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## Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

### PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

All-powerful Lord, You have the secret of victorious living. In Your indwelling, impelling power within us, You make the difference between a great and a grim day. We all are alarmed by the number of days spent in self-propelled effort, simply because we didn't begin the day by opening the door of our hearts to You.

We come to You in this new day. We have learned that yesterday's experience of fellowship with You or guidance from You will not be sufficient for today's challenges. You seek entrance into every facet of our lives and our work. The latch is always on the inside. Daily, we have a choice to open the door or leave it shut in Your face.

You have work to do here in the Senate, and You plan to do it through the Senators. Come in, Lord; You are welcome! Reign supreme in this Chamber and in our hearts. In the Name of our Lord and Savior. Amen.

### RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, the distinguished Senator from Alaska, is recognized.

### SCHEDULE

Mr. STEVENS. Mr. President, this morning the Senate will immediately resume consideration of the FAA reauthorization bill. It is my understanding that the time for making remarks will follow the vote on the bill. So there will occur a vote on this bill immediately. Following that vote, the Senate will hear remarks concerning the distinguished Senator from Kentucky

and, following that, any legislative or executive items cleared for action, including the Internet tax bill if an agreement can be reached today.

As a reminder to all Members, a cloture motion was filed yesterday on the so-called vacancies bill. Therefore, Members have until 1 p.m. today to file first-degree amendments. The cloture vote has been scheduled to occur at 5:30 p.m. on Monday, September 28.

I thank the Senate and call for the regular order.

### WENDELL H. FORD NATIONAL AIR TRANSPORTATION SYSTEM IMPROVEMENT ACT OF 1998

The PRESIDING OFFICER (Mr. ALLARD). Under the previous order, the Senate will now resume consideration of H.R. 4057, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4057) to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes.

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. Under the previous order, there will now be 20 minutes for debate, equally divided between the majority and minority leaders, prior to the vote on passage.

### SECTION 606

Mr. INHOFE. Mr. President, I would like to point out to the Chairman that Section 606 contains a provision that appears to grant priority status to a single carrier at Chicago O'Hare for the return of slots previously withdrawn for international service. If it is the intention of this provision to give one carrier at O'Hare preference in slot allocation, the Senate conferees must act in conference to remove this provision.

This provision appears to hand over roughly 35 slots that the dominant carrier at Chicago previously sought to obtain from the Federal Aviation Ad-

ministration (FAA) but was twice denied.

This provision would advantage a single carrier, which knew of the priority of slot withdrawal and should have planned its hub operations to take into account the effects. It strengthens a single carrier's position at O'Hare, a situation which the Congress should not legislate.

As this legislation goes to conference, the Senate is relying on the conferees to ensure Congress is evenhanded in these matters.

Mr. MCCAIN. I understand the Senator's concerns, which others have raised as well. I appreciate the Senator from Oklahoma expressing these views.

### DEATH ON THE HIGH SEAS ACT

Mr. WYDEN. I would like to engage in a colloquy with the gentleman from Arizona, the distinguished Chairman of the Commerce Committee, concerning provisions included in the FAA reauthorization bill to reform the Death on the High Seas Act.

Mr. MCCAIN. I would be happy to engage the gentleman from Oregon in a colloquy.

Mr. WYDEN. I thank the Chairman. As the Chairman knows, one of my constituents, John Sleavin, lost his brother and nephew and niece under tragic circumstances when their pleasure boat was run down on the high seas by a Korean freighter. The accident was especially tragic because after the collision there was no attempt by the Korean freighter to rescue the family or even to notify the authorities about the collision. Mr. Chairman, you were very gracious to me in allowing my constituent to testify before the Commerce Committee on the need to reform the Death on the High Seas Act (DOHSA) to provide just compensation for victims like my constituent. I believe he provided compelling testimony on the need for reforming DOHSA for

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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maritime accidents. The FAA reauthorization bill reforms DOHSA but only for aviation accidents. I would like to ask the Chairman whether he will commit to work with me to reform DOHSA comprehensively so the reforms cover both aviation and maritime accidents.

Mr. MCCAIN. Yes, I am committed to work with the Senator from Oregon and other Members who have an interest in this issue to explore this issue further and to work to reform DOHSA to appropriately provide victims of maritime accidents the same rights to recover for loss of their loved ones as are provided to victims of aviation accidents.

(At the request of Mr. MCCAIN, the following statement was ordered to be printed in the RECORD.)

PERIMETER RULE EXEMPTIONS

• Mrs. BOXER. Mr. President, the distinguished senior Senator from California, Senator FEINSTEIN, and I would like to ask the Chairman of the Committee on Commerce, Science and Transportation a question concerning the perimeter rule exemptions that are contained in S. 2279, the Wendell H. Ford National Air Transportation System Improvement Act.

Mr. MCCAIN. I will be delighted to respond to questions from the Senators from California.

Mrs. BOXER. We thank you. We first want to thank the members of the Commerce Committee for working so diligently to produce a comprehensive FAA reauthorization bill, and for giving us the opportunity to address a provision in this bill which affects the people of our state and many of the other western states.

Mrs. FEINSTEIN. The FAA reauthorization bill will provide important and necessary funding to our nation's aviation system. It is crucial that we work to pass this legislation before the end of this session. But, there is one provision in this bill that we must resolve before we can go forward. The exemptions to the Ronald Reagan Washington National Airport Perimeter Rule has come to our attention as a section of this bill which opens the door to an array of concerns. The change in the Perimeter Rule will allow for six new daily round trip flights between Reagan National Airport and airports beyond the 1,250-mile perimeter.

We have some questions as to who will be served if these exemptions are enacted by Congress. We would like to see the highest level of service provided to the most number of passengers. Do you believe that this Perimeter Rule exemption would prevent airlines from competing to provide the greatest amount of service to the most number of passengers?

Mr. MCCAIN. This provision included by the committee is intended to implement a process that will provide numerous domestic cities, including small and medium-sized communities, with improved service. However, the provision allows for competition for routes to larger communities.

Mrs. BOXER. I ask the distinguished chairman to yield to a further question.

Mr. MCCAIN. I will be happy to yield.

Mrs. BOXER. Specifically, would carriers be prevented from competing for routes from National Airport to Los Angeles or San Jose or other California airports under this bill?

Mr. MCCAIN. No. As long as carriers can demonstrate that their routes provide domestic network benefits and increase competition in multiple markets, they may compete for these non-stop routes, including select routes to California airports. •

Ms. SNOWE. Mr. President, I rise to express my support for the Wendell H. Ford National Air Transportation Improvement Act of 1998. As a member of the Commerce Aviation Subcommittee, it has been my privilege to work with Senator FORD on this and other bills to improve the quality and safety of air transportation in this country, and I believe it is a fitting tribute that we name this bill in his honor.

I appreciate the assistance I received from the Senator from Kentucky and from my good friend, the Chairman, Senator MCCAIN, in adding three amendments to this bill which I believe will help improve safety, quality and access.

I will vote for this bill because on the whole, it will benefit our airports and air travelers. But I do want to make it clear that I do not support sections 606 and 607. These sections will be detrimental to commercial air service to Maine and the other markets within the perimeter rule. While I will not be offering an amendment to strike these two sections, I would encourage the conferees to seriously consider the detrimental effects these sections will have on air service.

Section 606 will negatively alter the perimeter rule at Ronald Reagan Washington National Airport in a way that jeopardizes air service to Maine. It is my opinion that expanding the number of slots would clearly result in more negatives than positives.

Due to the current Federal Aviation Administration guidelines on the distance required between aircraft, adding flights at National airport will require air traffic controllers to choose between staying on schedule or sacrificing safety.

If more flights are added through the creation of these new slots in Section 606, the controller will have to place these flights more closely together in order to prevent delays in arrivals and departures. By decreasing the spacing of the flights in and out of Reagan National, it will create an unsafe situation by subjecting the flights to the jet wash, or turbulence, of flights in front of them. Such exposure to the jet wash, especially at take-off creates a terrible safety situation. One which will jeopardize lives of the traveling public.

I am also concerned about the way that section 606 distributes the new slots are distributed. Specifically, the section gives priority consideration to air carriers who have already had slots

withdrawn from them. This will result in the majority of new slots to go to one dominate carrier and further increase already overpriced business fares. Further, this language will overturn a March 1998, Department of Transportation decision concerning the distribution of slots.

I would also like to note my opposition to section 607, which modifies the perimeter rule. It is well established that the perimeter rule maintains a delicate balance between National Airport and Dulles International Airport. Under the perimeter rule, Dulles has flourished as an international gateway, and National has provided regional service to states such as Maine.

I believe that in the long run, violating the perimeter rule will hurt travelers from Maine. Eroding the perimeter rule will bring long-haul flights to National—short haul flights, in turn, will be rerouted to Dulles or eliminated altogether. Ironically, violating the perimeter rule would also hurt those underserved communities the legislation is designed to assist. Modifying the perimeter rule could encourage airlines at National to substitute long-haul flights for existing service to smaller communities within the perimeter.

I believe that the amendment offered by the Senator from Virginia, Mr. ROBB, which I have cosponsored, will mitigate some of the potential impact of modifying the perimeter rule by making it incumbent on the Secretary of Transportation to ensure that these changes will not reduce travel options for communities served by small and medium sized airports within the perimeter and not result in meaningful increases in travel delays.

I also would want to note the Dorgan-Snowe amendment that was adopted and to thank the Chairman and Ranking member for their helping in working through the language. The Dorgan-Snowe amendment would facilitate air service to under-served communities and encourage airline competition through non-discriminatory interconnection requirements by permitting the Secretary of Transportation to require major carriers to enter into agreements with new entrant air carriers which serve rural or underserved markets.

This amendment will give the Secretary of Transportation the authority to require an air carrier that serves an essential airport facility, such as a major hub, and has an exclusive—almost monopolistic—agreement with another airline which serves an underserved market to enter into a joint fare or interline agreement with a new air carrier, trying to enter the underserved market so that the people living in the rural or underserved area will have a competitive alternative and not be beholden to one airline.

This would allow a new airline to fly from a rural or underserved market to a hub airport which is dominated by a

major carrier and permit the traveler to continue to another market on the megacARRIER without having to purchase a second ticket or worrying if their bags will be transferred to the megacARRIER.

I want to make it perfectly clear. States which are primarily rural or have a large number of underserved markets will benefit from this amendment. Opponents of this amendment argue that this is re-regulation. Nothing is further from the truth. Senator DORGAN and I are establishing a mechanism which will allow new entrant carriers to be able to compete with the mega air carriers. Only if the Secretary believes that underserved markets will benefit and that competition will result, will an interline agreement be sanctioned.

It is interesting to note that when the commercial air carrier industry was deregulated, there were 19 domestic trunk-line and local service carriers. Of those 19, only 5 (American, Continental, Delta, Northwest, and United) airlines are still in existence. At the time of deregulation, eight of the 15 airlines controlled 80% of the market share. Today, the seven largest carriers control more than 90% of the market.

Some say that this is positive result of deregulation, claiming that deregulation was designed to promote a "survival of the fittest" type industry and promote profitability. Unfortunately, deregulation has actually hurt the vast majority of communities in the United States and the passengers who travel from small and medium sized markets. According to a Government Accounting Office report, the full benefits of deregulation have yet to be realized because of problems with entering the markets dominated by a major airline.

As a result of deregulation, consumers are actually paying far more for air travel. In fact, a doubling of an airline's market share on a particular route translates into a price increase of almost nine percent. Today, as a result of the lack of competition at small and medium sized markets, it is cheaper to fly from Washington, D.C. to Mexico City on an unrestricted ticket than it is to fly from Washington to Portland, Maine.

Our amendment would require carriers who enter into interline and joint fare agreements with other carriers, like those which have already been proposed and implemented on a limited basis by the megacarriers, to provide these agreements on a non-discriminatory basis to carriers seeking to provide service between an underserved market and a large hub airport in which one carrier has market dominance.

Open access like that proposed in this amendment is nothing new. In fact Congress, just two and one-half years ago, approved legislation with similar requirements. When Congress deregulated the telecommunications industry, the fundamental element to pro-

mote competition in that legislation was the requirement that the incumbent carriers would be required, by law, to allow their competitors to interconnect into their network.

In a situation analogous to the telecommunications market, in order to develop competition in the local market, we must impose, by law, the requirement that the dominant megacarriers, allow its competitors to interconnect into their networks. By adopting this amendment, new entrant carriers will be allowed to interconnect into the flight network of a major carrier which dominates a hub airport. In light of what has been required of other industries under the goal of promoting competition, this amendment makes sense if one wants to see a competitive airline industry.

The only way to allow for competition in this environment is to impose conditions on the major carriers to cooperate with their competitors. Interline and joint fares are necessary to ensure that the dominant carriers will not kill potential competitors.

Through the adoption of this amendment, much like the principle underlying the local competition in the telecommunications industry, we will be able to provide more choices, lower costs, and better service to the majority of markets across the country.

#### PERMANENT BAN ON ROCKY MOUNTAIN NATIONAL PARK COMMERCIAL TOUR OVERFLIGHTS

Mr. CAMPBELL. Mr. President, as I cast my vote in favor of final passage of the Federal Aviation Administration's Reauthorization bill, S.2279, I am pleased to bring attention to one special amendment to this bill.

The amendment which my colleague Senator ALLARD and I offered will make the FAA's temporary ban on commercial tour overflights permanent. I have been working toward permanently banning commercial tour overflights over Rocky Mountain National Park for many years now, and am pleased to see this provision pass the Senate.

As I cast my vote today, Coloradans will be one big step closer to being assured that they will be able to enjoy the scenic beauty of Rocky Mountain National Park without the noisy disturbances of commercial tour overflights.

At this time I want to thank Senator MCCAIN, who as the Chairman of the Commerce Committee, played a critical role in getting this amendment successfully included in the FAA bill.

Mr. INHOFE. Mr. President, section 606 subparagraph (6) of S. 2279 will have the unintended consequences of limiting competition at Chicago's O'Hare airport. I have spoke at length with Senators LOTT, MCCAIN, and FORD regarding my concerns with this provision and understand that it may be possible to correct this problem in conference. I hope that is the case.

This provision will allow those carriers who have lost landing/takeoff

slots to foreign air carriers at Chicago's O'Hare to get them back. On the surface this seems very fair; however, it will in fact unfairly favor the largest slot holder at O'Hare at the expense of other competitors and new entrants. Because the dominant carrier at O'Hare has lost the most slots, it stands to gain the most. The result will be less competition rather than more at O'Hare.

Mr. President, by way of further explanation on this issue, I would like to submit for the RECORD a letter Senator NICKLES and I sent to Senators LOTT, DASCHLE, MCCAIN, HOLLINGS, SHELBY, and LAUTENBERG describing our concerns and asking for their assistance in correcting the problem.

Knowing that the managers of the bill have worked very hard to increase competition, I am certain they share my concerns regarding market domination at O'Hare. In my discussions with Senator LOTT, he has assured me that he has no position on section 606 and would not object to this section being removed in conference.

I ask unanimous consent that the letter be printed in the RECORD.

UNITED STATES SENATE,  
Washington, DC, September 23, 1998.

Hon. TRENT LOTT,  
Majority Leader, U.S. Senate,  
Washington, DC.

Hon. TOM DASCHLE,  
Minority Leader, U.S. Senate,  
Washington, DC.

Hon. JOHN MCCAIN,  
Chairman, Senate Commerce, Science, and  
Transportation Committee, U.S. Senate,  
Washington, DC.

Hon. ERNEST F. HOLLINGS,  
Ranking Member, Senate Commerce, Science,  
and Transportation Committee, U.S. Senate,  
Washington, DC.

Hon. RICHARD C. SHELBY,  
Chairman, Subcommittee on Transportation,  
Senate Appropriations Committee, U.S. Senate,  
Washington, DC.

Hon. FRANK R. LAUTENBERG,  
Minority Member, Subcommittee on Transportation,  
Senate Appropriations Committee,  
U.S. Senate, Washington, DC.

DEAR SENATORS: We are writing to express our strong opposition to a proposal that would increase major airline dominance at a key hub airport while at the same time reversing a Federal Aviation Administration (FAA) decision and undercutting our international obligations. Specifically, a provision in Section 606 of FAA Reauthorization (S. 2279) would hand over roughly 35 slots at Chicago's O'Hare International Airport to its largest slot holder, United Airlines, while restricting access at that hub to its competitors and new entrants. It is our understanding that this special interest provision is being advised for inclusion in other pieces of "must-pass" legislation. Such special interest legislation benefiting one airline will no doubt lead to less competition and higher fares. We urge you to foster greater airline competition by deleting this special interest provision from S. 2279 and preventing it from being attached to other legislation.

Late last year, United petitioned FAA on just this issue and was rejected soundly. United sought priority for any future slot exemptions claiming they would replace the 35 slots withdrawn under FAA regulations and used by foreign carriers in order to meet our bilateral commitments. In a March 1998 order, FAA found that the public interest

would be best served by continuing to meet our aviation bilateral agreement commitments to international air transportation using the slots withdrawn from United and American Airlines at O'Hare, while using the slot exemptions to increase competition at that key airport. The priority by which slots were to be withdrawn was well known. United chose not to invest in better priority slots to protect its schedule and slot holdings. In rejecting United's request, FAA found:

"Since 1993 the FAA withdraws, on average, 31 air carrier slots from United, which is approximately four percent of United's domestic slot base. These slots are withdrawn based on a priority numbering system that was established by random lottery in 1986. Slots having the lowest numbers are most vulnerable to withdrawal, regardless of the slot holder. As articulated in our previous denial to United concerning this issue, United made its selection or acquisition of slots with vulnerable withdrawal priority and planned its hub operations fully knowing the effects of the rule's operations might have upon them . . . United knew, or should have known, that these slots were vulnerable in case of withdrawal."

We applaud the Commerce Committee's efforts to fashion a bill that promotes greater airline competition aimed at producing lower fares and improved service in all communities. Accordingly, we respectfully urge your support for striking this provision of section 606, the effect of which is directly opposite the intent of S. 2279 and other pro-competitive aviation legislation.

Sincerely,

JIM INHOFE,  
DON NICKLES.

Mr. BYRD. Mr. President, I support H.R. 4057, the Federal Aviation Administration (FAA) Reauthorization Act and I commend my colleagues on the bipartisan and expeditious manner in which this important legislation was adopted by the Senate. This bill will reauthorize the programs of the FAA for two years, including the Airport Improvement Program (AIP), which is due to expire on September 30. The purpose of the AIP is to provide grants to fund the capital needs of the nation's commercial airports and general aviation facilities. Without this important FAA reauthorization legislation to continue the contract authority for the AIP, the FAA would not be able to distribute airport grants that are vitally important to not only the State which I am honored to represent, West Virginia, but also the entire nation.

A major focus of H.R. 4057 is promoting competition and quality air service which, Mr. President, the State of West Virginia needs desperately. Since the deregulation of the airlines, West Virginia travelers have suffered from increased fares and greatly reduced service. Consequently, the inefficiencies in the present air transportation system and the high costs have denied air passengers and air freight shippers in West Virginia reasonable access to the national and international air transportation system.

Mother Nature has blessed the State of West Virginia with a beautiful but most unforgiving terrain. Steeply undulating mountains and deep gorges are punctuated by sweetly serene valleys and hollows, and West Virginia is

kind to those who need to travel through the State by automobile. Yet, despite the rigorous terrain of the State, most people have to drive great distances even to catch an airplane for what is usually the first of several stops en route to their final destination. In eastern West Virginia, residents travel to either Dulles or Reagan National Airports in Virginia; in the northern reaches, residents drive to Pennsylvania or Ohio; and in the southern portion of the State, they may have to drive to North Carolina to get to a major hub. Not only is the limited availability of flights and destinations a problem for air travel originating within West Virginia, but so is the exorbitant cost of air transportation to and from the State. For example, a round trip air ticket from Reagan National Airport to Yeager Airport in Charleston can cost almost \$700. That is almost \$700 to travel under 400 miles—and when you are done, you are only as far away as Washington, D.C. Leaving from Washington, \$700 can take you to Europe and back! This does not make sense to most hardworking West Virginians, and it discourages other travelers from visiting to experience West Virginia's many wonders for themselves.

With the advent of the 21st Century just around the corner, the West Virginia air travelers and businesses that rely on air freight will welcome this legislation. West Virginia's expected economic expansion in the 21st century will depend on its ability to compete not only in the national economy, but also in the ever-growing global economy. To successfully compete, quality, affordable, and efficient air transportation is needed to successfully round out West Virginia's increasingly modern infrastructure of highways, railways, and waterways.

Mr. President, this bill, H.R. 4057, contains other necessary language to help West Virginia progress into the new millennium. Major provisions of this bill are not only the AIP program, but also the Small Communities Air Service Development Program, and slot exemptions for nonstop regional jet service.

The Small Communities Air Service Development Program will be a four-year, \$30 million, small communities grant program. Executed through the Department of Transportation, this program will encourage commercial air service to small communities all over the United States, including those in West Virginia. By providing matching funds of up to 25 percent, a consortia of local communities in West Virginia is expected to compete for the grants of \$500,000 per year available per community.

It was Thomas Edison who said, "Restlessness and discontent are the necessities of progress." Mr. President, this captures the way that I feel about additional slot exemptions for nonstop regional jet service at Ronald Reagan National Airport. I share the concern

expressed by the distinguished Senators from the State of Maryland and the Commonwealth of Virginia regarding increased noise pollution in the localities surrounding Reagan National Airport. On the other hand, twelve additional slots to increase traffic between Washington and smaller, non-hub airports increases the likelihood of additional airline traffic to underserved areas like West Virginia. Improved air travel to and from States like West Virginia will be critical to my State's remaining competitive in the future and accessible in the present.

Mr. STEVENS. Mr. President, I yield back the time.

Mr. REID. Time is yielded back by this side.

The PRESIDING OFFICER. All time is yielded back.

Mr. STEVENS. Have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. STEVENS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time having been yielded back, the question is, Shall the bill, H.R. 4057, as amended, pass? The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Missouri (Mr. ASHCROFT) and the Senator from Idaho (Mr. KEMPTHORNE) are necessarily absent.

Mr. FORD. I announce that the Senator from California (Mrs. BOXER), the Senator from Ohio (Mr. GLENN), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Illinois (Ms. MOSELEY-BRAUN), and the Senator from Minnesota (Mr. WELLSTONE) are necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota (Mr. WELLSTONE) would vote "aye."

The result was announced—yeas 92, nays 1, as follows:

[Rollcall Vote No. 288 Leg.]

YEAS—92

Abraham	D'Amato	Hutchinson
Akaka	Daschle	Hutchison
Allard	DeWine	Inhofe
Baucus	Dodd	Inouye
Bennett	Domenici	Jeffords
Biden	Dorgan	Johnson
Bingaman	Durbin	Kennedy
Bond	Enzi	Kerrey
Breaux	Faircloth	Kerry
Brownback	Feingold	Kohl
Bryan	Feinstein	Kyl
Bumpers	Ford	Landrieu
Burns	Frist	Lautenberg
Byrd	Gorton	Leahy
Campbell	Graham	Levin
Chafee	Gramm	Lieberman
Cleland	Grams	Lott
Coats	Grassley	Lugar
Cochran	Gregg	Mack
Collins	Hagel	McCain
Conrad	Harkin	McConnell
Coverdell	Hatch	Mikulski
Craig	Helms	Moynihan

Murkowski  
Murray  
Nickles  
Reed  
Reid  
Roberts  
Rockefeller  
Roth

Santorum  
Sarbanes  
Sessions  
Shelby  
Smith (NH)  
Smith (OR)  
Snowe  
Specter

Stevens  
Thomas  
Thompson  
Thurmond  
Torricelli  
Warner  
Wyden

#### NAYS—1

Robb

#### NOT VOTING—7

Ashcroft  
Boxer  
Glenn

Hollings  
Kempthorne  
Moseley-Braun

Wellstone

The bill (H.R. 4057), as amended, was passed, as follows:

*Resolved*, That the bill from the House of Representatives (H.R. 4057) entitled "An Act to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

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

(a) *SHORT TITLE*.—This Act may be cited as the "Wendell H. Ford National Air Transportation System Improvement Act of 1998".

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

Sec. 1. Short title; table of sections.

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

#### TITLE I—AUTHORIZATIONS

Sec. 101. Federal Aviation Administration operations.

Sec. 102. Air navigation facilities and equipment.

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

Sec. 104. Reprogramming notification requirement.

Sec. 105. Airport security program.

Sec. 106. Contract tower programs

Sec. 107. Automated surface observation system stations.

#### TITLE II—AIRPORT IMPROVEMENT PROGRAM AMENDMENTS

Sec. 201. Removal of the cap on discretionary fund.

Sec. 202. Innovative use of airport grant funds.

Sec. 203. Matching share.

Sec. 204. Increase in apportionment for noise compatibility planning and programs.

Sec. 205. Technical amendments.

Sec. 206. Repeal of period of applicability.

Sec. 207. Report on efforts to implement capacity enhancements.

Sec. 208. Prioritization of discretionary projects.

Sec. 209. Public notice before grant assurance requirement waived.

Sec. 210. Definition of public aircraft.

Sec. 211. Terminal development costs.

Sec. 212. Airfield pavement conditions.

Sec. 213. Discretionary grants.

#### TITLE III—AMENDMENTS TO AVIATION LAW

Sec. 301. Severable services contracts for periods crossing fiscal years.

Sec. 302. Foreign carriers eligible for waiver under Airport Noise and Capacity Act.

Sec. 303. Government and industry consortia.

Sec. 304. Implementation of Article 83 Bis of the Chicago Convention.

Sec. 305. Foreign aviation services authority.

Sec. 306. Flexibility to perform criminal history record checks; technical amendments to Pilot Records Improvement Act.

Sec. 307. Aviation insurance program amendments.

Sec. 308. Technical corrections to civil penalty provisions.

Sec. 309. Criminal penalty for pilots operating in air transportation without an airman's certificate.

Sec. 310. Nondiscriminatory interline interconnection requirements.

#### TITLE IV—TITLE 49 TECHNICAL CORRECTIONS

Sec. 401. Restatement of 49 U.S.C. 106(g).

Sec. 402. Restatement of 49 U.S.C. 44909.

#### TITLE V—MISCELLANEOUS

Sec. 501. Oversight of FAA response to year 2000 problem.

Sec. 502. Cargo collision avoidance systems deadline.

Sec. 503. Runway safety areas; precision approach path indicators.

Sec. 504. Airplane emergency locators.

Sec. 505. Counterfeit aircraft parts.

Sec. 506. FAA may fine unruly passengers.

Sec. 507. Higher standards for handicapped access.

Sec. 508. Conveyances of United States Government land.

Sec. 509. Flight operations quality assurance rules.

Sec. 510. Wide area augmentation system.

Sec. 511. Regulation of Alaska air guides.

Sec. 512. Application of FAA regulations.

Sec. 513. Human factors program.

Sec. 514. Independent validation of FAA costs and allocations.

Sec. 515. Whistleblower protection for FAA employees.

Sec. 516. Report on modernization of oceanic ATC system.

Sec. 517. Report on air transportation oversight system.

Sec. 518. Recycling of EIS.

Sec. 519. Protection of employees providing air safety information.

Sec. 520. Improvements to air navigation facilities.

Sec. 521. Denial of airport access to certain air carriers.

Sec. 522. Tourism.

Sec. 523. Equivalency of FAA and EU safety standards.

Sec. 524. Sense of the Senate on property taxes on public-use airports.

Sec. 525. Federal Aviation Administration Personnel Management System.

Sec. 526. Aircraft and aviation component repair and maintenance advisory panel.

Sec. 527. Report on enhanced domestic airline competition.

Sec. 528. Aircraft situational display data.

Sec. 529. To express the sense of the Senate concerning a bilateral agreement between the United States and the United Kingdom regarding Charlotte-London route.

Sec. 530. To express the sense of the Senate concerning a bilateral agreement between the United States and the United Kingdom regarding Cleveland-London route.

Sec. 531. Allocation of Trust Fund funding.

Sec. 532. Taos Pueblo and Blue Lakes Wilderness Area demonstration project.

Sec. 533. Airline marketing disclosure.

Sec. 534. Certain air traffic control towers.

Sec. 535. Compensation under the Death on the High Seas Act.

#### TITLE VI—AVIATION COMPETITION PROMOTION

Sec. 601. Purpose.

Sec. 602. Establishment of small community aviation development program.

Sec. 603. Community-carrier air service program.

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Sec. 607. Exemptions to perimeter rule at Ronald Reagan Washington National Airport.

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#### TITLE VII—NATIONAL PARK OVERFLIGHTS

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#### TITLE VIII—CENTENNIAL OF FLIGHT COMMEMORATION

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Sec. 809. Exclusive right to name, logos, emblems, seals, and marks.

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Sec. 815. Authorization of appropriations.

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

Sec. 901. Extension of expenditure authority.

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

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

#### TITLE I—AUTHORIZATIONS

##### SEC. 101. FEDERAL AVIATION ADMINISTRATION OPERATIONS.

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

"(k) *AUTHORIZATION OF APPROPRIATIONS FOR OPERATIONS*.—

"(1) *IN GENERAL*.—There are authorized to be appropriated to the Secretary of Transportation for operations of the Administration \$5,631,000,000 for fiscal year 1999 and \$5,784,000,000 for fiscal year 2000. Of the amounts authorized to be appropriated for fiscal year 1999, not more than \$9,100,000 shall be used to support air safety efforts through payment of United States membership obligations, to be paid as soon as practicable.

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

"(3) *UNIVERSITY CONSORTIUM*.—There are authorized to be appropriated not more than \$9,100,000 for the 3 fiscal year period beginning with fiscal year 1999 to support a university consortium established to provide an air safety and security management certificate program, working cooperatively with the Federal Aviation Administration and United States air carriers. Funds authorized under this paragraph—

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

"(B) shall be awarded on the basis of open competition."

(b) *COORDINATION*.—The authority granted the Secretary under section 41717 of title 49, United States Code, does not affect the Secretary's authority under any other provision of law.

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

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

- “(1) for fiscal year 1999—
- “(A) \$222,800,000 for engineering, development, test, and evaluation: en route programs;
- “(B) \$74,700,000 for engineering, development, test, and evaluation: terminal programs;
- “(C) \$108,000,000 for engineering, development, test, and evaluation: landing and navigational aids;
- “(D) \$17,790,000 for engineering, development, test, and evaluation: research, test, and evaluation equipment and facilities programs;
- “(E) \$391,358,300 for air traffic control facilities and equipment: en route programs;
- “(F) \$492,315,500 for air traffic control facilities and equipment: terminal programs;
- “(G) \$38,764,400 for air traffic control facilities and equipment: flight services programs;
- “(H) \$50,500,000 for air traffic control facilities and equipment: other ATC facilities programs;
- “(I) \$162,400,000 for non-ATC facilities and equipment programs;
- “(J) \$14,500,000 for training and equipment facilities programs;
- “(K) \$280,800,000 for mission support programs;
- “(L) \$235,210,000 for personnel and related expenses; and
- “(2) \$2,189,000,000 for fiscal year 2000.”.

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

- (1) by striking “fiscal years 1995 and 1996” and inserting “fiscal years 1999 and 2000”; and
- (2) by striking “acquisition,” and inserting “acquisition under new or existing contracts.”.

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

**SEC. 103. AIRPORT PLANNING AND DEVELOPMENT AND NOISE COMPATIBILITY PLANNING AND PROGRAMS.**

(a) EXTENSION AND AUTHORIZATION.—Section 48103 is amended by—

- (1) striking “September 30, 1996,” and inserting “September 30, 1998,”; and
- (2) striking “\$2,280,000,000 for fiscal years ending before October 1, 1997, and \$4,627,000,000 for fiscal years ending before October 1, 1998.” and inserting “\$2,410,000,000 for fiscal years ending before October 1, 1999 and \$4,885,000,000 for fiscal years ending before October 1, 2000.”.

(b) PROJECT GRANT AUTHORITY.—Section 47104(c) is amended by striking “1998,” and inserting “2002.”.

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

Before reprogramming any amounts appropriated under section 106(k), 48101(a), or 48103 of title 49, United States Code, for which notification of the Committees on Appropriations of the Senate and the House of Representatives is required, the Secretary of Transportation shall submit a written explanation of the proposed reprogramming to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

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

(a) IN GENERAL.—Chapter 471 (as amended by section 202(a) of this Act) is amended by adding at the end thereof 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 non-profit 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 chapter analysis for such chapter (as amended by section 202(b) of this Act) is amended by inserting after the item relating to section 47135 the following:

“47136. Airport security program.”.

**SEC. 106. CONTRACT TOWER PROGRAM.**

There are authorized to be appropriated to the Secretary of Transportation such sums as may be necessary to carry out the Federal Contract Tower Program under title 49, United States Code.

**SEC. 107. AUTOMATED SURFACE OBSERVATION SYSTEM STATIONS.**

The Administrator of the Federal Aviation Administration shall not terminate human weather observers for Automated Surface Observation System stations until—

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

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

**TITLE II—AIRPORT IMPROVEMENT PROGRAM AMENDMENTS****SEC. 201. REMOVAL OF THE CAP ON DISCRETIONARY FUND.**

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

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

(a) CODIFICATION AND IMPROVEMENT OF 1996 PROGRAM.—Subchapter I of chapter 471 is amended by adding at the end thereof the following:

**“§47135. Innovative financing techniques**

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

“(b) PURPOSE.—The purpose of the demonstration program shall be to provide information on the use of innovative financing 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’ includes methods of financing projects that the Secretary determines may be beneficial to airport development, including—

- “(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 chapter analysis for chapter 471 is amended by inserting after the item relating to section 47134 the following:

“47135. Innovative financing techniques.”.

**SEC. 203. MATCHING SHARE.**

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

**SEC. 204. INCREASE IN APPORTIONMENT FOR NOISE COMPATIBILITY PLANNING AND PROGRAMS.**

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

**SEC. 205. TECHNICAL AMENDMENTS.**

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

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

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

- (1) by striking “ALTERNATIVE” in the subsection caption and inserting “SUPPLEMENTAL”;
- (2) in paragraph (1) by—

(A) striking “Instead of apportioning amounts for airports in Alaska under” and inserting “Notwithstanding”; and

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

- (3) striking paragraph (3) and inserting the following:

“(3) An amount apportioned under this subsection may be used for any public airport in Alaska.”.

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

(d) DISCRETIONARY FUND DEFINITION.—

(1) Section 47115 is amended—

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

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

(2) Section 47116 is amended—

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

(B) by redesignating paragraphs (1) and (2) in subsection (b) as subparagraphs (A) and (B), respectively, and inserting before subparagraph (A), as so redesignated, the following:

“(1) one-seventh for grants for projects at small hub airports (as defined in section 47131 of this title); and

“(2) the remaining amounts based on the following:”.

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

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

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

- (1) striking “or” at the end of clause (i) and redesignating clause (ii) as clause (iii); and
- (2) inserting after clause (i) the following:

“(ii) a privately-owned airport that, as a reliever airport, received Federal aid for airport development prior to October 9, 1996, but only if the Administrator issues revised administrative guidance after July 1, 1998, for the designation of reliever airports; or”.

(g) RELIEVER AIRPORTS NOT ELIGIBLE FOR LETTERS OF INTENT.—Section 47110(e)(1) is amended by striking “or reliever”.

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

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

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

- (3) by adding at the end thereof the following: “(D) in Alaska aboard an aircraft having a seating capacity of less than 20 passengers.”.

(i) 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 “transportation.” in paragraph (2)(D) and inserting “transportation; and”; and

- (3) by adding at the end thereof 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 carriers in the class constitutes not more than one percent of the total number of passengers enplaned annually at the airport at which the fee is imposed; or

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

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

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

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

- (1) Section 47151 is amended—

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

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

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

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

- (E) by adding at the end thereof the following:

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

- (2) Section 47152 is amended—

- (A) by striking “gifts” in the section caption and inserting “conveyances”; and

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

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

“47152. Terms of conveyances.”.

- (4) Section 47153(a) is amended—

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

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

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

(k) APPORTIONMENT FOR CARGO ONLY AIRPORTS.—Section 47114(c)(2)(A) is amended by striking “2.5 percent” and inserting “3 percent”.

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

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

- “(A) safety will not be negatively affected; and

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

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

#### SEC. 206. REPEAL OF PERIOD OF APPLICABILITY.

Section 125 of the Federal Aviation Reauthorization Act of 1996 (49 U.S.C. 47114 note) is repealed.

#### SEC. 207. REPORT ON EFFORTS TO IMPLEMENT CAPACITY ENHANCEMENTS.

Within 9 months after the date of enactment of this Act, the Secretary of Transportation shall report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on efforts by the Federal Aviation Administration to implement capacity enhancements and improvements, such as precision runway monitoring systems, and the time frame for implementation of such enhancements and improvements.

#### SEC. 208. PRIORITIZATION OF DISCRETIONARY PROJECTS.

Section 47120 is amended by—

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

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

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

#### SEC. 209. PUBLIC NOTICE BEFORE GRANT ASSURANCE REQUIREMENT WAIVED.

(a) IN GENERAL.—Notwithstanding any other provision of law to the contrary, the Secretary of Transportation may not waive any assurance required under section 47107 of title 49, United States Code, that requires property to be used for aeronautical purposes unless the Secretary provides notice to the public not less than 30 days before issuing any such waiver. Nothing in this section shall be construed to authorize the Secretary to issue a waiver of any assurance required under that section.

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

#### SEC. 210. DEFINITION OF PUBLIC AIRCRAFT.

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

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

- (2) by striking the “States.” in subclause (II) and inserting “States; or”; and

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

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

#### SEC. 211. TERMINAL DEVELOPMENT COSTS.

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

“(j) SHELL OF TERMINAL BUILDING.—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. 212. AIRFIELD PAVEMENT CONDITIONS.

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

- (1) improving the existing runway condition information contained in the Airport Safety Data Program by reviewing and revising rating criteria and providing increased training for inspectors;

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

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

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

#### SEC. 213. DISCRETIONARY GRANTS.

Notwithstanding any limitation on the amount of funds that may be expended for grants for noise abatement, if any funds made available under section 48103 of title 49, United States Code, remain available at the end of the fiscal year for which those funds were made available, and are not allocated under section 47115 of that title, or under any other provision relating to the awarding of discretionary grants from unobligated funds made available under section 48103 of that title, the Secretary of Transportation may use those funds to make discretionary grants for noise abatement activities.

### TITLE III—AMENDMENTS TO AVIATION LAW

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

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

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

“(a) IN GENERAL.—The Administrator of the Federal Aviation Administration may enter into a contract for procurement of severable services for a period that begins in one fiscal year and ends in the next fiscal year if (without regard to any option to extend the period of the contract) the contract period does not exceed one year.

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

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

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

#### SEC. 302. FOREIGN CARRIERS ELIGIBLE FOR WAIVER UNDER AIRPORT NOISE AND CAPACITY ACT.

The first sentence of section 47528(b)(1) is amended by inserting “or foreign air carrier”

after "air carrier" the first place it appears and after "carrier" the first place it appears.

### SEC. 303. GOVERNMENT AND INDUSTRY CONSORTIA.

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

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

### SEC. 304. IMPLEMENTATION OF ARTICLE 83 BIS OF THE CHICAGO CONVENTION.

Section 44701 is amended—

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

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

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

"(1) Notwithstanding the provisions of this chapter, and pursuant to Article 83 bis of the Convention on International Civil Aviation, the Administrator may, by a bilateral agreement with the aeronautical authorities of another country, exchange with that country all or part of their respective functions and duties with respect to aircraft described in subparagraphs (A) and (B), under the following articles of the Convention:

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

"(B) Article 31 (Certificates of Airworthiness).

"(C) Article 32a (Licenses of Personnel).

"(2) The agreement under paragraph (1) may apply to—

"(A) aircraft registered in the United States 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 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.

"(3) 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) of this subsection for United States-registered aircraft transferred abroad as described in subparagraph (A) of that paragraph, and accepts responsibility with respect to the functions and duties under those Articles for aircraft registered abroad that are transferred to the United States as described in subparagraph (B) of that paragraph.

"(4) The Administrator may, in the agreement under paragraph (1), predicate the transfer of these functions and duties on any conditions the Administrator deems necessary and prudent."

### SEC. 305. FOREIGN AVIATION SERVICES AUTHORITY.

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

### SEC. 306. FLEXIBILITY TO PERFORM CRIMINAL HISTORY RECORD CHECKS; TECHNICAL AMENDMENTS TO PILOT RECORDS IMPROVEMENT ACT.

Section 44936 is amended—

(1) by striking "subparagraph (C))" in subsection (a)(1)(B) and inserting "subparagraph (C), or in the case of passenger, baggage, or property screening at airports, the Administrator decides it is necessary to ensure air transportation security)";

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

(3) by inserting "or from a foreign government or entity that employed the individual," in subsection (f)(1)(B) after "exists,".

### SEC. 307. AVIATION INSURANCE PROGRAM AMENDMENTS.

(a) REIMBURSEMENT OF INSURED PARTY'S SUBROGEE.—Subsection (a) of 44309 is amended—

(1) by striking the subsection caption and the first sentence, and inserting the following:

"(a) LOSSES.—

"(1) 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 to the rights against the United States Government of a party insured under this chapter (other than under subsection 44305(b) of this title), under a contract between the person and such insured party; and

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

(2) by resetting the remainder of the subsection as a new paragraph and inserting "(2)" before "A civil action".

(b) EXTENSION OF AVIATION INSURANCE PROGRAM.—Section 44310 is amended by striking "1998." and inserting "2003."

### SEC. 308. TECHNICAL CORRECTIONS TO CIVIL PENALTY PROVISIONS.

Section 46301 is amended—

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

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

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

### SEC. 309. CRIMINAL PENALTY FOR PILOTS OPERATING IN AIR TRANSPORTATION WITHOUT AN AIRMAN'S CERTIFICATE.

(a) IN GENERAL.—Chapter 463 of title 49, United States Code, is amended by adding at the end the following:

"§46317. Criminal penalty for pilots operating in air transportation without an airman's certificate

"(a) APPLICATION.—This section applies only to aircraft used to provide air transportation.

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

"(1) knowingly and willfully serves or attempts to serve in any capacity as an airman without an airman's certificate authorizing the individual to serve in that capacity; or

"(2) knowingly and willfully employs for service or uses in any capacity as an airman an individual who does not have an airman's certificate authorizing the individual to serve in that capacity.

"(c) CONTROLLED SUBSTANCE CRIMINAL PENALTY.—(1) In this subsection, the term 'controlled substance' has the same meaning given that term in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802).

"(2) An individual violating subsection (b) shall be fined under title 18, imprisoned for not more than 5 years, or both, if the violation is related to transporting a controlled substance by aircraft or aiding or facilitating a controlled substance violation and that transporting, aiding, or facilitating—

"(A) is punishable by death or imprisonment of more than 1 year under a Federal or State law; or

"(B) is related to an act punishable by death or imprisonment for more than 1 year under a Federal or State law related to a controlled substance (except a law related to simple possession (as that term is used in section 46306(c)) of a controlled substance).

"(3) A term of imprisonment imposed under paragraph (2) shall be served in addition to, and not concurrently with, any other term of imprisonment imposed on the individual subject to the imprisonment."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 463 of title 49, United States Code, is amended by adding at the end the following:

"46317. Criminal penalty for pilots operating in air transportation without an airman's certificate."

### SEC. 310. NONDISCRIMINATORY INTERLINE INTERCONNECTION REQUIREMENTS.

(a) IN GENERAL.—Subchapter I of chapter 417 of title 49, United States Code, is amended by adding at the end thereof the following:

"§41716. Interline agreements for domestic transportation

"(a) NONDISCRIMINATORY REQUIREMENTS.—If a major air carrier that provides air service to an essential airport facility has any agreement involving ticketing, baggage and ground handling, and terminal and gate access with another carrier, it shall provide the same services to any requesting air carrier that offers service to a community selected for participation in the program under section 41743 under similar terms and conditions and on a nondiscriminatory basis within 30 days after receiving the request, as long as the requesting air carrier meets such safety, service, financial, and maintenance requirements, if any, as the Secretary may by regulation establish consistent with public convenience and necessity. The Secretary must review any proposed agreement to determine if the requesting carrier meets operational requirements consistent with the rules, procedures, and policies of the major carrier. This agreement may be terminated by either party in the event of failure to meet the standards and conditions outlined in the agreement."

"(b) DEFINITIONS.—In this section the term 'essential airport facility' means a large hub airport (as defined in section 41731(a)(3)) in the contiguous 48 States in which one carrier has more than 50 percent of such airport's total annual enplanements."

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 417 of title 49, United States Code, is amended by inserting after the item relating to section 41715 the following:

"41716. Interline agreements for domestic transportation."

### TITLE IV—TITLE 49 TECHNICAL CORRECTIONS

#### SEC. 401. RESTATEMENT OF 49 U.S.C. 106(g).

(a) IN GENERAL.—Section 106(g) is amended by striking "40113(a), (c), and (d), 40114(a), 40119, 44501(a) and (c), 44502(a)(1), (b) and (c), 44504, 44505, 44507, 44508, 44511–44513, 44701–44716, 44718(c), 44721(a), 44901, 44902, 44903(a)–(c) and (e), 44906, 44912, 44935–44937, and 44938(a) and (b), chapter 451, sections 45302–45304," and inserting "40113(a), (c)–(e), 40114(a), and 40119, and chapter 445 (except sections 44501(b), 44502(a)(2)–(4), 44503, 44506, 44509, 44510, 44514, and 44515), chapter 447 (except sections 44717, 44718(a) and (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".

(b) TECHNICAL CORRECTION.—The amendment made by this section may not be construed as making a substantive change in the language replaced.

**SEC. 402. RESTATEMENT OF 49 U.S.C. 44909.**

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

**TITLE V—MISCELLANEOUS****SEC. 501. OVERSIGHT OF FAA RESPONSE TO YEAR 2000 PROBLEM.**

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

**SEC. 502. CARGO COLLISION AVOIDANCE SYSTEMS DEADLINE.**

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

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

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

(2) other safety or public interest objectives.

(c) *COLLISION AVOIDANCE EQUIPMENT.*—For purposes of this section, the term "collision avoidance equipment" means TCAS II equipment (as defined by the Administrator), or any other similar system approved by the Administration for collision avoidance purposes.

**SEC. 503. RUNWAY SAFETY AREAS; PRECISION APPROACH PATH INDICATORS.**

Within 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall solicit comments on the need for—

(1) the improvement of runway safety areas; and

(2) the installation of precision approach path indicators.

**SEC. 504. AIRPLANE EMERGENCY LOCATORS.**

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

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

"(1) scheduled flights by scheduled air carriers holding certificates issued by the Secretary of Transportation under subpart II of this part;

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

"(3) flight operations related to the design and testing, manufacture, preparation, and delivery of aircraft;

"(4) showing compliance with regulations, exhibition, or air racing; or

"(5) the aerial application of a substance for an agricultural purpose."

(b) *COMPLIANCE.*—Section 44712 is amended by redesignating subsection (c) as subsection (d), and by inserting after subsection (b) the following:

"(c) *COMPLIANCE.*—An aircraft is deemed to meet the requirement of subsection (a) if it is equipped with an emergency locator transmitter that transmits on the 121.5/243 megahertz frequency or the 406 megahertz frequency, or with other equipment approved by the Secretary for meeting the requirement of subsection (a)."

(c) *EFFECTIVE DATE; REGULATIONS.*—

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

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

**SEC. 505. COUNTERFEIT AIRCRAFT PARTS.**

(a) *DENIAL; REVOCATION; AMENDMENT OF CERTIFICATE.*—

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

**"§44725. Denial and revocation of certificate for counterfeit parts violations"**

"(a) *DENIAL OF CERTIFICATE.*—

"(1) *IN GENERAL.*—Except as provided in paragraph (2) of this subsection and subsection (e)(2) of this section, the Administrator may not issue a certificate under this chapter to any person—

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

"(B) subject to a controlling or ownership interest of an individual convicted of such a violation.

"(2) *EXCEPTION.*—Notwithstanding paragraph (1), the Administrator may issue a certificate under this chapter to a person described in paragraph (1) if issuance of the certificate will facilitate law enforcement efforts.

"(b) *REVOCATION OF CERTIFICATE.*—

"(1) *IN GENERAL.*—Except as provided in subsections (f) and (g) of this section, the Administrator shall issue an order revoking a certificate issued under this chapter if the Administrator finds that the holder of the certificate, or an individual who has a controlling or ownership interest in the holder—

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

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

"(2) *NO AUTHORITY TO REVIEW VIOLATION.*—In carrying out paragraph (1) of this subsection, the Administrator may not review whether a person violated such a law.

"(c) *NOTICE REQUIREMENT.*—Before the Administrator revokes a certificate under subsection (b), the Administrator shall—

"(1) advise the holder of the certificate of the reason for the revocation; and

"(2) provide the holder of the certificate an opportunity to be heard on why the certificate should not be revoked.

"(d) *APPEAL.*—The provisions of section 44710(d) apply to the appeal of a revocation order under subsection (b). For the purpose of applying that section to such an appeal, 'person' shall be substituted for 'individual' each place it appears.

"(e) *AQUITTAL OR REVERSAL.*—

"(1) *IN GENERAL.*—The Administrator may not revoke, and the Board may not affirm a revocation of, a certificate under subsection (b)(1)(B) of this section if the holder of the certificate, or the individual, is acquitted of all charges related to the violation.

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

"(A) the former holder otherwise satisfies the requirements of this chapter for the certificate;

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

"(C) the conviction of the former holder, or individual, of the violation on which the revocation was based is reversed.

"(f) *WAIVER.*—The Administrator may waive revocation of a certificate under subsection (b) of this section if—

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

"(2) the waiver will facilitate law enforcement efforts.

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

"(1) an individual who had a controlling or ownership interest in the holder committed a

violation of a law for the violation of which a certificate may be revoked under this section, or knowingly carried out or facilitated an activity punishable under such a law; and

"(2) the holder satisfies the requirements for the certificate without regard to that individual, then the Administrator may amend the certificate to impose a limitation that the certificate will not be valid if that individual has a controlling or ownership interest in the holder. A decision by the Administrator under this subsection is not reviewable by the Board."

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

"44725. Denial and revocation of certificate for counterfeit parts violations".

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

"(c) *PROHIBITION ON EMPLOYMENT OF CONVICTED COUNTERFEIT PART DEALERS.*—No person subject to this chapter may employ anyone to perform a function related to the procurement, sale, production, or repair of a part or material, or the installation of a part into a civil aircraft, who has been convicted of a violation of any Federal or State law relating to the installation, production, repair, or sale of a counterfeit or falsely-represented aviation part or material."

**SEC. 506. FAA MAY FINE UNRULY PASSENGERS.**

(a) *IN GENERAL.*—Chapter 463 is amended by redesignating section 46316 as section 46317, and by inserting after section 46315 the following:

**"§46316. Interference with cabin or flight crew"**

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

"(b) *COMPROMISE AND SETOFF.*—

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

"(2) The Government may deduct the amount of a civil penalty imposed or compromised under this section from amounts it owes the individual liable for the penalty."

(b) *CONFORMING CHANGE.*—The chapter analysis for chapter 463 is amended by striking the item relating to section 46316 and inserting after the item relating to section 46315 the following:

"46316. Interference with cabin or flight crew.

"46317. General criminal penalty when specific penalty not provided."

**SEC. 507. HIGHER STANDARDS FOR HANDICAPPED ACCESS.**

(a) *ESTABLISHMENT OF HIGHER INTERNATIONAL STANDARDS.*—The Secretary of Transportation shall work with appropriate international organizations and the aviation authorities of other nations to bring about their establishment of higher standards for accommodating handicapped passengers in air transportation, particularly with respect to foreign air carriers that code-share with domestic air carriers.

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

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

(2) adding at the end thereof the following:

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

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

“(B) not less than \$2,500 and not more than \$5,000 for any subsequent violation, then that air carrier is liable to the United States Government for a civil penalty, determined by the Secretary, of not more than 100 percent of the amount of the credit or voucher so determined. For purposes of this paragraph, each act of discrimination prohibited by section 41705 constitutes a separate violation of that section.”.

#### SEC. 508. CONVEYANCES OF UNITED STATES GOVERNMENT LAND.

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

“(a) CONVEYANCES TO PUBLIC AGENCIES.—

“(1) REQUEST FOR CONVEYANCE.—Except as provided in subsection (b) of this section, the Secretary of Transportation—

“(A) shall request the head of the department, agency, or instrumentality of the United States Government owning or controlling land or airspace to convey a property interest in the land or airspace to the public agency sponsoring the project or owning or controlling the airport when necessary to carry out a project under this subchapter at a public airport, to operate a public airport, or for the future development of an airport under the national plan of integrated airport systems; and

“(B) may request the head of such a department, agency, or instrumentality to convey a property interest in the land or airspace to such a public agency for a use that will complement, facilitate, or augment airport development, including the development of additional revenue from both aviation and nonaviation sources.

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

“(A) decide whether the requested conveyance is consistent with the needs of the department, agency, or instrumentality;

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

“(C) make the requested conveyance if—

“(i) the requested conveyance is consistent with the needs of the department, agency, or instrumentality;

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

“(iii) the conveyance can be made without cost to the United States Government.

“(3) REVERSION.—Except as provided in subsection (b), a conveyance under this subsection may only be made on the condition that the property interest conveyed reverts to the Government, at the option of the Secretary, to the extent it is not developed for an airport purpose or used consistently with the conveyance.”.

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

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

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

“(b) RELEASE OF CERTAIN CONDITIONS.—The Secretary may grant a release from any term, condition, reservation, or restriction contained in any conveyance executed under this section, section 16 of the Federal Airport Act, section 23 of the Airport and Airway Development Act of 1970, or section 516 of the Airport and Airway Improvement Act of 1982, to facilitate the development of additional revenue from aeronautical and nonaeronautical sources if the Secretary—

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

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

“(3) provides preliminary notice to the head of the department, agency, or instrumentality that conveyed the property interest at least 30 days before executing the release;

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

“(5) includes in the release a written justification for the release of the property; and

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

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

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

#### SEC. 509. FLIGHT OPERATIONS QUALITY ASSURANCE RULES.

Not later than 90 days after the date of enactment of this Act, the Administrator shall issue a notice of proposed rulemaking to develop procedures to protect air carriers and their employees from civil enforcement action under the program known as Flight Operations Quality Assurance. 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 those procedures.

#### SEC. 510. WIDE AREA AUGMENTATION SYSTEM.

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

(b) REPORT.—Within 6 months after the date of enactment of this Act, the Administrator shall—

(1) report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure, on the plan developed under subsection (a);

(2) submit a timetable for implementing WAAS; and

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

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

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

#### SEC. 511. 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. 512. APPLICATION OF FAA REGULATIONS.

Section 40113 is amended by adding at the end thereof the following:

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

shall establish such regulatory distinctions as the Administrator considers appropriate.”.

#### SEC. 513. HUMAN FACTORS PROGRAM.

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

##### “§ 44516. Human factors program

“(a) OVERSIGHT COMMITTEE.—The Administrator of the Federal Aviation Administration shall establish an advanced qualification program oversight committee to advise the Administrator on the development and execution of Advanced Qualification Programs for air carriers under this section, and to encourage their adoption and implementation.

“(b) HUMAN FACTORS TRAINING.—

“(1) AIR TRAFFIC CONTROLLERS.—The Administrator shall—

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

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

“(2) PILOTS AND FLIGHT CREWS.—The Administrator shall work with the aviation industry to develop specific training curricula, within 12 months after the date of enactment of the Wendell H. Ford National Air Transportation System Improvement Act of 1998, to address critical safety problems, including problems of pilots—

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

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

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

“(D) in landing and approaches, including nonprecision approaches and go-around procedures.

“(c) ACCIDENT INVESTIGATIONS.—The Administrator, working with the National Transportation Safety Board and representatives of the aviation industry, shall establish a process to assess human factors training as part of accident and incident investigations.

“(d) TEST PROGRAM.—The Administrator shall establish a test program in cooperation with United States air carriers to use model Jeppesen approach plates or other similar tools to improve nonprecision landing approaches for aircraft.

“(e) ADVANCED QUALIFICATION PROGRAM DEFINED.—For purposes of this section, the term ‘advanced qualification program’ means an alternative method for qualifying, training, certifying, and ensuring the competency of flight crews and other commercial aviation operations personnel subject to the training and evaluation requirements of Parts 121 and 135 of title 14, Code of Federal Regulations.”.

(b) AUTOMATION AND ASSOCIATED TRAINING.—The Administrator shall complete the Administration's updating of training practices for automation and associated training requirements within 12 months after the date of enactment of this Act.

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

“44516. Human factors program.”.

#### SEC. 514. INDEPENDENT VALIDATION OF FAA COSTS AND ALLOCATIONS.

(a) INDEPENDENT ASSESSMENT.—

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

(2) **ASSESSMENT OF ADEQUACY AND ACCURACY OF FAA COST DATA AND ATTRIBUTIONS.**—To ensure that the method for capturing and distributing the overall costs of the Federal Aviation Administration is appropriate and reasonable, the Inspector General shall conduct an assessment that includes the following:

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

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

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

(iv) An assessment of the Federal Aviation Administration's system of internal controls for ensuring the consistency and reliability of reported data to begin immediately after full operational capability of the cost accounting system.

(B) A review and validation of the Federal Aviation Administration's definition of the services to which the Federal Aviation Administration ultimately attributes its costs, and the methods used to identify direct costs associated with the services.

(C) An assessment and validation of the general cost pools used by the Federal Aviation Administration, including the rationale for and reliability of the bases on which the Federal Aviation Administration proposes to allocate costs of services to users and the integrity of the cost pools as well as any other factors considered important by the Inspector General. Appropriate statistical tests shall be performed 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.

(b) **DEADLINE.**—The independent analyses described in this section shall be completed no later than 270 days after the contracts are awarded to the outside independent contractors. The Inspector General shall submit a final report combining the analyses done by its staff with those of the outside independent contractors to the Secretary of Transportation, the Administrator, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives. The final report shall be submitted by the Inspector General not later than 300 days after the award of contracts.

(c) **FUNDING.**—There are authorized to be appropriated such sums as may be necessary for the cost of the contracted audit services authorized by this section.

#### **SEC. 515. WHISTLEBLOWER PROTECTION FOR FAA EMPLOYEES.**

Section 347(b)(1) of Public Law 104-50 (49 U.S.C. 106, note) is amended by striking "protection;" and inserting "protection, including the provisions for investigations and enforcement as provided in chapter 12 of title 5, United States Code;"

#### **SEC. 516. REPORT ON MODERNIZATION OF OCEANIC ATC SYSTEM.**

The Administrator of the Federal Aviation Administration shall report to the Congress on plans to modernize the oceanic air traffic control system, including a budget for the program, a determination of the requirements for modernization, and, if necessary, a proposal to fund the program.

#### **SEC. 517. REPORT ON AIR TRANSPORTATION OVERSIGHT SYSTEM.**

Beginning in 1999, the Administrator of the Federal Aviation Administration shall report biannually to the Congress on the air transportation oversight system program announced by the Administration on May 13, 1998, in detail on the training of inspectors, the number of inspec-

tors using the system, air carriers subject to the system, and the budget for the system.

#### **SEC. 518. RECYCLING OF EIS.**

Notwithstanding any other provision of law to the contrary, the Secretary of Transportation may authorize the use, in whole or in part, of a completed environmental assessment or environmental impact study for a new airport construction project on the air operations area, that is substantially similar in nature to one previously constructed pursuant to the completed environmental assessment or environmental impact study in order to avoid unnecessary duplication of expense and effort, and any such authorized use shall meet all requirements of Federal law for the completion of such an assessment or study.

#### **SEC. 519. PROTECTION OF EMPLOYEES PROVIDING AIR SAFETY INFORMATION.**

(a) **GENERAL RULE.**—Chapter 421 of title 49, United States Code, is amended by adding at the end the following new subchapter:

##### **"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 of the air carrier or the contractor or subcontractor of an air carrier or otherwise discriminate against any such 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 any violation or alleged violation of any order, regulation, or standard of the Federal Aviation Administration or any other provision of Federal law relating to air carrier safety under this subtitle or any other law of the United States;

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

"(3) testified or will 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) **IN GENERAL.**—In accordance with this paragraph, a person may file (or have a person file on behalf of that person) a complaint with the Secretary of Labor if that person believes that an air carrier or contractor or subcontractor of an air carrier discharged or otherwise discriminated against that person in violation of subsection (a).

"(B) **REQUIREMENTS FOR FILING COMPLAINTS.**—A complaint referred to in subparagraph (A) may be filed not later than 90 days after an alleged violation occurs. The complaint shall state the alleged violation.

"(C) **NOTIFICATION.**—Upon receipt of a complaint submitted under subparagraph (A), the Secretary of Labor shall notify the air carrier, contractor, or subcontractor named in the complaint and the Administrator of the Federal Aviation Administration of the—

"(i) filing of the complaint;

"(ii) allegations contained in the complaint;

"(iii) substance of evidence supporting the complaint; and

"(iv) opportunities that are afforded to the air carrier, contractor, or subcontractor under paragraph (2).

"(2) **INVESTIGATION; PRELIMINARY ORDER.**—

"(A) **IN GENERAL.**—

"(i) **INVESTIGATION.**—Not later than 60 days after receipt of a complaint filed under paragraph (1) and after affording the person named in the complaint an opportunity to submit to the Secretary of Labor a written response to the complaint and an opportunity to meet with a representative of the Secretary to present statements from witnesses, the Secretary of Labor shall conduct an investigation and determine whether there is reasonable cause to believe that the complaint has merit and notify in writing the complainant and the person alleged to have committed a violation of subsection (a) of the Secretary's findings.

"(ii) **ORDER.**—Except as provided in subparagraph (B), if the Secretary of Labor concludes that there is reasonable cause to believe that a violation of subsection (a) has occurred, the Secretary shall accompany the findings referred to in clause (i) with a preliminary order providing the relief prescribed under paragraph (3)(B).

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

"(iv) **EFFECT OF FILING.**—The filing of objections under clause (iii) shall not operate to stay any reinstatement remedy contained in the preliminary order.

"(v) **HEARINGS.**—Hearings conducted pursuant to a request made under clause (iii) shall be conducted expeditiously. If a hearing is not requested during the 30-day period prescribed in clause (iii), the preliminary order shall be deemed a final order that is not subject to judicial review.

"(B) **REQUIREMENTS.**—

"(i) **REQUIRED SHOWING BY COMPLAINANT.**—The Secretary of Labor shall dismiss a complaint filed under this subsection and shall not conduct an investigation otherwise required under subparagraph (A) unless the complainant makes a prima facie showing that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

"(ii) **SHOWING BY EMPLOYER.**—Notwithstanding a finding by the Secretary that the complainant has made the showing required under clause (i), no investigation otherwise required under subparagraph (A) shall be conducted if the employer demonstrates, by clear and convincing evidence, that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

"(iii) **CRITERIA FOR DETERMINATION BY SECRETARY.**—The Secretary may determine that a violation of subsection (a) has occurred only if the complainant demonstrates that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

"(iv) **PROHIBITION.**—Relief may not be ordered under subparagraph (A) if the employer demonstrates by clear and convincing evidence that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

"(3) **FINAL ORDER.**—

"(A) **DEADLINE FOR ISSUANCE; SETTLEMENT AGREEMENTS.**—

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

"(I) provides relief in accordance with this paragraph; or

"(II) denies the complaint.

"(ii) **SETTLEMENT AGREEMENT.**—At any time before issuance of a final order under this paragraph, 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 air carrier, contractor, or

subcontractor 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 air carrier, contractor, or subcontractor that the Secretary of Labor determines to have committed the violation to—

“(i) take action to abate the violation;

“(ii) reinstate the complainant to the former position of the complainant and ensure the payment of compensation (including back pay) and the restoration of terms, conditions, and privileges associated with the employment; and

“(iii) provide compensatory damages to the complainant.

“(C) COSTS OF COMPLAINT.—If the Secretary of Labor issues a final order that provides for relief in accordance with this paragraph, the Secretary of Labor, at the request of the complainant, shall assess against the air carrier, contractor, or subcontractor named in the order an amount equal to the aggregate amount of all costs and expenses (including attorney and expert witness fees) reasonably incurred by the complainant (as determined by the Secretary of Labor) for, or in connection with, the bringing of the complaint that resulted in the issuance of the order.

“(4) REVIEW.—

“(A) APPEAL TO COURT OF APPEALS.—

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

“(ii) REQUIREMENTS FOR JUDICIAL REVIEW.—A review conducted under this paragraph shall be conducted in accordance with chapter 7 of title 5. The commencement of proceedings under this subparagraph shall not, unless ordered by the court, operate as a stay of the order that is the subject of the review.

“(B) LIMITATION ON COLLATERAL ATTACK.—An order referred to in subparagraph (A) shall not be subject to judicial review in any criminal or other civil proceeding.

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

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

“(B) RELIEF.—In any action brought under this paragraph, the district court shall have jurisdiction to grant any appropriate form of relief, including injunctive relief and compensatory damages.

“(6) ENFORCEMENT OF ORDER BY PARTIES.—

“(A) COMMENCEMENT OF ACTION.—A person on whose behalf an order is issued under paragraph (3) may commence a civil action against the air carrier, contractor, or subcontractor named in the order to require compliance with the 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 the order.

“(B) ATTORNEY FEES.—In issuing any final order under this paragraph, the court may award costs of litigation (including reasonable attorney and expert witness fees) to any party if the court determines that the awarding of those costs 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, or con-

tractor or subcontractor of an air carrier who, acting without direction from the air carrier (or an agent, contractor, or subcontractor of the air carrier), deliberately causes a violation of any requirement relating to air carrier safety under this subtitle or any other law of the United States.”.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 421 of title 49, United States Code, is amended by adding at the end the following:

#### “SUBCHAPTER III—WHISTLEBLOWER PROTECTION PROGRAM

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

(c) CIVIL PENALTY.—Section 46301(a)(1)(A) of title 49, United States Code, is amended by striking “subchapter II of chapter 421,” and inserting “subchapter II or III of chapter 421.”.

#### SEC. 520. IMPROVEMENTS TO AIR NAVIGATION FACILITIES.

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

“(5) The Administrator may improve real property leased for air navigation facilities without regard to the costs of the improvements in relation to the cost of the lease if—

“(A) the improvements primarily benefit the government;

“(B) are essential for mission accomplishment; and

“(C) the government's interest in the improvements is protected.”.

#### SEC. 521. DENIAL OF AIRPORT ACCESS TO CERTAIN AIR CARRIERS.

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

“(g) DENIAL OF ACCESS.—

“(1) EFFECT OF DENIAL.—If an owner or operator of an airport described in paragraph (2) denies access to an air carrier described in paragraph (3), that denial shall not be considered to be unreasonable or unjust discrimination or a violation of this section.

“(2) AIRPORTS TO WHICH SUBSECTION APPLIES.—An airport is described in this paragraph if it—

“(A) is designated as a reliever airport by the Administrator of the Federal Aviation Administration;

“(B) does not have an operating certificate issued under part 139 of title 14, Code of Federal Regulations (or any subsequent similar regulations); and

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

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

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

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

“(4) DEFINITIONS.—In this subsection:

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

“(B) PUBLIC CHARTER.—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. 522. TOURISM.

(a) FINDINGS.—Congress finds that—

(1) through an effective public-private partnership, Federal, State, and local governments and the travel and tourism industry can successfully market the United States as the premiere international tourist destination in the world;

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

(A) The industry is one of the Nation's largest employers, directly employing 7,000,000 Americans, throughout every region of the country, heavily concentrated among small businesses, and indirectly employing an additional 9,200,000 Americans, for a total of 16,200,000 jobs.

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

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

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

(3) the more than \$98,000,000,000 spent by foreign visitors in the United States in 1997 generated a trade services surplus of more than \$26,000,000,000;

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

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

(6) a well-funded, well-coordinated international marketing effort—combined with additional public and private sector efforts—would help small and large businesses, as well as State and local governments, share in the anticipated phenomenal growth of the international travel and tourism market in the 21st century;

(7) by making permanent the successful visa waiver pilot program, Congress can facilitate the increased flow of international visitors to the United States;

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

(A) improving international signage at airports, seaports, land border crossings, highways, and bus, train, and other public transit stations in the United States;

(B) increasing the availability of multilingual tourist information; and

(C) creating a toll-free, private-sector operated, telephone number, staffed by multilingual operators, to provide assistance to international tourists coping with an emergency;

(9) by establishing a satellite system of accounting for travel and tourism, the Secretary of Commerce could provide Congress and the President with objective, thorough data that would help policymakers more accurately gauge the size and scope of the domestic travel and tourism industry and its significant impact on the health of the Nation's economy; and

(10) having established the United States National Tourism Organization under the United States National Tourism Organization Act of 1996 (22 U.S.C. 2141 et seq.) to increase the United States share of the international tourism market by developing a national travel and tourism strategy, Congress should support a long-term marketing effort and other important regulatory reform initiatives to promote increased travel to the United States for the benefit of every sector of the economy.

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

(c) INTERNATIONAL VISITOR ASSISTANCE TASK FORCE.—

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

(2) **DUTIES.**—The Task Force shall examine—  
(A) signage at facilities in the United States, including airports, seaports, land border crossings, highways, and bus, train, and other public transit stations, and shall identify existing inadequacies and suggest solutions for such inadequacies, such as the adoption of uniform standards on international signage for use throughout the United States in order to facilitate international visitors' travel in the United States;

(B) the availability of multilingual travel and tourism information and means of disseminating, at no or minimal cost to the Government, of such information; and

(C) facilitating the establishment of a toll-free, private-sector operated, telephone number, staffed by multilingual operators, to provide assistance to international tourists coping with an emergency.

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

(A) The Secretary of Commerce.  
(B) The Secretary of State.  
(C) The Secretary of Transportation.  
(D) The Chair of the Board of Directors of the United States National Tourism Organization.

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

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

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

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

(1) **IN GENERAL.**—The Secretary of Commerce shall complete, as soon as may be practicable, a satellite system of accounting for the travel and tourism industry.

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

(e) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **AUTHORIZATION.**—Subject to paragraph (2), there are authorized to be appropriated such sums as may be necessary for the purpose of funding international promotional activities by the United States National Tourism Organization to help brand, position, and promote the United States as the premiere travel and tourism destination in the world.

(2) **RESTRICTIONS ON USE OF FUNDS.**—None of the funds appropriated under paragraph (1) may be used for purposes other than marketing, research, outreach, or any other activity designed to promote the United States as the premiere travel and tourism destination in the world, except that the general and administrative expenses of operating the United States National Tourism Organization shall be borne by the private sector through such means as the Board of Directors of the Organization shall determine.

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

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

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

(C) an analysis of the impact of international tourism on the United States economy, including, as specifically as practicable, an analysis of the impact of expenditures made pursuant to this section;

(D) an analysis of the impact of international tourism on the United States trade balance and, as specifically as practicable, an analysis of the impact on the trade balance of expenditures made pursuant to this section; and

(E) an analysis of other relevant economic impacts as a result of expenditures made pursuant to this section.

#### **SEC. 523. EQUIVALENCY OF FAA AND EU SAFETY STANDARDS.**

The Administrator of the Federal Aviation Administration shall determine whether the Administration's safety regulations are equivalent to the safety standards set forth in European Union Directive 89/336EEC. If the Administrator determines that the standards are equivalent, the Administrator shall work with the Secretary of Commerce to gain acceptance of that determination pursuant to the Mutual Recognition Agreement between the United States and the European Union of May 18, 1998, in order to ensure that aviation products approved by the Administration are acceptable under that Directive.

#### **SEC. 524. SENSE OF THE SENATE ON PROPERTY TAXES ON PUBLIC-USE AIRPORTS.**

It is the sense of the Senate that—

(1) property taxes on public-use airports should be assessed fairly and equitably, regardless of the location of the owner of the airport; and

(2) the property tax recently assessed on the City of The Dalles, Oregon, as the owner and operator of the Columbia Gorge Regional/The Dalles Municipal Airport, located in the State of Washington, should be repealed.

#### **SEC. 525. FEDERAL AVIATION ADMINISTRATION PERSONNEL MANAGEMENT SYSTEM.**

(a) **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 a semicolon and “and”; and

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

(b) **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.”

#### **SEC. 526. AIRCRAFT AND AVIATION COMPONENT REPAIR AND MAINTENANCE ADVISORY PANEL.**

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

(1) shall establish an Aircraft Repair and Maintenance Advisory Panel to review issues related to the use and oversight of aircraft and aviation component repair and maintenance facilities located within, or outside of, the United States; and

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

(b) **MEMBERSHIP.**—The panel shall consist of—  
(1) 8 members, appointed by the Administrator as follows:

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

(B) 1 representative of cargo air carriers;

(C) 1 representative of passenger air carriers;

(D) 1 representative of aircraft and aviation component repair stations;

(E) 1 representative of aircraft manufacturers; and

(F) 1 representative of the aviation industry not described in the preceding subparagraphs;

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

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

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

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

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

(2) provide advice and counsel to the Administrator with respect to aircraft and aviation component repair work performed by those stations, staffing needs, and any safety issues associated with that work.

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

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

(2) **DRUG AND ALCOHOL TESTING INFORMATION.**—Included in the information the Administrator requests under paragraph (1) shall be information on the existence and administration of employee drug and alcohol testing programs in place at such stations, if applicable.

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

(e) **FAA TO REQUEST INFORMATION ABOUT DOMESTIC AIRCRAFT REPAIR STATIONS.**—If the Administrator determines that information on the volume of the use of domestic aircraft and aviation component repair stations is needed in order to better utilize Federal Aviation Administration resources, the Administrator may—

(1) require United States air carriers to submit the information described in subsection (d) with respect to their use of contract and noncontract aircraft and aviation component repair facilities located in the United States; and

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

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

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

(1) the date that is 2 years after the date of enactment of this Act; or

(2) December 31, 2000.

(h) **ANNUAL REPORT TO CONGRESS.**—The Administrator shall report annually to the Congress on the number and location of air agency

certificates that were revoked, suspended, or not renewed during the preceding year.

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

**SEC. 527. REPORT ON ENHANCED DOMESTIC AIRLINE COMPETITION.**

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

(1) There has been a reduction in the level of competition in the domestic airline business brought about by mergers, consolidations, and proposed domestic alliances.

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

(b) **STUDY.**—The Secretary of Transportation, after consulting the appropriate Federal agencies, shall study and report to the Congress not later than December 31, 1998, on the desirability and implications of—

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

(2) changing the definition of air carrier in section 40102(a)(2) of such title by substituting “a company whose principal place of business is in the United States” for “a citizen of the United States”.

**SEC. 528. AIRCRAFT SITUATIONAL DISPLAY DATA.**

(a) **IN GENERAL.**—A memorandum of agreement between the Administrator of the Federal Aviation Administration and any person directly that obtains aircraft situational display data from the Administration shall require that—

(1) the person demonstrate to the satisfaction of the Administrator that such person is capable of selectively blocking the display of any aircraft-situation-display-to-industry derived data related to any identified aircraft registration number; and

(2) the person agree to block selectively the aircraft registration numbers of any aircraft owner or operator upon the Administration's request.

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

**SEC. 529. TO EXPRESS THE SENSE OF THE SENATE CONCERNING A BILATERAL AGREEMENT BETWEEN THE UNITED STATES AND THE UNITED KINGDOM REGARDING CHARLOTTE-LONDON ROUTE.**

(a) **DEFINITIONS.**—In this section:

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

(2) **BERMUDA II AGREEMENT.**—The term “Bermuda II Agreement” means the Agreement Between the United States of America and United Kingdom of Great Britain and Northern Ireland Concerning Air Services, signed at Bermuda on July 23, 1977 (TIAS 8641).

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

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

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

(b) **FINDINGS.**—Congress finds that—

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

(2) the Secretary awarded the Charlotte-London (Gatwick) route to US Airways on Sep-

tember 12, 1997, and on May 7, 1998, US Airways announced plans to launch nonstop service in competition with the monopoly held by British Airways on the route and to provide convenient single-carrier one-stop service to the United Kingdom from dozens of cities in North Carolina and South Carolina and the surrounding region;

(3) US Airways was forced to cancel service for the Charlotte-London (Gatwick) route for the summer of 1998 and the following winter because the Government of the United Kingdom refused to provide commercially viable access to Gatwick Airport;

(4) British Airways continues to operate monopoly service on the Charlotte-London (Gatwick) route and recently upgraded the aircraft for that route to B-777 aircraft;

(5) British Airways had been awarded an additional monopoly route between London England and Denver, Colorado, resulting in a total of 10 monopoly routes operated by British Airways between the United Kingdom and points in the United States;

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

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

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

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

(2) intensify efforts to obtain the necessary assurances from the Government of the United Kingdom to allow an air carrier of the United States to operate commercially viable, competitive service for the Charlotte-London (Gatwick) route; and

(3) ensure that the rights of the Government of the United States and citizens and air carriers of the United States are enforced under the Bermuda II Agreement before seeking to renegotiate a broader bilateral agreement to establish additional rights for air carriers of the United States and foreign carriers of the United Kingdom.

**SEC. 530. TO EXPRESS THE SENSE OF THE SENATE CONCERNING A BILATERAL AGREEMENT BETWEEN THE UNITED STATES AND THE UNITED KINGDOM REGARDING CLEVELAND-LONDON ROUTE.**

(a) **DEFINITIONS.**—In this section:

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

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

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

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

(5) **CLEVELAND-LONDON (GATWICK) ROUTE.**—The term “Cleveland-London (Gatwick) route” means the route between Cleveland, Ohio, and the Gatwick Airport in London, England.

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

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

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

(b) **FINDINGS.**—Congress finds that—

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

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

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

(C) on August 4, 1998, the Secretary tentatively renewed the authority of Continental Airlines to carry out the nonstop service referred to in subparagraph (B) and selected Cleveland, Ohio, as a new gateway under the Bermuda II Agreement;

(3) unless the Government of the United Kingdom provides Continental Airlines commercially viable access to Gatwick Airport, Continental Airlines will not be able to initiate service on the Cleveland-London (Gatwick) route; and

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

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

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

(2) intensify efforts to obtain the necessary assurances from the Government of the United Kingdom to allow an air carrier of the United States to operate commercially viable, competitive service for the Cleveland-London (Gatwick) route; and

(3) ensure that the rights of the Government of the United States and citizens and air carriers of the United States are enforced under the Bermuda II Agreement before seeking to renegotiate a broader bilateral agreement to establish additional rights for air carriers of the United States and foreign air carriers of the United Kingdom, including the right to commercially viable competitive slots at Gatwick Airport and Heathrow Airport in London, England, for air carriers of the United States.

**SEC. 531. ALLOCATION OF TRUST FUND FUNDING.**

(a) **DEFINITIONS.**—In this section:

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

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

(3) **STATE.**—The term “State” means each of the States, the District of Columbia, and the Commonwealth of Puerto Rico.

(4) **STATE DOLLAR CONTRIBUTION TO THE AIRPORT AND AIRWAY TRUST FUND.**—The term “State dollar contribution to the Airport and Airway Trust Fund”, with respect to a State and fiscal year, means the amount of funds equal to the amounts transferred to the Airport and Airway Trust Fund under section 9502 of the Internal Revenue Code of 1986 that are equivalent to the taxes described in section 9502(b) of the Internal Revenue Code of 1986 that are collected in that State.

(b) **REPORTING.**—

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

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

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

(B) the amount of funds (from funds made available under section 48103 of title 49, United States Code) that were made available to the State (including any political subdivision thereof) under chapter 471 of title 49, United States Code.

**SEC. 532. TAOS PUEBLO AND BLUE LAKES WILDERNESS AREA DEMONSTRATION PROJECT.**

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

**SEC. 533. AIRLINE MARKETING DISCLOSURE.**

(a) **DEFINITIONS.**—In this section:

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

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

(b) **FINAL REGULATIONS.**—Not later than 90 days after the date of enactment of this Act, the Secretary of Transportation shall promulgate final regulations to provide for improved oral and written disclosure to each consumer of air transportation concerning the corporate name of the air carrier that provides the air transportation purchased by that consumer. In issuing the regulations issued under this subsection, the Secretary shall take into account the proposed regulations issued by the Secretary on January 17, 1995, published at page 3359, volume 60, Federal Register.

**SEC. 534. CERTAIN AIR TRAFFIC CONTROL TOWERS.**

Notwithstanding any other provision of law, regulation, intergovernmental circular advisories or other process, or any judicial proceeding or ruling to the contrary, the Federal Aviation Administration shall use such funds as necessary to contract for the operation of air traffic control towers, located in Salisbury, Maryland; Bozeman, Montana; and Boca Raton, Florida: Provided, That the Federal Aviation Administration has made a prior determination of eligibility for such towers to be included in the contract tower program.

**SEC. 535. COMPENSATION UNDER THE DEATH ON THE HIGH SEAS ACT.**

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

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

(2) adding at the end thereof the following:

“(b) **COMMERCIAL AVIATION.**—

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

“(2) **INFLATION ADJUSTMENT.**—The \$750,000 amount shall be adjusted, beginning in calendar year 2000 by the increase, if any, in the Consumer Price Index for all urban consumers for the prior year over the Consumer Price Index for all urban consumers for the calendar year 1998.

“(3) **NONPECUNIARY DAMAGES.**—For purposes of this subsection, the term ‘nonpecuniary damages’ means damages for loss of care, comfort, and companionship.”

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) applies to any death caused during commercial aviation occurring after July 16, 1996.

**TITLE VI—AVIATION COMPETITION PROMOTION**

**SEC. 601. PURPOSE.**

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

**SEC. 602. ESTABLISHMENT OF SMALL COMMUNITY AVIATION DEVELOPMENT PROGRAM.**

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

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

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

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

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

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

“(C) carry out the airline service restoration program under sections 41744, 41745, and 41746 of this title;

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

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

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

“(3) **REPORTS.**—The program director shall provide an annual report to the Secretary and the Congress beginning in 1999 that—

“(A) analyzes the availability of air transportation services in small communities, including, but not limited to, an assessment of the air fares charged for air transportation services in small communities compared to air fares charged for air transportation services in larger metropolitan areas and an assessment of the levels of service, measured by types of aircraft used, the availability of seats, and scheduling of flights, provided to small communities;

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

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

**SEC. 603. COMMUNITY-CARRIER AIR SERVICE PROGRAM.**

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

**“§41743. Air service program for small communities**

“(a) **COMMUNITIES PROGRAM.**—Under advisory guidelines prescribed by the Secretary of Transportation, a small community or a consortia of small communities or a State may develop an assessment of its air service requirements, in such form as the program director designated by the Secretary under section 102(g) may require, and submit the assessment and service proposal to the program director.

“(b) **SELECTION OF PARTICIPANTS.**—In selecting community programs for participation in the communities program under subsection (a), the

program director shall apply criteria, including geographical diversity and the presentation of unique circumstances, that will demonstrate the feasibility of the program. For purposes of this subsection, the application of geographical diversity criteria means criteria that—

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

“(2) will involve the participation of communities in all regions of the country.

“(c) **CARRIERS PROGRAM.**—The program director shall invite part 121 air carriers and regional/commuter carriers (as such terms are defined in section 41715(d) of this title) to offer service proposals in response to, or in conjunction with, community aircraft service assessments submitted to the office under subsection (a). A service proposal under this paragraph shall include—

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

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

“(3) the costs and benefits of providing jet service by regional or other jet aircraft.

“(d) **PROGRAM SUPPORT FUNCTION.**—The program director shall work with small communities and air carriers, taking into account their proposals and needs, to facilitate the initiation of service. The program director—

“(1) may work with communities to develop innovative means and incentives for the initiation of service;

“(2) may obligate funds appropriated under section 604 of the Wendell H. Ford National Air Transportation System Improvement Act of 1998 to carry out this section;

“(3) shall continue to work with both the carriers and the communities to develop a combination of community incentives and carrier service levels that—

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

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

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

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

“(e) **LIMITATIONS.**—

“(1) **COMMUNITY SUPPORT.**—The program director may not provide financial assistance under subsection (c)(2) to any community unless the program director determines that—

“(A) a public-private partnership exists at the community level to carry out the community's proposal;

“(B) the community will make a substantial financial contribution that is appropriate for that community's resources, but of not less than 25 percent of the cost of the project in any event;

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

“(D) the community will accord similar benefits to air carriers that are similarly situated.

“(2) **AMOUNT.**—The program director may not obligate more than \$30,000,000 of the amounts appropriated under 604 of the Wendell H. Ford National Air Transportation System Improvement Act of 1998 over the 4 years of the program.

“(3) **NUMBER OF PARTICIPANTS.**—The program established under subsection (a) shall not involve more than 40 communities or consortia of communities.

“(f) **REPORT.**—The program director shall report through the Secretary to the Congress annually on the progress made under this section

during the preceding year in expanding commercial aviation service to smaller communities.

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

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

“(1) to assist communities and States with inadequate access to the national transportation system to improve their access to that system; and

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

“(b) **PROJECT AUTHORITY.**—Under the pilot program established pursuant to subsection (a), the program director may—

“(1) out of amounts appropriated under section 604 of the Wendell H. Ford National Air Transportation System Improvement Act of 1998, provide financial assistance by way of grants to small communities or consortia of small communities under section 41743 of up to \$500,000 per year; and

“(2) take such other action as may be appropriate.

“(c) **OTHER ACTION.**—Under the pilot program established pursuant to subsection (a), the program director may facilitate service by—

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

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

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

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

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

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

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

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

For purposes of this subsection, a consortium of communities shall be treated as a single community.

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

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

“(2) the pilot project will provide material benefits to a broad section of the travelling public, businesses, educational institutions, and other enterprises whose access to the national air transportation system is limited;

“(3) the pilot project will not impede competition; and

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

“(c) **COORDINATION WITH OTHER PROVISIONS OF SUBCHAPTER.**—The Secretary shall carry out the 4-year pilot program authorized by this subchapter in such a manner as to complement action taken under the other provisions of this subchapter. To the extent the Secretary deter-

mines to be appropriate, the Secretary may adopt criteria for implementation of the 4-year pilot program that are the same as, or similar to, the criteria developed under the preceding sections of this subchapter for determining which airports are eligible under those sections. The Secretary shall also, to the extent possible, provide incentives where no direct, viable, and feasible alternative service exists, taking into account geographical diversity and appropriate market definitions.

“(d) **MAXIMIZATION OF PARTICIPATION.**—The Secretary shall structure the program established pursuant to section 41744(a) in a way designed to—

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

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

“(A) progressively decreasing, on a project-by-project basis, any Federal financial incentives provided under this chapter over the 4-year period; and

“(B) terminating as early as feasible Federal financial incentives for any project determined by the Secretary after its implementation to be—

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

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

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

“(f) **PROGRAM TO TERMINATE IN 4 YEARS.**—No new financial assistance may be provided under this subchapter for any fiscal year beginning more than 4 years after the date of enactment of the Wendell H. Ford National Air Transportation System Improvement Act of 1998.

**“§41746. Additional authority**

“In carrying out this chapter, the Secretary—

“(1) may provide assistance to States and communities in the design and application phase of any project under this chapter, and oversee the implementation of any such project;

“(2) may assist States and communities in putting together projects under this chapter to utilize private sector resources, other Federal resources, or a combination of public and private resources;

“(3) may accord priority to service by jet aircraft;

“(4) take such action as may be necessary to ensure that financial resources, facilities, and administrative arrangements made under this chapter are used to carry out the purposes of title VI of the Wendell H. Ford National Air Transportation System Improvement Act of 1998; and

“(5) shall work with the Federal Aviation Administration on airport and air traffic control needs of communities in the program.

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

“(a) **IN GENERAL.**—To further facilitate the use of, and improve the safety at, small airports, the Administrator of the Federal Aviation Administration shall establish a pilot program to contract for Level I air traffic control services at 20 facilities not eligible for participation in the Federal Contract Tower Program.

“(b) **PROGRAM COMPONENTS.**—In carrying out the pilot program established under subsection (a), the Administrator may—

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

“(2) take into consideration unique aviation safety, weather, strategic national interest, disaster relief, medical and other emergency man-

agement relief services, status of regional airline service, and related factors at the facility;

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

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

“(c) **REPORT.**—One year before the pilot program established under subsection (a) terminates, the Administrator shall report to the Congress on the effectiveness of the program, with particular emphasis on the safety and economic benefits provided to program participants and the national air transportation system.”.

(b) **CONFORMING AMENDMENT.**—The chapter analysis for chapter 417 is amended by inserting after the item relating to section 41742 the following:

“41743. Air service program for small communities.

“41744. Pilot program project authority.

“41745. Assistance to communities for service.

“41746. Additional authority.

“41747. Air traffic control services pilot program.”.

(c) **WAIVER OF LOCAL CONTRIBUTION.**—Section 41736(b) is amended by inserting after paragraph (4) the following:

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

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary of Transportation such sums as may be necessary to carry out section 41747 of title 49, United States Code.

**SEC. 604. AUTHORIZATION OF APPROPRIATIONS.**

To carry out sections 41743 through 41746 of title 49, United States Code, for the 4 fiscal-year period beginning with fiscal year 1999—

(1) there are authorized to be appropriated to the Secretary of Transportation not more than \$10,000,000; and

(2) not more than \$20,000,000 shall be made available, if available, to the Secretary for obligation and expenditure out of the account established under section 45303(a) of title 49, United States Code.

To the extent that amounts are not available in such account, there are authorized to be appropriated such sums as may be necessary to provide the amount authorized to be obligated under paragraph (2) to carry out those sections for that 4 fiscal-year period.

**SEC. 605. MARKETING PRACTICES.**

Section 41712 is amended by—

(1) inserting “(a) **IN GENERAL.**—” before “On”; and

(2) adding at the end thereof the following:

“(b) **MARKETING PRACTICES THAT ADVERSELY AFFECT SERVICE TO SMALL OR MEDIUM COMMUNITIES.**—Within 180 days after the date of enactment of the Wendell H. Ford National Air Transportation System Improvement Act of 1998, the Secretary shall review the marketing practices of air carriers that may inhibit the availability of quality, affordable air transportation services to small and medium-sized communities, including—

“(1) marketing arrangements between airlines and travel agents;

“(2) code-sharing partnerships;

“(3) computer reservation system displays;

“(4) gate arrangements at airports;

“(5) exclusive dealing arrangements; and

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

“(c) REGULATIONS.—If the Secretary finds, after conducting the review required by subsection (b), that marketing practices inhibit the availability of such service to such communities, then, after public notice and an opportunity for comment, the Secretary shall promulgate regulations that address the problem.”.

**SEC. 606. SLOT EXEMPTIONS FOR NONSTOP REGIONAL JET SERVICE.**

(a) IN GENERAL.—Subchapter I of chapter 417 is amended by—

- (1) redesignating section 41715 as 41716; and
- (2) inserting after section 41714 the following:

**“§41715. Slot exemptions for nonstop regional jet service.**

“(a) IN GENERAL.—Within 90 days after receiving an application for an exemption to provide nonstop regional jet service between—

“(1) an airport with fewer than 2,000,000 annual enplanements; and

“(2) a high density airport subject to the exemption authority under section 41714(a), the Secretary of Transportation shall grant or deny the exemption in accordance with established principles of safety and the promotion of competition.

“(b) EXISTING SLOTS TAKEN INTO ACCOUNT.—In deciding to grant or deny an exemption under subsection (a), the Secretary may take into consideration the slots and slot exemptions already used by the applicant.

“(c) CONDITIONS.—The Secretary may grant an exemption to an air carrier under subsection (a)—

“(1) for a period of not less than 12 months; and

“(2) for a minimum of 2 daily roundtrip flights; and

“(3) for a maximum of 3 daily roundtrip flights.

“(d) CHANGE OF NONHUB, SMALL HUB, OR MEDIUM HUB AIRPORT; JET AIRCRAFT.—The Secretary may, upon application made by an air carrier operating under an exemption granted under subsection (a)—

“(1) authorize the air carrier or an affiliated air carrier to upgrade service under the exemption to a larger jet aircraft; or

“(2) authorize an air carrier operating under such an exemption to change the nonhub airport or small hub airport for which the exemption was granted to provide the same service to a different airport that is smaller than a large hub airport (as defined in section 47134(d)(2)) if—

“(A) the air carrier has been operating under the exemption for a period of not less than 12 months; and

“(B) the air carrier can demonstrate unmitigatable losses.

“(e) FOREFEITURE FOR MISUSE.—Any exemption granted under subsection (a) shall be terminated immediately by the Secretary if the air carrier to which it was granted uses the slot for any purpose other than the purpose for which it was granted or in violation of the conditions under which it was granted.

“(f) RESTORATION OF AIR SERVICE.—To the extent that—

“(1) slots were withdrawn from an air carrier under section 41714(b);

“(2) the withdrawal of slots under that section resulted in a net loss of slots; and

“(3) the net loss of slots and slot exemptions resulting from the withdrawal had an adverse effect on service to nonhub airports and in other domestic markets,

the Secretary shall give priority consideration to the request of any air carrier from which slots were withdrawn under that section for an equivalent number of slots at the airport where the slots were withdrawn. No priority consideration shall be given under this subsection to an air carrier described in paragraph (1) when the net loss of slots and slot exemptions is eliminated.

“(g) PRIORITY TO NEW ENTRANTS AND LIMITED INCUMBENT CARRIERS.—

“(1) IN GENERAL.—In granting slot exemptions under this section the Secretary shall give priority consideration to an application from an air carrier that, as of July 1, 1998, operated or held fewer than 20 slots or slot exemptions at the high density airport for which it filed an exemption application.

“(2) LIMITATION.—No priority may be given under paragraph (1) to an air carrier that, at the time of application, operates or holds 20 or more slots and slot exemptions at the airport for which the exemption application is filed.

“(3) AFFILIATED CARRIERS.—The Secretary shall treat all commuter air carriers that have cooperative agreements, including code-share agreements, with other air carriers equally for determining eligibility for exemptions under this section regardless of the form of the corporate relationship between the commuter air carrier and the other air carrier.

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

“(i) REGIONAL JET DEFINED.—In this section, the term ‘regional jet’ means a passenger, turboprop-powered aircraft carrying not fewer than 30 and not more than 50 passengers.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 40102 is amended by inserting after paragraph (28) the following:

“(28A) LIMITED INCUMBENT AIR CARRIER.—The term ‘limited incumbent air carrier’ has the meaning given that term in subpart S of part 93 of title 14, Code of Federal Regulations, except that ‘20’ shall be substituted for ‘12’ in sections 93.213(a)(5), 93.223(c)(3), and 93.226(h) as such sections were in effect on August 1, 1998.”.

(2) The chapter analysis for chapter 417 is amended by striking the item relating to section 41716 and inserting the following:

“41715. Slot exemptions for nonstop regional jet service.

“41716. Air service termination notice.”.

**SEC. 607. EXEMPTIONS TO PERIMETER RULE AT RONALD REAGAN WASHINGTON NATIONAL AIRPORT.**

(a) IN GENERAL.—Subchapter I of chapter 417, as amended by section 606, is amended by—

(1) redesignating section 41716 as 41717; and

(2) inserting after section 41715 the following:

**“§41716. Special Rules for Ronald Reagan Washington National Airport**

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

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

“(2) increase competition in multiple markets;

“(3) not reduce travel options for communities served by small hub airports and medium hub airports within the perimeter described in section 49109 of title 49, United States Code; and

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

“(b) WITHIN-PERIMETER EXEMPTIONS.—The Secretary shall by order grant exemptions from the requirements of sections 49104(a)(5), 49111(e), and 41714 of this title and subparts K and S of part 93 of title 14, Code of Federal Regulations, to commuter air carriers for service to airports with fewer than 2,000,000 annual enplanements within the perimeter established for civil aircraft operations at Ronald Reagan Washington National Airport under section 49109. The Secretary shall develop criteria for distributing slot exemptions for flights within the perimeter to such airports under this paragraph in a manner

consistent with the promotion of air transportation.

“(c) LIMITATIONS.—

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

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

“(3) ADDITIONAL EXEMPTIONS.—The Secretary shall grant exemptions under subsections (a) and (b) that—

“(A) will result in 12 additional daily air carrier slot exemptions at such airport for long-haul service beyond the perimeter;

“(B) will result in 12 additional daily commuter slot exemptions at such airport; and

“(C) will not result in additional daily commuter slot exemptions for service to any within-the-perimeter airport that is not smaller than a large hub airport (as defined in section 47134(d)(2)).

“(4) ASSESSMENT OF SAFETY, NOISE AND ENVIRONMENTAL IMPACTS.—The Secretary shall assess the impact of granting exemptions, including the impacts of the additional slots and flights at Ronald Reagan Washington National Airport provided under subsections (a) and (b) on safety, noise levels and the environment within 90 days of the date of the enactment of this Act. The environmental assessment shall be carried out in accordance with parts 1500–1508 of title 40, Code of Federal Regulations. Such environmental assessment shall include a public meeting.

“(5) APPLICABILITY WITH EXEMPTION 5133.—Nothing in this section affects Exemption No. 5133, as from time-to-time amended and extended.”.

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

“(D) Subparagraph (C) does not apply to any increase in the number of instrument flight rule takeoffs and landings necessary to implement exemptions granted by the Secretary under section 41716.”.

(c) MWAA NOISE-RELATED GRANT ASSURANCES.—

(1) IN GENERAL.—In addition to any condition for approval of an airport development project that is the subject of a grant application submitted to the Secretary of Transportation under chapter 471 of title 49, United States Code, by the Metropolitan Washington Airports Authority, the Authority shall be required to submit a written assurance that, for each such grant made to the Authority for fiscal year 1999 or any subsequent fiscal year—

(A) the Authority will make available for that fiscal year funds for noise compatibility planning and programs that are eligible to receive funding under chapter 471 of title 49, United States Code, in an amount not less than 10 percent of the aggregate annual amount of financial assistance provided to the Authority by the Secretary as grants under chapter 471 of title 49, United States Code; and

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

(2) WAIVER.—The Secretary of Transportation may waive the requirements of paragraph (1) for any fiscal year for which the Secretary determines that the Metropolitan Washington Airports Authority is in full compliance with applicable airport noise compatibility planning and program requirements under part 150 of title 14, Code of Federal Regulations.

(3) SUNSET.—This subsection shall cease to be in effect 5 years after the date of enactment of this Act, if on that date the Secretary of Transportation certifies that the Metropolitan Washington Airports Authority has achieved full

compliance with applicable noise compatibility planning and program requirements under part 150 of title 14, Code of Federal Regulations.

(d) **NOISE COMPATIBILITY PLANNING AND PROGRAMS.**—Section 41717(e) is amended by adding at the end the following:

“(3) The Secretary shall give priority in making grants under paragraph (1)(A) to applications for airport noise compatibility planning and programs at and around airports where operations increase under title VI of the Wendell H. Ford National Air Transportation System Improvement Act of 1998 and the amendments made by that title.”.

(e) **CONFORMING AMENDMENTS.**—

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

(2) The chapter analysis for chapter 417, as amended by section 606(b) of this Act, is amended by striking the item relating to section 41716 and inserting the following:

“41716. Special Rules for Ronald Reagan Washington National Airport.

“41717. Air service termination notice.”.

(f) **REPORT.**—Within 1 year after the date of enactment of this Act, and biannually thereafter, the Secretary shall certify to the United States Senate Committee on Commerce, Science, and Transportation, the United States House of Representatives Committee on Transportation and Infrastructure, the Governments of Maryland, Virginia, and West Virginia and the metropolitan planning organization for Washington D.C. that noise standards, air traffic congestion, airport-related vehicular congestion, safety standards, and adequate air service to communities served by small hub airports and medium hub airports within the perimeter described in section 49109 of title 49, United States Code, have been maintained at appropriate levels.

**SEC. 608. ADDITIONAL SLOT EXEMPTIONS AT CHICAGO O'HARE INTERNATIONAL AIRPORT.**

(a) **IN GENERAL.**—Chapter 417, as amended by section 607, is amended by—

(1) redesignating section 41717 as 41718; and

(2) inserting after section 41716 the following:

**“§41717. Special Rules for Chicago O'Hare International Airport**

“(a) **IN GENERAL.**—The Secretary of Transportation shall grant 30 slot exemptions over a 3-year period beginning on the date of enactment of the Wendell H. Ford National Air Transportation System Improvement Act of 1998 at Chicago O'Hare International Airport.

“(b) **EQUIPMENT AND SERVICE REQUIREMENTS.**—

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

“(2) **SERVICE PROVIDED.**—Of the exemptions granted under subsection (a)—

“(A) 18 shall be used only for service to underserved markets, of which no fewer than 6 shall be designated as commuter slot exemptions; and

“(B) 12 shall be air carrier slot exemptions.

“(c) **PROCEDURAL REQUIREMENTS.**—Before granting exemptions under subsection (a), the Secretary shall—

“(1) conduct an environmental review, taking noise into account, and determine that the granting of the exemptions will not cause a significant increase in noise;

“(2) determine whether capacity is available and can be used safely and, if the Secretary so determines then so certify;

“(3) give 30 days notice to the public through publication in the Federal Register of the Secretary's intent to grant the exemptions; and

“(4) consult with appropriate officers of the State and local government on any related noise and environmental issues.

“(d) **UNDERSERVED MARKET DEFINED.**—In this section, the term ‘service to underserved markets’ means passenger air transportation service

to an airport that is a nonhub airport or a small hub airport (as defined in paragraphs (4) and (5), respectively, of section 41731(a)).”.

(b) **STUDIES.**—

(1) **3-YEAR REPORT.**—The Secretary shall study and submit a report 3 years after the first exemption granted under section 41717(a) of title 49, United States Code, is first used on the impact of the additional slots on the safety, environment, noise, access to underserved markets, and competition at Chicago O'Hare International Airport.

(2) **DOT STUDY IN 2000.**—The Secretary of Transportation shall study community noise levels in the areas surrounding the 4 high-density airports after the 100 percent Stage 3 fleet requirements are in place, and compare those levels with the levels in such areas before 1991.

(c) **CONFORMING AMENDMENT.**—The chapter analysis for chapter 417, as amended by section 607(b) of this Act, is amended by striking the item relating to section 41717 and inserting the following:

“41717. Special Rules for Chicago O'Hare International Airport.

“41718. Air service termination notice.”.

**SEC. 609. CONSUMER NOTIFICATION OF E-TICKET EXPIRATION DATES.**

Section 41712, as amended by section 605 of this Act, is amended by adding at the end thereof the following:

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

**SEC. 610. JOINT VENTURE AGREEMENTS.**

(a) **IN GENERAL.**—Subchapter I of chapter 417, as amended by section 608, is amended by adding at the end the following:

**“§41719. Joint venture agreements**

“(a) **DEFINITIONS.**—In this section—

“(1) **JOINT VENTURE AGREEMENT.**—The term ‘joint venture agreement’ means an agreement entered into by a major air carrier on or after January 1, 1998, with regard to (A) code-sharing, blocked-space arrangements, long-term wet leases (as defined in section 207.1 of title 14, Code of Federal Regulations) of a substantial number (as defined by the Secretary by regulation) of aircraft, or frequent flyer programs, or (B) any other cooperative working arrangement (as defined by the Secretary by regulation) between 2 or more major air carriers that affects more than 15 percent of the total number of available seat miles offered by the major air carriers.

“(2) **MAJOR AIR CARRIER.**—The term ‘major air carrier’ means a passenger air carrier that is certificated under chapter 411 of this title and included in Carrier Group III under criteria contained in section 04 of part 241 of title 14, Code of Federal Regulations.

“(b) **SUBMISSION OF JOINT VENTURE AGREEMENT.**—At least 30 days before a joint venture agreement may take effect, each of the major air carriers that entered into the agreement shall submit to the Secretary—

“(1) a complete copy of the joint venture agreement and all related agreements; and

“(2) other information and documentary material that the Secretary may require by regulation.

“(c) **EXTENSION OF WAITING PERIOD.**—

“(1) **IN GENERAL.**—The Secretary may extend the 30-day period referred to in subsection (b) until—

“(A) in the case of a joint venture agreement with regard to code-sharing, the 150th day following the last day of such period; and

“(B) in the case of any other joint venture agreement, the 60th day following the last day of such period.

“(2) **PUBLICATION OF REASONS FOR EXTENSION.**—If the Secretary extends the 30-day period referred to in subsection (b), the Secretary

shall publish in the Federal Register the reasons of the Secretary for making the extension.

“(d) **TERMINATION OF WAITING PERIOD.**—At any time after the date of submission of a joint venture agreement under subsection (b), the Secretary may terminate the waiting periods referred to in subsections (b) and (c) with respect to the agreement.

“(e) **REGULATIONS.**—The effectiveness of a joint venture agreement may not be delayed due to any failure of the Secretary to issue regulations to carry out this subsection.

“(f) **MEMORANDUM TO PREVENT DUPLICATIVE REVIEWS.**—Promptly after the date of enactment of this section, the Secretary shall consult with the Assistant Attorney General of the Antitrust Division of the Department of Justice in order to establish, through a written memorandum of understanding, preclearance procedures to prevent unnecessary duplication of effort by the Secretary and the Assistant Attorney General under this section and the United States antitrust laws, respectively.

“(g) **PRIOR AGREEMENTS.**—With respect to a joint venture agreement entered into before the date of enactment of this section as to which the Secretary finds that—

“(1) the parties have submitted the agreement to the Secretary before such date of enactment; and

“(2) the parties have submitted any information on the agreement requested by the Secretary, the waiting period described in paragraphs (2) and (3) shall begin on the date, as determined by the Secretary, on which all such information was submitted and end on the last day to which the period could be extended under this section.

“(h) **LIMITATION ON STATUTORY CONSTRUCTION.**—The authority granted to the Secretary under this subsection shall not in any way limit the authority of the Attorney General to enforce the antitrust laws as defined in the first section of the Clayton Act (15 U.S.C. 12).”.

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

“41716. Joint venture agreements.”.

**SEC. 611. REGIONAL AIR SERVICE INCENTIVE OPTIONS.**

(a) **PURPOSE.**—The purpose of this section is to provide the Congress with an analysis of means to improve service by jet aircraft to underserved markets by authorizing a review of different programs of Federal financial assistance, including loan guarantees like those that would have been provided for by section 2 of S. 1353, 105th Congress, as introduced, to commuter air carriers that would purchase regional jet aircraft for use in serving those markets.

(b) **STUDY.**—The Secretary of Transportation shall study the efficacy of a program of Federal loan guarantees for the purchase of regional jets by commuter air carriers. The Secretary shall include in the study a review of options for funding, including alternatives to Federal funding. In the study, the Secretary shall analyze—

(1) the need for such a program;

(2) its potential benefit to small communities;

(3) the trade implications of such a program;

(4) market implications of such a program for the sale of regional jets;

(5) the types of markets that would benefit the most from such a program;

(6) the competitive implications of such a program; and

(7) the cost of such a program.

(c) **REPORT.**—The Secretary shall submit a report of the results of the study to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure not later than 24 months after the date of enactment of this Act.

**SEC. 612. GAO STUDY OF AIR TRANSPORTATION NEEDS.**

The General Accounting Office shall conduct a study of the current state of the national airport network and its ability to meet the air

transportation needs of the United States over the next 15 years. The study shall include airports located in remote communities and reliever airports. In assessing the effectiveness of the system the Comptroller General may consider airport runway length of 5,500 feet or the equivalent altitude-adjusted length, air traffic control facilities, and navigational aids.

#### TITLE VII—NATIONAL PARKS OVERFLIGHTS

##### SEC. 701. FINDINGS.

The Congress finds that—

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

(2) the Federal Aviation Administration has the authority to preserve, protect, and enhance the environment by minimizing, mitigating, or preventing the adverse effects of aircraft overflights on the 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, air tour, environmental, and Native American representatives, recommended that the Congress enact legislation based on its consensus work product; and

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

##### SEC. 702. AIR TOUR MANAGEMENT PLANS FOR NATIONAL PARKS.

(a) IN GENERAL.—Chapter 401, as amended by section 301 of this Act, is amended by adding at the end the following:

#### “§40126. Overflights of national parks

“(a) IN GENERAL.—

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

“(A) in accordance with this section;

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

“(C) in accordance with any effective air tour management plan for that park or those tribal lands.

“(2) APPLICATION FOR OPERATING AUTHORITY.—

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

“(B) COMPETITIVE BIDDING FOR LIMITED CAPACITY PARKS.—Whenever a commercial air tour management plan limits the number of commercial air tour flights over a national park area during a specified time frame, the Administrator, in cooperation with the Director, shall authorize commercial air tour operators to provide such service. The authorization shall specify such terms and conditions as the Administrator and the Director find necessary for management of commercial air tour operations over the national 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 services over the national 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 company or pilots;

“(ii) any quiet aircraft technology proposed for use;

“(iii) the experience in commercial air tour operations over other national parks or scenic areas;

“(iv) the financial capability of the company;

“(v) any training programs for pilots; and

“(vi) responsiveness to any criteria developed by the National Park Service or the affected national park.

“(C) NUMBER OF OPERATIONS AUTHORIZED.—In determining the number of authorizations to issue to provide commercial air tour service 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 companies, and the financial viability of each commercial air tour operation.

“(D) COOPERATION WITH NPS.—Before granting an application under this paragraph, the Administrator shall, in cooperation with the Director, develop an air tour management plan in accordance with subsection (b) and implement such plan.

“(E) TIME LIMIT ON RESPONSE TO ATMP APPLICATIONS.—The Administrator shall act on any such application and issue a decision on the application not later than 24 months after it is received or amended.

“(3) EXCEPTION.—Notwithstanding paragraph (1), commercial air tour operators may conduct commercial air tour operations over a national park under part 91 of the Federal Aviation Regulations (14 CFR 91.1 et seq.) if—

“(A) such activity is permitted under part 119 (14 CFR 119.1(e)(2));

“(B) the operator secures a letter of agreement from the Administrator and the national park superintendent for that national park describing the conditions under which the flight operations will be conducted; and

“(C) the total number of operations under this exception is limited to not more than 5 flights in any 30-day period over a particular park.

“(4) SPECIAL RULE FOR SAFETY REQUIREMENTS.—Notwithstanding subsection (c), an existing commercial air tour operator shall, not later than 90 days after the date of enactment of the Wendell H. Ford National Air Transportation System Improvement Act of 1998, apply for operating authority under part 119, 121, or 135 of the Federal Aviation Regulations (14 CFR Pt. 119, 121, or 135). A new entrant commercial air tour operator shall apply for such authority before conducting commercial air tour operations over a national park or tribal lands.

“(b) AIR TOUR MANAGEMENT PLANS.—

“(1) ESTABLISHMENT OF ATMPs.—

“(A) IN GENERAL.—The Administrator shall, in cooperation with the Director, establish an air tour management plan for any national park or tribal land for which such a plan is not already in effect whenever a person applies for authority to operate a commercial air tour over the park. The development of the air tour management plan is to be a cooperative undertaking between the Federal Aviation Administration and the National Park Service. The air tour management plan shall be developed by means of a public process, and the agencies shall develop information and analysis that explains the conclusions that the agencies make in the application of the respective criteria. Such explanations shall be included in the Record of Decision and may be subject to judicial review.

“(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 and visitor experiences and tribal lands.

“(2) ENVIRONMENTAL DETERMINATION.—In establishing an air tour management plan under this subsection, the Administrator and the Di-

rector shall each sign the environmental decision document required by section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) which may include a finding of no significant impact, an environmental assessment, or an environmental impact statement, and the Record of Decision for the air tour management plan.

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

“(A) may prohibit commercial air tour operations in whole or in part;

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

“(C) shall apply to all commercial air tours within ½ mile outside the boundary of a national park;

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

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

“(F) shall justify and document the need for measures taken pursuant to subparagraphs (A) through (E).

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

“(A) initiate at least one public meeting with interested parties to develop a commercial air tour management plan for the park;

“(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 those regulations, the Federal Aviation Administration is 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 commercial air tour operations over a national park or tribal lands, as a cooperating agency under the regulations referred to in paragraph (4)(C).

“(5) AMENDMENTS.—Any amendment of an air tour management plan 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) INTERIM OPERATING AUTHORITY.—

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

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

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

“(i) the number of flights used by the operator to provide such tours within the 12-month period prior to the date of enactment of the Wendell H. Ford National Air Transportation System Improvement Act of 1998; 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 operations conducted during any time period by the commercial air tour operator to which it is granted unless the 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 that park or those tribal lands; and

“(F) shall—

“(i) promote protection of national park resources, visitor experiences, and tribal lands;

“(ii) promote safe operations of the commercial air tour;

“(iii) promote the adoption of quiet technology, as appropriate; and

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

“(3) NEW ENTRANT AIR TOUR OPERATORS.—

“(A) IN GENERAL.—The Administrator, in cooperation with the Director, may grant interim operating authority under this paragraph to an air tour operator for a national park for which that operator is a new entrant air tour operator if the Administrator determines the authority is necessary to ensure competition in the provision of commercial air tours over that national park or those tribal lands.

“(B) SAFETY LIMITATION.—The Administrator may not grant interim operating authority under subparagraph (A) if the Administrator determines that it would create a safety problem at that park or on tribal lands, or the Director determines that it would create a noise problem at that park or on tribal lands.

“(C) ATMP LIMITATION.—The Administrator may grant interim operating authority under subparagraph (A) of this paragraph only if the air tour management plan for the park or tribal lands to which the application relates has not been developed within 24 months after the date of enactment of the Wendell H. Ford National Air Transportation System Improvement Act of 1998.

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

“(1) COMMERCIAL AIR TOUR.—The term ‘commercial air tour’ means any flight conducted for compensation or hire in a powered aircraft where a purpose of the flight is sightseeing. If the operator of a flight asserts that the flight is not a commercial air tour, factors that can be considered by the Administrator in making a determination of whether the flight is a commercial air tour, include, but are not limited to—

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

“(B) whether a narrative was provided that referred to areas or points of interest on the surface;

“(C) the area of operation;

“(D) the frequency of flights;

“(E) the route of flight;

“(F) the inclusion of sightseeing flights as part of any travel arrangement package; or

“(G) whether the flight or flights in question would or would not have been canceled based on poor visibility of the surface.

“(2) COMMERCIAL AIR TOUR OPERATOR.—The term ‘commercial air tour operator’ means any person who conducts a commercial air tour.

“(3) 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 tours over a national park at any time during the 12-month period ending on the date of enactment of the Wendell H. Ford National Air Transportation System Improvement Act of 1998.

“(4) 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 tours over that national park or those tribal lands in the 12-month period preceding the application.

“(5) COMMERCIAL AIR TOUR OPERATIONS.—The term ‘commercial air tour operations’ means commercial air tour flight operations conducted—

“(A) over a national park or within ½ mile outside the boundary of any national park;

“(B) below a minimum altitude, determined by the Administrator in cooperation with the Director, above ground level (except solely for purposes of takeoff or landing, or necessary for safe operation of an aircraft as determined under the rules and regulations of the Federal Aviation Administration requiring the pilot-in-command to take action to ensure the safe operation of the aircraft); and

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

“(6) NATIONAL PARK.—The term ‘national park’ means any unit of the National Park System.

“(7) TRIBAL LANDS.—The term ‘tribal lands’ means ‘Indian country’, as defined by section 1151 of title 18, United States Code, that is within or abutting a national park.

“(8) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the Federal Aviation Administration.

“(9) DIRECTOR.—The term ‘Director’ means the Director of the National Park Service.”

(b) EXEMPTIONS.—

(1) GRAND CANYON.—Section 40126 of title 49, United States Code, as added by subsection (a), does not apply to—

(A) the Grand Canyon National Park; or

(B) Indian country within or abutting the Grand Canyon National Park.

(2) ALASKA.—The provisions of this title and section 40126 of title 49, United States Code, as added by subsection (a), do not apply to any land or waters located in Alaska.

(3) COMPLIANCE WITH OTHER REGULATIONS.—For purposes of section 40126 of title 49, United States Code—

(A) regulations issued by the Secretary of Transportation and the Administrator of the Federal Aviation Administration under section 3 of Public Law 100-91 (16 U.S.C. 1a-1, note); and

(B) commercial air tour operations carried out in compliance with the requirements of those regulations, shall be deemed to meet the requirements of such section 40126.

(c) CLERICAL AMENDMENT.—The table of sections for chapter 401 is amended by adding at the end thereof the following:

“40126. Overflights of national parks.”

#### SEC. 703. ADVISORY GROUP.

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration and the Director of the National Park Service shall jointly establish an advisory group to provide continuing advice and counsel with respect to the operation of commercial air tours 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 and 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;

(2) on the designation of appropriate and feasible quiet aircraft technology standards for quiet aircraft technologies under development for commercial purposes, 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) on such other national park or tribal lands-related safety, environmental, and air touring issues as the Administrator and the Director may request.

(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, each member may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

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

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

(e) REPORT.—The Administrator and the Director shall jointly report to the Congress within 24 months after the date of enactment of this Act on the success of this title in providing incentives for quiet aircraft technology.

#### SEC. 704. OVERFLIGHT FEE REPORT.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall transmit to Congress a report on the effects proposed overflight fees are likely to have on the commercial air tour 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 the proposed fee charged by the National Park Service; and

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

#### SEC. 705. PROHIBITION OF COMMERCIAL AIR TOURS OVER THE ROCKY MOUNTAIN NATIONAL PARK.

Effective beginning on the date of enactment of this Act, no commercial air tour may be operated in the airspace over the Rocky Mountain National Park notwithstanding any other provision of this Act or section 40126 of title 49, United States Code, as added by this Act.

### TITLE VIII—CENTENNIAL OF FLIGHT COMMEMORATION

#### SEC. 801. SHORT TITLE.

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

#### SEC. 802. 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. 803. ESTABLISHMENT.

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

#### SEC. 804. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 6 members, as follows:

(1) The Director of the National Air and Space Museum of the Smithsonian Institution or his designee.

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

(3) The chairman of the First Flight Centennial Foundation of North Carolina, or his designee.

(4) The chairman of the 2003 Committee of Ohio, or his designee.

(5) As chosen by the Commission, the president or head of a United States aeronautical society, foundation, or organization of national stature or prominence who will be a person from a State other than Ohio or North Carolina.

(6) The Administrator of the Federal Aviation Administration, or his designee.

(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, only by unanimous vote, 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 shall select a Chairperson of the Commission from the members designated under subsection (a) (1), (2), or (5). The Chairperson may not vote on matters before the Commission except in the case of a tie vote. The Chairperson may be removed by a vote of a majority of the Commission's members.

(f) ORGANIZATION.—No 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. 805. 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 com-

memoration 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) encourage the publication of 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, the First Flight Centennial Foundation, or any other organization of national stature or prominence.

#### SEC. 806. POWERS.

(a) ADVISORY COMMITTEES AND TASK FORCES.—

(1) IN GENERAL.—The Commission may appoint any advisory committee or task force from among the membership of the Advisory Board in section 812.

(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 the programs of the Commission. The head of the Federal department or agency, where appropriate, shall furnish the information or assistance requested by the Commission, unless prohibited by law.

(3) PROHIBITION OF PAY OTHER THAN TRAVEL EXPENSES.—Members of an advisory committee or task force authorized under paragraph (1) shall not receive pay, but may receive travel expenses pursuant to the policy adopted by the Commission under section 804(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.—Notwithstanding any other provision in this title, only 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) IN GENERAL.—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.

(B) FEDERAL SUPPORT.—The Commission shall obtain property, equipment, and office space from the General Services Administration or the Smithsonian Institution, unless other office space, property, or equipment is less costly.

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

#### SEC. 807. STAFF AND SUPPORT SERVICES.

(a) EXECUTIVE DIRECTOR.—There shall be an Executive Director appointed by the Commission and chosen from among detailees from the agencies and organizations represented on 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) of this section.

(d) MERIT SYSTEM PRINCIPLES.—The appointment of the Executive Director or any personnel of the Commission under subsection (a) or (b) shall be made consistent with the merit system principles under section 2301 of title 5, United States Code.

(e) STAFF OF FEDERAL AGENCIES.—Upon request by the Chairperson of the Commission, the head of any Federal department or agency may detail, on either a nonreimbursable or reimbursable 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.

#### (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 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 nonprofit sector.

**SEC. 808. CONTRIBUTIONS.**

(a) **DONATIONS.**—The Commission may accept donations of personal services and historic materials relating to the implementation of its responsibilities under the provisions of this title.

(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 funds (including funds received from licensing royalties) 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 810(b), of historically significant property which was donated to or acquired by the Commission. Any 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.

**SEC. 809. 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 from licensing royalties received pursuant to this section shall be used by the Commission to carry out the duties of the Commission specified by this title.

(e) **LICENSING RIGHTS.**—All exclusive licensing rights, unless otherwise specified, shall revert to the Air and Space Museum of the Smithsonian Institution upon termination of the Commission.

**SEC. 810. 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;

(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; and

(5) an accounting of any cooperative agreements and contract agreements entered into by the Commission.

(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 808(a)(1).

**SEC. 811. AUDIT OF FINANCIAL TRANSACTIONS.**

(a) **IN GENERAL.**—

(1) **AUDIT.**—The Comptroller General of the United States shall audit on an annual basis 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) **FINAL 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. 812. ADVISORY BOARD.**

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

(b) **NUMBER AND APPOINTMENT.**—

(1) **IN GENERAL.**—The Board shall be composed of 19 members as follows:

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

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

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

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

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

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

(i) 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

(ii) 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 805(a)(2).

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

(H) 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—

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

(ii) 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 804(e).

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

**SEC. 813. DEFINITIONS.**

In this title:

(1) **ADVISORY BOARD.**—The term "Advisory Board" means the Centennial of Flight Federal Advisory Board.

(2) **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.

(3) **COMMISSION.**—The term "Commission" means the Centennial of Flight Commission.

(4) **DESIGNEE.**—The term "designee" means a person from the respective entity of each entity represented on the Commission or Advisory Board.

(5) **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 of Dayton, Ohio on December 17, 1903, at Kitty Hawk, North Carolina.

**SEC. 814. TERMINATION.**

The Commission shall terminate not later than 60 days after the submission of the final report required by section 810(b) and shall transfer all documents and material to the National Archives or other appropriate Federal entity.

**SEC. 815. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to carry out this title—

- (1) \$250,000 for fiscal year 1999;
- (2) \$600,000 for fiscal year 2000;
- (3) \$750,000 for fiscal year 2001;
- (4) \$900,000 for fiscal year 2002;
- (5) \$900,000 for fiscal year 2003; and
- (6) \$600,000 for fiscal year 2004.

**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, 2000"; and

(2) by inserting before the semicolon at the end of subparagraph (A) the following "or the Wendell H. Ford National Air Transportation System Improvement 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, 2000, in accordance with the provisions of this section.”.

Mr. MCCAIN. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment, requests a conference with the House, and the Chair appoints the following conferees on the part of the Senate.

The PRESIDING OFFICER (Mr. HAGEL) appointed Mr. MCCAIN, Mr. STEVENS, Mr. GORTON, Mr. HOLLINGS, and Mr. FORD conferees on the part of the Senate.

Mr. MCCAIN. Mr. President, Senator ASHCROFT is necessarily absent. For the record, if he had been here today, he would have voted in favor of the Wendell Ford National Air Transportation System Improvement Act.

Mr. STEVENS. Mr. President, this is the Wendell Ford National Air Transportation System Improvement Act, as Chairman MCCAIN just pointed out.

I see my good friend from Kentucky is here. I think that this is an act that should be named after the Senator from Kentucky because of his long service on the Commerce Committee and particularly on the Aviation Subcommittee.

Our Nation has come through a very interesting period during the time that WENDELL FORD has been Senator from Kentucky—a total revolution in aviation and a concentration on safety and improvement of our airway system.

WENDELL FORD has been a leader in that effort. This bill signifies the totality of what he has done for the aviation community.

I come to the floor today, because, as I believe most Members of the Senate know, Alaska is completely dependent upon air transportation.

Over 70 percent of our communities can only be reached by air year-round. We believe in the safety of that system.

I have been pleased to have the honor to be able to work with the Senator from Kentucky on a whole series of matters dealing with operations, with safety, and with the maintenance of the airways system, and in particularly

with the development of air transportation facilities on the ground.

As you go throughout this country and go to these major new terminals, you should think of WENDELL FORD, because he has led us, through the period when he was chairman of the Aviation Subcommittee, and during the period when he has been ranking member of that subcommittee, to an understanding of what is necessary to keep the lead that we have as a nation in aviation.

I come to the floor to thank my good friend for all he has done for us and for the Nation, but particularly to thank him on behalf of all of us in Alaska who rely so much on this system that he has improved and made more safe.

Thank you, Mr. President.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, it is difficult for me to respond because it is somewhat melancholy, as this is my last effort at developing an aviation package, to have such kind remarks come from my learned friend who also has worked tirelessly in an attempt to make the aviation industry safer, more accessible, helping it expand, and giving it the opportunity to grow.

He comes from a unique State. He sits down with you and explains the problem. It isn't "I am TED STEVENS, vote with me." He sits down and explains the problem and what is needed to improve the problems of his fine State. It is very difficult for anyone to not help once they understand what Alaska has.

We have a great mix in this country. You go all the way from the cold in the north in the 49th State to the south where it is hot, and to Hawaii, the 50th State. We have a great mix. The people who represent those States are great.

My friend from Alaska is really and truly my friend. One of the things I will miss around here is my association with him. He has helped me on more than one occasion to do some things maybe that he would rather not do. But I found, as my dad taught me, that you pay your debts whether you sign the paper or shake a man's hand. TED STEVENS' word is his bond. And I respect him for that. I respect what he does as a Member of this institution.

I will feel comfortable when I leave here that Senator STEVENS is head of appropriations. He is still on the Commerce Committee. And when the new aviation bill comes forth, he will be sure that those things that we fought for so long will be improved.

I thank my friend very, very much.

Mr. STEVENS. I thank the Senator, Mr. President.

Mr. FORD. Mr. President, I thank my colleagues for all their hard work in putting this bill together. It was a tough task. But we have been able to work out just about every issue that was of concern to Members on both sides of the aisle.

The FAA in the future years must be able to have the funding that it needs

to modernize. The new Administrator has a very difficult job. She has been working with the industry and with Congress to move forward on many tough issues.

Some have described the modernization of the air traffic control system like this: It is sort of like needing to rebuild your entire house, but you have to live there at the same time.

Modernization is a critical issue. We included in this bill a section on tourism, and because of its importance to each of us and without an aviation system that can grow, tourism will also be affected. In leaving, let me mention a few areas of concern.

In the next year the FAA and the aviation community, airports, airlines, manufacturers, and our international partners, all must address the year 2000 computer problem. The FAA must also move forward on the STARS and WASS programs. Think about that. We need to yank out all of the controller workstations across the country and put in new computers. All of us have had new systems put in our offices, and we know it is a mess. The FAA has to do it while planes are still flying and people's lives are at stake. We may fault the FAA at times for not moving as quickly as we want, but keep in mind how tough the task is.

With respect to the Wide Area Augmentation System, the industry is beginning to equip its fleet to be able to take advantage of a satellite-based tracking system. The FAA, Congress and the industry have got to move forward with this new program. We have committed hundreds of millions of dollars to this effort, and we cannot turn back now.

The Administrator knows all this, but this body has to give her the resources to do the job. Next year, you will debate and argue over how to fund the FAA. It is a critical matter. We know that traffic will increase by 35 percent over the next several years. We know that our airports need to be expanded. Gridlock cannot occur because the FAA does not have the ability to meet the industry's needs.

I also want to mention the small communities program in this bill. There are many segments of the country that have not received all the benefits of deregulation. We are going to try to help those areas, but not by merely giving them money. The communities will need to work hard to develop their markets and work with carriers to provide the needed service.

I thank the chairman, Senator MCCAIN. I know that he will continue to fight for FAA's needs next year. I also hope that we can quickly conclude the conference on this bill. There are a few tough issues that will need to be decided by the Members, and I hope that we can come to closure soon.

Mr. President, in this life in the Senate, you come across some very, very fine people, and those are the ones who make this place run and are not recognized. We get all the publicity, good or bad. We have to face the voters, good

or bad. But the staff who support us, the staff who support the committee, the staff who support us on the floor, they are the ones who need to have the accolades. They work hard—all night, they work 24 hours, around the clock—and we never seem to thank them as we should. I know my life in the Senate would have been made a lot tougher, and I probably would not have succeeded had it not been for staff.

You find a lot of excellent staff, on both sides now. Don't think I am just talking about one side of the aisle. Ann—I hope I pronounce her last name right—Choiniere. Getting close? This is the first time I have worked with her, and I found out how tough she can be but how thorough and fair she is representing the chairman; she has done an excellent job. Mike Reynolds and others on Senator MCCAIN's side have all done well. Senator GORTON's staff. He was fairly bright and smart when he brought Brett Hale from Kentucky on his staff. He is one of the people around here who definitely understands Kentucky Wildcat basketball, and we can talk together about that on occasion. And Jeanne Bumpus on Senator GORTON's staff; Jim Drewry and Carl Bentzel, Dave Regan and others on my side.

But there is one you have to depend on, one who is the leader, one who comes and sits down and we work through the problems and then get the challenge to go and get it settled and come back and see where we are and keep you informed and keep you moving. Sam Whitehorn is that kind of fellow, and I am going to miss him. He and I have become good friends. I don't look at him as a staff person. I look at him as a member of the family, because he is. He is dedicated, and wants to get the job done. And sometimes he has to do maybe what he didn't exactly like to do, but I made the decision. Sam has been a good soldier through the whole thing, and I am grateful to him.

Mr. President, as we end this part of the aviation bill, I again thank my colleagues, and I look forward to being down in Kentucky to see some of this work I have done, to watch it grow there, because we need as much help as any other State. I am grateful for the opportunity I have had, and I thank the chairman again. Some people think he is tough and rough and that sort of thing, but he really has a soft spot. Now, if you can find that soft spot, you can get along with him. Sometimes it is difficult to find it. But you see him laughing. That is the kind of association we have had. I look forward to working with him to complete this bill, working in conference, so that when we leave here sometime mid-October we can leave knowing we have done the best we could, that we have tried to be responsible to the people we represent in this great country of ours.

Mr. President, I yield the floor.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I join Senator FORD in thanking the staff for their contributions: John Raidt, Ann Choiniere, Michael Reynolds, Lloyd Ator, Scott Verstandig, Brad Sabala, and Bill Winter on the Commerce Committee staff; Ivan Schlager, Sam Whitehorn, Jim Drewry, and Becky Kojm with Senator HOLLINGS' staff; Brett Hale and Jeanne Bumpus with Senator GORTON; and David Regan with Senator FORD. Charles Chambers and Tom Zoeller, who are no longer Senate staffers, made efforts in making this legislation happen. Also, Mr. President, because of the scope associated with this bill, we have negotiated with literally every Senator and their staff members on various provisions of this bill, and I thank all of them, also.

But obviously, Mr. President, I wish to express again my deep and profound appreciation to the Senator from Kentucky for his efforts on this legislation and many, many other aviation bills that have moved through the Senate during my time here. I think it is a very small token that the bill before us is named for him. He deserves that recognition and much, much more.

Mr. President, Senator FORD has been a Member of the U.S. Senate for 24 years. That is a long time, even in the history of the U.S. Senate. I have had the privilege of working with him for 12. When I first came to the Commerce Committee 12 years ago, I spent a lot of time with Senator FORD then and in the intervening years, especially on aviation issues, because he is regarded, perhaps, as the most knowledgeable Member of the U.S. Senate on those issues.

Senator FORD is also known—as I think, perhaps, I may be to some extent—as a person who fights fiercely for the principles that he believes in, for what he believes is right as God gave him the right to see it. And he also is a strong advocate for his party. I noted, while looking at his biography this morning—I was scanning it—not only is he a former Governor, but for 6 years he was the chairman of the Democratic Senatorial Campaign Committee. I know that there are many times when he and his colleagues yearn for those golden days of yesteryear.

Mr. FORD. No, we lost then.

Mr. MCCAIN. Did you? But Senator FORD has obviously served his party with distinction as well. Around this place you have the opportunity of working with your colleagues on a variety of issues, but I do not believe that I have observed anyone as effective, as single-minded, and as dedicated as the Senator from Kentucky. Yes, we have had fierce differences of opinion which have always been resolved at the end of the day with a smile and a handshake. I have learned from those encounters. I believe one of the great learning experiences of my life was in 1990 when Senator FORD was responsible for a massive restructuring of the aviation system in America. The impact of that will be felt well into the next century.

I watched him guide that legislation through all the rocks and shoals of the process around here, and it emerged as a landmark piece of legislation.

I am proud to have learned from him. I am proud to have worked with him and to be associated with him on a broad variety of various areas. Most of all, I will be pleased many years from now to be able to call him my friend. So I thank him. I look forward to observing that same fierce determination as we do battle with the folks on the other side, to try to maintain this legislation intact as it has been reported out through the Senate.

As has often been observed, the Senator from Kentucky is not dying, he is just leaving the Senate.

Mr. FORD. Thanks.

Mr. MCCAIN. We will, for many, many years in the future, work with the Senator from Kentucky and maintain our close relationships with him. I know I speak for every Member on my side of the aisle when I say that.

Mr. President, I yield the floor.

Mr. FORD. Thank you, JOHN. I appreciate it very much.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, let me add my words of admiration for the work done by Senator FORD. He has been an important part of the Senate for many years and has done some very important things for his country and the Senate will miss very much the service that he has offered. He is in the leadership, has been for many years on the Democratic side of the aisle. But he is fiercely independent. He is smart. He is tough, and he has all the qualities that you look for in a good legislator. He will, in my judgment, for many, many years be remembered as one of the really outstanding legislators in this body, and I feel very fortunate to have been able to serve with him. I just wanted to add those words to the words offered by the Senator from Arizona.

Mr. LOTT. Mr. President, I rise to recognize the importance of today's passage of the Federal Aviation Administration Reauthorization bill. Today is a great day for rural America's air passengers. This legislation, now known as the Wendell H. Ford National Air Transportation System Improvement Act of 1998, will bring much needed air service to underserved communities throughout the Nation. It will grant billions of dollars in Federal funds to our Nation's small airports for upgrades, through the Airport Improvements Program (AIP).

Additionally, Senator MCCAIN, chairman of the Committee on Commerce, Science, and Transportation, is to be commended for his superb leadership on this complex and contentious measure. Together with Senator FORD, their joint efforts moved this bill through the committee and to the Senate floor in such a manner that the amendment process went smoothly.

It is only fitting that this must-pass legislation be named after such a worthy Senator. WENDELL FORD has spent

nearly 24 years as a Member of this body. For the last 10 years, I have enjoyed working with Senator FORD on a variety of issues within the jurisdiction of the Senate Commerce Committee. Through his leadership on this legislation, Senator FORD has proven himself as a champion of rural aviation issues. The Senate will certainly miss his guidance and insight. Likewise, the Senate will miss his wry, biting humor.

Rural Americans are the biggest winners with the passage of the Ford Act. Citizens of underserved communities will no longer have to travel hundreds of miles and several hours to board a plane. This legislation gives incentives to domestic air carriers and its affiliates to reach out to these people and serve them conveniently near their homes. Many Americans will be able to travel a reasonable distance to gain access to our Nation's skies and, from there, anywhere they wish to go.

Mr. President, I also applaud the hard work of Senator BILL FRIST of Tennessee. He added provisions to the Ford Act to expand small community air service. His dedicated efforts ensured that underserved cities like Knoxville, Chattanooga, and Bristol/Johnson City are now in a position to receive additional or expanded air service.

The major policy changes in the Ford Act led to hard fought but honest disagreements. I have enormous respect for the efforts of Senators JOHN WARNER, JIM INHOFE, and KAY BAILEY HUTCHISON as they diligently advocated for their constituents and their respective States. This honest debate is what makes it exciting to serve in the United States Senate. I was very pleased by the efforts of Senators SLADE GORTON and ARLEN SPECTER to address a very sensitive issue, while resolving it in a true Senate fashion—a consensus which will prove to be beneficial to both sides of the debate.

Throughout the last 12 months, my home State of Mississippi has received Federal support from the AIP to make needed physical improvements. A portion of these funds went to the Bobby L. Chain Municipal Airport in Hattiesburg to rehabilitate their existing runway pavement and lights. Other funds were allocated to the Jackson International Airport to construct a new taxiway and apron. These enhancements are needed. And this bill will ensure that the AIP will continue uninterrupted. AIP's reauthorization within the Ford Act will allow Mississippi to continue to receive funds for essential enhancements for the upcoming year. I look forward to working with the airport authorities in my home State to make sure that the right improvements are made at the right airports. This is about safety and about economic growth.

No legislative initiation is ever possible without the dedicated efforts of staff, and I want to take a moment to identify those who worked hard to prepare the Ford Act for consideration by the full Senate.

From the Senate Committee on Commerce, Science, and Transportation: Mark Buse; Ann Choiniere; Jim Drewry; Becky Kojm; John Raidt; Mike Reynolds; Ivan Schlager; Scott Verstandig; and Sam Whitehorn.

The following staff also participated on behalf of their Senators: David Broome; Steve Browning; Jeanne Bumpus; Nat Grubbs; Brett Hale; Katrina Hardin; Dan Renberg; Pam Sellars; Ellen Stein; Ben Thompson; and Clay Williams.

Mr. President, these individuals worked very hard on the Wendell H. Ford National Air Transportation System Improvement Act of 1998 and the Senate owes them a debt of gratitude for their dedicated service to this legislation.

Mr. President, our Nation's small communities are a step closer to receiving long-sought air service. Also, America's smaller, yet important air strips and airports will be enhanced. This is good for all Americans.

#### MORNING BUSINESS

Mr. MCCAIN. Mr. President, for the information of Members, we are still working on a unanimous consent agreement on the Internet Tax Freedom Act between now and 10:30.

I now ask unanimous consent that there be a period for the transaction of routine morning business until 10:30, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER (Mr. HAGEL). Without objection, it is so ordered.

#### UNANIMOUS CONSENT REQUEST— S. 442

Mr. MCCAIN. Mr. President, I ask unanimous consent it be in order for the majority leader, after notification of the Democratic leader, to turn to S. 442, the Internet tax bill and immediately after the reporting by the clerk, the Commerce Committee amendment be agreed to, and immediately following that action, the Finance Committee substitute be agreed to and considered original text for the purpose of further amendments.

I also ask unanimous consent that, during the Senate's consideration of S. 442 or the House companion bill, that only relevant amendments be in order.

Finally, I ask that the Senate proceed to the bill at this time.

The PRESIDING OFFICER (Mr. GORTON). Is there objection?

Mr. GRAHAM. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard. The Senator from Arizona.

Mr. MCCAIN. I heard the objection from the Senator from Florida. I deeply regret that.

The Senator from Florida, as I understand it, is insisting on a specific result in this legislation. We never do that. The Senator from Florida knows that. We don't insist on a specific result.

We would be more than happy to listen to the amendment of the Senator from Florida. We would be glad to debate it. Perhaps I could even support it. But, frankly, what the Senator from Florida is doing right here—the other 99 Senators are in agreement—by objecting to us moving forward to the bill that is vital to the future of the economy of this Nation, I think the Senator from Florida takes on a very large responsibility.

I want to tell the Senator from Florida I am going to file cloture right now and we are going to have a vote. And I also want to tell the Senator from Florida that because of that, we will delay, again, consideration of this very important bill. We will move forward. I do not understand why the Senator from Florida, after having a commitment of mine, that of the Senator from Oregon and everybody else, to give the kind of consideration that he deserves, and ample debate, unlimited debate on his amendment and a willingness to work with him—because the Senator from Florida knows that there is a Senator on this side who cannot agree to the language of the amendment that he is insisting on. That is what debate is all about.

We just finished a bill, an omnibus aviation bill, where everybody sat down together. The Senator from Oregon was very unhappy with one of the results, as were a number of other Senators, including this one. But we worked the process.

So I again urge the Senator from Florida to withdraw his objection, especially when faced with the inevitability that this cloture motion is going to be agreed to, probably 99 to 1.

Mr. President, I ask, again, unanimous consent that the Senate proceed to the bill at this time.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Is there objection?

Mr. GRAHAM. I object.

#### INTERNET TAX FREEDOM ACT— MOTION TO PROCEED

##### CLOTURE MOTION

Mr. MCCAIN. Mr. President, I still have the floor.

In light of the objection, I now move to proceed to the consideration of S. 442 and I send a cloture motion to the desk. I announce this cloture vote would occur on Tuesday of next week.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

##### CLOTURE MOTION

We the undersigned Senators, in accordance with the provision of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 509, S. 442, the Internet legislation:

Trent Lott, John McCain, Dan Coats, Chuck Hagel, Larry Craig, Christopher