

104TH CONGRESS
1ST SESSION

H. R. 2276

To establish the Federal Aviation Administration as an independent establishment in the executive branch, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 7, 1995

Mr. DUNCAN (for himself, Mr. SHUSTER, Mr. OBERSTAR, Mr. LIGHTFOOT, Mr. CLINGER, Mr. WELLER, Mr. COBLE, Mr. RAHALL, Mr. LIPINSKI, Mr. EWING, Mr. COSTELLO, Mr. WISE, Mr. HUTCHINSON, Mr. EHLERS, Mr. BACHUS, Mrs. SEASTRAND, Mr. TATE, Ms. DANNER, Mrs. KELLY, Mr. CLYBURN, and Mr. LATHAM) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Government Reform and Oversight, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish the Federal Aviation Administration as an independent establishment in the executive branch, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Aviation Ad-
5 ministration Revitalization Act of 1995”.

1 **SEC. 2. AMENDMENT OF TITLE 49, UNITED STATES CODE.**

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

7 **SEC. 3. ESTABLISHMENT OF FEDERAL AVIATION ADMINIS-**
 8 **TRATION.**

9 Subtitle II is amended by adding at the end the fol-
 10 lowing:

11 **“CHAPTER 13—FEDERAL AVIATION**
 12 **ADMINISTRATION**

“SUBCHAPTER I—GENERAL PROVISIONS

“1301. Definitions.

“SUBCHAPTER II—ORGANIZATION AND ADMINISTRATIVE

“1311. Establishment.

“1312. Federal Aviation Board.

“1313. Officers.

“1314. Personnel management program.

“1315. Management Advisory Committee.

“1316. Authority to carry out certain transferred duties and powers.

“SUBCHAPTER III—AUTHORITY

“1331. Functions.

“1332. Regulations.

“1333. Finality of decisions; appeals.

“1334. Procurement program.

“1335. Judicial review of actions in carrying out certain transferred duties and powers.

13 “SUBCHAPTER I—GENERAL PROVISIONS

14 **“§ 1301. Definitions**

15 “In this chapter, the following definitions apply:

1 tation in existence on the day before the effective date of
2 this section.

3 **“§ 1312. Federal Aviation Board**

4 “(a) IN GENERAL.—There is established a Federal
5 Aviation Board which shall serve as the head of the Ad-
6 ministration.

7 “(b) FUNCTIONS.—

8 (1) IN GENERAL.—The Board shall be respon-
9 sible for the major policy functions of the Adminis-
10 tration, including the following:

11 “(A) The appointment and removal of the
12 Chief Executive Officer and the approval of
13 other senior officers of the Administration
14 under section 1313.

15 “(B) The approval and submission to Con-
16 gress of major contracts under section 1334(d).

17 “(C) The approval of major regulatory ac-
18 tions under section 1332(b).

19 “(D) The issuance of letters of intent
20 under section 47110(e).

21 “(E) The approval and submission to Con-
22 gress of the Administration’s plans for person-
23 nel management and acquisition management
24 programs under sections 1314 and 1334.

1 “(F) The approval of the agency’s annual
2 budget submission.

3 “(G) Long-range and strategic planning
4 for the Administration.

5 “(H) The representation of the Adminis-
6 tration at public events to the extent prac-
7 ticable.

8 “(I) Such other significant actions as the
9 Board considers appropriate.

10 “(2) NONDELEGABLE FUNCTIONS.—The Board
11 may not delegate the functions described in subpara-
12 graphs (A) through (F) of paragraph (1).

13 “(3) NOT SUBJECT TO ENTITIES CREATED BY
14 EXECUTIVE ORDER.—The Administration shall not
15 submit decisions for the approval of, and shall not
16 be bound by the decisions or recommendations of,
17 any committee, board, or other organization estab-
18 lished by Executive order.

19 “(c) MEMBERSHIP.—

20 “(1) VOTING MEMBERS.—The Board shall be
21 composed of 3 voting members to be appointed by
22 the President, by and with the advice and consent
23 of the Senate. The initial members of the Board
24 shall be appointed as soon as practicable after the

1 date of the enactment of the Federal Aviation Ad-
2 ministration Revitalization Act of 1995.

3 “(2) NON-VOTING MEMBERS.—The Secretary of
4 Transportation (or the Secretary’s designee) and the
5 Secretary of Defense (or the Secretary’s designee)
6 shall serve as non-voting members of the Board.

7 “(d) QUALIFICATIONS.—

8 “(1) IN GENERAL.—Members appointed to the
9 Board under subsection (c)(1) shall represent the
10 public interest and shall be selected from individuals
11 who are knowledgeable in aviation. Members of the
12 Board may not—

13 “(A) have a pecuniary interest in, or own
14 stock in or bonds of, an aeronautical enterprise;

15 “(B) engage in another business, vocation,
16 or employment; and

17 “(C) be a member of any organization a
18 substantial part of whose activities are for the
19 purpose of influencing aviation-related legisla-
20 tion.

21 “(2) DEFINITION.—In this subsection, the term
22 ‘influencing legislation’ has the meaning such term
23 has under section 4911(d) of the Internal Revenue
24 Code of 1986 (26 U.S.C. 4911(d)).

25 “(e) TERMS.—

1 “(1) IN GENERAL.—Subject to paragraphs (2)
2 and (3), each member of the Board appointed under
3 subsection (c)(1) shall be appointed for a term of 7
4 years.

5 “(2) TERMS OF INITIAL APPOINTEES.—As des-
6 ignated by the President at the time of appointment,
7 of the members first appointed under subsection
8 (c)(1)—

9 “(A) 1 shall be appointed for a term of 3
10 years;

11 “(B) 1 shall be appointed for a term of 5
12 years; and

13 “(C) 1 shall be appointed for a term of 7
14 years.

15 “(3) VACANCIES.—Any member appointed
16 under subsection (c)(1) to fill a vacancy occurring
17 before the expiration of the term for which the mem-
18 ber’s predecessor was appointed shall be appointed
19 only for the remainder of that term. A member may
20 serve after the expiration of that member’s term
21 until a successor has taken office.

22 “(f) REMOVAL.—Members of the Board appointed
23 under subsection (c)(1) may be removed by the President
24 for inefficiency, neglect of duty, or malfeasance in office.

1 “(g) CHAIRPERSON.—The Chairperson of the Board
2 shall be appointed by the President, by and with the advice
3 and consent of the Senate. At the time of such appoint-
4 ment, the President shall establish the term of the Chair-
5 person. Such term may not exceed the term of the Chair-
6 person’s appointment to the Board.

7 “(h) QUORUM.—Two members of the Board ap-
8 pointed under subsection (c)(1) shall constitute a quorum
9 for carrying out the duties and powers of the Board.

10 “(i) BASIC PAY.—

11 “(1) CHAIRPERSON.—The Chairperson of the
12 Board shall be paid at a rate equal to the rate of
13 basic pay payable for level II of the Executive
14 Schedule.

15 “(2) OTHER MEMBERS.—The other voting
16 members of the Board shall be paid at a rate equal
17 to the rate of basic pay payable for level III of the
18 Executive Schedule.

19 **“§ 1313. Officers**

20 “(a) CHIEF EXECUTIVE OFFICERS.—

21 “(1) APPOINTMENT.—The Board shall appoint
22 a Chief Executive Officer.

23 “(2) DUTIES.—The Board shall delegate to the
24 Chief Executive Officer the responsibility for manag-
25 ing the day-to-day operation of the Administration,

1 including (except as provided in section 1312(b)) the
2 hiring and firing of employees, acquisition of facili-
3 ties and equipment, issuance of rules, airworthiness
4 directives, and advisory circulars, preparation of the
5 annual budget submission, the awarding of grants,
6 and such other functions as the Board considers ap-
7 propriate.

8 “(3) REMOVAL.—The Chief Executive Officer
9 shall serve at the pleasure of the Board; except that
10 the Board shall make every effort to ensure stability
11 and continuity in the leadership of the Administra-
12 tion.

13 “(4) BASIC PAY.—Subject to section 1314(f),
14 the Chief Executive Officer shall be paid at a rate
15 to be determined by the Board.

16 “(b) OTHER OFFICERS.—Subject to the approval of
17 the Board, the Chief Executive Officer shall appoint other
18 senior officers who shall each have such duties as the Chief
19 Executive Officer may prescribe.

20 “(c) CHIEF COUNSEL.—Subject to the approval of
21 the Board, the Chief Executive Officer shall appoint a
22 Chief Counsel who shall be the chief legal officer for all
23 legal matters arising from the activities of the Administra-
24 tion.

1 “(d) INSPECTOR GENERAL.—There shall be in the
2 Administration an Inspector General who shall be ap-
3 pointed in accordance with the Inspector General Act of
4 1978 (5 U.S.C. App.).

5 **“§ 1314. Personnel management program**

6 “(a) EXEMPTION FROM CERTAIN PROVISIONS OF
7 TITLE 5, UNITED STATES CODE.—

8 “(1) IN GENERAL.—Except as otherwise pro-
9 vided in this Act, the Administration shall be exempt
10 from parts II and III of title 5.

11 “(2) EFFECTIVE DATE.—The exemption pro-
12 vided by paragraph (1) shall not take effect until the
13 expiration of the 180-period described in subsection
14 (d)(2).

15 “(b) DEVELOPMENT OF PERSONNEL MANAGEMENT
16 SYSTEM.—

17 “(1) IN GENERAL.—Not later than 1 year after
18 the date of the enactment of the Federal Aviation
19 Administration Revitalization Act of 1995, the
20 Board shall develop a personnel management system
21 for the Administration.

22 “(2) CONSULTATION.—In developing the per-
23 sonnel management system, the Board shall consult
24 employees of the Administration, the designated rep-

1 representatives of such employees, and nongovern-
2 mental experts in personnel management systems.

3 “(3) GOALS.—The goal of the personnel man-
4 agement system to be developed by the Board under
5 paragraph (1) shall be to provide, consistent with
6 the requirements of this section, the Administration
7 with the ability—

8 “(A) to hire and fire employees as in the
9 private sector;

10 “(B) to promote and pay employees based
11 on merit;

12 “(C) to provide market-based salaries (de-
13 signed to attract the best qualified employees)
14 within available resources;

15 “(D) to provide pay increases and other in-
16 centives to staff facilities that are difficult to
17 staff;

18 “(E) to move personnel to those facilities
19 where they are most needed; and

20 “(F) to provide an opportunity for collec-
21 tive bargaining and other consultation with em-
22 ployees concerning terms and conditions of em-
23 ployment.

24 “(c) EXPERTS EVALUATION.—The arrangements en-
25 tered into by the Board with the experts consulted by the

1 Board under subsection (b) shall provide for those experts
2 to evaluate the personnel management system developed
3 by the Board and submit to Congress the results of such
4 evaluation before the last day of the 1-year period referred
5 to in subsection (b)(1).

6 “(d) NOTICE TO CONGRESS.—

7 “(1) IN GENERAL.—Upon development of the
8 personnel management system under subsection (b),
9 the Board shall submit to Congress a comprehensive
10 plan describing the personnel management system,
11 along with all existing or proposed rules or regula-
12 tions relevant to the system.

13 “(2) IMPLEMENTATION.—The Board may begin
14 to implement the personnel management system only
15 after the expiration of the 180-day period that be-
16 gins on the date of submission of the plan to Con-
17 gress under paragraph (1).

18 “(e) EMPLOYEE RIGHTS AND BENEFITS.—Nothing
19 in this section shall be construed as exempting the Admin-
20 istration and employees of the Administration from any
21 of the following provisions of title 5:

22 “(1) Section 2302(b)(8) (relating to whistle-
23 blower protection) and related enforcement provi-
24 sions.

1 “(2) Sections 7311(3) and 7311(4) (relating to
2 limitations on the right to strike).

3 “(3) Sections 2302(b)(1) and 7204 (relating to
4 antidiscrimination) and related enforcement provi-
5 sions and provisions of law referred to in section
6 2302(b)(1).

7 “(4) Chapter 73 (relating to suitability, secu-
8 rity, and conduct).

9 “(5) Chapter 81 (relating to compensation for
10 work injuries).

11 “(6) Chapter 83 (relating to retirement).

12 “(7) Chapter 84 (relating to the Federal Em-
13 ployees’ Retirement System).

14 “(8) Chapter 85 (relating to unemployment
15 compensation).

16 “(9) Chapter 89 (relating to health insurance).

17 “(f) PAY RESTRICTIONS.—

18 “(1) MAXIMUM RATE OF PAY.—No officer (in-
19 cluding the Chief Executive Officer) or employee of
20 the Administration may receive annual pay in excess
21 of the annual rate of basic pay payable for level II
22 of the Executive Schedule unless the Board provides
23 written notification to Congress of such higher rate
24 of pay and 30 days (excluding Saturdays, Sundays,
25 and holidays, and any day on which neither House

1 of Congress is in session because of an adjournment
2 sine die, a recess of more than 3 days, or an ad-
3 journment of more than 3 days) have elapsed since
4 the date of such notification.

5 “(2) PERCENTAGE OF EMPLOYEES ABOVE
6 LEVEL ES-1 OF SENIOR EXECUTIVE SERVICE.—Not
7 more than 0.30 percent of the officers (including
8 members of the Board and the Chief Executive Offi-
9 cer) and employees of the Administration may be
10 paid at a rate which equals or exceeds the rate pay-
11 able for level ES-1 of the Senior Executive Service.

12 “(3) RAISES AND BONUSES.—No officer (in-
13 cluding the Chief Executive Officer) or employee of
14 the Administration who is paid at a rate which ex-
15 ceeds the rate payable for level ES-1 of the Senior
16 Executive Service may receive in a calendar year
17 raises or bonuses (excluding cost-of-living increases
18 and increases that are the results of a promotion)
19 that total more than 10 percent of the annual rate
20 of pay of the officer or employee on the day before
21 the first day of such calendar year.

22 “(g) CONTRACTS BETWEEN FAA AND FORMER FAA
23 EMPLOYEES.—Before the Administration may enter into
24 a contract with an individual who has been employed by
25 the Administration at any time during the 2-year period

1 preceding the expected date of entry into the contract or
2 with a corporation, partnership, or other entity in which
3 such a former employee is a partner, principal officer, or
4 majority stockholder or which is otherwise controlled or
5 predominantly staffed by 1 or more of such former em-
6 ployees, the Board must first approve of the entry into
7 the contract as being essential to the mission of the Ad-
8 ministration.

9 **“§ 1315. Management Advisory Committee**

10 “(a) ESTABLISHMENT.—There is established an advi-
11 sory committee which shall be known as the Federal Avia-
12 tion Management Advisory Committee (hereinafter in this
13 section referred to as the ‘Management Advisory Commit-
14 tee’).

15 “(b) MEMBERSHIP.—The Management Advisory
16 Committee shall consist of 17 members, who shall be ap-
17 pointed as follows:

18 “(1) 1 member appointed by the Speaker of the
19 House of Representatives;

20 “(2) 1 member appointed by the minority lead-
21 er of the House of Representatives;

22 “(3) 1 member appointed by the majority lead-
23 er of the Senate;

24 “(4) 1 member appointed by the minority lead-
25 er of the Senate;

1 “(5) 13 members appointed by the Board 12 of
2 whom shall represent 1 of the following interests:

3 “(A) Airline passengers.

4 “(B) General aviation and sport aviation.

5 “(C) Business aviation.

6 “(D) Hub airports.

7 “(E) Non-hub and general aviation air-
8 ports.

9 “(F) Major airlines and national airlines.

10 “(G) Regional airlines and air taxis.

11 “(H) Cargo airlines and charter airlines.

12 “(I) Aircraft manufacturers.

13 “(J) Airline employees.

14 “(K) Federal Aviation Administration em-
15 ployees.

16 “(L) State aviation officials.

17 “(c) FUNCTIONS.—The Management Advisory Com-
18 mittee shall provide advice and counsel to the Administra-
19 tion on issues which affect or are affected by the oper-
20 ations of the Administration. The Management Advisory
21 Committee shall hold quarterly meetings. The Administra-
22 tion shall give the Management Advisory Committee ac-
23 cess to internal documents and personnel of the Adminis-
24 tration. The Management Advisory Committee shall func-
25 tion as an oversight resource for management, policy,

1 spending, and regulatory matters under the jurisdiction
2 of the Administration.

3 “(d) CHAIRMAN.—The Management Advisory Com-
4 mittee shall elect a chairman of the Management Advisory
5 Committee from among its members.

6 “(e) TERMS OF MEMBERS.—

7 “(1) MEMBERS APPOINTED BY CONGRESS.—
8 Members appointed under subsections (b)(1)
9 through (4) shall be appointed for a term of 2 years.

10 “(2) MEMBERS APPOINTED BY THE BOARD.—
11 Members appointed under subsection (b)(5) shall be
12 appointed for a term of 3 years.

13 “(f) TRAVEL AND PER DIEM.—Each member of the
14 Management Advisory Committee shall be paid actual
15 travel expenses, and per diem in lieu of subsistence ex-
16 penses when away from his or her usual place of residence,
17 in accordance with section 5703 of title 5.

18 “(g) UTILIZATION OF PERSONNEL FROM FAA.—The
19 Administration shall make available to the Management
20 Advisory Committee such staff, information, and adminis-
21 trative services and assistance as may reasonably be re-
22 quired to enable the Management Advisory Committee to
23 carry out its responsibilities under this section.

24 “(h) APPLICABILITY OF FEDERAL ADVISORY COM-
25 MITTEE ACT.—The Management Advisory Committee

1 shall be subject to the Federal Advisory Committee Act
2 (5 U.S.C. App.); except that section 14(a)(2)(B) of such
3 Act (relating to the termination of advisory committees)
4 shall not apply to the Committee.

5 **“§ 1316. Authority to carry out certain transferred**
6 **duties and powers**

7 “Except as otherwise provided in this chapter, in car-
8 rying out a duty or power transferred under the Federal
9 Aviation Administration Revitalization Act of 1995 (in-
10 cluding the amendments made by such Act), the Adminis-
11 tration has the same authority that was vested in the de-
12 partment, agency, or instrumentality of the United States
13 Government carrying out the duty or power immediately
14 before the transfer. An action of the Administration in
15 carrying out the duty or power has the same effect as
16 when carried out by the department, agency, or instru-
17 mentality.

18 “SUBCHAPTER III—AUTHORITY

19 **“§ 1331. Functions**

20 “(a) IN GENERAL.—The functions of the Federal
21 Aviation Administration shall be all functions vested in the
22 Board, the Chief Executive Officer, or the Federal Avia-
23 tion Administration by this title or by law enacted after
24 the date of the enactment of this chapter. Such functions
25 include functions of the Administration, the Board, and

1 the Chief Executive Officer under the following provisions
2 of this title:

3 “(1) Section 308(b).

4 “(2) Section 353.

5 “(3) Section 1114(d).

6 “(4) Section 1131(c).

7 “(5) Subsections (c) and (d) of section 1132.

8 “(6) Section 1135.

9 “(7) Section 1153(c).

10 “(8) Subsections (a), (c), and (d) of section
11 40101.

12 “(9) Section 40102(a)(8).

13 “(10) Section 40103(b).

14 “(11) Section 40104.

15 “(12) Section 40105.

16 “(13) Section 40106(a).

17 “(14) Section 40107.

18 “(15) Section 40108.

19 “(16) Section 40109(b).

20 “(17) Subsections (a) and (b) of section 40110.

21 “(18) Section 40111.

22 “(19) Section 40112.

23 “(20) Section 40113.

24 “(21) Section 40114.

25 “(22) Section 40115.

- 1 “(23) Section 40117.
- 2 “(24) Section 40119.
- 3 “(25) Section 41714.
- 4 “(26) Chapter 441.
- 5 “(27) Chapter 443.
- 6 “(28) Chapter 445.
- 7 “(29) Chapter 447.
- 8 “(30) Chapter 449.
- 9 “(31) Chapter 451.
- 10 “(32) Chapter 453.
- 11 “(33) Chapter 461.
- 12 “(34) Section 46301.
- 13 “(35) Section 46302.
- 14 “(36) Section 46303.
- 15 “(37) Section 46304.
- 16 “(38) Section 46306.
- 17 “(39) Section 46308.
- 18 “(40) Section 46311.
- 19 “(41) Section 46313.
- 20 “(42) Section 46315.
- 21 “(43) Section 46316.
- 22 “(44) Chapter 465.
- 23 “(45) Chapter 471.
- 24 “(46) Chapter 473.
- 25 “(47) Chapter 475.

1 “(48) Chapter 481.

2 “(49) Chapter 491.

3 “(b) INCIDENTAL FUNCTIONS.—In addition, the
4 functions of the Administration shall include all functions
5 of the Department of Transportation on the effective date
6 of this section which are incidental to, helpful to, or nec-
7 essary for the performance of the functions referred to in
8 subsection (a) or which relate primarily to those functions.

9 **“§ 1332. Regulations**

10 “(a) GENERAL AUTHORITY.—The Administration
11 may issue, rescind, and amend such regulations as are
12 necessary to carry out its functions.

13 “(b) APPROVAL OF BOARD.—

14 “(1) GENERAL RULE.—The Administration
15 may only issue a proposed regulation, final regula-
16 tion, airworthiness directive, or advisory circular
17 that may result in the expenditure by State, local,
18 and tribal governments in the aggregate, or by the
19 private sector, of \$10,000,000 or more (adjusted an-
20 nually for inflation) in any 1 year if the Board first
21 approves of the issuance of such regulation, direc-
22 tive, or circular.

23 “(2) EMERGENCY ACTION.—In an emergency,
24 the Chief Executive Officer may issue a regulation,
25 directive, or circular described in paragraph (1)

1 without prior Board approval but subject to Board
2 ratification following issuance.

3 “(c) REVIEW BY DOT.—

4 “(1) SUBMISSION.—Before the Administration
5 issues any proposed or final regulation—

6 “(A) the Administration shall submit a
7 copy of the regulation to the Secretary of
8 Transportation;

9 “(B) the Administration shall provide the
10 Secretary with a period of 5 days (excluding
11 Saturdays, Sundays, and holidays) beginning on
12 the date of such submission to determine
13 whether or not the regulation is likely to have
14 a significant effect on other modes of transpor-
15 tation in the national transportation system or
16 the Secretary’s aviation responsibilities, includ-
17 ing national defense responsibilities; and

18 “(C) if the Secretary determines, before
19 the last day of such 5-day period, that the regu-
20 lation is likely to have such a significant effect,
21 the Administration shall provide the Secretary
22 with an additional period of 45 days to assess
23 the effect of the regulation on other modes of
24 transportation in the national transportation

1 system and the Secretary's aviation responsibil-
2 ities, including national defense responsibilities.

3 “(2) RECOMMENDATIONS.—The Secretary may
4 recommend to the Administration modifications of a
5 proposed or final regulation necessary to minimize
6 the adverse effect of such regulation on other modes
7 of transportation in the national transportation sys-
8 tem or the Secretary's aviation responsibilities, in-
9 cluding national defense responsibilities. The Admin-
10 istration may make any modifications recommended
11 by the Secretary. If the Administration does not
12 make a modification recommended by the Secretary,
13 the Administration shall include in the publication of
14 the proposed or final regulation a description of the
15 recommended modification and the reasons for not
16 making the modification.

17 “(3) EXCEPTIONS.—This subsection shall not
18 apply to the following types of regulations:

19 “(A) Regulations pertaining to agency or-
20 ganization, procedure, or practice.

21 “(B) Regulations pertaining solely to navi-
22 gational aids.

23 “(C) Regulations pertaining solely to air-
24 space designations and configurations.

1 “(D) Regulations pertaining solely to
2 standard instrument approach procedures.

3 “(4) EMERGENCY.—In the case of an emer-
4 gency, the Chief Executive Officer or the Board may
5 suspend the application of this subsection for the
6 duration of the emergency.

7 “(d) AUTOMATIC TERMINATION DATE.—Any regula-
8 tion issued by the Administration after the effective date
9 of this section which is likely to result in the annual ex-
10 penditure by State, local, and tribal governments in the
11 aggregate, or by the private sector, of \$25,000,000 or
12 more (adjusted annually for inflation) in any 1 year must
13 contain an automatic termination date.

14 “(e) EMERGENCY DEFINED.—In this section, the
15 term ‘emergency’ means a situation where there is good
16 cause for finding that consideration by the Board or by
17 the Department of Transportation is impracticable or con-
18 trary to the public interest.

19 **“§ 1333. Finality of decisions; appeals**

20 “Decisions of the Administration made pursuant to
21 the exercise of the functions enumerated in subtitle VII
22 of this title shall be administratively final, and appeals as
23 currently authorized by law shall be taken directly to the
24 National Transportation Safety Board or to any court of
25 competent jurisdiction, as appropriate.

1 **“§ 1334. Procurement program**

2 “(a) EXEMPTION FROM PROCUREMENT LAWS.—

3 “(1) IN GENERAL.—The following laws and reg-
4 ulations shall not apply to the Federal Aviation Ad-
5 ministration:

6 “(A) Title III of the Federal Property and
7 Administrative Services Act of 1949 (41 U.S.C.
8 251–266).

9 “(B) The Office of Federal Procurement
10 Policy Act (41 U.S.C. 401 et seq.).

11 “(C) The Federal Acquisition Streamlining
12 Act of 1994 (Public Law 103–355).

13 “(D) The Small Business Act (15 U.S.C.
14 631 et seq.); except that the Administration
15 shall provide reasonable opportunities to small
16 business concerns and small business concerns
17 owned and controlled by socially and economi-
18 cally disadvantaged individuals to be awarded
19 contracts.

20 “(E) Subchapter V of chapter 35 of title
21 31 (relating to the procurement protest sys-
22 tem).

23 “(F) The Brooks Automatic Data Process-
24 ing Act (40 U.S.C. 759).

25 “(G) The Federal Acquisition Regulation
26 and any laws not listed in subparagraphs (A)

1 through (F) providing authority to promulgate
2 regulations in the Federal Acquisition Regula-
3 tion.

4 “(2) EFFECTIVE DATE.—The exemption pro-
5 vided by paragraph (1) shall not take effect until the
6 expiration of the 180-day period referred to in sub-
7 section (c)(2).

8 “(b) DEVELOPMENT OF ACQUISITION MANAGEMENT
9 SYSTEM.—

10 “(1) IN GENERAL.—Not later than 1 year after
11 the date of the enactment of the Federal Aviation
12 Administration Revitalization Act of 1995, the Fed-
13 eral Aviation Board, in consultation with such non-
14 governmental experts in acquisition management
15 systems as the Board may employ, shall develop an
16 acquisition management system for the Administra-
17 tion.

18 “(2) CONSULTATION.—In developing the acqui-
19 sition management system, the Board shall consult
20 nongovernmental experts in acquisition management
21 systems.

22 “(3) GOALS.—The acquisition management sys-
23 tem to be developed by the Board under paragraph
24 (1) shall be designed—

1 “(A) to ensure that services are procured
2 and new equipment is installed and certified as
3 quickly as possible without sacrificing principles
4 of fairness and protection against waste, fraud,
5 and abuse; and

6 “(B) to ensure a common interoperable air
7 traffic control system with the military.

8 “(4) EXPERTS EVALUATION.—The arrange-
9 ments entered into by the Board with the experts
10 consulted by the Board under paragraph (2) shall
11 provide for those experts to evaluate the acquisition
12 management system developed by the Board and
13 submit to Congress the results of such evaluation be-
14 fore the last day of the 1-year period referred to in
15 paragraph (1).

16 “(c) NOTICE TO CONGRESS.—

17 “(1) IN GENERAL.—Upon the development of
18 the acquisition management system, the Board shall
19 submit a comprehensive plan describing the acquisi-
20 tion management system to Congress, along with all
21 existing or proposed rules or regulations relevant to
22 the system.

23 “(2) IMPLEMENTATION.—The Administration
24 may begin to implement the acquisition management
25 system only after the expiration of the 180-day pe-

1 riod that begins on the date on which the plan is
2 submitted to Congress under paragraph (1). The ac-
3 quisition management system shall apply to con-
4 tracts entered into after the expiration of such 180-
5 day period.

6 “(d) CONTRACTS.—

7 “(1) APPROVAL OF CERTAIN CONTRACTS.—The
8 Administration may only enter into a contract that
9 has a total contract value, including all options, of
10 an amount greater than \$100,000,000 if the Board
11 first approves of the entry into the contract.

12 “(2) NOTICE TO CONGRESS OF CERTAIN CON-
13 TRACTS.—In addition to complying with paragraph
14 (1), the Administration may only enter into a con-
15 tract that has a total contract value, including all
16 options, of an amount greater than \$250,000,000 if
17 the Board provides written notice to Congress of the
18 proposed entry into the contract, together with a de-
19 scription of the contract and at least 30 calendar
20 days elapse after the date of such notification.

21 **“§ 1335. Judicial review of actions in carrying out**
22 **certain transferred duties and powers**

23 “(a) JUDICIAL REVIEW.—An action of the Adminis-
24 tration in carrying out a duty or power transferred under
25 the Department of Transportation Act (Public Law 89–

1 670) and under the Federal Aviation Administration Revi-
2 talization Act of 1995 and an action of the Administrator
3 of the Federal Aviation Administration in carrying out a
4 duty or power specifically assigned to the Administrator
5 by the Department of Transportation Act and transferred
6 to the Administration by the Federal Aviation Administra-
7 tion Revitalization Act of 1995 may be reviewed judicially
8 to the same extent and in the same way as if the action
9 had been an action by the department, agency, or instru-
10 mentality of the United States Government carrying out
11 the duty or power immediately before the transfer.

12 “(b) APPLICATION OF PROCEDURAL REQUIRE-
13 MENTS.—A statutory requirement related to notice, an op-
14 portunity for a hearing, action on the record, or adminis-
15 trative review that applied to a duty or power transferred
16 by the Acts referred to in subsection (a) applies to the
17 Administration when carrying out the duty or power.”.

18 **SEC. 4. BUDGET OF ADMINISTRATION.**

19 (a) IN GENERAL.—Section 48109 of title 49, United
20 States Code, is amended to read as follows:

21 **“§48109. Budget information and legislative rec-**
22 **ommendations and comments**

23 “(a) PREPARATION.—Subject to approval of the Fed-
24 eral Aviation Board, the Chief Executive Officer shall pre-
25 pare an annual budget for the Administration.

1 “(b) SUBMISSION OF BUDGET TO DOT.—At the
2 same time that agencies of the Department of Transpor-
3 tation having jurisdiction over other modes of transpor-
4 tation are required to submit their budgets to the Sec-
5 retary of Transportation, the Administration shall submit
6 to the Secretary the budget prepared by the Administra-
7 tion and approved by the Board. The Secretary shall re-
8 view the budget and may recommend to the Administra-
9 tion modifications in the budget necessary to ensure that
10 the budget is consistent with the needs of the national
11 transportation system and the Secretary’s aviation respon-
12 sibilities. The Administration may modify the budget to
13 adopt any recommendation made by the Secretary.

14 “(c) SUBMISSION OF BUDGET TO CONGRESS.—

15 “(1) IN GENERAL.—When the Board submits
16 to the President or the Director of the Office of
17 Management and Budget any budget information,
18 legislative recommendation, or comment on legisla-
19 tion about amounts authorized in section 48101 or
20 section 48102, the Board concurrently shall submit
21 a copy of the information, recommendation, or com-
22 ment to the Speaker of the House of Representa-
23 tives, the Committees on Transportation and Infra-
24 structure and Appropriations of the House of Rep-
25 resentatives, the President of the Senate, and the

1 Committees on Commerce, Science, and Transpor-
2 tation and Appropriations of the Senate.

3 “(2) SPECIAL RULE WITH RESPECT TO ANNUAL
4 BUDGETS.—The annual budget of the Administra-
5 tion submitted to Congress shall include—

6 “(A) budget requests and Airport and Air-
7 way Trust Fund estimates for the ensuing 4
8 fiscal years;

9 “(B) a numerical ranking, by degree of im-
10 portance to the national airspace system, of the
11 Administration’s requests for funding of air
12 traffic control modernization projects under sec-
13 tion 48101;

14 “(C) the total number of man-years of di-
15 rect effort the Administration estimates it will
16 use under support service contracts (including
17 professional, technical, engineering, site prepa-
18 ration, and installation and other services com-
19 parable to those performed by Government em-
20 ployees, but not including maintenance as part
21 of a supply contract, janitorial, research and
22 development, or construction services or services
23 incidental to supply contracts) during the fiscal
24 year for which the budget is being submitted;

1 that is likely to result in annualized compliance costs
2 in excess of \$25,000,000, the Administration shall,
3 in addition to other requirements in law, identify
4 and publish together with such regulation or stand-
5 ard the following:

6 “(A) The benefits of the regulation or
7 standard, quantified where appropriate and fea-
8 sible, and otherwise qualitatively described, in-
9 cluding in appropriate cases, the nature and
10 number of deaths or injuries that the regulation
11 or standard is designed to prevent.

12 “(B) The approximate number of aircraft,
13 airports, airmen, or cabin crew affected by the
14 regulation or standard.

15 “(C) The probable cost of fulfilling the re-
16 quirements of the regulation or standard, quan-
17 tified where appropriate and feasible, and other-
18 wise qualitatively described, including in appro-
19 priate cases any adverse effects on competition
20 or disruption or dislocation of air service or
21 other commercial practices engaged in by the
22 entities affected by such requirements.

23 “(D) Alternative means of achieving the
24 objective of the regulation or standard while
25 minimizing the costs, adverse effects on com-

1 petition, and the disruption or dislocation of air
2 service or the commercial practices affected by
3 the regulation or standard and a statement as
4 to why the Administration chose the regulation
5 or standard adopted in preference to the alter-
6 natives considered.

7 “(2) EMERGENCY.—In the case of an emer-
8 gency, the Chief Executive Officer or the Board may
9 suspend the application of this subsection for the
10 duration of the emergency.

11 “(3) NONAPPLICABILITY TO ADVISORY CIRCU-
12 LARS.—This subsection shall not apply to advisory
13 circulars.”.

14 **SEC. 6. BUDGETARY TREATMENT OF TRUST FUND.**

15 (a) IN GENERAL.—Chapter 481 is amended by add-
16 ing at the end the following:

17 **“§48111. Budgetary treatment of airport and airway**
18 **trust fund**

19 “The receipts and disbursements of the Airport and
20 Airway Trust Fund established by section 9502 of the In-
21 ternal Revenue Code of 1986 (26 U.S.C. 9502)—

22 “(1) shall not be included in the totals of—

23 “(A) the budget of the United States Gov-
24 ernment as submitted by the President, or

1 “(B) the congressional budget (including
2 allocations of budget authority and outlays pro-
3 vided therein),

4 “(2) shall be exempt from any general budget
5 limitation imposed by statute on expenditures and
6 net lending (budget outlays) of the United States
7 Government, and

8 “(3) shall be exempt from any order issued
9 under part C of the Balanced Budget and Emer-
10 gency Deficit Control Act of 1985.

11 **“§48112. Safeguards against deficit spending**

12 “(a) ESTIMATES OF UNFUNDED AVIATION AUTHOR-
13 IZATIONS AND NET AVIATION RECEIPTS.—Not later than
14 March 31 of each year, the Federal Aviation Administra-
15 tion, in consultation with the Secretary of the Treasury,
16 shall estimate—

17 “(1) the amount which would (but for this sec-
18 tion) be the unfunded aviation authorizations at the
19 close of the first fiscal year that begins after that
20 March 31, and

21 “(2) the net aviation receipts at the close of
22 such fiscal year.

23 “(b) PROCEDURE OF EXCESS UNFUNDED AVIATION
24 AUTHORIZATIONS.—If the Administration determines for
25 any fiscal year that the amount described in subsection

1 (a)(1) exceeds the amount described in subsection (a)(2),
2 the Board shall determine the amount of such excess.

3 “(c) ADJUSTMENT OF AUTHORIZATIONS IF UN-
4 FUNDED AUTHORIZATIONS EXCEED RECEIPTS.—

5 “(1) DETERMINATION OF PERCENTAGE.—If the
6 Administration determines that there is an excess
7 referred to in subsection (b) for a fiscal year, the
8 Administration shall determine the percentage
9 which—

10 “(A) such excess, is of

11 “(B) the total of the amounts authorized
12 to be appropriated from the Airport and Airway
13 Trust Fund established by section 9502 of the
14 Internal Revenue Code of 1986 (26 U.S.C.
15 9502) for the next fiscal year.

16 “(2) ADJUSTMENT OF AUTHORIZATIONS.—If
17 the Administration determines a percentage under
18 paragraph (1), each amount authorized to be appro-
19 priated from the Airport and Airway Trust Fund for
20 the next fiscal year shall be reduced by such percent-
21 age.

22 “(d) AVAILABILITY OF AMOUNTS PREVIOUSLY WITH-
23 HELD.—

24 “(1) ADJUSTMENT OF AUTHORIZATIONS.—If,
25 after a reduction has been made under subsection

1 (c)(2), the Administration determines that the
2 amount described in subsection (a)(1) does not ex-
3 ceed the amount described in subsection (a)(2) or
4 that the excess referred to in subsection (b) is less
5 than the amount previously determined, each
6 amount authorized to be appropriated that was re-
7 duced under subsection (c)(2) shall be increased, by
8 an equal percentage, to the extent the Administra-
9 tion determines that it may be so increased without
10 causing the amount described in subsection (a)(1) to
11 exceed the amount described in subsection (a)(2)
12 (but not by more than the amount of the reduction).

13 “(2) APPORTIONMENT.—The Administration
14 shall apportion amounts made available for appor-
15 tionment by paragraph (1).

16 “(3) PERIOD OF AVAILABILITY.—Any funds ap-
17 portioned under paragraph (2) shall remain available
18 for the period for which they would be available if
19 such apportionment took effect with the fiscal year
20 in which they are apportioned under paragraph (2).

21 “(e) REPORTS.—Any estimate under subsection (a)
22 and any determination under subsection (b), (c), or (d)
23 shall be reported by the Administration to Congress.

24 “(f) DEFINITIONS.—In this section, the following
25 definitions apply:

1 “(1) NET AVIATION RECEIPTS.—The term ‘net
2 aviation receipts’ means, with respect to any period,
3 the excess of—

4 “(A) the receipts (including interest) of the
5 Airport and Airway Trust Fund during such
6 period, over

7 “(B) the amounts to be transferred during
8 such period from the Airport and Airway Trust
9 Fund under section 9502(d) of the Internal
10 Revenue Code of 1986 (other than paragraph
11 (1) thereof).

12 “(2) UNFUNDED AVIATION AUTHORIZATIONS.—
13 The term ‘unfunded aviation authorization’ means,
14 at any time, the excess (if any) of—

15 “(A) the total amount authorized to be ap-
16 propriated from the Airport and Airway Trust
17 Fund which has not been appropriated, over

18 “(B) the amount available in the Airport
19 and Airway Trust Fund at such time to make
20 such appropriation (after all other unliquidated
21 obligations at such time which are payable from
22 the Airport and Airway Trust Fund have been
23 liquidated).”.

1 (b) CONFORMING AMENDMENT.—The analysis for
2 chapter 481 of title 49, United States Code, is amended
3 by adding at the end the following:

“48111. Budgetary treatment of Airport and Airway Trust Fund.
“48112. Safeguards against deficit spending.”.

4 (c) APPLICABILITY.—This section (including the
5 amendments made by this section) shall apply to fiscal
6 years beginning after September 30, 1995.

7 **SEC. 7. AMENDMENT TO INSPECTOR GENERAL ACT OF 1978.**

8 Section 11 of the Inspector General Act of 1978 (5
9 U.S.C. App.) is amended—

10 (1) in paragraph (1) by striking “or Small
11 Business,” and inserting “Small Business, Federal
12 Aviation Administration,”; and

13 (2) in paragraph (2) by inserting “the Federal
14 Aviation Administration,” after “United States In-
15 formation Agency,”.

16 **SEC. 8. PASSENGER FACILITY CHARGES.**

17 (a) FEE RETAINED BY AIRLINES.—

18 (1) DEADLINE FOR RESPONSE TO PETITION.—
19 Not later than 75 days after the date of the enact-
20 ment of this Act, the Administrator of the Federal
21 Aviation Administration shall issue a notice of a pro-
22 posed rulemaking or a denial of the petition in
23 Docket 27791 of the Federal Aviation Administra-

1 mandatory spending authority, authority to borrow, and
2 restructured grant programs.

3 (b) APPOINTMENT OF MEMBERS.—Not later than 90
4 days after the date of the appointment of at least 2 mem-
5 bers of the Board, the Board shall appoint members to
6 the panel established under this section. Such members
7 shall consist of appropriate Federal Government officials
8 and representatives of the aviation industry, Administra-
9 tion employees, the financial community, and State and
10 local governments.

11 (c) TRAVEL AND PER DIEM.—Each member of the
12 panel established under this section shall be paid actual
13 travel expenses, and per diem in lieu of subsistence ex-
14 penses when away from his or her usual place of residence,
15 in accordance with section 5703 of title 5, United States
16 Code.

17 (d) APPLICABILITY OF FEDERAL ADVISORY COMMIT-
18 TEES ACT.—The select panel established under this sec-
19 tion shall be subject to the Federal Advisory Committee
20 Act (5 U.S.C. App.).

21 (e) REPORT.—Not later than 1 year after the date
22 of the appointment of the last member to the panel under
23 subsection (b), the panel shall submit to Congress and the
24 Federal Aviation Administration a report on the results
25 of the review conducted under this section.

1 **SEC. 10. TRANSFER OF PERSONNEL, PROPERTY, RECORDS,**
2 **AND FUNDS.**

3 So much of the personnel, property, records, funds,
4 accounts, and unexpended balances of appropriations, allo-
5 cations, and other funds of the Department of Transpor-
6 tation and the Federal Aviation Administration as are em-
7 ployed, used, held, available, or to be made available, in
8 connection with the functions which under this Act (in-
9 cluding the amendments made by this Act) are made func-
10 tions of the Federal Aviation Administration established
11 by section 1311 of title 49, United States Code, are trans-
12 ferred to the Federal Aviation Administration.

13 **SEC. 11. SAVINGS PROVISIONS.**

14 (a) ORDERS, REGULATIONS, CONTRACTS, AND CER-
15 TIFICATES.—All orders, determinations, rules, regula-
16 tions, permits, contracts, certificates, licenses, and privi-
17 leges—

18 (1) which have been issued, made, granted, or
19 allowed to become effective by the President or any
20 Federal department or agency or official thereof or
21 by a court of competent jurisdiction, on or after the
22 effective date of this section in regard to functions
23 which under this Act (including the amendments
24 made by this Act) are made functions of the Federal
25 Aviation Administration established by section 1311
26 of title 49, United States Code; and

1 (2) which are in effect on the effective date of
2 this section,
3 shall continue in effect according to their terms until
4 modified, terminated, superseded, set aside, or revoked in
5 accordance with law by the President, the Federal Avia-
6 tion Board, or other authorized officials, by a court of
7 competent jurisdiction, or by operation of law.

8 (b) PROCEEDINGS AND APPLICATIONS.—The provi-
9 sions of this Act (including the amendments made by this
10 Act) shall not affect any proceedings or any application
11 for any license, permit, certificate, or financial assistance
12 pending on the effective date of this section, and such pro-
13 ceedings and applications, to the extent that they relate
14 to functions under this Act that are made functions of
15 the Administration, shall be continued. Orders shall be is-
16 sued in such proceedings, appeals shall be taken there-
17 from, and payments shall be made pursuant to such or-
18 ders, as if this Act had not been enacted; and orders is-
19 sued in any such proceedings shall continue in effect until
20 modified, terminated, superseded, or revoked by a duly au-
21 thorized official, by a court of competent jurisdiction, or
22 by operation of law. Nothing in this subsection shall be
23 deemed to prohibit the discontinuance or modification of
24 any such proceeding under the same terms and conditions

1 and to the extent that such proceeding could have been
2 discontinued or modified if this Act had not been enacted.

3 (c) SUITS.—

4 (1) EFFECT ON PENDING SUITS.—The provi-
5 sions of this Act (including the amendments made
6 by this Act) shall not affect suits commenced prior
7 to the effective date of this section.

8 (2) PROCEDURES.—In all suits commenced
9 prior to the effective date of this section, proceedings
10 shall be had, appeals taken, and judgments rendered
11 in the same manner and effect as if this Act had not
12 been enacted.

13 (d) ADMINISTRATOR.—If the Chief Executive Officer
14 of the Federal Aviation Administration is not appointed
15 by the Federal Aviation Board on the effective date of this
16 section, the person serving as the Administrator of the
17 Federal Aviation Administration on the day before such
18 effective date shall act as the Chief Executive Officer until
19 the Chief Executive Officer is appointed as provided in
20 section 1313 of title 49, United States Code. While so act-
21 ing, such person shall receive compensation at the rate
22 such person was receiving on the day before such effective
23 date.

24 (e) AGREEMENTS WITH DEPARTMENT OF DE-
25 FENSE.—Any agreement between the Federal Aviation

1 Administration and the Department of Defense in effect
2 on the day before the date of the enactment of this Act
3 shall remain in effect until terminated in accordance with
4 the terms of such agreement.

5 **SEC. 12. LAWS AND REGULATIONS.**

6 Except to the extent otherwise provided in this Act
7 (including the amendments made by this Act), all laws,
8 rules, and regulations in effect and applicable to the Fed-
9 eral Aviation Administration of the Department of Trans-
10 portation and to the Administrator of such Administration
11 on the day before the effective date of this Act shall, on
12 and after such effective date, be applicable to the Federal
13 Aviation Administration and the Federal Aviation Board
14 established by this Act (including the amendments made
15 by this Act), until such law, rule, or regulation is repealed
16 or otherwise modified or amended.

17 **SEC. 13. TERMINATION OF FAA OF DOT.**

18 The Federal Aviation Administration of the Depart-
19 ment of Transportation is terminated.

20 **SEC. 14. CORRESPONDING REDUCTIONS IN OFFICE OF SEC-**
21 **RETARY.**

22 The Secretary of Transportation shall terminate 200
23 employee positions in the Office of the Secretary to reflect
24 reductions in the aviation responsibilities in the Office of
25 the Secretary by enactment of this Act.

1 **SEC. 15. CONFORMING AMENDMENTS.**

2 (a) FEDERAL AVIATION ADMINISTRATION IN
3 DOT.—

4 (1) IN GENERAL.—Subject to paragraph (2),
5 subsections (a) through (j) of section 106 are re-
6 pealed.

7 (2) TECHNICAL ADJUSTMENTS.—

8 (A) IN GENERAL.—Subchapter II of chap-
9 ter 13 (as inserted by section 3 of this Act) is
10 amended—

11 (i) by adding at the end the following
12 new section heading:

13 **“§ 1317. Civil Aeromedical Institute”**; and

14 (ii) by inserting the text of section
15 106(j) as an undesignated paragraph
16 under such section heading.

17 (B) CHAPTER ANALYSIS AMENDMENT.—

18 The analysis for such chapter is amended by
19 adding after the item relating to section 1316
20 the following:

“1317. Civil Aeromedical Institute.”.

21 (3) AUTHORIZATION OF APPROPRIATIONS FOR
22 FAA OPERATIONS.—

23 (A) FISCAL YEAR 1996.—Section 106(k) is
24 amended by—

1 (i) striking “(k) AUTHORIZATION OF
2 APPROPRIATIONS FOR OPERATIONS.—”;
3 and

4 (ii) by striking “Secretary of Trans-
5 portation” and inserting “Federal Aviation
6 Administration”.

7 (B) CONFORMING AMENDMENT.—Effective
8 September 30, 1996, section 106, as amended
9 by this subsection, and the item relating to sec-
10 tion 106 in the analysis for chapter 1 are re-
11 pealed.

12 (b) GENERAL DUTIES AND POWERS OF THE DE-
13 PARTMENT OF TRANSPORTATION.—

14 (1) POLICY ON LANDS, WILDLIFE AND WATER-
15 FOWL REFUGES, AND HISTORIC SITES.—Section 303
16 is amended—

17 (A) in subsection (b) by inserting “and the
18 Federal Aviation Administration” after “of
19 Transportation”; and

20 (B) in subsection (c) by inserting “and Ad-
21 ministration” after “Secretary”.

22 (2) REPORTS.—Section 308(b) is amended by
23 striking “Secretary” each place it appears and in-
24 serting “Federal Aviation Board”.

1 (3) MEMBERS OF THE ARMED FORCES.—Sec-
2 tion 324 is amended—

3 (A) by striking subsection (a) and insert-
4 ing the following:

5 “(a) IN GENERAL.—

6 “(1) FAA.—The Federal Aviation Administra-
7 tion, to ensure that national defense interests are
8 safeguarded properly and that the Administration is
9 advised properly about the needs and special prob-
10 lems of the armed forces, shall provide for participa-
11 tion of members of the armed forces in carrying out
12 the duties and powers of the Administration related
13 to the regulation and protection of air traffic, includ-
14 ing providing for, and research and development of,
15 air navigation facilities, and the allocation of air-
16 space.

17 “(2) SECRETARY OF TRANSPORTATION.—The
18 Secretary of Transportation may provide for partici-
19 pation of members of the armed forces in carrying
20 out other duties and powers of the Secretary.”; and

21 (B) in subsection (d) by inserting after
22 “Transportation” each place it appears the fol-
23 lowing: “or Federal Aviation Administration”.

24 (4) JUDICIAL REVIEW.—Section 351(a) is
25 amended—

1 (A) by striking “An” and inserting “Sub-
2 ject to section 1351, an”; and

3 (B) by striking “, the Federal Highway
4 Administration, or the Federal Aviation Admin-
5 istration” and inserting “or the Federal High-
6 way Administration”.

7 (5) AUTHORITY TO CARRY OUT CERTAIN
8 TRANSFERRED DUTIES AND POWERS.—Section 352
9 is amended by striking “, the Federal Highway Ad-
10 ministration, and the Federal Aviation Administra-
11 tion” and inserting “and the Federal Highway Ad-
12 ministration”.

13 (6) TOXICOLOGICAL TESTING.—Section 353(a)
14 is amended—

15 (A) by inserting before “conducts” the fol-
16 lowing: “or the Federal Aviation Administra-
17 tion”;

18 (B) by inserting after “Department” the
19 second place it appears “or Administration”;
20 and

21 (C) by inserting before “shall” each place
22 it appears “or the Chief Executive Officer of
23 the Administration”.

24 (c) FUNCTIONS OF FAA.—

1 (1) NATIONAL TRANSPORTATION SAFETY
2 BOARD.—

3 (A) DISCLOSURE OF DRUG TEST INFORMA-
4 TION TO NTSB.—Section 1114(d)(1) is amend-
5 ed—

6 (i) by inserting before “shall” the fol-
7 lowing: “and the Federal Aviation Admin-
8 istration”;

9 (ii) in clause (A) by inserting before
10 “under post-accident” the following: “or
11 the Administration”; and

12 (iii) in clause (A) by inserting before
13 “, when” the following: “or the Adminis-
14 tration”.

15 (B) INVESTIGATION OF CERTAIN ACCI-
16 DENTS.—Section 1131(c)(1) is amended by in-
17 serting “or the Federal Aviation Administra-
18 tion, as the case may be,” after “Transpor-
19 tation”.

20 (C) CIVIL AIRCRAFT ACCIDENT INVESTIGA-
21 TIONS.—Section 1132 is amended—

22 (i) in the heading to subsection (c) by
23 striking “SECRETARY” and inserting
24 “FEDERAL AVIATION ADMINISTRATION”;

1 (ii) in subsection (c) by striking “Sec-
2 retary of Transportation” and inserting
3 “the Federal Aviation Administration”;

4 (iii) in subsection (c) by striking “Sec-
5 retary” the 2nd place it appears and in-
6 serting “Administration”; and

7 (iv) in subsection (d) by striking “Sec-
8 retary” each place it appears and inserting
9 “Administration”.

10 (D) REVIEW OF OTHER AGENCY ACTION.—
11 Section 1133(1) is amended by striking “Sec-
12 retary of Transportation” and inserting “Fed-
13 eral Aviation Administration”.

14 (E) RESPONSES TO SAFETY RECOMMENDA-
15 TIONS.—Section 1135 is amended—

16 (i) by striking the section heading and
17 inserting the following:

18 **“§ 1135. DOT’s and FAA’s responses to safety rec-
19 ommendations”;**

20 (ii) in subsection (a) by inserting after
21 “Secretary of Transportation” the follow-
22 ing: “or the Federal Aviation Administra-
23 tion”;

1 (iii) in subsection (a) by inserting be-
2 fore “shall give” the following: “or the Ad-
3 ministration”;

4 (iv) in subsection (d) by inserting be-
5 fore “shall submit” the following: “and the
6 Administration”;

7 (v) in subsection (d) by inserting be-
8 fore “during” the following: “or Adminis-
9 tration”; and

10 (vi) in subsection (d) by inserting
11 after “Secretary’s” the following: “or Ad-
12 ministration’s”.

13 (F) JUDICIAL REVIEW.—Section 1153(c) is
14 amended—

15 (i) in the subsection heading by strik-
16 ing “ADMINISTRATOR” and inserting “AD-
17 MINISTRATION”;

18 (ii) by striking “Administrator of”;
19 and

20 (iii) by striking “Administrator” the
21 second and third places it appears and in-
22 serting “Administration”.

23 (G) CONFORMING AMENDMENT.—The
24 analysis to chapter 11 is amended by striking

1 the item relating to section 1135 and inserting
2 the following:

“1135. DOT’s and FAA’s responses to safety recommendations.”.

3 (2) INTERMODAL TRANSPORTATION ADVISORY
4 BOARD.—Section 5502(b) is amended to read as fol-
5 lows:

6 “(b) MEMBERSHIP.—The Board consists of—

7 “(1) the Secretary, who serves as chairman;

8 “(2) the Chief Executive Officer of the Federal
9 Aviation Administration or the Chief Executive Offi-
10 cer’s designee; and

11 “(3) the Administrator, or the Administrator’s
12 designee, of—

13 “(A) the Federal Highway Administration;

14 “(B) the Maritime Administration;

15 “(C) the Federal Railroad Administration;

16 and

17 “(D) the Federal Transit Administra-
18 tion.”.

19 (3) GENERAL PROVISIONS RELATING TO AIR
20 COMMERCE AND SAFETY.—

21 (A) POLICY.—Section 40101 is amended—

22 (i) in subsection (a) by inserting after

23 “Secretary of Transportation” the follow-
24 ing: “and the Federal Aviation Administra-
25 tion”;

1 (ii) in subsection (c) by striking “Ad-
2 ministrator of the”; and

3 (iii) in subsection (d) by striking “Ad-
4 ministrator” and inserting “Administra-
5 tion”.

6 (B) DEFINITIONS.—Section 40102(a) is
7 amended—

8 (i) in paragraphs (8)(B) and (37) by
9 striking “the Administrator of”; and

10 (ii) in paragraph (20) by striking
11 “Administrator” and inserting “Federal
12 Aviation Administration”.

13 (C) SOVEREIGNTY AND USE OF AIR
14 SPACE.—Section 40103(b) is amended—

15 (i) by striking “Administrator of the”;
16 and

17 (ii) by striking “Administrator” each
18 place it appears after the first and insert-
19 ing “Administration”.

20 (D) PROMOTION OF CIVIL AERONAUTICS
21 AND AIR COMMERCE.—Section 40104 is amend-
22 ed—

23 (i) in subsection (a) by striking “Ad-
24 ministrator of the”;

1 (ii) in subsection (a) by striking “Ad-
2 ministrator” each place it appears after
3 the first and inserting “Administration”;
4 and

5 (iii) in subsection (b) by striking
6 “Secretary of Transportation” and insert-
7 ing “Administration”.

8 (E) INTERNATIONAL NEGOTIATIONS,
9 AGREEMENTS, AND OBLIGATIONS.—Section
10 40105 is amended—

11 (i) in subsection (a) by striking “Ad-
12 ministrator of the”;

13 (ii) in the heading to subsection (b) by
14 striking “ADMINISTRATOR” and inserting
15 “ADMINISTRATION”;

16 (iii) in subsection (b)(1) by striking
17 “Administrator” and inserting “Adminis-
18 tration”; and

19 (iv) in subsection (c)(1) by inserting
20 before the semicolon “and the Federal
21 Aviation Administration”.

22 (F) EMERGENCY POWERS.—Section
23 40106(a) is amended—

24 (i) in paragraph (1) by striking “Ad-
25 ministrator of the”; and

1 (ii) in paragraph (2) by striking “Ad-
2 ministrator” and inserting “Administra-
3 tion”.

4 (G) PRESIDENTIAL TRANSFERS.—Section
5 40107 is amended—

6 (i) in subsection (a) by striking “Ad-
7 ministrator of the”; and

8 (ii) by striking “Administrator” each
9 place it appears after the first and insert-
10 ing “Administration”.

11 (H) TRAINING SCHOOLS.—Section 40108
12 is amended—

13 (i) in subsection (a) by striking “Ad-
14 ministrator of the”; and

15 (ii) by striking “Administrator” each
16 place it appears after the first and insert-
17 ing “Administration”.

18 (I) AUTHORITY TO EXEMPT.—Section
19 40109(b) is amended—

20 (i) by striking “Administrator of the”;
21 and

22 (ii) by striking “Administrator” the
23 second place it appears and inserting “Ad-
24 ministration”.

1 (J) GENERAL PROCUREMENT AUTHOR-
2 ITY.—Section 40110 is amended—

3 (i) in subsection (a) by striking “Ad-
4 ministrator of the”;

5 (ii) in subsection (a)(1) by striking
6 “Administrator” and inserting “Adminis-
7 tration”;

8 (iii) in subsection (b) by striking “Ad-
9 ministrator of” the first place it appears
10 and inserting “Chief Executive Officer”;

11 (iv) in subsection (b)(2)(E) by strik-
12 ing “Administrator of the”; and

13 (v) in subsection (b)(2)(E) by striking
14 “Administrator;” and inserting “Adminis-
15 tration;”.

16 (K) MULTIYEAR PROCUREMENT CON-
17 TRACTS FOR SERVICES AND RELATED ITEMS.—
18 Section 40111 is amended—

19 (i) in subsection (a) by striking “Ad-
20 ministrator of the”; and

21 (ii) in subsections (b) and (c) by strik-
22 ing “Administrator” each place it appears
23 and inserting “Administration”.

1 (L) MULTIYEAR PROCUREMENT CON-
2 TRACTS FOR PROPERTY.—Section 40112 is
3 amended—

4 (i) in subsection (a) by striking “Ad-
5 ministrator of the”;

6 (ii) in subsections (b), (c), and (e)(2)
7 by striking “Administrator” each place it
8 appears and inserting “Administration”;
9 and

10 (iii) by adding at the end the follow-
11 ing:

12 “(g) LIMITATION.—This section and section 40111
13 shall not be effective to the extent they are inconsistent
14 with the acquisition management system being imple-
15 mented under section 1334.”.

16 (M) ADMINISTRATIVE.—Section 40113 is
17 amended—

18 (i) in subsections (a) and (c) by strik-
19 ing “(or the Administrator of” and insert-
20 ing “and”;

21 (ii) in subsections (a) and (c) by strik-
22 ing “Administrator)” and inserting “Ad-
23 ministration”;

1 (iii) in subsection (a) by striking “Ad-
2 ministrator” the last place it appears and
3 inserting “Administration”;

4 (iv) in subsection (b) by striking
5 “has” each place it appears and inserting
6 “and the Administration have”;

7 (v) in subsection (c) by striking “Ad-
8 ministrator of the” the last place it ap-
9 pears;

10 (vi) in subsection (d) by striking “Ad-
11 ministrator of the”;

12 (vii) in subsection (d) by striking
13 “Administrator” the last place it appears
14 and inserting “Administration”;

15 (viii) in subsection (e) by striking
16 “Administrator” each place it appears and
17 inserting “Administration”; and

18 (ix) by adding at the end the follow-
19 ing:

20 “(f) EXEMPTIONS.—

21 “(1) FAA REVIEW OF REGULATIONS.—Prior to
22 issuing any regulation or granting any exemption to
23 a regulation issued under this chapter that affects
24 the transportation of hazardous materials by air, the
25 Secretary shall provide the Administration an oppor-

1 tunity for review, and the Administration may dis-
2 approve such action if the Administration deter-
3 mines that there would be an adverse effect on avia-
4 tion safety.

5 “(2) PROPOSED CHANGES.—The Administra-
6 tion may, in the interest of aviation safety, propose
7 to the Secretary regulatory changes affecting the
8 transportation of hazardous materials by air.

9 “(3) ENFORCEMENT.—Enforcement actions for
10 violations of this chapter or of any regulations is-
11 sued under this chapter that affect the transpor-
12 tation of hazardous materials by air shall be brought
13 by the Administration.”.

14 (N) REPORTS AND RECORDS.—Section
15 40114 is amended—

16 (i) in subsection (a)(1) by striking
17 “(or the Administrator of” and inserting
18 “and”;

19 (ii) in subsection (a)(1) by striking
20 “Administrator)” and inserting “Adminis-
21 tration”;

22 (iii) in subsection (a)(1) by striking
23 “Administrator” the last place it appears
24 and inserting “Administration”;

1 (iv) in subsection (a)(2) by striking
2 “(or the Administrator” and inserting
3 “and the Administration”;

4 (v) in subsection (a)(2) by striking
5 “Administrator)” and inserting “Adminis-
6 tration”; and

7 (vi) in subsection (a)(2) by striking
8 “Administrator” the last 2 places it ap-
9 pears and inserting “Administration”.

10 (O) WITHHOLDING INFORMATION.—Sec-
11 tion 40115(a) is amended by inserting after
12 “Secretary of Transportation” each place it ap-
13 pears the following: “or Federal Aviation Ad-
14 ministration”.

15 (P) PASSENGER FACILITY FEES.—Section
16 40117 is amended—

17 (i) in subsection (b)(1) by striking
18 “Secretary of Transportation” and insert-
19 ing “Federal Aviation Administration”;
20 and

21 (ii) in subsections (c) through (i) by
22 striking “Secretary” each place it appears
23 and inserting “Administration”.

1 (Q) SECURITY AND RESEARCH AND DE-
2 VELOPMENT ACTIVITIES.—Section 40119 is
3 amended—

4 (i) in subsection (a) by striking “Ad-
5 ministrator of the”; and

6 (ii) in subsections (b) and (c) by strik-
7 ing “Administrator” each place it appears
8 and inserting “Administration”.

9 (4) NAVIGATION OF FOREIGN CIVIL AIR-
10 CRAFT.—Section 41703 is amended—

11 (A) in subsection (a)(3) by inserting “,
12 after consultation with the Federal Aviation Ad-
13 ministration,” after “Secretary of Transpor-
14 tation”; and

15 (B) in subsection (b) by inserting “, after
16 consultation with the Federal Aviation Adminis-
17 tration,” after “Secretary” the 2nd place it ap-
18 pears.

19 (5) SLOTS.—Section 41714 is amended—

20 (A) in subsection (a)(1) by striking “Sec-
21 retary of Transportation” and inserting “Fed-
22 eral Aviation Administration”;

23 (B) in subsections (a)(2), (a)(3), (a)(4),
24 (b)(1), (b)(2), (c), (d), (f), and (g) by striking

1 “Secretary” each place it appears and inserting
2 “Administration”;

3 (C) in subsection (b)(3) by striking “Sec-
4 retary” the first place it appears and inserting
5 “Administration”;

6 (D) in subsection (b)(3) by inserting after
7 “Secretary” the second place it appears the fol-
8 lowing: “of Transportation”;

9 (E) in subsection (h)(2) by striking “Ad-
10 ministrator” and inserting “Administration”;
11 and

12 (F) by adding at the end the following:

13 “(i) CONSULTATION WITH DOT.—In making deter-
14 minations with respect to essential air service, exceptional
15 circumstances, and the public interest, the Administration
16 shall consult with the Secretary of Transportation.”.

17 (6) REGISTRATION AND RECORDATION OF AIR-
18 CRAFT.—Chapter 441 (other than section 44109) is
19 amended—

20 (A) by striking “Administrator of the”
21 each place it appears;

22 (B) by striking “Administrator” each place
23 it appears (other than a place to which sub-
24 paragraph (A) applies and the 3rd place it ap-

1 appears in section 44111(d)) and inserting “Ad-
2 ministration”; and

3 (C) in section 44102(b) by striking “Sec-
4 retary of Transportation” and inserting “Fed-
5 eral Aviation Administration”.

6 (7) INSURANCE.—Chapter 443 is amended—

7 (A) by striking “Secretary of Transpor-
8 tation” each place it appears and inserting
9 “Federal Aviation Administration”; and

10 (B) by striking “Secretary” each place it
11 appears (other than a place to which subpara-
12 graph (A) applies, the 2nd, 3rd, and 4th places
13 it appears in section 44305(b), the 1st place it
14 appears in section 44307(a)(1), the 2nd place it
15 appears in section 44307(b), and the 3rd place
16 it appears in section 44307(d)) and inserting
17 “Administration”.

18 (8) FACILITIES, PERSONNEL, AND RE-
19 SEARCH.—Chapter 445 is amended—

20 (A) by striking “Administrator of the”
21 each place it appears (other than the 1st place
22 it appears in section 44501(c)(2)(B), the last
23 place it appears in section 44502(c), and in sec-
24 tion 44507(3));

1 (B) by striking “Administrator” each place
2 it appears (other than a place to which sub-
3 paragraph (A) applies, the 1st place it appears
4 in section 44501(c)(2)(B), the last place it ap-
5 pears in section 44502(c), and in section
6 44507(3)) and inserting “Administration”;

7 (C) in section 44506(b) by striking “Ad-
8 ministrators of the Federal Aviation Adminis-
9 tration and” and inserting “Federal Aviation
10 Administration and the Administrator of the”;

11 (D) in section 44506(c) by striking “De-
12 partment of Transportation” and inserting
13 “Administration”;

14 (E) in section 44506(d) by striking “Pub-
15 lic Works and Transportation” and inserting
16 “Transportation and Infrastructure”;

17 (F) in section 44507—

18 (i) by striking “106(j)” and inserting
19 “1317”; and

20 (ii) by striking “the Administrator” in
21 paragraph (3) and inserting “the Federal
22 Aviation Board”;

23 (G) in section 44514(b) by striking “Sec-
24 retary and the”;

1 (H) by striking “Secretary of Transpor-
2 tation” each place it appears and inserting
3 “Federal Aviation Administration”; and

4 (I) by striking “Secretary” each place it
5 appears (other than in sections 44502(c)(1) and
6 44505(a)(3) and a place to which subpara-
7 graphs (G) and (H) apply) and inserting “Ad-
8 ministration”.

9 (9) SAFETY REGULATION.—Chapter 447 is
10 amended—

11 (A) by striking “Administrator of the”
12 each place it appears (other than the 2nd place
13 it appears in section 44714, the 2nd place it
14 appears in section 44715(a)(2), the 1st, 4th,
15 7th, 9th, 10th, and 11th places it appears in
16 section 44715(c), the 1st and 3rd places it ap-
17 pears in section 44715(d)(1), the 2nd place it
18 appears in section 44715(d)(2), the 1st, 3rd,
19 and 5th places it appears in section 44715(e),
20 and the 2nd, 4th, and 6th places it appears in
21 section 44715(f));

22 (B) by striking “Administrator” each place
23 it appears (other than a place to which sub-
24 paragraph (A) applies, the 3rd place it appears
25 in section 44703(f)(2), the 3rd place it appears

1 in section 44713(d)(2), the 2nd place it appears
2 in section 44714, the 2nd place it appears in
3 section 44715(a)(2), the 1st, 4th, 7th, 9th,
4 10th, and 11th places it appears in section
5 44715(c), the 1st and 3rd places it appears in
6 section 44715(d)(1), the 2nd place it appears in
7 section 44715(d)(2), the 1st, 3rd, and 5th
8 places it appears in section 44715(e), the 2nd,
9 4th, and 6th places it appears in section
10 44715(f), and in section 44720(b)(2)) and in-
11 serting “Administration”;

12 (C) in section 44702(d)(3) by striking
13 “Administrator’s” and inserting “Administra-
14 tion”;

15 (D) in the subsection heading to section
16 44709(b) by striking “ADMINISTRATOR” and
17 inserting “ADMINISTRATION”;

18 (E) in section 44720(b)(2) by striking
19 “Administrator” each place it appears and in-
20 serting “Federal Aviation Administration”;

21 (F) by striking “Secretary of Transpor-
22 tation” each place it appears (other than in sec-
23 tions 44712(b)(2) and 44723) and inserting
24 “Federal Aviation Administration”;

1 (G) in section 44723 by striking “Sec-
2 retary of Transportation” and inserting “Fed-
3 eral Aviation Board”; and

4 (H) by striking “Secretary” each place it
5 appears (other than in sections 44712(b)(2)
6 and 44720 and a place to which subparagraphs
7 (F) and (G) apply) and inserting “Administra-
8 tion”.

9 (10) SECURITY.—Chapter 449 is amended—

10 (A) by striking “Administrator of the”
11 each place it appears;

12 (B) by striking “Administrator” each place
13 it appears (other than a place to which sub-
14 paragraph (A) applies, the 1st 2 places it ap-
15 pears in section 44932(a), the 1st place it ap-
16 pears in section 44932(b), the 1st place it ap-
17 pears in section 44932(c), the 5th place it ap-
18 pears in section 44933(a), and each place it ap-
19 pears in section 44934(b)) and inserting “Ad-
20 ministration”;

21 (C) in section 44933(b)(4) by striking
22 “Administrator’s” and inserting “Administra-
23 tion”;

1 (D) by striking the heading for section
2 44932 and inserting “**Civil aviation secu-**
3 **urity**”;

4 (E) by striking subsection (a) of section
5 44932 and redesignating subsections (b) and
6 (c) as subsections (a) and (b), respectively;

7 (F) in section 44932(a), as redesignated
8 by subparagraph (E), by striking “Assistant
9 Administrator” and inserting “Chief Executive
10 Officer of the Federal Aviation Administra-
11 tion”;

12 (G) in section 44932(b), as redesignated
13 by subparagraph (E), by striking “Assistant
14 Administrator” and inserting “Administration”;

15 (H) in sections 44933(a) and 44934(b) by
16 striking “Assistant Administrator for Civil
17 Aviation Security” and inserting “the Chief Ex-
18 ecutive Officer of the Administration”;

19 (I) in section 44934(b)(1) by striking “As-
20 sistant Administrator” and inserting “Adminis-
21 tration”;

22 (J) by striking “Secretary of Transpor-
23 tation” each place it appears (other than in sec-
24 tions 44903(b)(1), 44911(b), 44912(a)(3),

1 44931, and 44938(a)) and inserting “Federal
2 Aviation Administration”;

3 (K) by striking “Secretary” each place it
4 appears (other than a place to which subpara-
5 graph (J) applies, the 1st place it appears in
6 section 44903(d), in section 44903(b)(1), the
7 2nd place it appears in section 44907(b), the
8 3rd place it appears in section 44907(c), the
9 2nd place it appears in section 44907(d)(1)(C),
10 the 3rd place it appears in section
11 44907(d)(2)(A)(ii), the 2nd and 3rd places it
12 appears in section 44907(d)(2)(B), the 2nd
13 place it appears in section 44907(d)(4), the 2nd
14 place it appears in section 44907(e), the 4th
15 place it appears in section 44908(a), the 1st
16 place it appears in section 44908(b), the 2nd
17 place it appears in section 44909(a), and in sec-
18 tions 44910, 44911, 44912(a)(3), 44931,
19 44934, and 44938(a)) and inserting “Adminis-
20 tration”;

21 (L) in section 44905(g) by striking “De-
22 partment of Transportation” and inserting
23 “Federal Aviation Administration”; and

1 (M) in the chapter analysis by striking the
2 item relating to section 44932 and inserting the
3 following:

“44932. Civil aviation security.”.

4 (11) ALCOHOL AND CONTROLLED SUBSTANCES
5 TESTING.—Chapter 451 is amended—

6 (A) by striking “Administrator of the”
7 each place it appears; and

8 (B) by striking “Administrator” each place
9 it appears (other than a place to which sub-
10 paragraph (A) applies) and inserting “Adminis-
11 tration”.

12 (12) FEES.—Chapter 453 is amended—

13 (A) by striking “Administrator of the”
14 each place it appears;

15 (B) by striking “Administrator” each place
16 it appears (other than a place to which sub-
17 paragraph (A) applies) and inserting “Adminis-
18 tration”; and

19 (C) in section 45301(a) by inserting after
20 “Secretary of Transportation” the following:
21 “and the Federal Aviation Administration, as
22 the case may be,”.

23 (13) INVESTIGATIONS AND PROCEEDINGS.—
24 Chapter 461 is amended—

1 (A) in sections 46101(a)(1), 46102(a),
2 46103(a)(1), 46104(a), 46105(a), 46106,
3 46107(b), and 46110(a)—

4 (i) by striking “(or the Administrator
5 of” and inserting “and”; and

6 (ii) by striking “Administrator)” and
7 inserting “Administration”;

8 (B) by striking “Administrator of the”
9 each place it appears (other than a place to
10 which subparagraph (A)(i) applies); and

11 (C) by striking “Administrator” each place
12 it appears (other than a place to which sub-
13 paragraphs (A) and (B) apply) and inserting
14 “Administration”.

15 (14) PENALTIES.—Chapter 463 is amended—

16 (A) in section 46301(c)—

17 (i) by inserting “by other than air”
18 after “transportation” in paragraph
19 (1)(D);

20 (ii) by redesignating paragraph (2) as
21 paragraph (3);

22 (iii) by inserting after paragraph (1)
23 the following:

24 “(2) FAA NOTICE AND HEARING.—The Federal
25 Aviation Administration may impose a civil penalty

1 for violations under subsection (a)(1) of this section
2 related to the transportation by air of hazardous
3 material only after notice and an opportunity for a
4 hearing.”;

5 (iv) by inserting “or Administration,
6 as appropriate,” after “Secretary” in para-
7 graph (3), as so redesignated; and

8 (v) by striking “paragraph (1) of” in
9 such paragraph (3).

10 (B) in section 46301(d) by striking “Ad-
11 ministrator of the”;

12 (C) in subsections (d) and (e) of section
13 46301—

14 (i) by striking “Administrator” each
15 place it appears (other than a place to
16 which subparagraph (A) applies) and in-
17 serting “Administration”; and

18 (ii) by striking “Secretary” each place
19 it appears and inserting “Administration”;

20 (D) in section 46301(f) by inserting “or
21 Administration, as the case may be,” after
22 “Secretary”;

23 (E) in section 46301(g) by inserting “and
24 an order of the Administration” before “impos-
25 ing”;

1 (F) in section 46301(h)(2) by striking the
2 parenthetical phrase and inserting “or Adminis-
3 tration, as appropriate,”;

4 (G) in section 46302(b) by striking “Sec-
5 retary of Transportation” and inserting “Fed-
6 eral Aviation Administration”;

7 (H) in section 46303—

8 (i) by striking “Secretary of Trans-
9 portation” and inserting “Federal Aviation
10 Administration”; and

11 (ii) by striking “Administrator of
12 the”;

13 (I) in section 46304—

14 (i) by striking “Administrator of the”;
15 and

16 (ii) by striking “Administrator” each
17 place it appears (other than a place to
18 which clause (i) applies) and inserting
19 “Administration”;

20 (J) in section 46306 by striking “Adminis-
21 trator of the” each place it appears;

22 (K) in section 46308(2) by striking “Ad-
23 ministrator of the”;

24 (L) in section 46311—

1 (i) by striking “Administrator of the”;

2 and

3 (ii) by striking “Administrator” each
4 place it appears (other than a place to
5 which clause (i) applies) and inserting
6 “Administration”;

7 (M) in section 46313—

8 (i) by striking “Administrator of the”;

9 and

10 (ii) by striking “Administrator” the
11 2nd place it appears and inserting “Ad-
12 ministration”;

13 (N) in section 46315(b)(1) by striking
14 “Administrator of the”; and

15 (O) in section 46316(a)—

16 (i) by striking “Administrator of the”;

17 and

18 (ii) by striking “Administrator” the
19 2nd place it appears and inserting “Ad-
20 ministration”.

21 (15) SPECIAL AIRCRAFT JURISDICTION OF
22 UNITED STATES.—Section 46505(d)(2) is amended
23 by striking “Administrator of the”.

24 (16) AIRPORT DEVELOPMENT.—Chapter 471 is
25 amended—

1 (A) by striking “Secretary of Transpor-
2 tation” each place it appears (other than in sec-
3 tion 47102(1)(A) and inserting “Federal Avia-
4 tion Administration”;

5 (B) by striking “Secretary” each place it
6 appears (other than a place to which subpara-
7 graph (A) applies, in sections 47101(h),
8 47102(1)(A), 47102(1)(B)(i), 47103(a),
9 47103(c), 47106(c)(2), 47107(j)(4), 47110(e),
10 and 47112(b), and the 2nd and 3rd places it
11 appears in section 47153(b)) and inserting
12 “Administration”;

13 (C) in section 47106(c)(1)(B)(ii) by insert-
14 ing “of the Environmental Protection Agency”
15 after “Administrator”;

16 (D) in section 47106(c)(2) by striking
17 “Secretary” and inserting “Federal Aviation
18 Administration”;

19 (E) in section 47106(c)(3) by striking
20 “Secretary’s” and inserting “Administration’s”;

21 (F) in section 47107(k) by striking “Pub-
22 lic Works and Transportation” and inserting
23 “Transportation and Infrastructure”;

1 (G) in section 47110(e) by striking “Sec-
2 retary” each place it appears and inserting
3 “Federal Aviation Board”;

4 (H) in the subsection heading for section
5 47129(a) by striking “SECRETARY’S” and in-
6 serting “ADMINISTRATION’S”; and

7 (I) in section 47130 by striking “Adminis-
8 trator of the”.

9 (17) INTERNATIONAL AIRPORT FACILITIES.—
10 Chapter 473 is amended—

11 (A) in section 47302—

12 (i) by striking “Secretary of Trans-
13 portation” in subsection (a)(1) and insert-
14 ing “Federal Aviation Administration”;
15 and

16 (ii) by striking “Secretary of Trans-
17 portation or” in subsection (c) and insert-
18 ing “Federal Aviation Administration or
19 the Secretary”;

20 (B) in section 47303—

21 (i) by striking “Secretary of Trans-
22 portation or” and inserting “Federal Avia-
23 tion Administration or the Secretary of”;
24 and

1 (ii) in paragraph (1) by striking “Sec-
2 retary” and inserting “agency head”;

3 (C) in section 47304—

4 (i) by striking “Secretary of Trans-
5 portation or” in subsection (a) and insert-
6 ing “Federal Aviation Administration or
7 the Secretary”;

8 (ii) by striking “Secretary” the 2nd
9 and 3rd places it appears in subsection (a)
10 and inserting “agency head”;

11 (iii) by striking “Secretary of Trans-
12 portation” the 1st place it appears in sub-
13 section (b) and inserting “Federal Aviation
14 Administration”;

15 (iv) by striking “Secretary of Trans-
16 portation or” in subsection (b)(2) and in-
17 serting “Chief Executive Officer of the
18 Federal Aviation Administration or the
19 Secretary of”;

20 (v) by striking “Secretary of Trans-
21 portation” each place it appears in sub-
22 section (c) and inserting “Federal Aviation
23 Administration”; and

24 (vi) by striking “Secretary of Trans-
25 portation or” in subsection (d)(2) and in-

1 serting “Chief Executive Officer of the
2 Federal Aviation Administration or the
3 Secretary of”;

4 (D) in section 47305—

5 (i) by striking “Secretary of Trans-
6 portation” in subsection (a) and inserting
7 “Federal Aviation Administration”;

8 (ii) by striking “Secretary” the 3rd
9 and 4th places it appears in subsection (a)
10 and inserting “agency head”; and

11 (iii) by striking “Secretary of Trans-
12 portation or” in subsection (b) and insert-
13 ing “Chief Executive Officer of the Federal
14 Aviation Administration or the Secretary
15 of”; and

16 (E) in section 47306 by striking “Sec-
17 retary of Transportation” and inserting “Fed-
18 eral Aviation Administration”.

19 (18) NOISE.—Chapter 475 is amended—

20 (A) by striking “Administrator of the”
21 each place it appears (other than the 1st place
22 it appears in section 47502, the 2nd place it
23 appears in section 47509(a), the 2nd place it
24 appears in section 47509(c), the 2nd place it

1 appears in section 47509(d), and the 2nd place
2 it appears in section 47509(e));

3 (B) by striking “Administrator” each place
4 it appears (other than a place to which sub-
5 paragraph (A) applies, the 1st place it appears
6 in section 47502, the 2nd place it appears in
7 section 47509(a), the 2nd place it appears in
8 section 47509(c), the 2nd place it appears in
9 section 47509(d), and the 2nd place it appears
10 in section 47509(e)) and inserting “Administra-
11 tion”;

12 (C) by striking “Secretary of Transpor-
13 tation” each place it appears and inserting
14 “Federal Aviation Administration”; and

15 (D) by striking “Secretary” each place it
16 appears (other than a place to which subpara-
17 graph (C) applies) and inserting “Administra-
18 tion”.

19 (19) FINANCING.—Chapter 481 (other than
20 section 48109) is amended—

21 (A) by striking “Administrator of the”
22 each place it appears;

23 (B) by striking “Administrator” each place
24 it appears (other than a place to which sub-

1 paragraph (A) applies) and inserting “Adminis-
2 tration”;

3 (C) by striking “Secretary of Transpor-
4 tation” each place it appears and inserting
5 “Federal Aviation Administration”;

6 (D) by striking “Secretary” each place it
7 appears (other than a place to which subpara-
8 graph (C) applies and the 1st place it appears
9 in section 48105) and inserting “Administra-
10 tion”;

11 (E) in section 48102(d)(2) by striking
12 “Public Works and Transportation” and insert-
13 ing “Transportation and Infrastructure”; and

14 (F) in section 48108(b)(2) by striking
15 “Department of Transportation” and inserting
16 “Federal Aviation Administration”.

17 (20) MISCELLANEOUS.—Chapter 491 is amend-
18 ed—

19 (A) by striking “Administrator of the”
20 each place it appears;

21 (B) by striking “Administrator” each place
22 it appears (other than a place to which sub-
23 paragraph (A) applies) and inserting “Adminis-
24 tration”;

1 (C) by striking “Secretary of Transpor-
2 tation” each place it appears and inserting
3 “Federal Aviation Administration”; and

4 (D) by striking “Secretary” each place it
5 appears (other than a place to which subpara-
6 graph (C) applies and in section 49103(b)(1))
7 and inserting “Administration”.

8 (21) COMMERCIAL SPACE LAUNCH ACTIVI-
9 TIES.—Subtitle IX is amended—

10 (A) by striking “Secretary of Transpor-
11 tation” each place it appears and inserting
12 “Federal Aviation Administration”; and

13 (B) by striking “Secretary” each place it
14 appears (other than a place to which subpara-
15 graph (A) applies, the 2nd place it appears in
16 each of sections 70112(a)(2) and 70112(b)(2),
17 the 2nd and 3rd places it appears in each of
18 sections 70116(a) and 70116(b), and the 2nd
19 place it appears in each of sections 70303(a)
20 and 70304(a)) and inserting “Administration”.

21 (d) TITLE 5.—

22 (1) EXECUTIVE SCHEDULE PAY RATES.—

23 (A) ADMINISTRATOR.—Section 5313 of
24 title 5, United States Code, is amended by

1 striking “Administrator, Federal Aviation Ad-
2 ministration.”.

3 (B) DEPUTY ADMINISTRATOR.—Section
4 5315 of such title is amended by striking “Dep-
5 uty Administrator, Federal Aviation Adminis-
6 tration.”.

7 (2) DEFINITIONS.—Section 2109 of title 5,
8 United States Code, is amended—

9 (A) by striking “Department of Transpor-
10 tation” each place it appears and inserting
11 “Federal Aviation Administration”; and

12 (B) by striking “Secretary of Transpor-
13 tation” and inserting “Chief Executive Officer
14 of the Federal Aviation Administration”.

15 (3) EXPENSE OF TRAINING.—Section 4109(c)
16 of title 5, United States Code, is amended by strik-
17 ing “Administrator, Federal Aviation Administra-
18 tion,” and inserting “Federal Aviation Administra-
19 tion”.

20 (4) REDUCTION IN RETIREMENT PAY FOR
21 FORMER MEMBERS OF UNIFORM SERVICES.—Section
22 5532(f) of title 5, United States Code, is repealed.

23 (5) DIFFERENTIAL PAY.—Chapter 55 of title 5,
24 United States Code, is amended—

1 (A) in the heading to section 5546a by
2 striking “**the Federal Aviation Adminis-**
3 **tration and**”;

4 (B) in section 5546a(a) by striking “Ad-
5 ministrator of the Federal Aviation Administra-
6 tion (hereafter in this section referred to as the
7 ‘Administrator’) and the”;

8 (C) in subsections (a)(1), (a)(2), (c), (d),
9 (e), and (f)(1) of section 5546a—

10 (i) by striking “Administrator or the”
11 each place it appears; and

12 (ii) by striking “the Federal Aviation
13 Administration or” each place it appears;

14 (D) by striking “; and” at the end of sec-
15 tion 5546a(a)(2) and inserting a period;

16 (E) by striking paragraph (3) of section
17 5446a(a);

18 (F) in section 5546a(f)—

19 (i) by striking “(1)”; and

20 (ii) by striking paragraph (2); and

21 (G) in the item relating to section 5546a
22 of the analysis for such chapter by striking “the
23 Federal Aviation Administration and”.

24 (e) COAST GUARD COOPERATION.—Chapter 5 of title
25 14, United States Code, is amended—

1 (1) in the heading to section 82 by striking
2 **“Administrator of”**;

3 (2) in sections 81, 82, and 90(b) by striking
4 “the Administrator of” each place it appears;

5 (3) in section 90(b) by striking “Administrator
6 may” and inserting “Administration may”; and

7 (4) in the item relating to section 82 of the
8 analysis for such chapter by striking “Administrator
9 of”.

10 (f) ACCESS TO NATIONAL DRIVER REGISTER.—Sec-
11 tion 30305(b)(3) of title 49, United States Code, is
12 amended—

13 (1) by striking “the Administrator of”; and

14 (2) by striking “Administrator” each place it
15 appears after the first and inserting “Administra-
16 tion”.

17 (g) WOLF TRAP FARM PARK.—The Wolf Trap Farm
18 Park Act (16 U.S.C. 284–284j) is amended—

19 (1) in section 4(e)—

20 (A) by striking “Administrator of the”;
21 and

22 (B) by striking “Administrator” each place
23 it appears after the first and inserting “Admin-
24 istration”; and

1 (2) in section 8(b) by striking “Administrator
2 of the” each place it appears.

3 (h) CERTIFICATION OF FIREARMS.—Section
4 922(p)(5)(A) of title 18, United States Code, is amended
5 by striking “the Administrator of”.

6 (i) NATIONAL AIR AND SPACE MUSEUM ADVISORY
7 BOARD.—Section 1(a) of the Act entitled “An Act to es-
8 tablish a national air museum, and for other purposes”,
9 approved August 12, 1946 (20 U.S.C. 77(a)), is amended
10 by striking “Administrator of the Federal” and all that
11 follows through the first succeeding comma and inserting
12 “Chief Operating Officer of the Federal Aviation Adminis-
13 tration,”.

14 (j) FEDERAL PROPERTY.—Section 602(14) of the
15 Federal Property and Administrative Services Act of 1949
16 (40 U.S.C. 474(14)) is amended by striking “Adminis-
17 trator of the” and all that follows through “or” and insert-
18 ing “Federal Aviation Administration or”.

19 (k) NOISE CONTROL.—The Noise Control Act of
20 1972 (42 U.S.C. 4901–4918) is amended—

21 (1) in section 12(a)(2)(B) (42 U.S.C.
22 4911(a)(2)(B))—

23 (A) by striking “Administrator of the”;

1 (B) by striking “such Administrator” each
2 place it appears and inserting “such Adminis-
3 tration”;

4 (2) in the last sentence of section 12(a)(2) by
5 striking “such Administrator” and inserting “the
6 agency”;

7 (3) in section 12(b)(1)(A) by striking “Admin-
8 istrator” the 2nd place it appears and inserting
9 “Administration”;

10 (4) in sections 12(b)(1)(B) and 12(e) by strik-
11 ing “Administrator” and inserting “agency”;

12 (5) in section 12(c) by striking “Administrator
13 of the” the 2nd place it appears;

14 (6) in section 16(a) (42 U.S.C. 4915(a)) by
15 striking “Administrator of the” the 2nd place it ap-
16 pears;

17 (7) in section 16(a) by striking “Administrator”
18 the 3rd place it appears and inserting “agency”;

19 (8) in section 16(b)—

20 (A) by inserting “the Federal Aviation”
21 before “Administration”; and

22 (B) by striking “Administrator” each place
23 it appears after the 1st and inserting “agency”;
24 and

1 (9) in section 16(c) by striking “Administrator”
2 and inserting “agency”.

3 (l) PHASE-OUT OF HALON.—Section 604(d)(3) of the
4 Clean Air Act (42 U.S.C. 7671c(d)(3)) is amended by
5 striking “Administrator of the” each place it appears.

6 **SEC. 16. REFERENCES.**

7 A reference in any law, regulation, document, record,
8 map, or other paper of the United States to the Secretary
9 of Transportation (and any reference to the Administrator
10 of the Federal Aviation Administration) with respect to
11 a function which under this Act (including the amend-
12 ments made by this Act) is made a function of the Federal
13 Aviation Administration established by section 1311 of
14 title 49, United States Code, shall be deemed to be a ref-
15 erence to the Federal Aviation Administration established
16 by such section.

17 **SEC. 17. EFFECTIVE DATE.**

18 (a) IN GENERAL.—Except as provided in subsection
19 (b), this Act (including the amendments made by this Act)
20 shall take effect on the 90th day following the date of the
21 enactment of this Act.

22 (b) EXCEPTIONS.—Section 1312 of title 49, United
23 States Code, and section 8 of this Act shall take effect
24 on the date of the enactment of this Act. The amendments
25 made by section 15(d)(5) of this Act, relating to differen-

1 tial pay, shall take effect on the date the Federal Aviation
2 Board begins implementation of the personnel manage-
3 ment system for the Federal Aviation Administration
4 under section 1314(d)(2) of title 49, United States Code.

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