that the report concerns, including a detailed description of the source and amount of any funds donated to the Commission in the fiscal year.

(b) **FINAL REPORT.**—Not later than June 30, 2004, the Commission shall submit to the President and Congress a final report. The final report shall contain—

(1) a summary of the activities of the Commission;

(2) a final accounting of funds received and expended by the Commission;

(3) any findings and conclusions of the Commission; and

(4) specific recommendations concerning the final disposition of any historically significant items acquired by the Commission, including items donated to the Commission under section 708(a)(1).

SEC. 711. AUDIT OF FINANCIAL TRANSACTIONS.

(a) **IN GENERAL.**—

(1) **AUDIT.**—The Comptroller General of the United States shall audit the financial transactions of the Commission, including financial transactions involving donated funds, in accordance with generally accepted auditing standards.

(2) **ACCESS.**—In conducting an audit under this section, the Comptroller General—

(A) shall have access to all books, accounts, financial records, reports, files, and other papers, items, or property in use by the Commission, as necessary to facilitate the audit; and

(B) shall be afforded full facilities for verifying the financial transactions of the Commission, including access to any financial records or securities held for the Commission by depositories, fiscal agents, or custodians.

(b) **REPORT.**—Not later than September 30, 2004, the Comptroller General of the United States shall submit to the President and to Congress a report detailing the results of any audit of the financial transactions of the Commission conducted by the Comptroller General.

SEC. 712. ADVISORY BOARD.

(a) **ESTABLISHMENT.**—There is established a First Flight Centennial Federal Advisory Board.

(b) **NUMBER AND APPOINTMENT.**—The Board shall be composed of 19 members as follows:

(1) The Secretary of the Interior, or the designee of the Secretary.

(2) The Librarian of Congress, or the designee of the Librarian.

(3) The Secretary of the Air Force, or the designee of the Secretary.

(4) The Secretary of the Navy, or the designee of the Secretary.

(5) The Secretary of Transportation, or the designee of the Secretary.

(6) Six citizens of the United States, appointed by the President, who—

(A) are not officers or employees of any government (except membership on the Board shall not be construed to apply to the limitation under this clause); and

(B) shall be selected based on their experience in the fields of aerospace history, science, or education, or their ability to represent the entities enumerated under section 705(2).

(7) Four citizens of the United States, appointed by the majority leader of the Senate in consultation with the minority leader of the Senate.

(8) Four citizens of the United States, appointed by the Speaker of the House of Representatives in consultation with the minority leader of the House of Representatives. Of the individuals appointed under this subparagraph—

(A) one shall be selected from among individuals recommended by the representative whose district encompasses the Wright Brothers National Memorial; and

(B) one shall be selected from among individuals recommended by the representatives whose districts encompass any part of the Dayton Aviation Heritage National Historical Park.

(c) **VACANCIES.**—Any vacancy in the Advisory Board shall be filled in the same manner in which the original designation was made.

(d) **MEETINGS.**—Seven members of the Advisory Board shall constitute a quorum for a meeting. All meetings shall be open to the public.

(e) **CHAIRPERSON.**—The President shall designate 1 member appointed under subsection (b)(1)(F) as chairperson of the Advisory Board.

(f) **MAILS.**—The Advisory Board may use the United States mails in the same manner and under the same conditions as a Federal agency.

(g) **DUTIES.**—The Advisory Board shall advise the Commission on matters related to this title.

(h) **PROHIBITION OF COMPENSATION OTHER THAN TRAVEL EXPENSES.**—Members of the Advisory Board shall not receive pay, but may receive travel expenses pursuant to the policy adopted by the Commission under section 704(c)(2).

(i) **TERMINATION.**—The Advisory Board shall terminate upon the termination of the Commission.

SEC. 713. DEFINITIONS.

In this title, the following definitions apply:

(1) **COMMISSION.**—The term “Commission” means the Centennial of Flight Commission.

(2) **FIRST FLIGHT.**—The term “First Flight” means the first four successful manned, free, controlled, and sustained flights by a power-driven, heavier-than-air machine, which were accomplished by Orville and Wilbur Wright on December 17, 1903.

(3) **CENTENNIAL OF POWERED FLIGHT.**—The term “centennial of powered flight” means the anniversary year, from December 2002 to December 2003, commemorating the 100-year history of aviation beginning with the First Flight and highlighting the achievements of the Wright brothers in developing the technologies which have led to the development of aviation as it is known today.

(4) **ADVISORY BOARD.**—The term “Advisory Board” means the Centennial of Flight Federal Advisory Board.

SEC. 714. TERMINATION.

The Commission shall terminate not later than 60 days after the submission of the final report required by section 710(b).

SEC. 715. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title \$250,000 for each of the fiscal years 1999 through 2004.

TITLE VIII—MISCELLANEOUS PROVISIONS

SEC. 801. CLARIFICATION OF REGULATORY APPROVAL PROCESS.

Section 106(f)(3)(B) is amended by adding at the end the following:

“(v) Not later than 10 days after the date of the determination of the Administrator under clause (i), the Administrator shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a written justification of the reasons for the determination. The justification shall include a citation to the item or items listed in clause (i) that is the authority on which the Administrator is relying for making the determination.”.

SEC. 802. DUTIES AND POWERS OF ADMINISTRATOR.

Section 106(g)(1)(A) is amended by striking “40113(a), (c), and (d),” and all that follows through “45302–45304,” and inserting “40113(a), 40113(c), 40113(d), 40113(e), 40114(a), and 40119, chapter 445 (except sections 44501(b), 44502(a)(2), 44502(a)(3), 44502(a)(4), 44503, 44506, 44509, 44510, 44514, and 44515), chapter 447 (except sections 44717, 44718(a), 44718(b), 44719, 44720, 44721(b), 44722, and 44723), chapter 449 (except sections 44903(d), 44904, 44905, 44907–44911, 44913, 44915, and 44931–44934), chapter 451, chapter 453, sections”.

SEC. 803. PROHIBITION ON RELEASE OF OFFEROR PROPOSALS.

Section 40110 is amended by adding at the end the following:

“(d) **PROHIBITION ON RELEASE OF OFFEROR PROPOSALS.**—

“(1) **GENERAL RULE.**—Except as provided in paragraph (2), a proposal in the possession or control of the Administrator may not be made available to any person under section 552 of title 5, United States Code.

“(2) **EXCEPTION.**—Paragraph (1) shall not apply to any portion of a proposal of an offeror the disclosure of which is authorized by the Administrator pursuant to procedures published in the Federal Register. The Administrator shall provide an opportunity for public comment on the procedures for a period of not less than 30 days beginning on the date of such publication in order to receive and consider the views of all interested parties on the procedures. The procedures shall not take effect before the 60th day following the date of such publication.

“(3) **PROPOSAL DEFINED.**—In this subsection, the term ‘proposal’ means information contained in or originating from any proposal, including a technical, management, or cost proposal, submitted by an offeror in response to the requirements of a solicitation for a competitive proposal.”.

SEC. 804. MULTIYEAR PROCUREMENT CONTRACTS.

Section 40111 is amended—

(1) by redesignating subsections (b) through (d) as subsections (c) through (e), respectively; and

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

“(b) **TELECOMMUNICATIONS SERVICES.**—Notwithstanding section 1341(a)(1)(B) of title 31, the Administrator may make a contract of not more than 10 years for telecommunication services that are provided through the use of a satellite if the Administrator finds that the longer contract period would be cost beneficial.”.

SEC. 805. FEDERAL AVIATION ADMINISTRATION PERSONNEL MANAGEMENT SYSTEM.

(a) **MEDIATION.**—Section 40122(a)(2) is amended by adding at the end the following:

"The 60-day period shall not include any period during which Congress has adjourned sine die."

(b) **RIGHT TO CONTEST ADVERSE PERSONNEL ACTIONS.**—Section 40122 is amended by adding at the end the following:

(g) **RIGHT TO CONTEST ADVERSE PERSONNEL ACTIONS.**—An employee of the Administration who is the subject of a major adverse personnel action may contest the action either through any contractual grievance procedure that is applicable to the employee as a member of the collective bargaining unit or through the Administration's internal process relating to review of major adverse personnel actions of the Administration, known as Guaranteed Fair Treatment."

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

(1) by striking "and" at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting "; and"; and

(3) by adding at the end the following:
 "(8) sections 1204, 1211–1218, 1221, and 7701–7703, relating to the Merit Systems Protection Board."

(d) **APPEALS TO MERIT SYSTEMS PROTECTION BOARD.**—Section 347(c) of the Department of Transportation and Related Agencies Appropriations Act, 1996 is amended to read as follows:

"(c) **APPEALS TO MERIT SYSTEMS PROTECTION BOARD.**—Under the new personnel management system developed and implemented under subsection (a), an employee of the Federal Aviation Administration may submit an appeal to the Merit Systems Protection Board and may seek judicial review of any resulting final orders or decisions of the Board from any action that was appealable to the Board under any law, rule, or regulation as of March 31, 1996."

(e) **COSTS AND BENEFITS OF MERIT SYSTEMS PROTECTION BOARD PROCEDURE.**—

(1) **STUDY.**—The Inspector General of the Department of Transportation shall conduct a study of the costs and benefits to employees and the Federal Aviation Administration of the procedures of the Merit Systems Protection Board as compared to the guaranteed fair treatment procedures of the Federal Aviation Administration.

(2) **SURVEY.**—In conducting the study, the Inspector General shall conduct a survey of the employees of the Federal Aviation Administration who are not members of the union to determine which procedures such employees prefer.

(3) **REPORT.**—Not later than May 15, 1999, the Inspector General shall transmit to Congress a report on the results of the study conducted under paragraph (1), including the results of a survey conducted under paragraph (2).

SEC. 806. GENERAL FACILITIES AND PERSONNEL AUTHORITY.

Section 44502(a) (as amended by section 114 of this Act) is further amended by adding at the end the following:

"(6) **IMPROVEMENTS ON LEASED PROPERTIES.**—The Administrator may make improvements to real property leased for an air navigation facility, regardless of whether the cost of making the improvements exceeds the cost of leasing the real property, if—

"(A) the property is leased for free or nominal rent;

"(B) the improvements primarily benefit the Government;

"(C) the improvements are essential for accomplishment of the mission of the Federal Aviation Administration; and

"(D) the interest of the Government in the improvements is protected."

SEC. 807. IMPLEMENTATION OF ARTICLE 83 BIS OF THE CHICAGO CONVENTION.

Section 44701 is amended by—

(1) redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

"(e) **BILATERAL EXCHANGES OF SAFETY OVERSIGHT RESPONSIBILITIES.**—

"(1) **IN GENERAL.**—Notwithstanding the provisions of this chapter, the Administrator, pursuant to Article 83 bis of the Convention on International Civil Aviation and by a bilateral agreement with the aeronautical authorities of another country, may exchange with that country all or part of their respective functions and duties with respect to registered aircraft under the following articles of the Convention: Article 12 (Rules of the Air); Article 31 (Certificates of Airworthiness); or Article 32a (Licenses of Personnel).

"(2) **RELINQUISHMENT AND ACCEPTANCE OF RESPONSIBILITY.**—The Administrator relinquishes responsibility with respect to the functions and duties transferred by the Administrator as specified in the bilateral agreement, under the Articles listed in paragraph (1) for United States-registered aircraft described in paragraph (4)(A) transferred abroad and accepts responsibility with respect to the functions and duties under those Articles for aircraft registered abroad and described in paragraph (4)(B) that are transferred to the United States.

"(3) **CONDITIONS.**—The Administrator may predicate, in the agreement, the transfer of functions and duties under this subsection on any conditions the Administrator deems necessary and prudent, except that the Administrator may not transfer responsibilities for United States registered aircraft described in paragraph (4)(A) to a country that the Administrator determines is not in compliance with its obligations under international law for the safety oversight of civil aviation.

"(4) **REGISTERED AIRCRAFT DEFINED.**—In this subsection, the term 'registered aircraft' means—

"(A) aircraft registered in the United States and operated pursuant to an agreement for the lease, charter, or interchange of the aircraft or any similar arrangement by an operator that has its principal place of business or, if it has no such place of business, its permanent residence in another country; or

"(B) aircraft registered in a foreign country and operated under an agreement for the lease, charter, or interchange of the aircraft or any similar arrangement by an operator that has its principal place of business or, if it has no such place of business, its permanent residence in the United States."

SEC. 808. PUBLIC AVAILABILITY OF AIRMEN RECORDS.

Section 44703 is amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(2) by inserting after subsection (b) the following:

"(c) **PUBLIC INFORMATION.**—

"(1) **IN GENERAL.**—Subject to paragraph (2) and notwithstanding any other provision of law, the records of the contents (as prescribed in subsection (b)) of any airman certificate issued under this section shall be made available to the public after the 60th day following the date of enactment of the Airport Improvement Program Reauthorization Act of 1998.

"(2) **ADDRESSES OF AIRMEN.**—Before making the address of an airman available to the public under paragraph (1), the airman shall be given an opportunity to elect that the air-

man's address not be made available to the public.

"(3) **DEVELOPMENT AND IMPLEMENTATION OF PROGRAM.**—Not later than 30 days after the date of enactment of the Airport Improvement Program Reauthorization Act of 1998, the Administrator shall develop and implement, in cooperation with representatives of the aviation industry, a one-time written notification to airmen to set forth the implications of making the address of an airman available to the public under paragraph (1) and to carry out paragraph (2)."

SEC. 809. GOVERNMENT AND INDUSTRY CONSORTIA.

Section 44903 is amended by adding at the end the following:

"(f) **GOVERNMENT AND INDUSTRY CONSORTIA.**—The Administrator may establish at individual airports such consortia of government and aviation industry representatives as the Administrator may designate to provide advice on matters related to aviation security and safety. Such consortia shall not be considered Federal advisory committees."

SEC. 810. PASSENGER MANIFEST.

Section 44909(a)(2) is amended by striking "shall" and inserting "should".

SEC. 811. COST RECOVERY FOR FOREIGN AVIATION SERVICES.

Section 45301 is amended—

(1) in subsection (a)(2) by inserting before the period "or to any entity obtaining inspection, testing, authorization, permit, rating, approval, review, or certification services outside the United States"; and

(2) in subsection (b)(1)(B) by moving the sentence beginning "Services" down 1 line and flush 2 ems to the left.

SEC. 812. TECHNICAL CORRECTIONS TO CIVIL PENALTY PROVISIONS.

Section 46301 is amended—

(1) in subsection (a)(1)(A) by striking "46302, 46303, or";

(2) in subsection (d)(7)(A) by striking "an individual" the first place it appears and inserting "a person"; and

(3) in subsection (g) by inserting "or the Administrator" after "Secretary".

SEC. 813. ENHANCED VISION TECHNOLOGIES.

(a) **STUDY.**—The Administrator shall conduct a study of the feasibility of requiring United States airports to install enhanced vision technologies to replace or enhance conventional landing light systems over the 10-year period following the date of completion of such study.

(b) **REPORT.**—Not later than 180 days after the date of enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study conducted under subsection (a) with such recommendations as the Administrator considers appropriate.

(c) **INCLUSION OF INSTALLATION AS AIRPORT DEVELOPMENT.**—Section 47102 of title 49, United States Code, is amended—

(1) in paragraph (3)(B)—

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

(B) by striking the period at the end of clause (vi) and inserting "; and"; and

(C) by inserting after clause (vi) the following:

"(vii) enhanced visual technologies to replace or enhance conventional landing light systems."; and

(2) by adding at the end the following:

"(21) **ENHANCED VISION TECHNOLOGIES.**—The term 'enhanced vision technologies' means laser guidance, ultraviolet guidance, infrared, and cold cathode technologies."

(d) **CERTIFICATION.**—Not later than 180 days after the date of enactment of this Act, the Administrator shall transmit to Congress a schedule for certification of laser guidance

equipment for use as approach lighting at United States airports and of cold cathode lighting equipment for use as runway and taxiway lighting at United States airports and as lighting at United States heliports.

SEC. 814. FOREIGN CARRIERS ELIGIBLE FOR WAIVER UNDER AIRPORT NOISE AND CAPACITY ACT.

Section 4752(b)(1) is amended in the first sentence by inserting "or foreign air carrier" after "air carrier".

SEC. 815. TYPOGRAPHICAL ERRORS.

(a) IN TITLE 49.—Title 49 is amended—

(1) in section 5108(f) by striking "section 552(f)" and inserting "section 552(b)";

(2) in section 15904(c)(1) by inserting "section" before "15901(b)";

(3) in section 49106(b)(1)(F) by striking "1996" and inserting "1986";

(4) in section 49106(c)(3) by striking "by the board" and inserting "to the board";

(5) in section 49107(b) by striking "subchapter II" and inserting "subchapter III"; and

(6) in section 49111(b) by striking "retention of" and inserting "retention by".

(b) CODIFICATION REPEAL TABLE.—The Schedule of Laws Repealed in section 5(b) of the Act of November 20, 1997 (Public Law 105-102; 111 Stat. 2217), is amended by striking "1996" the first place it appears and inserting "1986".

(c) CODIFICATION REFERENCES.—Effective October 11, 1996, section 5(45)(A) of the Act of October 11, 1996 (Public Law 104-287, 110 Stat. 3393), is amended by striking "ENFORCEMENT;" and inserting "ENFORCEMENT:".

SEC. 816. ACQUISITION MANAGEMENT SYSTEM.

Section 348 of the Department of Transportation and Related Agencies Appropriations Act, 1996 (49 U.S.C. 106 note; 109 Stat. 460) is amended by striking subsection (c) and inserting the following:

"(c) CONTRACTS EXTENDING INTO A SUBSEQUENT FISCAL YEAR.—Notwithstanding subsection (b)(3), the Administrator may enter into contracts for procurement of severable services that begin in one fiscal year and end in another if (without regard to any option to extend the period of the contract) the contract period does not exceed 1 year."

SEC. 817. INDEPENDENT STUDY OF FAA COSTS AND ALLOCATIONS.

(a) INDEPENDENT ASSESSMENT.—

(1) IN GENERAL.—The Inspector General of the Department of Transportation shall conduct the assessments described in this section. To conduct the assessments, the Inspector General may use the staff and resources of the Inspector General or contract with 1 or more independent entities.

(2) ASSESSMENT OF ADEQUACY AND ACCURACY OF FAA COST DATA AND ATTRIBUTIONS.—

(A) IN GENERAL.—The Inspector General shall conduct an assessment to ensure that the method for calculating the overall costs of the Federal Aviation Administration and attributing such costs to specific users is appropriate, reasonable, and understandable to the users.

(B) COMPONENTS.—In conducting the assessment under this paragraph, the Inspector General shall assess the following:

(i) The Federal Aviation Administration's cost input data, including the reliability of the Federal Aviation Administration's source documents and the integrity and reliability of the Federal Aviation Administration's data collection process.

(ii) The Federal Aviation Administration's system for tracking assets.

(iii) The Federal Aviation Administration's bases for establishing asset values and depreciation rates.

(iv) The Federal Aviation Administration's system of internal controls for ensuring the consistency and reliability of reported data.

(v) The Federal Aviation Administration's definition of the services to which the Federal Aviation Administration ultimately attributes its costs.

(vi) The cost pools used by the Federal Aviation Administration and the rationale for and reliability of the bases which the Federal Aviation Administration proposes to use in allocating costs of services to users.

(C) REQUIREMENTS FOR ASSESSMENT OF COST POOLS.—In carrying out subparagraph (B)(vi), the Inspector General shall—

(i) review costs that cannot reliably be attributed to specific Federal Aviation Administration services or activities (called "common and fixed costs" in the Federal Aviation Administration Cost Allocation Study) and consider alternative methods for allocating such costs; and

(ii) perform appropriate tests to assess relationships between costs in the various cost pools and activities and services to which the costs are attributed by the Federal Aviation Administration.

(D) REPORTS.—The Inspector General shall transmit to Congress an interim report containing the results of the assessment conducted under this paragraph not later than March 31, 1999, and a final report containing such results not later than December 31, 1999.

(3) COST EFFECTIVENESS.—

(A) IN GENERAL.—The Inspector General shall assess the progress of the Federal Aviation Administration in cost and performance management, including use of internal and external benchmarking in improving the performance and productivity of the Federal Aviation Administration.

(B) ANNUAL REPORTS.—Not later than December 31, 1999, and annually thereafter until December 31, 2003, the Inspector General shall transmit to Congress an updated report containing the results of the assessment conducted under this paragraph.

(C) INFORMATION TO BE INCLUDED IN FAA FINANCIAL REPORT.—The Administrator shall include in the annual financial report of the Federal Aviation Administration information on the performance of the Administration sufficient to permit users and others to make an informed evaluation of the progress of the Administration in increasing productivity.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$1,600,000 for fiscal year 1999.

SEC. 818. ELIMINATION OF BACKLOG OF EQUAL EMPLOYMENT OPPORTUNITY COMPLAINTS.

(a) HIRING OF ADDITIONAL PERSONNEL.—For fiscal year 1999, the Secretary of Transportation may hire or contract for such additional personnel as may be necessary to eliminate the backlog of pending equal employment opportunity complaints to the Department of Transportation and to ensure that investigations of complaints are completed not later than 180 days after the date of initiation of the investigation.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$2,000,000 for fiscal year 1999. Such sums shall remain available until expended.

SEC. 819. NEWPORT NEWS, VIRGINIA.

(a) AUTHORITY TO GRANT WAIVERS.—Notwithstanding section 16 of the Federal Airport Act (as in effect on May 14, 1947), the Secretary shall, subject to section 47153 of title 49, United States Code (as in effect on June 1, 1998), and subsection (b) of this section, waive with respect to airport property parcels that, according to the airport layout plan for Newport News/Williamsburg International Airport, are no longer required for airport purposes from any term contained in

the deed of conveyance dated May 14, 1947, under which the United States conveyed such property to the Peninsula Airport Commission for airport purposes of the Commission.

(b) CONDITIONS.—Any waiver granted by the Secretary under subsection (a) shall be subject to the following conditions:

(1) The Peninsula Airport Commission shall agree that, in leasing or conveying any interest in the property with respect to which waivers are granted under subsection (a), the Commission will receive an amount that is equal to the fair lease value or the fair market value, as the case may be (as determined pursuant to regulations issued by the Secretary).

(2) Peninsula Airport Commission shall use any amount so received only for the development, improvement, operation, or maintenance of Newport News/Williamsburg International Airport.

SEC. 820. GRANT OF EASEMENT, LOS ANGELES, CALIFORNIA.

The City of Los Angeles Department of Airports may grant an easement to the California Department of Transportation to lands required to provide sufficient right-of-way to facilitate the construction of the California State Route 138 bypass, as proposed by the California Department of Transportation.

SEC. 821. 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. 822. PUBLIC AIRCRAFT DEFINED.

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

(1) in subclause (I) by striking "or" at the end;

(2) in subclause (II) by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(III) transporting (for other than commercial purposes) government officials whose presence is required to inspect the scene of a major disaster or emergency.".

TITLE IX—NATIONAL PARKS AIR TOUR MANAGEMENT

SEC. 901. SHORT TITLE.

This title may be cited as the "National Parks Air Tour Management Act of 1998".

SEC. 902. FINDINGS.

Congress finds that—

(1) the Federal Aviation Administration has sole authority to control airspace over the United States;

(2) the Federal Aviation Administration has the authority to preserve, protect, and enhance the environment by minimizing, mitigating, or preventing the adverse effects of aircraft overflights of public and tribal lands;

(3) the National Park Service has the responsibility of conserving the scenery and natural and historic objects and wildlife in national parks and of providing for the enjoyment of the national parks in ways that leave the national parks unimpaired for future generations;

(4) the protection of tribal lands from aircraft overflights is consistent with protecting the public health and welfare and is essential to the maintenance of the natural and cultural resources of Indian tribes;

(5) the National Parks Overflights Working Group, composed of general aviation, commercial air tour, environmental, and Native American representatives, recommended that the Congress enact legislation based on the Group's consensus work product; and

(6) this title reflects the recommendations made by that Group.

SEC. 903. AIR TOUR MANAGEMENT PLANS FOR NATIONAL PARKS.

(a) IN GENERAL.—Chapter 401 of title 49, United States Code, is amended by adding at the end the following:

“§ 40125. Overflights of national parks

“(a) IN GENERAL.—

“(1) GENERAL REQUIREMENTS.—A commercial air tour operator may not conduct commercial air tour operations over a national park (including tribal lands) except—

“(A) in accordance with this section;

“(B) in accordance with conditions and limitations prescribed for that operator by the Administrator; and

“(C) in accordance with any applicable air tour management plan for the park.

“(2) APPLICATION FOR OPERATING AUTHORITY.—

“(A) APPLICATION REQUIRED.—Before commencing commercial air tour operations over a national park (including tribal lands), a commercial air tour operator shall apply to the Administrator for authority to conduct the operations over the park.

“(B) COMPETITIVE BIDDING FOR LIMITED CAPACITY PARKS.—Whenever an air tour management plan limits the number of commercial air tour operations over a national park during a specified time frame, the Administrator, in cooperation with the Director, shall issue operation specifications to commercial air tour operators that conduct such operations. The operation specifications shall include such terms and conditions as the Administrator and the Director find necessary for management of commercial air tour operations over the park. The Administrator, in cooperation with the Director, shall develop an open competitive process for evaluating proposals from persons interested in providing commercial air tour operations over the park. In making a selection from among various proposals submitted, the Administrator, in cooperation with the Director, shall consider relevant factors, including—

“(i) the safety record of the person submitting the proposal or pilots employed by the person;

“(ii) any quiet aircraft technology proposed to be used by the person submitting the proposal;

“(iii) the experience of the person submitting the proposal with commercial air tour operations over other national parks or scenic areas;

“(iv) the financial capability of the company;

“(v) any training programs for pilots provided by the person submitting the proposal; and

“(vi) responsiveness of the person submitting the proposal to any relevant criteria developed by the National Park Service for the affected park.

“(C) NUMBER OF OPERATIONS AUTHORIZED.—In determining the number of authorizations to issue to provide commercial air tour operations over a national park, the Administrator, in cooperation with the Director, shall take into consideration the provisions of the air tour management plan, the number of existing commercial air tour operators and current level of service and equipment provided by any such operators, and the financial viability of each commercial air tour operation.

“(D) COOPERATION WITH NPS.—Before granting an application under this paragraph, the

Administrator, in cooperation with the Director, shall develop an air tour management plan in accordance with subsection (b) and implement such plan.

“(3) EXCEPTION.—

“(A) IN GENERAL.—If a commercial air tour operator secures a letter of agreement from the Administrator and the superintendent for the national park that describes the conditions under which the commercial air tour operation will be conducted, then notwithstanding paragraph (1), the commercial air tour operator may conduct such operations over the national park under part 91 of title 14, Code of Federal Regulations, if such activity is permitted under part 119 of such title.

“(B) LIMIT ON EXCEPTIONS.—Not more than 5 flights in any 30-day period over a single national park may be conducted under this paragraph.

“(4) SPECIAL RULE FOR SAFETY REQUIREMENTS.—Notwithstanding subsection (c), an existing commercial air tour operator shall apply, not later than 90 days after the date of enactment of this section, for operating authority under part 119, 121, or 135 of title 14, Code of Federal Regulations. A new entrant commercial air tour operator shall apply for such authority before conducting commercial air tour operations over a national park (including tribal lands). The Administrator shall act on any such application for a new entrant and issue a decision on the application not later than 24 months after it is received or amended.

“(b) AIR TOUR MANAGEMENT PLANS.—

“(1) ESTABLISHMENT.—

“(A) IN GENERAL.—The Administrator, in cooperation with the Director, shall establish an air tour management plan for any national park (including tribal lands) for which such a plan is not in effect whenever a person applies for authority to conduct a commercial air tour operation over the park. The air tour management plan shall be developed by means of a public process in accordance with paragraph (4).

“(B) OBJECTIVE.—The objective of any air tour management plan shall be to develop acceptable and effective measures to mitigate or prevent the significant adverse impacts, if any, of commercial air tours upon the natural and cultural resources, visitor experiences, and tribal lands.

“(2) ENVIRONMENTAL DETERMINATION.—In establishing an air tour management plan under this subsection, the Administrator and the Director shall each sign the environmental decision document required by section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) (including a finding of no significant impact, an environmental assessment, and an environmental impact statement) and the record of decision for the air tour management plan.

“(3) CONTENTS.—An air tour management plan for a national park—

“(A) may limit or prohibit commercial air tour operations;

“(B) may establish conditions for the conduct of commercial air tour operations, including commercial air tour operation routes, maximum or minimum altitudes, time-of-day restrictions, restrictions for particular events, maximum number of flights per unit of time, intrusions on privacy on tribal lands, and mitigation of adverse noise, visual, or other impacts;

“(C) may apply to all commercial air tour operations;

“(D) shall include incentives (such as preferred commercial air tour operation routes and altitudes and relief from flight caps and curfews) for the adoption of quiet aircraft technology by commercial air tour operators conducting commercial air tour operations over the park;

“(E) shall provide a system for allocating opportunities to conduct commercial air tours if the air tour management plan includes a limitation on the number of commercial air tour operations for any time period; and

“(F) shall justify and document the need for measures taken pursuant to subparagraphs (A) through (E) and include such justifications in the record of decision.

“(4) PROCEDURE.—In establishing an air tour management plan for a national park (including tribal lands), the Administrator and the Director shall—

“(A) hold at least one public meeting with interested parties to develop the air tour management plan;

“(B) publish the proposed plan in the Federal Register for notice and comment and make copies of the proposed plan available to the public;

“(C) comply with the regulations set forth in sections 1501.3 and 1501.5 through 1501.8 of title 40, Code of Federal Regulations (for purposes of complying with the regulations, the Federal Aviation Administration shall be the lead agency and the National Park Service is a cooperating agency); and

“(D) solicit the participation of any Indian tribe whose tribal lands are, or may be, overflown by aircraft involved in a commercial air tour operation over the park, as a cooperating agency under the regulations referred to in subparagraph (C).

“(5) JUDICIAL REVIEW.—An air tour management plan developed under this subsection shall be subject to judicial review.

“(6) AMENDMENTS.—The Administrator, in cooperation with the Director, may make amendments to an air tour management plan. Any such amendments shall be published in the Federal Register for notice and comment. A request for amendment of an air tour management plan shall be made in such form and manner as the Administrator may prescribe.

“(c) DETERMINATION OF COMMERCIAL AIR TOUR OPERATION STATUS.—In making a determination of whether a flight is a commercial air tour operation, the Administrator may consider—

“(1) whether there was a holding out to the public of willingness to conduct a sightseeing flight for compensation or hire;

“(2) whether a narrative that referred to areas or points of interest on the surface below the route of the flight was provided by the person offering the flight;

“(3) the area of operation;

“(4) the frequency of flights conducted by the person offering the flight;

“(5) the route of flight;

“(6) the inclusion of sightseeing flights as part of any travel arrangement package offered by the person offering the flight;

“(7) whether the flight would have been canceled based on poor visibility of the surface below the route of the flight; and

“(8) any other factors that the Administrator considers appropriate.

“(d) INTERIM OPERATING AUTHORITY.—

“(1) IN GENERAL.—Upon application for operating authority, the Administrator shall grant interim operating authority under this subsection to a commercial air tour operator for commercial air tour operations over a national park (including tribal lands) for which the operator is an existing commercial air tour operator.

“(2) REQUIREMENTS AND LIMITATIONS.—Interim operating authority granted under this subsection—

“(A) shall provide annual authorization only for the greater of—

“(i) the number of flights used by the operator to provide such tours within the 12-month period prior to the date of enactment of this section; or

"(ii) the average number of flights per 12-month period used by the operator to provide such tours within the 36-month period prior to such date of enactment, and, for seasonal operations, the number of flights so used during the season or seasons covered by that 12-month period;

"(B) may not provide for an increase in the number of commercial air tour operations conducted during any time period by the commercial air tour operator above the number that the air tour operator was originally granted unless such an increase is agreed to by the Administrator and the Director;

"(C) shall be published in the Federal Register to provide notice and opportunity for comment;

"(D) may be revoked by the Administrator for cause;

"(E) shall terminate 180 days after the date on which an air tour management plan is established for the park or the tribal lands;

"(F) shall promote protection of national park resources, visitor experiences, and tribal lands;

"(G) shall promote safe operations of the commercial air tour;

"(H) shall promote the adoption of quiet technology, as appropriate; and

"(I) shall allow for modifications of the operation based on experience if the modification improves protection of national park resources and values and of tribal lands.

"(e) EXEMPTIONS.—

"(1) IN GENERAL.—Except as provided by paragraph (2), this section shall not apply to—

"(A) the Grand Canyon National Park;

"(B) tribal lands within or abutting the Grand Canyon National Park; or

"(C) any unit of the National Park System located in Alaska or any other land or water located in Alaska.

"(2) EXCEPTION.—This section shall apply to the Grand Canyon National Park if section 3 of Public Law 100-91 (16 U.S.C. 1a-1 note; 101 Stat. 674-678) is no longer in effect.

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

"(1) COMMERCIAL AIR TOUR OPERATOR.—The term 'commercial air tour operator' means any person who conducts a commercial air tour operation.

"(2) EXISTING COMMERCIAL AIR TOUR OPERATOR.—The term 'existing commercial air tour operator' means a commercial air tour operator that was actively engaged in the business of providing commercial air tour operations over a national park at any time during the 12-month period ending on the date of enactment of this section.

"(3) NEW ENTRANT COMMERCIAL AIR TOUR OPERATOR.—The term 'new entrant commercial air tour operator' means a commercial air tour operator that—

"(A) applies for operating authority as a commercial air tour operator for a national park; and

"(B) has not engaged in the business of providing commercial air tour operations over the national park (including tribal lands) in the 12-month period preceding the application.

"(4) COMMERCIAL AIR TOUR OPERATION.—The term 'commercial air tour operation' means any flight, conducted for compensation or hire in a powered aircraft where a purpose of the flight is sightseeing over a national park, within ½ mile outside the boundary of any national park, or over tribal lands, during which the aircraft flies—

"(A) below a minimum altitude, determined by the Administrator in cooperation with the Director, above ground level (except solely for purposes of takeoff or landing, or necessary for safe operation of an aircraft as determined under the rules and regulations of the Federal Aviation Administration re-

quiring the pilot-in-command to take action to ensure the safe operation of the aircraft); or

"(B) less than 1 mile laterally from any geographic feature within the park (unless more than ½ mile outside the boundary).

"(5) NATIONAL PARK.—The term 'national park' means any unit of the National Park System.

"(6) TRIBAL LANDS.—The term 'tribal lands' means Indian country (as that term is defined in section 1151 of title 18) that is within or abutting a national park.

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

"(8) DIRECTOR.—The term 'Director' means the Director of the National Park Service."

(b) CLERICAL AMENDMENT.—The table of sections for chapter 401 of title 49, United States Code, is amended by adding at the end the following:

"40125. Overflights of national parks."

SEC. 904. ADVISORY GROUP.

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Administrator and the Director shall jointly establish an advisory group to provide continuing advice and counsel with respect to commercial air tour operations over and near national parks.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The advisory group shall be composed of—

(A) a balanced group of —

(i) representatives of general aviation;

(ii) representatives of commercial air tour operators;

(iii) representatives of environmental concerns; and

(iv) representatives of Indian tribes;

(B) a representative of the Federal Aviation Administration; and

(C) a representative of the National Park Service.

(2) EX-OFFICIO MEMBERS.—The Administrator (or the designee of the Administrator) and the Director (or the designee of the Director) shall serve as ex-officio members.

(3) CHAIRPERSON.—The representative of the Federal Aviation Administration and the representative of the National Park Service shall serve alternating 1-year terms as chairman of the advisory group, with the representative of the Federal Aviation Administration serving initially until the end of the calendar year following the year in which the advisory group is first appointed.

(c) DUTIES.—The advisory group shall provide advice, information, and recommendations to the Administrator and the Director—

(1) on the implementation of this title and the amendments made by this title;

(2) on commonly accepted quiet aircraft technology for use in commercial air tour operations over national parks (including tribal lands), which will receive preferential treatment in a given air tour management plan;

(3) on other measures that might be taken to accommodate the interests of visitors to national parks; and

(4) at request of the Administrator and the Director, safety, environmental, and other issues related to commercial air tour operations over a national park (including tribal lands).

(d) COMPENSATION; SUPPORT; FACA.—

(1) COMPENSATION AND TRAVEL.—Members of the advisory group who are not officers or employees of the United States, while attending conferences or meetings of the group or otherwise engaged in its business, or while serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsist-

ence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(2) ADMINISTRATIVE SUPPORT.—The Federal Aviation Administration and the National Park Service shall jointly furnish to the advisory group clerical and other assistance.

(3) NONAPPLICATION OF FACA.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) does not apply to the advisory group.

SEC. 905. REPORTS.

(a) OVERFLIGHT FEE REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall transmit to Congress a report on the effects overflight fees are likely to have on the commercial air tour operation industry. The report shall include, but shall not be limited to—

(1) the viability of a tax credit for the commercial air tour operators equal to the amount of any overflight fees charged by the National Park Service; and

(2) the financial effects proposed offsets are likely to have on Federal Aviation Administration budgets and appropriations.

(b) QUIET AIRCRAFT TECHNOLOGY REPORT.—Not later than 2 years after the date of enactment of this Act, the Administrator and the Director shall jointly transmit a report to Congress on the effectiveness of this title in providing incentives for the development and use of quiet aircraft technology.

SEC. 906. EXEMPTIONS.

This title shall not apply to—

(1) any unit of the National Park System located in Alaska; or

(2) any other land or water located in Alaska.

SEC. 907. DEFINITIONS.

In this title, the following definitions apply:

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

(2) DIRECTOR.—The term "Director" means the Director of the National Park Service.

TITLE X—EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY

SEC. 1001. EXTENSION OF EXPENDITURE AUTHORITY.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 (relating to expenditures from Airport and Airway Trust Fund) is amended—

(1) by striking "October 1, 1998" and inserting "October 1, 1999", and

(2) by inserting before the semicolon at the end of subparagraph (A) the following "or the Airport Improvement Program Reauthorization Act of 1998".

(b) LIMITATION ON EXPENDITURE AUTHORITY.—Section 9502 of such Code is amended by adding at the end the following new subsection:

"(f) LIMITATION ON TRANSFERS TO TRUST FUND.—

"(1) IN GENERAL.—Except as provided in paragraph (2), no amount may be appropriated or credited to the Airport and Airway Trust Fund on and after the date of any expenditure from the Airport and Airway Trust Fund which is not permitted by this section. The determination of whether an expenditure is so permitted shall be made without regard to—

"(A) any provision of law which is not contained or referenced in this title or in a revenue Act, and

"(B) whether such provision of law is a subsequently enacted provision or directly or indirectly seeks to waive the application of this subsection.

"(2) EXCEPTION FOR PRIOR OBLIGATIONS.—Paragraph (1) shall not apply to any expenditure to liquidate any contract entered into

(or for any amount otherwise obligated) before October 1, 1999, in accordance with the provisions of this section."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Illinois (Mr. LIPINSKI), each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

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

Mr. Speaker, this is must-pass legislation because without it, there can be no Federal airport grants made. There are about 18,000 airports in the United States with about 3300 eligible for Federal AIP grants.

The General Accounting Office estimates that total airport needs are about \$10 billion a year. Airport infrastructure is urgently needed because of the tremendous success story of growth in aviation.

Before airline deregulation, we had about 230 million people, passengers flying in U.S. aviation commercially each year. Over the last 5 years, we have had enplanements increase by 27 percent today. Last year we had 655 million passengers, and the FAA predicts as we move into the first decade of the next century we will have over 1 billion, with a "B," passengers flying commercially in America.

If we do not accommodate this growth by investing in airport air traffic control infrastructure, safety margins are going to be reduced, and airport delays are going to increase. These delays hurt passengers, and they undermine the economic growth which is so vital to the future of our country.

The number of daily aircraft delays of 15 minutes or longer has already increased nearly 20 percent higher in 1996 than in 1995. Some airlines predict that in just another 16 years, aircraft delays will be such that the hub and spoke systems across America will collapse.

The FAA estimates that today's airline delays cost the industry approximately \$2.5 billion a year in higher operating costs. Of course, that gets translated into higher consumer costs for tickets.

These delays and these costs are particularly troubling when we consider that approximately \$10 billion a year is being paid into the Aviation Trust Fund by the traveling public, yet we are only spending about \$5.6 billion of that.

Indeed, the problem here is very comparable to the problem that we faced in surface transportation, which we fixed this year, and that is, the money that was flowing from the gasoline tax and related taxes into the Highway Trust Fund was not being spent to improve highways and transit in America, as it should have been.

We face that same kind of a problem here in aviation. Indeed, it is an issue which we should deal with. However, we believe that the most appropriate approach is to have simply a one-year bill in aviation this year, even though

we usually have a multi-year bill, have a one-year bill so that we can hold the necessary hearings and prepare ourselves to come back next year so we can address the issue of unlocking the Aviation Trust Fund just as we did the Highway Trust Fund so that the revenues being paid into it in good faith by the aviation traveling public will see that money that they are putting in, those user fees dedicated and spent to improving aviation in America, to improving aviation safety, aviation productivity, consumer efficiency.

For all those reasons, I believe we should vigorously support this legislation this year, recognizing that next year we will attempt to fix the problem of not being totally square with the aviation traveling public, not spending the money that they put in that Aviation Trust Fund as it should be spent. But that is an issue for us to come to grips with next year.

I would urge strong support for the passage of this one-year bill because it is in the interest of the American traveling public.

Mr. Speaker, I reserve the balance of my time.

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

Mr. Speaker, I rise today in strong support of H.R. 4057, the Airport Improvement Reauthorization Act of 1998.

H.R. 4057 is a one-year reauthorization of the important Airport Improvement Program. The AIP is funded entirely by the Aviation Trust Fund and provides grants to local airports for needed safety, security, capacity and noise projects.

The capital development needs of our Nation's airports are great. It is estimated that between \$6- and \$10 billion per year is needed to fund all of our Nation's airport development needs. Yet despite the outstanding needs of our Nation's airports, huge unspent balances are allowed to accumulate in the Aviation Trust Fund.

In fact, the balance in the Aviation Trust Fund is expected to grow to almost \$48 billion in the next 10 years. At the same time, the General Accounting Office reports that many airports will face substantial work keeping runways in generally good condition in the next 10 years.

We cannot allow our Nation's airports to deteriorate, while money collected from aviation users simply sits in the Aviation Trust Fund. For this reason, H.R. 4057 is only a one-year reauthorization bill. Next year, when there is more time, we will fight to make sure that the revenue in the Aviation Trust Fund is used for aviation. We will fight to put the trust back in the Aviation Trust Fund, the same way we fought to put the trust back in the Highway Trust Fund under TEA 21.

It is my hope that next year we will also work to increase the passenger facility charge. The PFC is also used to fund airport development projects, helping to offset the funding shortfalls

of AIP. An increase in the PFC is needed to adequately meet our Nation's airport development needs.

Although H.R. 4057 does not include an increase in the PFC, it is still a very good bill. In addition to making several changes to the AIP program, H.R. 4057 contains many important safety and policy provisions.

For example, H.R. 4057 requires collision avoidance systems to be installed on large cargo aircraft by the year 2002.

□ 1115

A collision avoidance system, referred to as TCAS, is already required on passenger aircraft. In addition, most of the world's major aviation countries are requiring that all large aircraft, both passenger and cargo, be equipped with TCAS by the year 2000. By requiring TCAS or some other collision avoidance system on cargo aircraft, H.R. 4057 ensures that some 600 cargo aircraft that share the U.S. air space with passenger aircraft each day will now have the same ability to avoid midair collisions.

In addition, H.R. 4057 provides whistle-blower protection for airline employees. The bill provides whistle-blower protection for flight attendants, pilots, machinists and other airline employees who report safety violations to the Federal Aviation Administration. This will greatly improve airline safety because employees will no longer have to fear retaliation from their employer if they report safety violations to the FAA.

I could mention several other important provisions in H.R. 4057, but in the interest of time I simply want to stress that H.R. 4057 is a good, strong bill that is good for our Nation's airports and for our Nation's aviation infrastructure as a whole. I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee (Mr. DUNCAN), the distinguished chairman of our Subcommittee on Aviation.

(Mr. DUNCAN asked and was given permission to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, I thank the gentleman from Pennsylvania, the chairman of the full committee, for yielding me this time, and I rise in strong support of H.R. 4057.

Let me first say that I really appreciate the outstanding leadership provided by the chairman of our committee, the gentleman from Pennsylvania (Mr. SHUSTER), who has always provided strong leadership on issues pertaining to aviation.

This bill before us is a product that enjoys support from both sides of the aisle. We have worked very closely with the ranking member of the Committee on Transportation and Infrastructure, the fine gentleman from Minnesota (Mr. OBERSTAR), and my good friend from Chicago, the ranking

member of the Subcommittee on Aviation, the gentleman from Illinois (Mr. LIPINSKI), in crafting this very important legislation.

As has been stated already, H.R. 4057 is a simple 1-year reauthorization of the Airport Improvement Program and the FAA's Operations and Facilities Equipment accounts.

H.R. 4057 provides dedicated funding for airport security, and increases the number of military airports which can receive special AIP funds from 12 to 14, which was done at the request of several Members from the State of Florida.

It also increases the noise set-aside from 31 percent of the discretionary funds to 33 percent, which will be a significant increase in our efforts to combat noise at airports.

The bill makes runway incursion devices eligible for AIP funding and ensures that this is a higher priority.

It establishes a Centennial Flight Commission, at the request of our friend, the gentleman from North Carolina (Mr. WALTER JONES).

It requires, as the gentleman from Illinois (Mr. LIPINSKI) has mentioned, collision avoidance systems for cargo aircraft, primarily at the urging and recommendation of the gentleman from Illinois, who has worked so very hard on that particular issue.

It provides assistance for the Olympics and for the Special Olympics in Utah, transportation assistance, at the request of the gentleman from Utah (Mr. MERRILL COOK).

It has whistle-blower protection for airline employees and FAA employees for the first time, an issue that our friends the gentleman from New York (Mr. BOEHLERT) and the gentleman from South Carolina (Mr. CLYBURN) have worked on very, very hard.

It includes a deed restriction removal for the airport at Newport News, Virginia, at the request of one of our committee members, the gentleman from Virginia (Mr. BATEMAN).

It begins the elimination of the bogus parts problem, at the request of the gentleman from Oregon (Mr. DEFazio).

It has other provisions that I will not really go into at this time, but we did try to accommodate a great many Members who have made requests in this legislation.

As the gentleman from Pennsylvania (Mr. SHUSTER) said, this is a must-pass bill because the authorization for the AIP program expires on September 30th of this year, and without this authorization, no airports will be able to receive needed safety and security funding.

We have also included in this bill \$5 million for the National Safe Skies Alliance, which will test and evaluate state-of-the-art security equipment, including explosive detection systems. The National Safe Skies Alliance will certainly produce results that eventually will improve the safety and security at airports all across this Nation.

H.R. 4057 includes a provision that seeks to promote safety and quiet in

and around our national parks by establishing a process for developing air tour management plans. And this is a significant part of this legislation, Mr. Speaker, because we had groups from the environmental community and groups from the air tour community that started out very, very far apart, but they have compromised and worked together to come up with, I think, very innovative and far-reaching legislation that will ensure that the FAA has the sole authority to control airspace and that the National Park Service has the responsibility to manage the park resources, and that these two agencies under this legislation will work cooperatively in developing air tour management plans for our national parks.

This legislation covers virtually every national park in the country except those in Alaska and the Grand Canyon, for which there will be special accommodations. Air tours over the Grand Canyon are already covered by a 1987 law, and if that should ever be repealed, the Grand Canyon would be covered by this legislation.

I am proud to say that we have worked on a bipartisan basis both on the Subcommittee on Aviation and at the full committee level on all of these issues.

Mr. Speaker, let me say in closing that I believe the Aviation Trust Fund should receive the same budget treatment that this Congress has overwhelmingly approved for the Highway Trust Fund. This is a matter that has been briefly touched upon by both the chairman and the gentleman from Illinois.

The fact is that under the new aviation tax system, we are bringing in about \$10 billion per year into the Aviation Trust Fund. Over a 5-year period, the Congressional Budget Office estimates that we will have a \$40 billion cash surplus in the trust fund. Some experts predict that estimates for airport improvements across the country are about \$10 billion per year, or \$50 billion over that 5-year period.

The \$1.7 billion appropriated for the AIP program is not enough to meet those needs. Air passenger traffic and air cargo traffic are both shooting way up every year to record levels, and the \$1.2 billion collected from the passenger facility charge each year does not go very far or far enough for these expensive projects.

Although some members of the Committee on Transportation and Infrastructure support increasing the passenger facility service charge, and I agree that airports certainly need more financial assistance, this bill does not raise the current \$3 PFC. But I also believe we should wait until next year so we can all work together to fundamentally change the way in which our aviation system is funded. The gentleman from Pennsylvania has recommended that we make next year the "year of aviation" in our committee, and I certainly believe that we will do that and that we should do that.

I believe the American people are paying their fair share of taxes into the aviation system, but I know that our government's budgeting process here is obviously very flawed and in need of change and is resulting in many shortcomings to those who are using our aviation system.

Finally, Mr. Speaker, let me salute the outstanding staff of the Subcommittee on Aviation, David Schaffer and Donna McLean. But I would like to take just a moment to salute my good friend Jim Coon, who has worked so hard on this legislation, and who will very shortly be leaving our subcommittee to move to a tremendous new opportunity with the Air Transport Association, and will terminate at that point a 16-year career on Capitol Hill, the last 10 of which Mr. Coon has been with me, first as my legislative director and then for almost 4 years now with the Subcommittee on Aviation.

Jim Coon is one of the finest men I have ever known in my life and one of the hardest working, and he has done a tremendous job both for me personally in my office and for the last few years with the Subcommittee on Aviation. I can tell my colleagues that this Congress and I personally will miss Jim Coon, and I just want him to know how much I appreciate all that he has done for me, for this committee, and for this country.

Mr. LIPINSKI. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I thank the gentleman for yielding me this time, and I want to congratulate the chairman and the entire leadership of the committee and staff on this important legislation.

In the face of conflicting pressures and demands, the committee has succeeded in crafting a carefully balanced measure that will benefit the Nation's airports and our entire air transportation system. In particular, I would like to commend the chairman for the provision in this bill broadening the eligibility for terminal construction work using revenues from passenger facility charges. The provision will surely make it easier for airports to provide facilities for smaller air carriers seeking to offer competitive service.

I want to be certain that I am correct in my understanding of the way in which the committee intends for this provision to function.

Mr. SHUSTER. Mr. Speaker, will the gentlewoman yield?

Ms. EDDIE BERNICE JOHNSON of Texas. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. I will be happy to try to respond to the gentlewoman, Mr. Speaker.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I want to confirm that the committee intends for the FAA to allow an airport applicant to use this provision for either a stand-alone terminal structure or for that pro-rata portion of a terminal to be

used by any air carrier having less than 50 percent of the scheduled passenger traffic at the airport.

Mr. SHUSTER. If the gentlewoman will continue to yield, that is correct. For example, if 25 percent of a new terminal building is to be used by eligible carriers, all the costs associated with the gates and the boarding areas, and at least 25 percent of the building's total shell, including heating, ventilation, air conditioning, fuel lines and related construction costs, will be eligible for PFC funding under this provision.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I thank the chairman. It is gratifying to have his confirmation of my understanding of the intent of this provision.

Mr. SHUSTER. Mr. Speaker, I yield 3 minutes to the gentleman from Colorado (Mr. HEFLEY).

Mr. HEFLEY. Mr. Speaker, I thank the chairman for yielding me this time. I support the basic purpose of this bill. I think it is a good bill. I think it is a needed bill. And I hate to inject any kind of a negative note into it, but I must rise today on behalf of the people around Denver International Airport.

For several years now we have had a ban on the building of a sixth runway at DIA. This bill effectively lifts that ban. I have long felt that it is important to maintain the ban on the sixth runway until Denver and the FAA do all they can to relieve the noise problems of the people surrounding the airport.

These are not people who built their homes next to an airport. These are people who chose to live in outlying counties, some of them as many as 25, 30 miles away, Douglas County being one of them that I represent, because these are relatively quiet, rural settings. For many of the residents that was the number one reason for living in these communities.

But Denver decided they needed a new airport. They decided to put the airport far away from their own population. Now my constituents, and many others who never had a vote on whether to approve this new airport, are the ones paying the noise price that a big airport like this brings.

When we went to Denver to ask them to help us solve this problem, they said, "It is not our problem. We didn't consider this an Environmental Impact Statement. That is your problem. We are not going to worry about it."

Because of the ban on the sixth runway, we were able to bring Denver to the table. It gave us leverage to bring Denver to the table to help try to solve the problem. In fact, the city of Denver jointly funded a noise study with the surrounding communities, and that study shows that changes could be made to the airport's flight paths to reduce the noise problems. That study would never have been done if we had not had a ban on the additional runway.

This year should have been the culmination of our effort. With a compromise that we had worked out, and keeping the ban in place, we would have allowed Denver to proceed with the necessary environmental updates for the sixth runway so they would not have lost time. We would have kept Denver at the table, though, by having a ban on. With additional language instructing the FAA to address this problem, we would have had a real chance to solve the problem. Now, with the language in this bill, I am afraid it will be much more difficult to obtain relief for the people around DIA.

I know that the chairmen, the main committee chairman and the subcommittee chairman, they do not understand, probably, how difficult it has been to work with Denver on this situation and to get them to the table and to make them look at the problems that they have created for the surrounding counties.

□ 1130

We were able to do that, and I am very disappointed that the ban is lifted in this legislation. If you would have given us one more year, I think we would have gotten the problem solved and we would have all been supportive and there would not have been any problem.

I thank the gentleman from Tennessee (Mr. DUNCAN) and others for the efforts they have made to try to assist me in this matter.

This being said, however, I cannot allow this measure to pass the House floor without voicing my opposition to the DIA provision lifting the ban.

Mr. LIPINSKI. Mr. Speaker, I yield 2 minutes to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DeGETTE. Mr. Speaker, the Denver International Airport has now been constructed for about 3 years, but it is like building an airport with one hand tied behind your back because we do not have a runway that can adequately handle international traffic and the international business development in Denver and the Front Range.

My esteemed senior colleague to the south says that there are problems with noise at the airport, and that is true. There are always noise issues around every airport, and Denver has done everything in their power to reduce the noise as much as possible.

I will point out to my colleague that the residents, many of whom live in the district of the gentleman from Colorado (Mr. BOB SCHAFFER), none that I know of who live in my colleague to the south's district, voted to approve the airport in the beginning. This was not an airport that was thrust upon them. Under the Colorado constitution, they had to vote to approve it.

Denver has worked assiduously and intends to continue to work assiduously to make sure that all noise problems associated with DIA are reduced to the greatest extent possible, if not eliminated.

I want to thank the gentleman from Pennsylvania (Mr. SHUSTER), the gentleman from Tennessee (Mr. DUNCAN), the gentleman from Minnesota (Mr. OBERSTAR), and the gentleman from Illinois (Mr. LIPINSKI) for their support in recognizing this and recognizing the fact that putting a ban on a sixth runway does not solve these noise issues but merely stunts the economic growth in the Front Range of Colorado.

I look forward to working with the Committee on Transportation and Infrastructure and with this committee in the future to make sure that the sixth runway is constructed, that it is adequately funded, and I also look forward to working with my colleagues from the rest of the Colorado delegation to make sure that we eliminate as much as possible any noise.

I will say that Denver and my office remain committed to making sure that the noise problems are eliminated as much as possible, and I look forward to getting on with the construction of this sixth runway.

Mr. SHUSTER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, I thank the gentleman for yielding time.

Mr. Speaker, on December 24, 1996, a Learjet with Pilot Johan Schwartz, who was 31, of Westport, Connecticut, and Patrick Hayes, 30, of Clinton, Connecticut, lost contact with the control tower at the Lebanon, New Hampshire Airport.

Despite efforts by the Federal Government, New Hampshire State and local authorities, and Connecticut authorities, a number of extremely well organized ground searches failed to locate the two gentlemen or the airplane. Their airplane did not have an ELT, an emergency locator transmitter device, and this plane has never been found. Countless time and money was spent trying to locate these two individuals and to locate the plane. This is because they did not have an ELT.

I would like to see provisions from H.R. 664 to require emergency locator transmitters, ELTs, on fixed wing civil aircraft included in H.R. 4057, the Airport Improvement Program Reauthorization Act. ELT provisions are included in section 504 of the Senate version of the bill, S. 2279, the National Air Transportation System Improvement Act, and I would look forward to working with the gentleman from Pennsylvania (Chairman SHUSTER) and the gentleman from Tennessee (Chairman DUNCAN) about the possibility of adding this important provision in the conference report.

The bottom line is, an ELT plays a vital role in search efforts, where timing is so critical in any rescue mission. These men may have been alive for a period of time, yet we could never find them. The cost of these devices ranges from approximately \$500 to \$2,500, although less costly technology is now evolving.

I hope that this provision will be added in the conference report. I understand it is not in this bill. I do support the bill and look forward to voting for it, but hope in conference we can add an ELT provision.

The SPEAKER pro tempore (Mr. Dickey). Before recognizing anyone else, the Chair would like to state that the gentleman from Pennsylvania (Mr. Shuster) has 3 minutes remaining, and the gentleman from Illinois (Mr. Lipinski) has 12 minutes remaining.

Mr. LIPINSKI. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. Moran).

Mr. MORAN of Virginia. Mr. Speaker, I rise in support of this Airport Improvement Reauthorization Act.

I thank the chairman and the ranking member for crafting thoughtful and responsive legislation that will help revitalize the Federal Aviation Administration while reauthorizing Federal aviation programs, but I am concerned about provisions in the Senate bill that take us a step back and would bring controversy and invite opposition to this important legislation by increasing the number of flights to the four slot-controlled airports.

In the case of Washington National Airport, the Senate legislation would add an additional 24 slots to this congested airport and lift the perimeter rule, permitting half of those slots to fly beyond the current 1,250-mile perimeter restriction. A change in the perimeter rule would result in a cutback in locations currently served by National within the perimeter and adversely affect the development of the Washington area's three commercial airports.

Over time, short-range service to cities that generate less than \$20 million in revenue would be displaced and the number of transcontinental flights operating out of Dulles, which has plenty of room for expansion, would decline. Thus, the substantial investment made at both National and Dulles by the taxpayers, the Federal Aviation Administration and the aviation community would become substantially devalued.

In 1986 the Washington region made a contract with the Congress that the Washington region would take over both the funding and operational responsibility for its airports. It was signed by President Reagan. The region fulfilled its part of the bargain. We came up with the money. We remodeled all of the airports. It is working fine.

Now Congress should not renege on its part of the bargain. And that is why I urge the chairman and ranking member of the Committee on Transportation and Infrastructure to remain firm and oppose the addition of any Senate language altering the number of flights or the current perimeter rule that governs the operation of Washington National Airport.

Mr. LIPINSKI. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. Brown).

Ms. BROWN of Florida. Mr. Speaker, first of all let me thank the full committee chairman, the gentleman from Pennsylvania (Mr. Shuster); the ranking member, the gentleman from Minnesota (Mr. Oberstar); the subcommittee chairman, the gentleman from Tennessee (Mr. Duncan); and the ranking member, the gentleman from Illinois (Mr. Lipinski), for their work in crafting this legislation and including elements that will be beneficial to all of our Nation's airports, including the ones in my home State of Florida.

I am pleased with the funding level in this bill. The capital improvement and safety costs associated with air service are enormous, especially for smaller regional airports. And the Federal Government, as well as State and local government, must be partners to ensure the safest, most efficient air service.

The aviation industry is critical to the economic well-being of Florida. Orlando will soon be hailing 30 million passengers a year, and 35 million passengers and 2.9 tons of cargo will be coming through Miami's International Airport, which is known as the "Hub of the Americas." Jacksonville is a key intermodal location for air service, shipping, and rail; and these all directly and indirectly support the military presence in north Florida.

We on the Committee on Transportation and Infrastructure all know the importance of the role aviation plays in our community and for our economy.

This is a good bill which will expand the military airport program and includes whistle blower protection for airline employees who provide information on safety violations.

Yesterday, I spoke to the Florida Airport Manager's Association, more than 700 people present in Miami at their annual conference, and they strongly support the AIP program and this bill.

I thank the committee's leadership for getting this bill to the floor and I urge my colleagues to support it.

Mr. LIPINSKI. Mr. Speaker, I yield myself the balance of the time.

I just want to say in closing that, as usual, working with the gentleman from Tennessee (Mr. Duncan), chairman of the subcommittee, has been a great pleasure. No one could be more cooperative, understanding, and tolerant than the chairman of the subcommittee or the full committee. It is a real joy to work with the gentleman from Tennessee (Mr. Duncan), not only on this bill but all the time, in regards to aviation matters. I also want to express my sincere appreciation to the gentleman from Pennsylvania (Mr. Shuster) for his interest in this legislation, and to the gentleman from Minnesota (Mr. Oberstar), the ranking member of the full committee.

In closing I would like to say that, as usual, the staff on both sides have done an outstanding job. The cooperation that is put forth by the gentleman

from Tennessee (Mr. Duncan), that example is certainly picked up by the entire staff on the Subcommittee on Aviation, and they worked very closely together to produce what they believe is the best legislation for the American flying public.

I would like to say that I certainly do not know Jim Coon as well as the gentleman from Tennessee (Mr. Duncan) does. But in the opportunity I have had to get to know him, I have found him to be not only entirely professional in everything he does but really a down-to-earth, very nice gentleman, and I wish him well in his new position. I am sorry to lose him from the Subcommittee on Aviation. But, as I have said to others, we have to go on and enjoy life and better ourselves.

So let me just say this is a great bill. Let us hope that we get unanimous support for it.

Mr. Speaker, I yield back the balance of my time.

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

I certainly join with these other distinguished leaders on our committee in wishing Mr. Coon the very best in his future. He certainly has performed in an outstanding fashion on our committee.

Mr. Speaker, I include for the RECORD the letters between the Committee on Transportation and Infrastructure and the Committee on Ways and Means concerning the committees' respective jurisdiction over H.R. 4057:

COMMITTEE ON TRANSPORTATION AND
INFRASTRUCTURE, HOUSE OF REPRESENTATIVES

Washington, DC, August 4, 1998.

Hon. BILL ARCHER,
Chairman, House Committee on Ways and Means,
House of Representatives, Washington, DC.

DEAR BILL: Thank you for your letter regarding the provisions in H.R. 4057, the Airport Improvement Program Reauthorization Act. This bill was reported on Monday, July 20, 1998, by the Committee on Transportation and Infrastructure.

There are several provisions which are of interest to your Committee, and I appreciate your willingness to expedite consideration of the legislation. We have, as you requested, included language supplied by your Committee regarding the aviation trust fund provisions. In addition, the provision in our bill encouraging innovative financing with Airport Improvement Program grants includes language which clearly does not modify the Internal Revenue Code.

Thank you for your continued cooperation on these matters. As you requested, your original letter and this response will be placed in the Record during consideration of the bill on the House Floor.

With kind regards, I remain,
Sincerely,

BUD SHUSTER,
Chairman.

COMMITTEE ON WAYS AND MEANS,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 31, 1998.

Hon. BUD SHUSTER,
Chairman, House Committee on Transportation and Infrastructure,
Rayburn House Office Building, Washington, DC.

DEAR BUD: I understand that on Monday, July 20, 1998, the Committee on Transportation and Infrastructure reported H.R. 4057,

providing for a one-year reauthorization of the Airport Improvement Program.

As you know, the Trust Fund Code includes specific provisions within the jurisdiction of the Committee on Ways and Means which govern trust fund expenditure authority and which limit purposes for which trust fund moneys may be spent. Statutorily, the Committee on Ways and Means generally has limited expenditures by cross-referencing provisions of authorizing legislation. Currently, the Trust Fund Code provisions allow expenditures from the Airport and Airway Trust Fund before October 1, 1998. C-Similarly, the Trust Fund Code approves all expenditures from the Airport and Airway Trust Fund permitted under previously enacted authorization Acts, most recently the Federal Aviation Reauthorization Act of 1996, as in effect on the date of enactment of the 1996 Act.

I now understand that you are seeking to have H.R. 4057 considered by the House as early as next week. In addition, I have been informed that your Committee will seek a Manager's or Committee amendment to the bill which will include language I am supplying (attached) to address the necessary trust fund provisions.

The amendment would extend until October 1, 1999, the general expenditure authority and purposes of the Airport and Airway Trust Fund contained in section 9502(d) and would provide that, generally, expenditures from the Airport and Airway Trust Fund may occur only as provided in the Internal Revenue Code.

I note also that Section 106 of the bill would preclude the implementation of an innovative financing technique which gives rise to a direct or indirect federal guarantee of any airport debt instrument. Subject to narrow exceptions grandfathering programs in existence in 1984, the Internal Revenue Code prohibits the combination of tax-exemption on state and local bond interest and direct or indirect federal guarantees. Section 106 of HR 4057 does not modify this Code prohibition. Therefore, if the Department of Transportation guarantees an authorized innovative financing technique and it is combined with tax-exempt financing in any manner violating the Code prohibition, interest on the underlying bonds will become taxable, retroactive to the date of their issuance.

Based on this understanding, and in order to expedite consideration of this legislation, it will not be necessary for the Committee on Ways and Means to markup this legislation. This is being done with the further understanding that the Committee will be treated without prejudice as to its jurisdictional prerogatives on such or similar provisions in the future, and it should not be considered as precedent for consideration of matters of jurisdictional interest to the Committee on Ways and Means in the future.

Finally, I would appreciate your response to this letter, confirming this understanding with respect to H.R. 4057, and would ask that a copy of our exchange of letters on this matter be placed in the Record during consideration of the bill on the Floor. Thank you for your cooperation and assistance on this matter. With best personal regards,

Sincerely,

BILL ARCHER,
Chairman.

Enclosure.

TITLE IX—EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY

SEC. 901. EXTENSION OF EXPENDITURE AUTHORITY.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 (relating to expenditures from Airport and Airway Trust Fund) is amended—

(1) by striking "October 1, 1998" and inserting "October 1, 1999", and

(2) by inserting before the semicolon at the end of subparagraph (A) the following "or the Airport Improvement Program Reauthorization Act of 1998".

(a) LIMITATION ON EXPENDITURE AUTHORITY.—Section 9502 of such Code is amended by adding at the end the following new subsection:

"(f) LIMITATION ON TRANSFERS TO TRUST FUND.—

"(1) IN GENERAL.—Except as provided in paragraph (2), no amount may be appropriated or credited to the Airport and Airway Trust Fund on an after the date of any expenditure from the Airport and Airway Trust Fund which is not permitted by this section. The determination of whether an expenditure is so permitted shall be made without regard to—

"(A) any provision of law which is not contained or referenced in this title or in a revenue Act, and

"(B) whether such provision of law is a subsequently enacted provision or directly or indirectly seeks to waive the application of this subsection.

"(2) EXCEPTION FOR PRIOR OBLIGATIONS.—Paragraph (1) shall not apply to any expenditure to liquidate any contract entered into (or for any amount otherwise obligated) before October 1, 1999, in accordance with the provisions of this section."

Mr. ADAM SMITH of Washington. Mr. Speaker, I would like to take some time to talk about some of my concerns regarding H.R. 4057, the Airport Improvement Program Reauthorization Act. I recognize that this bill funds some very important and critical programs, including operation and maintenance of the air traffic control system, safety inspections, and other Federal Aviation Administration (FAA) activities. It does an adequate job ensuring that our airports and airways are safe and efficient.

Mr. Speaker, I've had personal experience with the FAA and the Airport Improvement Program (AIP) as a community activist, a state Senator, and now as a member of Congress. In fact, I grew up about a mile from the Seattle/Tacoma International Airport (SeaTac), so I know how people are affected by airports first hand.

The Port of Seattle has been attempting to expand SeaTac for more than nine years. Over those years, I've had several problems with the way the Port and the FAA have dealt with this proposed expansion project. I feel they have severely underestimated the environmental impacts the new runway would have on local communities, including the potential financial costs of implementation. They have also failed to adequately evaluate other potential problems, including increased traffic that would arise from construction and the increased noise expansion would have on local schools and neighborhoods. Overall, I strongly believe the FAA and the Port have shown a disregard for the concerns of the local citizens whom will have to bear the brunt of the negative results of this proposed expansion.

Considering my experience with this program, I believe there are three things that could have been included in the legislation that would have made it better for those that live and work around our counties' airports. First, I have concerns over the current executive branch dealing with pollution from aircraft. The principal agency in the federal government that deals with environmental impact is the Environmental Protection Agency (EPA);

however, when it comes to pollution resulting from aircraft it is the FAA. This wasn't always the case. Previously, the Office of Noise Abatement and Control in the EPA was responsible for coordinating federal noise abatement activities, updating and developing new noise standards, and promoting research and education on the impacts of noise pollution. This office was eliminated in 1982. I believe the FAA has a strong disincentive for effectively handling aircraft pollution because their main function is to expand and promote aviation. On the other hand, the EPA is in a much better position to fairly analyze pollution from aircraft and thus effectively implement policy to deal with these impacts, because its chief objective is to protect people against dangerous environmental problems. I feel the bill should have transferred these powers from the FAA to EPA in order to properly study and better protect citizens in my district and others from aviation pollution.

Second, I would like to have seen the bill set aside more funds to directly compensate the public for the damage that it will have on their lives. A study has determined that the impact that the proposed 3rd runway would have on my constituents is around \$4 billion, but the plan by the Ports includes only \$50 million in mitigation costs. This is clearly unfair. The citizens of communities surrounding the airport would have to bear the brunt of mitigating the environmental problems surrounding the proposed project, despite having very little impute and decision making authority. I feel that the bill could have authorized more money for the use of directly compensating individuals impacted by new construction for areas like my district.

Third, I'm very concerned about the lack of congressional and local input in the decision making authority for approving FAA discretionary grants for new airport construction. While I understand the meaning of a discretionary program is that the federal agency has the discretion in determining whether to appropriate the funds, I believe the current system so substantially displaces legislative input that it trumps the spirit of the separation of powers of our three branches of government, which is a critical part of our representative democracy. The Port of Seattle and the FAA negotiated a Record of Decision in July of 1997, despite serious objections from myself and my constituents. Our system is designed to have members of Congress represent the concerns and interests of their home districts and thus executive decisions that impact a certain group of people should only be done with the consideration of the opinions of the Member who represents those people. I do not feel that my concerns have not adequately been taken into consideration during this process, and I feel this is wrong.

Overall, I feel that the concerns of local citizens and thus Members of Congress who represent them are not sufficiently taken into consideration under the AIP, and will continue to advocate for changes to this program in the future. Therefore, I urge my colleagues to oppose this legislation.

Mr. HALL of Ohio. Mr. Speaker, I rise in support of H.R. 4057, the Airport Improvement Program Reauthorization Act of 1998, and call to the attention of my colleagues Title VII, the Centennial of Flight Commemoration Act. This title is a modified version of H.R. 2305, a bill I introduced with Mr. JONES of North Carolina and with the support of Mr. HOBSON of Ohio.

The measure creates a limited, seven-member federal commission to help plan and coordinate the national celebration of the 100th anniversary of the Wright brothers' historic first flight in 1903.

The commission is charged with coordinating celebration dates nationwide and maintaining a central clearinghouse for information on commemorative activities. It would also represent the United States in international commemorations for the Wright brothers.

The commission is similar to ones established by Congress to celebrate the anniversaries of the American Revolution, Constitution, discovery of America by Christopher Columbus, birth of Thomas Jefferson, and others.

H.R. 2305 is cosponsored by almost all the members of the Ohio and North Carolina delegations. This is fitting, because the Wright brothers carried out their famous flight in Kitty Hawk, North Carolina, and they lived and constructed their airplane in Dayton, Ohio.

Mr. Speaker, it is hard to imagine a technological achievement that affected our world more than the conquest of flight. The first flight by Orville and Wilbur Wright represents the fulfillment of the age-old dream of flying and it has dramatically changed the course of transportation, commerce, communication and warfare. It is therefore fitting that we honor the Wright brothers and their achievements in this fashion.

I wish to thank the chairman and ranking minority member of the Committee on Transportation and Infrastructure and the Subcommittee on Aviation for their support.

Mr. SHUSTER. Mr. Speaker, I urge passage of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and pass the bill, H.R. 4057, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 4057, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

CREDIT UNION MEMBERSHIP ACCESS ACT

Mr. LEACH. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 1151) to amend the Federal Credit Union Act to clarify existing law with regard to the field of membership of Federal credit unions, to preserve the integrity and purpose of Federal credit unions, to enhance supervisory oversight of insured credit unions, and for other purposes.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE.*—This Act may be cited as the "Credit Union Membership Access Act".

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

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Definitions.

TITLE I—CREDIT UNION MEMBERSHIP

Sec. 101. Fields of membership.

Sec. 102. Criteria for approval of expansion of membership of multiple common-bond credit unions.

Sec. 103. Geographical guidelines for community credit unions.

TITLE II—REGULATION OF CREDIT UNIONS

Sec. 201. Financial statement and audit requirements.

Sec. 202. Conversion of insured credit unions.

Sec. 203. Limitation on member business loans.

Sec. 204. National Credit Union Administration Board membership.

Sec. 205. Report and congressional review requirement for certain regulations.

TITLE III—CAPITALIZATION AND NET WORTH OF CREDIT UNIONS

Sec. 301. Prompt corrective action.

Sec. 302. National credit union share insurance fund equity ratio, available assets ratio, and standby premium charge.

Sec. 303. Access to liquidity.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Study and report on differing regulatory treatment.

Sec. 402. Update on review of regulations and paperwork reductions.

Sec. 403. Treasury report on reduced taxation and viability of small banks.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The American credit union movement began as a cooperative effort to serve the productive and provident credit needs of individuals of modest means.

(2) Credit unions continue to fulfill this public purpose, and current members and membership groups should not face divestiture from the financial services institution of their choice as a result of recent court action.

(3) To promote thrift and credit extension, a meaningful affinity and bond among members, manifested by a commonality of routine interaction, shared and related work experiences, interests, or activities, or the maintenance of an otherwise well-understood sense of cohesion or identity is essential to the fulfillment of the public mission of credit unions.

(4) Credit unions, unlike many other participants in the financial services market, are exempt from Federal and most State taxes because they are member-owned, democratically operated, not-for-profit organizations generally managed by volunteer boards of directors and because they have the specified mission of meeting the credit and savings needs of consumers, especially persons of modest means.

(5) Improved credit union safety and soundness provisions will enhance the public benefit that citizens receive from these cooperative financial services institutions.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) the term "Administration" means the National Credit Union Administration;

(2) the term "Board" means the National Credit Union Administration Board;

(3) the term "Federal banking agencies" has the same meaning as in section 3 of the Federal Deposit Insurance Act;

(4) the terms "insured credit union" and "State-chartered insured credit union" have the

same meanings as in section 101 of the Federal Credit Union Act; and

(5) the term "Secretary" means the Secretary of the Treasury.

TITLE I—CREDIT UNION MEMBERSHIP

SEC. 101. FIELDS OF MEMBERSHIP.

Section 109 of the Federal Credit Union Act (12 U.S.C. 1759) is amended—

(1) in the first sentence—

(A) by striking "Federal credit union membership shall consist of" and inserting "(a) IN GENERAL.—Subject to subsection (b), Federal credit union membership shall consist of"; and

(B) by striking ", except that" and all that follows through "rural district"; and

(2) by adding at the end the following new subsections:

"(b) MEMBERSHIP FIELD.—Subject to the other provisions of this section, the membership of any Federal credit union shall be limited to the membership described in 1 of the following categories:

"(1) SINGLE COMMON-BOND CREDIT UNION.—1 group that has a common bond of occupation or association.

"(2) MULTIPLE COMMON-BOND CREDIT UNION.—More than 1 group—

"(A) each of which has (within the group) a common bond of occupation or association; and

"(B) the number of members of each of which (at the time the group is first included within the field of membership of a credit union described in this paragraph) does not exceed any numerical limitation applicable under subsection (d).

"(3) COMMUNITY CREDIT UNION.—Persons or organizations within a well-defined local community, neighborhood, or rural district.

"(c) EXCEPTIONS.—

"(1) GRANDFATHERED MEMBERS AND GROUPS.—

"(A) IN GENERAL.—Notwithstanding subsection (b)—

"(i) any person or organization that is a member of any Federal credit union as of the date of enactment of the Credit Union Membership Access Act may remain a member of the credit union after that date of enactment; and

"(ii) a member of any group whose members constituted a portion of the membership of any Federal credit union as of that date of enactment shall continue to be eligible to become a member of that credit union, by virtue of membership in that group, after that date of enactment.

"(B) SUCCESSORS.—If the common bond of any group referred to in subparagraph (A) is defined by any particular organization or business entity, subparagraph (A) shall continue to apply with respect to any successor to the organization or entity.

"(2) EXCEPTION FOR UNDERSERVED AREAS.—Notwithstanding subsection (b), in the case of a Federal credit union, the field of membership category of which is described in subsection (b)(2), the Board may allow the membership of the credit union to include any person or organization within a local community, neighborhood, or rural district if—

"(A) the Board determines that the local community, neighborhood, or rural district—

"(i) is an 'investment area', as defined in section 103(16) of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4703(16)), and meets such additional requirements as the Board may impose; and

"(ii) is underserved, based on data of the Board and the Federal banking agencies (as defined in section 3 of the Federal Deposit Insurance Act), by other depository institutions (as defined in section 19(b)(1)(A) of the Federal Reserve Act); and

"(B) the credit union establishes and maintains an office or facility in the local community, neighborhood, or rural district at which credit union services are available.

"(d) MULTIPLE COMMON-BOND CREDIT UNION GROUP REQUIREMENTS.—