

AMENDMENT TO H.R. 2115
OFFERED BY MR. MICA

Page 6, line 13, strike the closing quotation marks and the final period and insert the following:

1 “(7) AVIATION SAFETY REPORTING SYSTEM.—
2 Out of amounts appropriated under paragraph (1),
3 \$3,400,000 may be expended on the Aviation Safety
4 Reporting System.

Page 7, after line 14, insert the following:

5 (d) GOALS AND OBJECTIVES OF AVIATION SAFETY
6 REPORTING SYSTEM.—Not later than 90 days after the
7 date of enactment of this Act, the Administrator shall
8 transmit to Congress a report on the long-term goals and
9 objectives of the Aviation Safety Reporting System and
10 how such system interrelates with other safety reporting
11 systems of the Federal Government.

Page 11, line 16, strike “2003” and insert “2004”.

Page 12, line 11, strike “loss of” and insert “loss
by”.

Page 12, lines 17 and 18, strike “the United
States” and insert the following:

1 a State of the United States and having its principal place
2 of business in the United States

Page 60, after line 9, insert the following (and re-designate subsequent sections and conform the table of contents of the bill accordingly):

3 **SEC. 408. GOVERNMENT CONTRACTING FOR AIR TRANS-**
4 **PORTATION.**

5 (a) GOVERNMENT-FINANCED AIR TRANSPOR-
6 TATION.—Section 40118(f)(2) is amended by inserting be-
7 fore the period at the end the following: “, except that
8 it shall not include a contract for the transportation by
9 air of passengers”.

10 (b) AIRLIFT SERVICE.—Section 41106(b) is amended
11 by inserting after “military department” the following: “,
12 or by a person that has contracted with the Secretary of
13 Defense or the Secretary of a military department,”.

Page 63, line 9, strike “under the pilot program”.

Page 63, line 14, strike “most effectively” and insert
“most effectively” after “capacity”.

Page 70, line 17, strike “36” and insert “24”.

Page 70, line 20, strike “24” and insert “20”.

Page 71, line 3, strike “4” and insert “3”.

Page 71, line 12, strike “twelve” and insert “ten”.

Page 71, line 16, strike “six” and insert “four”.

Page 72, after line 6, insert the following (and re-designate subsequent paragraphs accordingly):

1 (2) LIMITATION ON APPLICABILITY.—This sub-
2 section does not apply to perimeter rules imposed by
3 Federal law.

4 Page 72, after line 15 insert the following:

5 (f) EFFECT OF CHANGING DEFINITION OF COM-
6 MUTER AIR CARRIER.—

7 (1) STUDY.—The Secretary shall study the ef-
8 fects of changing the definition of commuter air car-
9 rier in regulations of the Federal Aviation Adminis-
10 tration to increase the maximum size of aircraft of
11 such carriers to 76 seats or less on air service to
12 small communities and on commuter air carriers op-
13 erating aircraft with 56 seats or less.

14 (2) REPORT.—Not later than 90 days after the
15 date of enactment of this Act, the Secretary shall
16 transmit to Congress a report on the results of the
17 study.

Page 73, line 16, strike “(3) The guidelines” and in-
sert the following:

1 “(3) PAYMENT OF COST BY LOCAL GOVERN-
2 MENT.—

3 “(A) GENERAL REQUIREMENT.—The
4 guidelines

Page 74, line 2, before “In determining” insert the following:

5 “(B) WAIVER.—The Secretary may waive
6 the requirement, or reduce the amount, of a
7 payment from a unit of local government under
8 subparagraph (A) if the Secretary finds that—

9 “(i) the unit of local government lacks
10 the ability to pay; and

11 “(ii) the loss of essential air service to
12 the eligible place would have an adverse ef-
13 fect on the eligible place’s access to the na-
14 tional air transportation system.

15 “(C) DETERMINATION OF MILEAGE.—

Page 74, line 3, before the comma insert “under this paragraph”.

Page 74, line 13, strike “(c)”.

Page 74, after line 13, insert the following:

16 (1) in subsection (a) strike “pilot”;

17 (2) in subsection (c)—

Page 74, line 14, strike “(1)” and insert “(A)”.

Page 74, line 15, strike “(2)” and insert “(B)”.

Page 74, line 17, strike “(3)” and insert “(C)”.

Page 74, line 18, strike “(A)” and insert “(i)”.

Page 74, line 20, strike “(B)” and insert “(ii)”.

Page 74, line 22, strike “(C)” and insert “(iii)”.

Page 74, line 24, strike the final period and insert
the following:

1 ; and

2 (3) in subsection (f) by striking “pilot”.

Page 75, strike lines 3 through 5.

Page 75, line 6, strike “(2)” and insert “(1)”.

Page 75, line 8, strike “(3)” and insert “(2)”.

Page 75, line 18, strike “(4)” and insert “(3)”.

Page 86, strike line 24 and all that follows through
line 9 on page 87 and insert the following:

3 “(3) INSTRUCTIONS FOR CONTINUED AIR-
4 WORTHINESS.—The term ‘instructions for continued
5 airworthiness’ means any information (and any
6 changes to such information) considered essential to

1 continued airworthiness that sets forth the methods,
2 techniques, and practices for performing mainte-
3 nance and alteration on civil aircraft, aircraft en-
4 gines, propellers, appliances or any part installed
5 thereon. Such information may include maintenance,
6 repair, and overhaul manuals, standard practice
7 manuals, service bulletins, service letters, or similar
8 documents issued by a design approval holder.

Page 87, after line 21, insert the following:

9 “(3) To revise existing rules to reflect the defi-
10 nition of design approval holder in subsections (b)(2)
11 and (c)(2).

Page 87, line 22, strike “(3) To require” and insert
“(4) To determine if”.

Page 87, line 24, strike “to” and insert “should be
required”.

Page 88, line 4, strike “(4)” and insert “(5)”.

Page 88, lines 9 and 10, strike “the applicable sec-
tions of parts 1 through 199” and insert “section
21.50(b)”.

Page 88, after line 15, insert the following:

1 “(6) To revise its rules to reflect the changes
2 made by this section.

Page 88, after line 15, insert the following (and re-designate subsequent sections and conform the table of contents of the bill accordingly):

3 **SEC. 420. CERTIFICATE ACTIONS IN RESPONSE TO A SECURITY THREAT.**
4

5 (a) IN GENERAL.—Chapter 461 is amended by adding at the end the following:

7 **“§ 46111. Certificate actions in response to a security threat**
8

9 “(a) ORDERS.—The Administrator of Federal Aviation Administration shall issue an order amending, modifying, suspending, or revoking any part of a certificate issued under this title if the Administrator is notified by the Under Secretary for Border and Transportation Security of the Department of Homeland Security that the holder of the certificate poses, or is suspected of posing, a risk of air piracy or terrorism or a threat to airline or passenger safety. If requested by the Under Secretary, the order shall be effective immediately.

19 “(b) HEARINGS FOR CITIZENS.—An individual who
20 is a citizen of the United States who is adversely affected
21 by an order of the Administrator under subsection (a) is
22 entitled to a hearing on the record.

1 “(c) HEARINGS.—When conducting a hearing under
2 this section, the administrative law judge shall not be
3 bound by findings of fact or interpretations of laws and
4 regulations of the Administrator or the Under Secretary.

5 “(d) APPEALS.—An appeal from a decision of an ad-
6 ministrative law judge as the result of a hearing under
7 subsection (b) shall be made to the Transportation Secu-
8 rity Oversight Board established by section 115. The
9 Board shall establish a panel to review the decision. The
10 members of this panel (1) shall not be employees of the
11 Transportation Security Administration, (2) shall have the
12 level of security clearance needed to review the determina-
13 tion made under this section, and (3) shall be given access
14 to all relevant documents that support that determination.
15 The panel may affirm, modify, or reverse the decision.

16 “(e) JUDICIAL REVIEW.—A person substantially af-
17 fected by an action of a panel under subsection (d), or
18 the Under Secretary when the Under Secretary decides
19 that the action of the panel under this section will have
20 a significant adverse impact on carrying out this part, may
21 obtain judicial review of the order under section 46110.
22 The Under Secretary and the Administrator shall be made
23 a party to the judicial review proceedings. Findings of fact
24 of the panel are conclusive if supported by substantial evi-
25 dence.

1 “(f) EXPLANATION OF DECISIONS.—An individual
2 who commences an appeal under this section shall receive
3 a written explanation of the basis for the determination
4 or decision and all relevant documents that support that
5 determination to the maximum extent that the national
6 security interests of the United States and other applica-
7 ble laws permit.

8 “(g) CLASSIFIED EVIDENCE.—

9 “(1) IN GENERAL.—The Under Secretary, in
10 consultation with the Administrator, shall issue reg-
11 ulations to establish procedures by which the Under
12 Secretary, as part of a hearing conducting under
13 this section, may substitute an unclassified summary
14 of classified evidence upon the approval of the ad-
15 ministrative law judge.

16 “(2) APPROVAL AND DISAPPROVAL OF SUM-
17 MARIES.—Under the procedures, an administrative
18 law judge shall—

19 “(A) approve a summary if the judge finds
20 that it is sufficient to enable the certificate
21 holder to appeal an order issued under sub-
22 section (a); or

23 “(B) disapprove a summary if the judge
24 finds that it is not sufficient to enable the cer-
25 tificate holder to appeal such an order.

1 “(3) MODIFICATIONS.—If an administrative law
2 judge disapproves a summary under paragraph
3 (2)(B), the judge shall direct the Under Secretary to
4 modify the summary and resubmit the summary for
5 approval.

6 “(4) INSUFFICIENT MODIFICATIONS.—If an ad-
7 ministrative law judge is unable to approve a modi-
8 fied summary, the order issued under subsection (a)
9 that is the subject of the hearing shall be set aside
10 unless the judge finds that such a result—

11 “(A) would likely cause serious and irrep-
12 arable harm to the national security; or

13 “(B) would likely cause death or serious
14 bodily injury to any person.

15 “(5) SPECIAL PROCEDURES.—If an administra-
16 tive law judge makes a finding under subparagraph
17 (A) or (B) of paragraph (4), the hearing shall pro-
18 ceed without an unclassified summary provided to
19 the certificate holder. In such a case, subject to pro-
20 cedures established by regulation by the Under Sec-
21 retary in consultation with the Administrator, the
22 administrative law judge shall appoint a special at-
23 torney to assist the accused by—

24 “(A) reviewing in camera the classified evi-
25 dence; and

1 “(B) challenging, through an in camera
2 proceeding, the veracity of the evidence con-
3 tained in the classified information.”.

4 (b) CONFORMING AMENDMENT.—The analysis for
5 chapter 461 is amended by adding at the end the fol-
6 lowing:

“46111. Certificate actions in response to a security threat.”.

Page 89, at the end of line 10, insert the following:

7 Upon the request of the Administrator or an author-
8 ized representative of the National Transportation
9 Safety Board or another Federal agency, a person
10 who holds such a certificate shall present the certifi-
11 cate for inspection within a reasonable period of
12 time after the date of the request.

Page 89, line 16, after “recurrent” insert “or re-
qualification”.

Page 93, before line 1, insert the following (and re-
designate subsequent sections and conform the table of
contents of the bill accordingly):

13 **SEC. 422. NOISE EXPOSURE MAPS.**

14 Section 47503 is amended—

15 (1) in subsection (a) by striking “1985,” and
16 inserting “a forecast period that is at least 5 years
17 in the future”; and

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

3 “(b) REVISED MAPS.—If, in an area surrounding an
4 airport, a change in the operation of the airport would
5 establish a substantial new noncompatible use, or would
6 significantly reduce noise over existing noncompatible
7 uses, that is not reflected in either the existing conditions
8 map or forecast map currently on file with the Federal
9 Aviation Administration, the airport operator shall submit
10 a revised noise exposure map to the Secretary showing the
11 new noncompatible use or noise reduction.”.

Page 96, line 11, before “contaminants” insert “al-
lergens, diseases, and other”.

Page 98, line 24, strike “Notice” and insert “No-
tices”.

Page 98, line 25, before “and” insert “and 3/1862”.

Page 106, after line 20, insert the following:

12 **SEC. 433. AIR CARRIERS REQUIRED TO HONOR TICKETS**
13 **FOR SUSPENDED AIR SERVICE.**

14 Section 145(c) of the Aviation and Transportation
15 Security Act (49 U.S.C. 40101 note; 115 stat. 645) is
16 amended by striking “more than” and all that follows
17 through “after” and inserting “more than 36 months
18 after”.

1 **SEC. 434. INTERNATIONAL AIR SHOW.**

2 (a) STUDY.—The Secretary of Transportation shall
3 study the feasibility of the United States hosting a world-
4 class international air show.

5 (b) REPORT.—Not later than 9 months after the date
6 of enactment of this Act, the Secretary shall transmit to
7 Congress a report on the results of the study conducted
8 under subsection (a) together with recommendations con-
9 cerning potential locations at which the air show could be
10 held.

11 **SEC. 435. DEFINITION OF AIR TRAFFIC CONTROLLER.**

12 (a) CIVIL SERVICE RETIREMENT SYSTEM.—Section
13 8331 of title 5, United States Code, is amended—

14 (1) by striking “and” at the end of paragraph
15 (27);

16 (2) by striking the period at the end of para-
17 graph (28) and inserting “; and”; and

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

19 “(29) ‘air traffic controller’ or ‘controller’
20 means—

21 “(A) a controller within the meaning of
22 section 2109(1); and

23 “(B) a civilian employee of the Depart-
24 ment of Transportation or the Department of
25 Defense holding a supervisory, managerial, ex-
26 ecutive, technical, semiprofessional, or profes-

1 sional position for which experience as a con-
2 troller (within the meaning of section 2109(1))
3 is a prerequisite.”.

4 (b) FEDERAL EMPLOYEES’ RETIREMENT SYSTEM.—
5 Section 8401 of title 5, United States Code, is amended—

6 (1) by striking “and” at the end of paragraph
7 (33);

8 (2) by striking the period at the end of para-
9 graph (34) and inserting “; and”; and

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

11 “(35) ‘air traffic controller’ or ‘controller’
12 means—

13 “(A) a controller within the meaning of
14 section 2109(1); and

15 “(B) a civilian employee of the Depart-
16 ment of Transportation or the Department of
17 Defense holding a supervisory, managerial, ex-
18 ecutive, technical, semiprofessional, or profes-
19 sional position for which experience as a con-
20 troller (within the meaning of section 2109(1))
21 is a prerequisite.”.

22 (c) MANDATORY SEPARATION TREATMENT NOT AF-
23 FECTED.—

24 (1) CIVIL SERVICE RETIREMENT SYSTEM.—Sec-
25 tion 8335(a) of title 5, United States Code, is

1 amended by adding at the end the following: “For
2 purposes of this subsection, the term ‘air traffic con-
3 troller’ or ‘controller’ has the meaning given to it
4 under section 8331(29)(A).”.

5 (2) FEDERAL EMPLOYEES’ RETIREMENT SYS-
6 TEM.—Section 8425(a) of title 5, United States
7 Code, is amended by adding at the end the fol-
8 lowing: “For purposes of this subsection, the term
9 ‘air traffic controller’ or ‘controller’ has the meaning
10 given to it under section 8401(35)(A).”.

11 (d) EFFECTIVE DATE.—This section and the amend-
12 ments made by this section—

13 (1) shall take effect on the 60th day after the
14 date of enactment of this Act; and

15 (2) shall apply with respect to—

16 (A) any annuity entitlement to which is
17 based on an individual’s separation from service
18 occurring on or after that 60th day; and

19 (B) any service performed by any such in-
20 dividual before, on, or after that 60th day, sub-
21 ject to subsection (e).

22 (e) DEPOSIT REQUIRED FOR CERTAIN PRIOR SERV-
23 ICE TO BE CREDITABLE AS CONTROLLER SERVICE.—

24 (1) DEPOSIT REQUIREMENT.—For purposes of
25 determining eligibility for immediate retirement

1 under section 8412(e) of title 5, United States Code,
2 the amendment made by subsection (b) shall, with
3 respect to any service described in paragraph (2), be
4 disregarded unless there is deposited into the Civil
5 Service Retirement and Disability Fund, with re-
6 spect to such service, in such time, form, and man-
7 ner as the Office of Personnel Management by regu-
8 lation requires, an amount equal to the amount by
9 which—

10 (A) the deductions from pay which would
11 have been required for such service if the
12 amendments made by this section had been in
13 effect when such service was performed, exceeds

14 (B) the unrefunded deductions or deposits
15 actually made under subchapter II of chapter
16 84 of such title 5 with respect to such service.

17 The amount under the preceding sentence shall in-
18 clude interest, computed under paragraphs (2) and
19 (3) of section 8334(e) of such title 5.

20 (2) PRIOR SERVICE DESCRIBED.—This sub-
21 section applies with respect to any service performed
22 by an individual, before the 60th day following the
23 date of enactment of this Act, as an employee de-
24 scribed in section 8401(35)(B) of such title 5 (as set
25 forth in subsection (b)).

1 **SEC. 436. JUSTIFICATION FOR AIR DEFENSE IDENTIFICA-**
2 **TION ZONE.**

3 (a) IN GENERAL.—If the Administrator of the Fed-
4 eral Aviation Administration establishes an Air Defense
5 Identification Zone (in this section referred as an
6 “ADIZ”), the Administrator shall transmit, not later than
7 60 days after the date of establishing the ADIZ, to the
8 Committee on Transportation and Infrastructure of the
9 House of Representatives and the Committee on Com-
10 merce, Science, and Transportation of the Senate a report
11 containing an explanation of the need for the ADIZ. The
12 Administrator also shall transmit to the Committees up-
13 dates of the report every 60 days until the ADIZ is re-
14 scinded. The reports and updates shall be transmitted in
15 classified form.

16 (b) EXISTING ADIZ.—If an ADIZ is in effect on the
17 date of enactment of this Act, the Administrator shall
18 transmit an initial report under subsection (a) not later
19 than 30 days after the date of enactment of this Act.

20 (c) DEFINITION.—In this section, the term “Air De-
21 fense Identification Zone” or “ADIZ” means a zone estab-
22 lished by the Administrator with respect to airspace under
23 18,000 feet in approximately a 15- to 38-mile radius
24 around Washington, District of Columbia, for which secu-
25 rity measures are extended beyond the existing 15-mile no-
26 fly zone around Washington and in which general aviation

1 aircraft are required to adhere to certain procedures
2 issued by the Administrator.

3 **SEC. 437. INTERNATIONAL AIR TRANSPORTATION.**

4 It is the sense of Congress that, in an effort to mod-
5 ernize its regulations, the Department of Transportation
6 should formally define “Fifth Freedom” and “Seventh
7 Freedom” consistently for both scheduled and charter pas-
8 senger and cargo traffic.

Page 114, line 10, strike “YEAR 2004” and insert
“YEARS 2004 AND 2005”.

Page 114, lines 13 and 14, strike “YEAR 2004” and
insert “YEARS 2004 AND 2005”.

Page 114, line 17, strike “year 2004” and insert
“years 2004 and 2005”.

Page 120, line 1, strike “47102(3)(K)” and insert
“47102(3)(F), 47102(3)(K),”.

Page 120, after line 22, insert the following (and re-
designate subsequent sections and conform the table of
contents of the bill accordingly):

9 **SEC. 515. TERMINAL DEVELOPMENT COSTS.**

10 Section 47119(a) is amended to read as follows:

11 “(a) REPAYING BORROWED MONEY.—

1 “(1) TERMINAL DEVELOPMENT COSTS IN-
2 CURRED AFTER JUNE 30, 1970, AND BEFORE JULY
3 12, 1976.—An amount apportioned under section
4 47114 and made available to the sponsor of a com-
5 mercial service airport at which terminal develop-
6 ment was carried out after June 30, 1970, and be-
7 fore July 12, 1976, is available to repay immediately
8 money borrowed and used to pay the costs for such
9 terminal development at the airport if those costs
10 would be allowable project costs under section
11 47110(d) if they had been incurred after September
12 3, 1982.

13 “(2) TERMINAL DEVELOPMENT COSTS IN-
14 CURRED BETWEEN JANUARY 1, 1992, AND OCTOBER
15 31, 1992.—An amount apportioned under section
16 47114 and made available to the sponsor of a
17 nonhub airport at which terminal development was
18 carried out between January 1, 1992, and October
19 31, 1992, is available to repay immediately money
20 borrowed and to pay the costs for such terminal de-
21 velopment at the airport if those costs would be al-
22 lowable project costs under section 47110(d).

23 “(3) TERMINAL DEVELOPMENT COSTS AT
24 FORMER PRIMARY AIRPORTS.—An amount appor-

1 tioned under section 47114 or available under sub-
2 section (b)(3) to a primary airport—

3 “(A) that was a nonhub airport in the
4 most recent year used to calculate apportion-
5 ments under section 47114;

6 “(B) that is a designated airport under
7 section 47118 in fiscal year 2003; and

8 “(C) at which terminal development is car-
9 ried out between January 2003 and August
10 2004,

11 is available to repay immediately money borrowed
12 and used to pay the costs for such terminal develop-
13 ment at the airport if those costs would be allowable
14 project costs under section 47110(d).

15 “(4) CONDITIONS FOR GRANT.—An amount is
16 available for a grant under this subsection only if—

17 “(A) the sponsor submits the certification
18 required under section 47110(d);

19 “(B) the Secretary of Transportation de-
20 cides that using the amount to repay the bor-
21 rowed money will not defer an airport develop-
22 ment project outside the terminal area at that
23 airport; and

24 “(C) amounts available for airport develop-
25 ment under this subchapter will not be used for

1 additional terminal development projects at the
2 airport for at least 3 years beginning on the
3 date the grant is used to repay the borrowed
4 money.

5 “(5) APPLICABILITY OF CERTAIN LIMITA-
6 TIONS.—A grant under this subsection shall be sub-
7 ject to the limitations in subsection (b)(1) and (2).”.

Page 121, at the beginning of line 23, insert “(a) IN
GENERAL.—”.

Page 122, line 13, strike “the users of that airport”
and insert “at least 65 percent of the owners of aircraft
based at that airport”.

Page 123, after line 2, insert the following:

8 (b) FEDERAL SHARE.—Section 47109(a) is
9 amended—
10 (1) by inserting “and” at the end of paragraph
11 (3);
12 (2) by striking paragraph (4); and
13 (3) by redesignating paragraph (5) as para-
14 graph (4).

Page 127, line 24, strike “owned by and”.

Page 129, line 15, after “equipment” insert “owned
by an airport”.

Page 134, before line 6, insert the following (and redesignate the subsequent section and conform the table of contents of the bill accordingly):

1 **SEC. 522. PROHIBITION ON REQUIRING AIRPORTS TO PRO-**
2 **VIDE RENT-FREE SPACE FOR FEDERAL AVIA-**
3 **TION ADMINISTRATION.**

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

6 **“§ 47141. Prohibition on rent-free space requirements**
7 **for Federal Aviation Administration**

8 “(a) IN GENERAL.—The Secretary of Transportation
9 may not require an airport sponsor to provide to the Fed-
10 eral Aviation Administration, without compensation, space
11 in a building owned by the sponsor and costs associated
12 with such space for building construction, maintenance,
13 utilities, and other expenses.

14 “(b) NEGOTIATED AGREEMENTS.—Subsection (a)
15 does not prohibit—

16 “(1) the negotiation of agreements between the
17 Secretary and an airport sponsor to provide building
18 construction, maintenance, utilities and expenses, or
19 space in airport sponsor-owned buildings to the Fed-
20 eral Aviation Administration without cost or at
21 below-market rates; or

1 “(2) the Secretary of Transportation from re-
2 quiring airport sponsors to provide land without cost
3 to the Federal Aviation Administration for air traffic
4 control facilities.”.

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

 “47141. Prohibition on rent-free space requirements for Federal Aviation Ad-
 ministration.”.

 Page 135, after line 22, insert the following (con-
 form the table of contents of the bill accordingly):

8 **SEC. 523. GENERAL AVIATION FLIGHTS AT RONALD**
9 **REAGAN WASHINGTON NATIONAL AIRPORT.**

10 It is the sense of Congress that Ronald Reagan
11 Washington National Airport should be open to general
12 aviation flights as soon as possible.