

104TH CONGRESS
2D SESSION

H. R. 2276

IN THE SENATE OF THE UNITED STATES

MARCH 13, 1996

Received; read twice and referred to the Committee on Commerce, Science,
and Transportation

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

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

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

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

10 **SEC. 3. ESTABLISHMENT OF FEDERAL AVIATION ADMINIS-**
11 **TRATION.**

12 Subtitle II is amended by adding at the end the fol-
13 lowing:

14 **“CHAPTER 13—FEDERAL AVIATION**
15 **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 functions, 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.

1 “SUBCHAPTER I—GENERAL PROVISIONS

2 **“§ 1301. Definitions**

3 “In this chapter, the following definitions apply:

4 “(1) ADMINISTRATION.—The term ‘Administra-
5 tion’ means the Federal Aviation Administration es-
6 tablished by section 1311.

7 “(2) AERONAUTICS, AIR COMMERCE, AND AIR
8 NAVIGATION FACILITY.—The terms ‘aeronautics’,
9 ‘air commerce’, and ‘air navigation facility’ have the
10 same meanings given those terms in section
11 40102(a) of this title.

12 “(3) AIRPORT AND AIRWAY TRUST FUND.—The
13 term ‘Airport and Airway Trust Fund’ means the
14 Airport and Airway Trust Fund established by sec-
15 tion 9502 of the Internal Revenue Code of 1986.

16 “(4) BOARD.—The term ‘Board’ means the
17 Federal Aviation Board established by section 1312.

18 “(5) CHIEF EXECUTIVE OFFICER.—The term
19 ‘Chief Executive Officer’ means the Chief Executive
20 Officer of the Federal Aviation Administration.

21 “SUBCHAPTER II—ORGANIZATION AND

22 ADMINISTRATIVE

23 **“§ 1311. Establishment**

24 “There is established in the executive branch as an
25 independent establishment the Federal Aviation Adminis-

1 tration. The Administration shall succeed the Federal
 2 Aviation Administration of the Department of Transpor-
 3 tation in existence on the day before the effective date of
 4 this section.

5 **“§ 1312. Federal Aviation Board**

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

9 “(b) FUNCTIONS.—

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

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

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

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

21 “(D) The issuance of letters of intent
 22 under section 47110(e).

23 “(E) The approval and submission to Con-
 24 gress of the Administration’s plans for person-

1 nel management and acquisition management
2 programs under sections 1314 and 1334.

3 “(F) The approval of the agency’s annual
4 budget submission.

5 “(G) Long-range and strategic planning
6 for the Administration.

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

10 “(I) Such other significant actions as the
11 Board considers appropriate.

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

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

21 “(c) MEMBERSHIP.—

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

1 shall be appointed as soon as practicable after the
2 date of the enactment of the Federal Aviation Ad-
3 ministration Revitalization Act of 1995.

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

8 “(d) QUALIFICATIONS.—

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

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

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

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

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

1 “(e) TERMS.—

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

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

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

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

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

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

23 “(f) REMOVAL.—Members of the Board appointed
24 under subsection (c)(1) may be removed by the President
25 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 “(e) AIRCRAFT NOISE OMBUDSMAN.—

6 “(1) ESTABLISHMENT.—There shall be in the
7 Administration an Aircraft Noise Ombudsman who
8 shall be appointed by the Board.

9 “(2) DUTIES AND RESPONSIBILITIES.—The
10 Ombudsman shall—

11 “(A) serve as a liaison with the public on
12 issues regarding aircraft noise; and

13 “(B) be consulted when the Administration
14 proposes changes in aircraft routes so as to
15 minimize any increases in aircraft noise over
16 populated areas.

17 **“§ 1314. Personnel management program**

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

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

23 “(2) EFFECTIVE DATE.—The exemption pro-
24 vided by paragraph (1) shall not take effect until the

1 expiration of the 180-period described in subsection
2 (d)(2).

3 “(b) DEVELOPMENT OF PERSONNEL MANAGEMENT
4 SYSTEM.—

5 “(1) IN GENERAL.—Not later than 180 days
6 after the date of the enactment of the Federal Avia-
7 tion Administration Revitalization Act of 1995, the
8 Board shall develop a personnel management system
9 for the Administration.

10 “(2) CONSULTATION AND NEGOTIATION.—In
11 developing the personnel management system, the
12 Board shall negotiate with the exclusive bargaining
13 representatives of employees of the Administration
14 certified under section 7111 of title 5 and other em-
15 ployees of the Administration and shall consult with
16 nongovernmental experts in personnel management
17 systems. The negotiation with the exclusive bargain-
18 ing representatives shall be completed on or before
19 the 90th day after the date of enactment referred to
20 in paragraph (1).

21 “(3) MEDIATION.—If the Board does not reach
22 an agreement under paragraph (2) with the exclu-
23 sive bargaining representatives on any provision of
24 the personnel management system, the services of
25 the Federal Mediation and Conciliation Service shall

1 be used to attempt to reach such agreement. If the
2 services of the Federal Mediation and Conciliation
3 Service do not lead to an agreement, the Board shall
4 include in the plan to be submitted to Congress
5 under subsection (d) the objections of the exclusive
6 bargaining representatives and the reasons for the
7 objections.

8 “(4) CONTINUATION OF AGREEMENTS.—Collec-
9 tive bargaining agreements and labor management
10 relations under chapter 71 of title 5 shall remain in
11 effect for the Administration until amended or modi-
12 fied under the personnel management system.

13 “(5) GOALS.—The goal of the personnel man-
14 agement system to be developed by the Board under
15 paragraph (1) shall be to provide, consistent with
16 the requirements of this section, the Administration
17 with the ability—

18 “(A) to hire and fire employees as in the
19 private sector;

20 “(B) to promote and pay employees based
21 on merit;

22 “(C) to provide market-based salaries (de-
23 signed to attract the best qualified employees)
24 within available resources;

1 “(D) to provide pay increases and other in-
2 centives to staff facilities that are difficult to
3 staff;

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

6 “(F) to provide an opportunity for collec-
7 tive bargaining and other consultation with em-
8 ployees concerning terms and conditions of em-
9 ployment.

10 “(6) SAFEGUARDS.—The personnel manage-
11 ment system shall include safeguards to ensure that
12 travel expenses of employees of the Administration
13 (including meal and lodging expenses) are not exces-
14 sive.

15 “(c) EXPERTS EVALUATION.—The arrangements en-
16 tered into by the Board with the experts consulted by the
17 Board under subsection (b) shall provide for those experts
18 to evaluate the personnel management system developed
19 by the Board and submit to Congress the results of such
20 evaluation before the last day of the 180-day period re-
21 ferred to in subsection (b)(1).

22 “(d) NOTICE TO CONGRESS.—

23 “(1) IN GENERAL.—Upon development of the
24 personnel management system under subsection (b),
25 the Board shall submit to Congress a comprehensive

1 plan describing the personnel management system,
2 along with all existing or proposed rules or regula-
3 tions relevant to the system.

4 “(2) IMPLEMENTATION.—The Board may begin
5 to implement the personnel management system only
6 after the expiration of the 180-day period that be-
7 gins on the date of submission of the plan to Con-
8 gress under paragraph (1).

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

13 “(1) Section 2302(b)(8) (relating to whistle-
14 blower protection) and related enforcement provi-
15 sions.

16 “(2) Sections 3308 through 3320 (relating to
17 veterans preference).

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

20 “(4) Sections 2302(b)(1) and 7204 (relating to
21 antidiscrimination) and related enforcement provi-
22 sions and provisions of law referred to in section
23 2302(b)(1).

24 “(5) Chapter 71 (relating to labor-management
25 relations).

1 “(6) Chapter 73 (relating to suitability, secu-
2 rity, and conduct).

3 “(7) Chapter 81 (relating to compensation for
4 work injuries).

5 “(8) Chapter 83 (relating to retirement).

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

8 “(10) Chapter 85 (relating to unemployment
9 compensation).

10 “(11) Chapter 87 (relating to life insurance).

11 “(12) Chapter 89 (relating to health insurance).

12 “(f) PAY RESTRICTIONS.—

13 “(1) MAXIMUM RATE OF PAY.—No officer (in-
14 cluding the Chief Executive Officer) or employee of
15 the Administration may receive annual pay in excess
16 of the annual rate of basic pay payable for level II
17 of the Executive Schedule unless the Board provides
18 written notification to Congress of such higher rate
19 of pay and 30 days (excluding Saturdays, Sundays,
20 and holidays, and any day on which neither House
21 of Congress is in session because of an adjournment
22 sine die, a recess of more than 3 days, or an ad-
23 journment of more than 3 days) have elapsed since
24 the date of such notification.

1 “(2) PERCENTAGE OF EMPLOYEES ABOVE
2 LEVEL ES-1 OF SENIOR EXECUTIVE SERVICE.—Not
3 more than 0.35 percent of the officers (including
4 members of the Board and the Chief Executive Offi-
5 cer) and employees of the Administration may be
6 paid at a rate which equals or exceeds the rate pay-
7 able for level ES-1 of the Senior Executive Service.

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

18 “(g) CONTRACTS BETWEEN FAA AND FORMER FAA
19 EMPLOYEES.—Before the Administration may enter into
20 a contract with an individual who has been employed by
21 the Administration at any time during the 2-year period
22 preceding the expected date of entry into the contract or
23 with a corporation, partnership, or other entity in which
24 such a former employee is a partner, principal officer, or
25 majority stockholder or which is otherwise controlled or

1 predominantly staffed by 1 or more of such former em-
 2 ployees, the Board must first approve of the entry into
 3 the contract as being essential to the mission of the Ad-
 4 ministration.

5 “(h) USE OF UNOBLIGATED AMOUNTS FOR BONUSES
 6 AND DEFICIT REDUCTION.—

7 “(1) IN GENERAL.—Of amounts available to the
 8 Administration specifically for administrative ex-
 9 penses for a fiscal year beginning after September
 10 30, 1996, that the Administration estimates on Sep-
 11 tember 1 of that fiscal year will not be obligated by
 12 an office of the Administration before the end of the
 13 fiscal year—

14 “(A) the Board may use up to 50 percent
 15 to pay bonuses to personnel of such office of
 16 the Administration; and

17 “(B) the remainder shall be divided be-
 18 tween and deposited in—

19 “(i) the general fund of the Treasury
 20 and used exclusively for deficit reduction;
 21 and

22 “(ii) the Airport and Airway Trust
 23 Fund;

24 in the same ratio that amounts appropriated for
 25 operations of the Administration for that fiscal

1 year from the General Fund of the Treasury
2 bears to amounts appropriated from the Airport
3 and Airway Trust Fund for that fiscal year.

4 “(2) REPORTS.—The Director of the Office of
5 Management and Budget shall submit a report to
6 Congress by not later than December 31 of each
7 year on the implementation of this subsection in the
8 preceding fiscal year, describing the effectiveness of
9 this subsection in reducing the deficit.

10 **“§ 1315. Management Advisory Committee**

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

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

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

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

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

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

3 “(5) 13 members appointed by the Board 12 of
4 whom shall represent 1 of the following interests:

5 “(A) Airline passengers.

6 “(B) General aviation and sport aviation.

7 “(C) Business aviation.

8 “(D) Hub airports.

9 “(E) Non-hub and general aviation air-
10 ports.

11 “(F) Major airlines and national airlines.

12 “(G) Regional airlines and air taxis.

13 “(H) Cargo airlines and charter airlines.

14 “(I) Aircraft manufacturers.

15 “(J) Airline employees.

16 “(K) Federal Aviation Administration em-
17 ployees.

18 “(L) State aviation officials.

19 “(c) FUNCTIONS.—The Management Advisory Com-
20 mittee shall provide advice and counsel to the Administra-
21 tion on issues which affect or are affected by the oper-
22 ations of the Administration. The Management Advisory
23 Committee shall hold quarterly meetings. The Administra-
24 tion shall give the Management Advisory Committee ac-
25 cess to internal documents (other than proprietary infor-

1 mation and documents relating to on-going litigation) and
2 personnel of the Administration. The Management Advi-
3 sory Committee shall function as an oversight resource for
4 management, policy, spending, and regulatory matters
5 under the jurisdiction of the Administration.

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

9 “(e) TERMS OF MEMBERS.—

10 “(1) MEMBERS APPOINTED BY CONGRESS.—

11 Members appointed under subsections (b)(1)
12 through (b)(4) shall be appointed for a term of 2
13 years.

14 “(2) MEMBERS APPOINTED BY THE BOARD.—

15 Members appointed under subsection (b)(5) shall be
16 appointed for a term of 3 years.

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

22 “(g) UTILIZATION OF PERSONNEL FROM FAA.—The
23 Administration shall make available to the Management
24 Advisory Committee such staff, information, and adminis-
25 trative services and assistance as may reasonably be re-

1 quired to enable the Management Advisory Committee to
 2 carry out its responsibilities under this section.

3 “(h) APPLICABILITY OF FEDERAL ADVISORY COM-
 4 MITTEE ACT.—The Management Advisory Committee
 5 shall be subject to the Federal Advisory Committee Act
 6 (5 U.S.C. App.); except that section 14(a)(2)(B) of such
 7 Act (relating to the termination of advisory committees)
 8 shall not apply to the Committee.

9 **“§ 1316. Authority to carry out certain transferred**
 10 **functions, duties, and powers**

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

22 “SUBCHAPTER III—AUTHORITY

23 **“§ 1331. Functions**

24 “(a) IN GENERAL.—The functions of the Federal
 25 Aviation Administration shall be all functions vested in the

1 Board, the Chief Executive Officer, or the Federal Avia-
2 tion Administration by this title or by law enacted after
3 the date of the enactment of this chapter. Such functions
4 include functions of the Administration, the Board, and
5 the Chief Executive Officer under the following provisions
6 of this title:

7 “(1) Section 308(b).

8 “(2) Section 353.

9 “(3) Section 1114(d).

10 “(4) Section 1131(c).

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

12 “(6) Section 1135.

13 “(7) Section 1153(c).

14 “(8) Subsections (a), (c), and (d) of section
15 40101.

16 “(9) Section 40102(a)(8).

17 “(10) Section 40103(b).

18 “(11) Section 40104.

19 “(12) Section 40105.

20 “(13) Section 40106(a).

21 “(14) Section 40107.

22 “(15) Section 40108.

23 “(16) Section 40109(b).

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

25 “(18) Section 40111.

- 1 “(19) Section 40112.
- 2 “(20) Section 40113.
- 3 “(21) Section 40114.
- 4 “(22) Section 40115.
- 5 “(23) Section 40117.
- 6 “(24) Section 40119.
- 7 “(25) Section 41714.
- 8 “(26) Chapter 441.
- 9 “(27) Chapter 443.
- 10 “(28) Chapter 445.
- 11 “(29) Chapter 447.
- 12 “(30) Chapter 449.
- 13 “(31) Chapter 451.
- 14 “(32) Chapter 453.
- 15 “(33) Chapter 461.
- 16 “(34) Section 46301.
- 17 “(35) Section 46302.
- 18 “(36) Section 46303.
- 19 “(37) Section 46304.
- 20 “(38) Section 46306.
- 21 “(39) Section 46308.
- 22 “(40) Section 46311.
- 23 “(41) Section 46313.
- 24 “(42) Section 46315.
- 25 “(43) Section 46316.

1 “(44) Chapter 465.

2 “(45) Chapter 471.

3 “(46) Chapter 473.

4 “(47) Chapter 475.

5 “(48) Chapter 481.

6 “(49) Chapter 491.

7 “(b) INCIDENTAL FUNCTIONS.—In addition, the
8 functions of the Administration shall include all functions
9 of the Department of Transportation on the effective date
10 of this section which the Administration determines are
11 incidental to, helpful to, or necessary for the performance
12 of the functions referred to in subsection (a) or which re-
13 late primarily to those functions.

14 **“§ 1332. Regulations**

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

18 “(b) APPROVAL OF BOARD.—

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

1 approves of the issuance of such regulation, direc-
2 tive, or circular.

3 “(2) EMERGENCY ACTION.—In an emergency,
4 the Chief Executive Officer may issue a regulation,
5 directive, or circular described in paragraph (1)
6 without prior Board approval but subject to Board
7 ratification following issuance.

8 “(c) REVIEW BY DOT.—

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

11 “(A) the Administration shall submit a
12 copy of the regulation to the Secretary of
13 Transportation;

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

23 “(C) if the Secretary determines, before
24 the last day of such 5-day period, that the regu-
25 lation is likely to have such a significant effect,

1 the Administration shall provide the Secretary
2 with an additional period of 45 days to assess
3 the effect of the regulation on other modes of
4 transportation in the national transportation
5 system and the Secretary’s aviation responsibil-
6 ities, including national defense responsibilities.

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

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

23 “(A) Regulations pertaining to agency or-
24 ganization, procedure, or practice.

1 “(B) Regulations pertaining solely to navi-
2 gational aids.

3 “(C) Regulations pertaining solely to air-
4 space designations and configurations.

5 “(D) Regulations pertaining solely to
6 standard instrument approach procedures.

7 “(E) Regulations pertaining solely to air-
8 craft design.

9 “(F) Regulations pertaining to the person-
10 nel management system developed under section
11 1314.

12 “(G) Regulations pertaining to the acquisi-
13 tion management system developed under sec-
14 tion 1334.

15 “(4) EMERGENCY ACTION.—In an emergency, a
16 regulation may take effect for the duration of the
17 emergency and before the Secretary completes re-
18 view of the regulation under this subsection, as de-
19 termined necessary by the Chief Executive Officer or
20 the Board.

21 “(d) AUTOMATIC TERMINATION DATE.—Any regula-
22 tion issued by the Administration after the effective date
23 of this section which is likely to result in the annual ex-
24 penditure by State, local, and tribal governments in the
25 aggregate, or by the private sector, of \$25,000,000 or

1 more (adjusted annually for inflation) in any 1 year must
 2 contain an automatic termination date. The termination
 3 date shall also apply to any advisory circular issued by
 4 the Administration and pertaining solely to such regula-
 5 tion.

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

11 **“§ 1333. Finality of decisions; appeals**

12 “Decisions of the Administration made pursuant to
 13 the exercise of the functions enumerated in subtitle VII
 14 of this title shall be administratively final, and appeals as
 15 currently authorized by law shall be taken directly to the
 16 National Transportation Safety Board or to any court of
 17 competent jurisdiction, as appropriate.

18 **“§ 1334. Procurement program**

19 “(a) EXEMPTION FROM PROCUREMENT LAWS.—

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

23 “(A) Title III of the Federal Property and
 24 Administrative Services Act of 1949 (41 U.S.C.
 25 251–266).

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

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

5 “(D) The Small Business Act (15 U.S.C.
6 631 et seq.); except that the Administration
7 shall provide reasonable opportunities to small
8 business concerns and small business concerns
9 owned and controlled by socially and economi-
10 cally disadvantaged individuals to be awarded
11 contracts.

12 “(E) Subchapter V of chapter 35 of title
13 31 (relating to the procurement protest sys-
14 tem).

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

17 “(G) Section 3709 of the Revised Statutes
18 of the United States (41 U.S.C. 5).

19 “(H) The Federal Acquisition Regulation
20 and any laws not listed in subparagraphs (A)
21 through (G) providing authority to promulgate
22 regulations in the Federal Acquisition Regula-
23 tion.

24 “(2) EFFECTIVE DATE.—The exemption pro-
25 vided by paragraph (1) shall not take effect until the

1 expiration of the 180-day period referred to in sub-
2 section (c)(2).

3 “(b) DEVELOPMENT OF ACQUISITION MANAGEMENT
4 SYSTEM.—

5 “(1) IN GENERAL.—Not later than 180 days
6 after the date of the enactment of the Federal Avia-
7 tion Administration Revitalization Act of 1995, the
8 Federal Aviation Board, in consultation with such
9 nongovernmental experts in acquisition management
10 systems as the Board may employ, shall develop an
11 acquisition management system for the Administra-
12 tion.

13 “(2) CONSULTATION.—In developing the acqui-
14 sition management system, the Board shall consult
15 nongovernmental experts in acquisition management
16 systems.

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

20 “(A) to ensure that services are procured
21 and new equipment is installed and certified as
22 quickly as possible without sacrificing principles
23 of fairness and protection against waste, fraud,
24 and abuse; and

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

3 “(4) EXPERTS EVALUATION.—The arrange-
4 ments entered into by the Board with the experts
5 consulted by the Board under paragraph (2) shall
6 provide for those experts to evaluate the acquisition
7 management system developed by the Board and
8 submit to Congress the results of such evaluation be-
9 fore the last day of the 180-day period referred to
10 in paragraph (1).

11 “(c) NOTICE TO CONGRESS.—

12 “(1) IN GENERAL.—Upon the development of
13 the acquisition management system, the Board shall
14 submit a comprehensive plan describing the acquisi-
15 tion management system to Congress, along with all
16 existing or proposed rules or regulations relevant to
17 the system.

18 “(2) IMPLEMENTATION.—The Administration
19 may begin to implement the acquisition management
20 system only after the expiration of the 180-day pe-
21 riod that begins on the date on which the plan is
22 submitted to Congress under paragraph (1). The ac-
23 quisition management system shall apply to con-
24 tracts entered into after the expiration of such 180-
25 day period.

1 “(d) CONTRACTS.—

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

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

16 **“§ 1335. Judicial review of actions in carrying out**
17 **certain transferred duties and powers**

18 “(a) JUDICIAL REVIEW.—An action of the Adminis-
19 tration in carrying out a duty or power transferred under
20 the Department of Transportation Act (Public Law 89–
21 670) and under the Federal Aviation Administration Revi-
22 talization Act of 1995 and an action of the Administrator
23 of the Federal Aviation Administration in carrying out a
24 duty or power specifically assigned to the Administrator
25 by the Department of Transportation Act and transferred

1 to the Administration by the Federal Aviation Administra-
 2 tion Revitalization Act of 1995 may be reviewed judicially
 3 to the same extent and in the same way as if the action
 4 had been an action by the department, agency, or instru-
 5 mentality of the United States Government carrying out
 6 the duty or power immediately before the transfer.

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

13 **SEC. 4. BUDGET OF ADMINISTRATION.**

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

16 **“§ 48109. Budget information and legislative rec-**
 17 **ommendations and comments**

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

21 “(b) SUBMISSION OF BUDGET TO DOT.—

22 “(1) IN GENERAL.—At the same time that
 23 agencies of the Department of Transportation hav-
 24 ing jurisdiction over other modes of transportation
 25 are required to submit their budgets to the Sec-

1 retary of Transportation, the Administration shall
2 submit to the Secretary the budget prepared by the
3 Administration and approved by the Board. The
4 Secretary shall review the budget and may rec-
5 ommend to the Administration modifications in the
6 budget necessary to ensure that the budget is con-
7 sistent with the needs of the national transportation
8 system and the Secretary’s aviation responsibilities.
9 The Administration may modify the budget to adopt
10 any recommendation made by the Secretary.

11 “(2) OPPORTUNITY FOR COMMENT.—At least
12 30 days before submitting a budget to the Secretary
13 under paragraph (1), the Administration shall sub-
14 mit a draft of the budget to the Management Advi-
15 sory Committee established by section 1315 for com-
16 ment.

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

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

1 tives, the Committees on Transportation and Infra-
2 structure and Appropriations of the House of Rep-
3 resentatives, the President of the Senate, and the
4 Committees on Commerce, Science, and Transpor-
5 tation and Appropriations of the Senate.

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

9 “(A) budget requests and Airport and Air-
10 way Trust Fund estimates for the ensuing 4
11 fiscal years;

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

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

1 incidental to supply contracts) during the fiscal
 2 year for which the budget is being submitted;

3 “(D) any modifications made by the Ad-
 4 ministration under subsection (b) with respect
 5 to the budget; and

6 “(E) if the Administration does not adopt
 7 a recommendation made by the Secretary under
 8 subsection (b), a description of the rec-
 9 ommendation and the reasons for not adopting
 10 the recommendation.

11 Subparagraph (C) shall take effect with the budget
 12 submission for fiscal year 1997. The estimate under
 13 subparagraph (C) for such budget submission shall
 14 include for comparison the estimated total number
 15 of man-years of direct effort the Administration
 16 used under such support service contracts in each of
 17 fiscal years 1992 and 1995.”.

18 (b) CONFORMING AMENDMENT.—The analysis for
 19 chapter 481 is amended by striking the item relating to
 20 section 48109 and inserting the following:

“48109. Budget information and legislative recommendations and comments.”.

21 **SEC. 5. COST-BENEFIT ANALYSIS FOR MINIMUM SAFETY**
 22 **STANDARDS.**

23 Section 44701 is amended by adding at the end the
 24 following:

25 “(f) COST-BENEFIT ANALYSIS.—

1 “(1) IN GENERAL.—For any regulation or
2 standard to be issued under subsection (a) or (b)
3 that is likely to result in annualized compliance costs
4 in excess of \$25,000,000, the Administration shall,
5 in addition to other requirements in law, identify
6 and publish together with such regulation or stand-
7 ard the following:

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

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

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

1 “(D) Alternative means of achieving the
 2 objective of the regulation or standard while
 3 minimizing the costs, adverse effects on com-
 4 petition, and the disruption or dislocation of air
 5 service or the commercial practices affected by
 6 the regulation or standard and a statement as
 7 to why the Administration chose the regulation
 8 or standard adopted in preference to the alter-
 9 natives considered.

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

14 “(3) NONAPPLICABILITY TO ADVISORY CIRCU-
 15 LARS.—This subsection shall not apply to advisory
 16 circulars.”.

17 **SEC. 6. AMENDMENT TO INSPECTOR GENERAL ACT OF 1978.**

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

20 (1) in paragraph (1) by inserting “or Federal
 21 Aviation Administration” after “Community Serv-
 22 ice”; and

23 (2) in paragraph (2) by inserting “the Federal
 24 Aviation Administration,” after “United States In-
 25 formation Agency,”.

1 **SEC. 7. PASSENGER FACILITY CHARGES.**

2 (a) FEE RETAINED BY AIRLINES.—

3 (1) DEADLINE FOR RESPONSE TO PETITION.—

4 Not later than 75 days after the date of the enact-
5 ment of this Act, the Administrator of the Federal
6 Aviation Administration shall issue a notice of a pro-
7 posed rulemaking or a denial of the petition in
8 Docket 27791 of the Federal Aviation Administra-
9 tion (relating to increasing the fee that airlines re-
10 tain in collecting passenger facility charges).

11 (2) EFFECT OF FAILURE TO RESPOND.—If the
12 Administrator does not respond to the petition in
13 the docket referred to in paragraph (1) as required
14 by paragraph (1), the fee increase sought by the pe-
15 titioner in such docket shall become effective after
16 the 75th day referred to in paragraph (1) until such
17 date as the Administrator responds to such petition.

18 (b) REVIEW OF PROGRAM.—The Secretary of Trans-
19 portation shall complete the review required by section
20 121 of the Federal Aviation Administration Reauthoriza-
21 tion Act of 1994 (108 Stat. 1581) not later than the 75th
22 day following the date of the enactment of this Act.

23 **SEC. 8. SELECT PANEL TO REVIEW INNOVATIVE FUNDING**
24 **MECHANISMS.**

25 (a) ESTABLISHMENT.—The Federal Aviation Board
26 shall establish a select panel to review and report to Con-

1 gress regarding innovative financing mechanisms for en-
2 suring adequate funding for existing and future aviation
3 infrastructure needs and for funding the operations of the
4 Federal Aviation Administration in a manner that would
5 provide for future growth in the Nation's air traffic sys-
6 tem, improve the management and performance of the air
7 traffic control system, and make the Administration more
8 efficient and effective. The financing mechanisms to be re-
9 viewed shall include, but not be limited to, loan guaran-
10 tees, financial partnerships with for-profit private sector
11 entities, multi-year appropriations, revolving loan funds,
12 mandatory spending authority, authority to borrow, and
13 restructured grant programs.

14 (b) APPOINTMENT OF MEMBERS.—Not later than 90
15 days after the date of the appointment of at least 2 mem-
16 bers of the Board, the Board shall appoint members to
17 the panel established under this section. Such members
18 shall consist of appropriate Federal Government officials
19 and representatives of the aviation industry, Administra-
20 tion employees, the financial community, and State and
21 local governments.

22 (c) INDEPENDENT AUDIT.—Immediately following
23 appointment of the panel, and utilizing funds appropriated
24 for Federal Aviation Administration headquarters oper-
25 ations, the panel shall contract with an entity independent

1 of the Federal Aviation Administration and the Depart-
2 ment of Transportation to conduct a complete audit of the
3 financial requirements of the agency, including anticipated
4 air traffic forecasts, other workload measures, and esti-
5 mated productivity gains which lead to budgetary require-
6 ments. The independent audit shall be completed no later
7 than 180 days after contract award and shall be submitted
8 to the panel.

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

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

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

1 **SEC. 9. 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. 10. 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. 11. 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, regulations, and executive orders in effect and appli-
9 cable to the Federal Aviation Administration of the De-
10 partment of Transportation and to the Administrator of
11 such Administration on the day before the effective date
12 of this Act shall, on and after such effective date, be appli-
13 cable to the Federal Aviation Administration and the Fed-
14 eral Aviation Board established by this Act (including the
15 amendments made by this Act), until such law, rule, regu-
16 lation, or executive order is repealed or otherwise modified
17 or amended.

18 **SEC. 12. TERMINATION OF FAA OF DOT.**

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

21 **SEC. 13. CORRESPONDING REDUCTIONS IN OFFICE OF SEC-**
22 **RETARY.**

23 The Secretary of Transportation shall terminate 200
24 employee positions in the Office of the Secretary to reflect

1 reductions in the aviation responsibilities in the Office of
2 the Secretary by enactment of this Act.

3 **SEC. 14. CONFORMING AMENDMENTS.**

4 (a) FEDERAL AVIATION ADMINISTRATION IN
5 DOT.—

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

9 (2) TECHNICAL ADJUSTMENTS.—

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

13 (i) by adding at the end the following
14 new section heading:

15 **“§ 1317. Civil Aeromedical Institute”**; and

16 (ii) by inserting the text of section
17 106(j) as an undesignated paragraph
18 under such section heading.

19 (B) CHAPTER ANALYSIS AMENDMENT.—

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

“1317. Civil Aeromedical Institute.”.

23 (3) AUTHORIZATION OF APPROPRIATIONS FOR
24 FAA OPERATIONS.—

1 (A) FISCAL YEAR 1996.—Section 106(k) is
2 amended by—

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

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

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

14 (b) GENERAL DUTIES AND POWERS OF THE DE-
15 PARTMENT OF TRANSPORTATION.—

16 (1) LEADERSHIP, CONSULTATION, AND CO-
17 OPERATION.—Section 301(6) is amended by striking
18 “, with particular attention to aircraft noise, and in-
19 cluding” and inserting “and”.

20 (2) POLICY ON LANDS, WILDLIFE AND WATER-
21 FOWL REFUGES, AND HISTORIC SITES.—Section 303
22 is amended—

23 (A) in subsection (b) by inserting “and the
24 Federal Aviation Administration” after “of
25 Transportation”; and

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

3 (3) REPORTS.—Section 308(b) is amended—

4 (A) by striking “Secretary” the 1st place
5 it appears and inserting “Federal Aviation
6 Board”;

7 (B) by striking “Department” and insert-
8 ing “Federal Aviation Administration”; and

9 (C) by striking “Secretary” the 2nd and
10 3rd places it appears and inserting “Board”.

11 (4) MEMBERS OF THE ARMED FORCES.—Sec-
12 tion 324 is amended—

13 (A) by striking subsection (a) and insert-
14 ing the following:

15 “(a) IN GENERAL.—

16 “(1) FAA.—The Federal Aviation Administra-
17 tion, to ensure that national defense interests are
18 safeguarded properly and that the Administration is
19 advised properly about the needs and special prob-
20 lems of the armed forces, shall provide for partici-
21 pation of members of the armed forces in carrying out
22 the duties and powers of the Administration related
23 to the regulation and protection of air traffic, includ-
24 ing providing for, and research and development of,

1 air navigation facilities, and the allocation of air-
2 space.

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

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

10 (5) JUDICIAL REVIEW.—Section 351(a) is
11 amended—

12 (A) by striking “An” and inserting “Sub-
13 ject to section 1335, an”; and

14 (B) by striking “, the Federal Highway
15 Administration, or the Federal Aviation Admin-
16 istration” and inserting “or the Federal High-
17 way Administration”.

18 (6) AUTHORITY TO CARRY OUT CERTAIN
19 TRANSFERRED DUTIES AND POWERS.—Section 352
20 is amended by striking “, the Federal Highway Ad-
21 ministration, and the Federal Aviation Administra-
22 tion” and inserting “and the Federal Highway Ad-
23 ministration”.

24 (7) TOXICOLOGICAL TESTING.—Section 353(a)
25 is amended—

1 (A) by inserting before “conducts” the fol-
 2 lowing: “or the Federal Aviation Administra-
 3 tion”;

4 (B) by inserting after “Department” the
 5 second place it appears “or Administration”;
 6 and

7 (C) by inserting before “shall” each place
 8 it appears “or Chief Executive Officer of the
 9 Administration”.

10 (c) FUNCTIONS OF FAA.—

11 (1) NATIONAL TRANSPORTATION SAFETY
 12 BOARD.—

13 (A) DISCLOSURE OF DRUG TEST INFORMA-
 14 TION TO NTSB.—Section 1114(d)(1) is amend-
 15 ed—

16 (i) by inserting before “shall” the fol-
 17 lowing: “and the Federal Aviation Admin-
 18 istration”;

19 (ii) in subparagraph (A) by inserting
 20 before “under post-accident” the following:
 21 “or the Administration”; and

22 (iii) in subparagraph (A) by inserting
 23 before “, when” the following: “or the Ad-
 24 ministration”.

1 (B) INVESTIGATION OF CERTAIN ACCI-
2 DENTS.—Section 1131(c)(1) is amended by in-
3 serting “or the Federal Aviation Administra-
4 tion, as the case may be,” after “Transporta-
5 tion”.

6 (C) CIVIL AIRCRAFT ACCIDENT INVESTIGA-
7 TIONS.—Section 1132 is amended—

8 (i) in the heading to subsection (c) by
9 striking “SECRETARY” and inserting
10 “FEDERAL AVIATION ADMINISTRATION”;

11 (ii) in subsection (c) by striking “Sec-
12 retary of Transportation” and inserting
13 “Federal Aviation Administration”;

14 (iii) in subsection (c) by striking “Sec-
15 retary” the 2nd and 3rd places it appears
16 and inserting “Administration”; and

17 (iv) in subsection (d) by striking “Sec-
18 retary” each place it appears and inserting
19 “Administration”.

20 (D) REVIEW OF OTHER AGENCY ACTION.—
21 Section 1133(1) is amended by striking “Sec-
22 retary of Transportation” and inserting “Fed-
23 eral Aviation Administration”.

24 (E) RESPONSES TO SAFETY RECOMMENDA-
25 TIONS.—Section 1135 is amended—

1 (i) by striking the section heading and
2 inserting the following:

3 **“§ 1135. DOT’s and FAA’s responses to safety rec-**
4 **ommendations”;**

5 (ii) in subsection (a) by inserting after
6 “Secretary of Transportation” the follow-
7 ing: “or the Federal Aviation Administra-
8 tion”;

9 (iii) in subsection (a) by inserting “or
10 the Administration” after “Secretary” the
11 2nd and 3rd places it appears;

12 (iv) in subsection (d) by striking
13 “shall” and inserting “and the Administra-
14 tion shall each”;

15 (v) in subsection (d) by inserting be-
16 fore “during” the following: “or Adminis-
17 tration”; and

18 (vi) in subsection (d) by inserting
19 after “Secretary’s” the following: “or Ad-
20 ministration’s”.

21 (F) JUDICIAL REVIEW.—Section 1153(c) is
22 amended—

23 (i) in the subsection heading by strik-
24 ing “ADMINISTRATOR” and inserting “AD-
25 MINISTRATION”;

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

3 (iii) by striking “Administrator” the
4 second and third places it appears and in-
5 serting “Administration”.

6 (G) CONFORMING AMENDMENT.—The
7 analysis to chapter 11 is amended by striking
8 the item relating to section 1135 and inserting
9 the following:

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

10 (2) INTERMODAL TRANSPORTATION ADVISORY
11 BOARD.—Section 5502(b) is amended to read as fol-
12 lows:

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

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

15 “(2) the Chief Executive Officer of the Federal
16 Aviation Administration or the Chief Executive Offi-
17 cer’s designee; and

18 “(3) the Administrator, or the Administrator’s
19 designee, of—

20 “(A) the Federal Highway Administration;

21 “(B) the Maritime Administration;

22 “(C) the Federal Railroad Administration;

23 and

24 “(D) the Federal Transit Administra-
25 tion.”.

1 (3) GENERAL PROVISIONS RELATING TO AIR
2 COMMERCE AND SAFETY.—

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

4 (i) in subsection (a) by inserting after
5 “Secretary of Transportation” the follow-
6 ing: “and the Federal Aviation Administra-
7 tion”;

8 (ii) in subsection (c) by striking “Ad-
9 ministrators of the”; and

10 (iii) in subsection (d) by striking “Ad-
11 ministrators” and inserting “Administra-
12 tion”.

13 (B) DEFINITIONS.—Section 40102(a) is
14 amended—

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

17 (ii) in paragraph (20) by striking
18 “Administrator” and inserting “Federal
19 Aviation Administration”; and

20 (iii) by moving the second sentence of
21 paragraph (37) 2 ems to the left.

22 (C) SOVEREIGNTY AND USE OF AIR
23 SPACE.—Section 40103 is amended—

24 (i) in subsection (a)(2) by inserting
25 after “Secretary of Transportation” the

1 following: “and the Federal Aviation Ad-
2 ministration”; and

3 (ii) in subsection (b)—

4 (I) by striking “Administrator of
5 the”; and

6 (II) by striking “Administrator”
7 each place it appears after the first
8 and inserting “Administration”.

9 (D) PROMOTION OF CIVIL AERONAUTICS
10 AND AIR COMMERCE.—Section 40104 is amend-
11 ed—

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

14 (ii) in subsection (a) by striking “Ad-
15 ministrator” each place it appears after
16 the first and inserting “Administration”;
17 and

18 (iii) in subsection (b) by striking
19 “Secretary of Transportation” and insert-
20 ing “Administration”.

21 (E) INTERNATIONAL NEGOTIATIONS,
22 AGREEMENTS, AND OBLIGATIONS.—Section
23 40105 is amended—

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

1 (ii) in the heading to subsection (b) by
2 striking “ADMINISTRATOR” and inserting
3 “ADMINISTRATION”;

4 (iii) in subsection (b)(1) by striking
5 “Administrator” and inserting “Adminis-
6 tration”; and

7 (iv) in subsection (c)(1) by inserting
8 before the semicolon “and the Federal
9 Aviation Administration”.

10 (F) EMERGENCY POWERS.—Section 40106
11 is amended—

12 (i) in subsection (a)—

13 (I) in paragraph (1) by striking
14 “Administrator of the”; and

15 (II) in paragraph (2) by striking
16 “Administrator” and inserting “Ad-
17 ministration”; and

18 (ii) in subsection (b)(2) by inserting
19 after “Secretary of Transportation” the
20 following: “or the Federal Aviation Admin-
21 istration”.

22 (G) PRESIDENTIAL TRANSFERS.—Section
23 40107 is amended—

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

1 (ii) by striking “Administrator” each
2 place it appears after the first and insert-
3 ing “Administration”.

4 (H) TRAINING SCHOOLS.—Section 40108
5 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 (I) AUTHORITY TO EXEMPT.—Section
12 40109(b) is amended—

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

15 (ii) by striking “Administrator” the
16 second place it appears and inserting “Ad-
17 ministration”.

18 (J) GENERAL PROCUREMENT AUTHOR-
19 ITY.—Section 40110 is amended—

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

22 (ii) in subsection (a)(1) by striking
23 “Administrator” and inserting “Adminis-
24 tration”;

(iii) in subsection (b) by striking “Administrator of” the first place it appears and inserting “Chief Executive Officer of”;

(iv) in subsection (b)(2)(E) by striking “Administrator of the”; and

(v) in subsection (b)(2)(E) by striking “Administrator;” and inserting “Administration;”.

(K) MULTIYEAR PROCUREMENT CONTRACTS FOR SERVICES AND RELATED ITEMS.—Section 40111 is amended—

(i) in subsection (a) by striking “Administrator of the”; and

(ii) in subsections (b) and (c) by striking “Administrator” each place it appears and inserting “Administration”.

(L) MULTIYEAR PROCUREMENT CONTRACTS FOR PROPERTY.—Section 40112 is amended—

(i) in subsection (a) by striking “Administrator of the”; and

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

1 (iii) by adding at the end the follow-
2 ing:

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

7 (M) ADMINISTRATIVE.—Section 40113 is
8 amended—

9 (i) in subsection (a) by striking “(or
10 the Administrator of” and inserting “and”;

11 (ii) in subsection (a) by striking “Ad-
12 ministrator)” and inserting “Administra-
13 tion”;

14 (iii) in subsection (a) by striking “Ad-
15 ministrator” the last place it appears and
16 inserting “Administration”;

17 (iv) in subsection (b) by striking
18 “has” the 1st place it appears and insert-
19 ing “and the Administration have”;

20 (v) in subsection (c) by striking “The
21 Secretary” and all that follows through
22 “Administrator)” and inserting “In carry-
23 ing out aviation safety functions, duties,
24 and powers, the Federal Aviation Adminis-
25 tration”;

1 (vi) in subsection (c) by striking “to
2 assist the Secretary or Administrator of”
3 and inserting “to assist”;

4 (vii) in subsection (d) by striking
5 “Administrator of the”;

6 (viii) in subsection (d) by striking
7 “Administrator” the last place it appears
8 and inserting “Administration”;

9 (ix) in subsection (e) by striking “Ad-
10 ministrator” each place it appears and in-
11 serting “Administration”; and

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

13 “(f) EXEMPTIONS.—

14 “(1) FAA REVIEW OF REGULATIONS.—Prior to
15 issuing any regulation or granting any exemption to
16 a regulation issued under this chapter that affects
17 the transportation of hazardous materials by air, the
18 Secretary shall provide the Administration an oppor-
19 tunity for review, and the Administration may dis-
20 approve such action if the Administration deter-
21 mines that there would be an adverse effect on avia-
22 tion safety.

23 “(2) PROPOSED CHANGES.—The Administra-
24 tion may, in the interest of aviation safety, propose

1 to the Secretary regulatory changes affecting the
2 transportation of hazardous materials by air.

3 “(3) ENFORCEMENT.—Enforcement actions for
4 violations of this chapter or of any regulations is-
5 sued under this chapter that affect the transpor-
6 tation of hazardous materials by air shall be brought
7 by the Administration.”.

8 (N) REPORTS AND RECORDS.—Section
9 40114 is amended—

10 (i) in subsection (a)(1) by striking
11 “(or the Administrator of” and inserting
12 “and”;

13 (ii) in subsection (a)(1) by striking
14 “Administrator)” and inserting “Adminis-
15 tration”;

16 (iii) in subsection (a)(1) by striking
17 “Administrator” the last place it appears
18 and inserting “Administration”;

19 (iv) in subsection (a)(2) by striking
20 “(or the Administrator” and inserting
21 “and the Administration”;

22 (v) in subsection (a)(2) by striking
23 “Administrator)” and inserting “Adminis-
24 tration”; and

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

4 (O) WITHHOLDING INFORMATION.—Sec-
5 tion 40115(a) is amended by inserting after
6 “Secretary of Transportation” each place it ap-
7 pears the following: “or Federal Aviation Ad-
8 ministration”.

9 (P) PASSENGER FACILITY FEES.—Section
10 40117 is amended—

11 (i) in subsection (b)(1) by striking
12 “Secretary of Transportation” and insert-
13 ing “Federal Aviation Administration”;
14 and

15 (ii) in subsections (c) through (i) by
16 striking “Secretary” each place it appears
17 and inserting “Administration”.

18 (Q) SECURITY AND RESEARCH AND DE-
19 VELOPMENT ACTIVITIES.—Section 40119 is
20 amended—

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

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

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

3 (A) in subsection (a)(3) by inserting “,
4 after consultation with the Federal Aviation Ad-
5 ministration,” after “Secretary of Transpor-
6 tation”; and

7 (B) in subsection (b) by inserting “, after
8 consultation with the Federal Aviation Adminis-
9 tration,” after “Secretary” the 2nd place it ap-
10 pears.

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

12 (A) in subsection (a)(1) by striking “Sec-
13 retary of Transportation” and inserting “Fed-
14 eral Aviation Administration”;

15 (B) in subsections (a)(2), (a)(3), (a)(4),
16 (b)(1), (b)(2), (c), (d), (f), and (g) by striking
17 “Secretary” and “SECRETARY” each place they
18 appear and inserting “Administration” and
19 “ADMINISTRATION”, respectively;

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

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

1 (E) in subsection (h)(2) by striking “Ad-
2 ministrator” and inserting “Administration”;
3 and

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

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

9 (6) REGISTRATION AND RECORDATION OF AIR-
10 CRAFT.—Chapter 441 (other than section 44109) is
11 amended—

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

14 (B) by striking “Administrator” each place
15 it appears (other than a place to which sub-
16 paragraph (A) applies and the 3rd place it ap-
17 pears in section 44111(d)) and inserting “Ad-
18 ministration”; and

19 (C) in section 44102(b) by striking “Sec-
20 retary of Transportation” and inserting “Fed-
21 eral Aviation Administration”.

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

23 (A) by striking “Secretary of Transpor-
24 tation” each place it appears and inserting
25 “Federal Aviation Administration”; and

1 (B) by striking “Secretary” each place it
2 appears (other than a place to which subpara-
3 graph (A) applies, the 2nd, 3rd, and 5th places
4 it appears in section 44305(b), the 1st place it
5 appears in section 44307(a)(1), the 2nd place it
6 appears in section 44307(b), and the 3rd place
7 it appears in section 44307(d)) and inserting
8 “Administration”.

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

11 (A) by striking “Administrator of the”
12 each place it appears (other than the 1st place
13 it appears in section 44501(c)(2)(B) and the
14 last place it appears in section 44502(c)(1));

15 (B) by striking “Administrator” each place
16 it appears (other than a place to which sub-
17 paragraph (A) applies, the 1st place it appears
18 in section 44501(c)(2)(B), the last place it ap-
19 pears in section 44502(c), and in section
20 44507(3)) and inserting “Administration”;

21 (C) in section 44506(b) by striking “Ad-
22 ministrators of the Federal Aviation Adminis-
23 tration and” and inserting “Federal Aviation
24 Administration and the Administrator of the”;

1 (D) in section 44506(c) by striking “De-
2 partment of Transportation” and inserting
3 “Administration”;

4 (E) in section 44506(d) by striking “Pub-
5 lic Works and Transportation” and inserting
6 “Transportation and Infrastructure”;

7 (F) in section 44507—

8 (i) by striking “106(j)” and inserting
9 “1317”; and

10 (ii) by striking “the Administrator” in
11 paragraph (3) and inserting “the Federal
12 Aviation Board”;

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

15 (H) by striking “Secretary of Transpor-
16 tation” each place it appears and inserting
17 “Federal Aviation Administration”; and

18 (I) by striking “Secretary” each place it
19 appears (other than in sections 44501(b)(1)(B),
20 44502(c)(1), and 44505(a)(3) and a place to
21 which subparagraphs (G) and (H) apply) and
22 inserting “Administration”.

23 (9) SAFETY REGULATION.—Chapter 447 is
24 amended—

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

12 (B) by striking “Administrator” each place
13 it appears (other than a place to which sub-
14 paragraph (A) applies, the 3rd place it appears
15 in section 44703(f)(2), the 3rd place it appears
16 in section 44713(d)(2), the 2nd place it appears
17 in section 44714, the 2nd place it appears in
18 section 44715(a)(2), the 1st, 4th, 7th, 9th,
19 10th, and 11th places it appears in section
20 44715(c), the 1st and 3rd places it appears in
21 section 44715(d)(1), the 2nd place it appears in
22 section 44715(d)(2), the 1st, 3rd, and 5th
23 places it appears in section 44715(e), the 2nd,
24 4th, and 6th places it appears in section

1 44715(f), and in section 44720(b)(2)) and in-
2 serting “Administration”;

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

6 (D) in the subsection heading to section
7 44709(b) by striking “ADMINISTRATOR” and
8 inserting “ADMINISTRATION”;

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

12 (F) by striking “Secretary of Transpor-
13 tation” each place it appears (other than in sec-
14 tions 44712(b)(2) and 44723) and inserting
15 “Federal Aviation Administration”;

16 (G) in section 44723 by striking “Sec-
17 retary of Transportation” and inserting “Fed-
18 eral Aviation Board”; and

19 (H) by striking “Secretary” each place it
20 appears (other than in sections 44712(b)(2)
21 and 44720 and a place to which subparagraph
22 (F) or (G) applies) and inserting “Administra-
23 tion”.

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

1 (A) by striking “Administrator of the”
2 each place it appears;

3 (B) by striking “Administrator” each place
4 it appears (other than a place to which sub-
5 paragraph (A) applies, the 1st two places it ap-
6 pears in section 44932(a), the 1st place it ap-
7 pears in section 44932(b), the 1st place it ap-
8 pears in section 44932(c), the 5th place it ap-
9 pears in section 44933(a), and each place it ap-
10 pears in section 44934(b)) and inserting “Ad-
11 ministration”;

12 (C) in section 44933(b)(4) by striking
13 “Administrator’s” and inserting “Administra-
14 tion’s”;

15 (D) by striking the heading for section
16 44932 and inserting “**Civil aviation secu-**
17 **rity**”;

18 (E) by striking subsection (a) of section
19 44932 and redesignating subsections (b) and
20 (c) as subsections (a) and (b), respectively;

21 (F) in section 44932(a), as redesignated
22 by subparagraph (E), by striking “Assistant
23 Administrator” and inserting “officer des-
24 ignated by the Chief Executive Officer of the
25 Federal Aviation Administration”;

1 (G) in section 44932(b), as redesignated
2 by subparagraph (E), by striking “Assistant
3 Administrator” and inserting “Administration”;

4 (H) in sections 44933(a) and 44934(b) by
5 striking “Assistant Administrator for Civil
6 Aviation Security” and inserting “officer des-
7 ignated by the Chief Executive Officer of the
8 Administration”;

9 (I) in section 44934(b)(1) by striking “As-
10 sistant Administrator” and inserting “Adminis-
11 tration”;

12 (J) by striking “Secretary of Transpor-
13 tation” each place it appears (other than in sec-
14 tions 44903(b)(1), 44907(d)(1)(C),
15 44907(d)(3), 44907(e), 44907(f), 44911(b),
16 44912(a)(3), 44931, and 44938(a)) and insert-
17 ing “Federal Aviation Administration”;

18 (K) by striking “Secretary” each place it
19 appears (other than a place to which subpara-
20 graph (J) applies, the 1st place it appears in
21 section 44903(d), in section 44903(b)(1), the
22 2nd place it appears in section 44907(b), the
23 3rd place it appears in section 44907(c), in sec-
24 tion 44907(d)(1)(C), the 3rd place it appears in
25 section 44907(d)(2)(A)(ii), the 2nd and 3rd

places it appears in section 44907(d)(2)(B), in section 44907(d)(3), the 2nd place it appears in section 44907(d)(4), in sections 44907(e) and 44907(f), the 4th place it appears in section 44908(a), the 1st place it appears in section 44908(b), the 2nd place it appears in section 44909(a), and in sections 44910, 44911, 44912(a)(3), 44931, 44934, and 44938(a)) and inserting “Administration”;

(L) in section 44905(g) by striking “Department of Transportation” and inserting “Federal Aviation Administration”;

(M) in sections 44907(d)(1)(C), 44907(d)(3), 44907(e), and 44907(f) by inserting “or Federal Aviation Administration” after “of Transportation”;

(N) in section 44907(d)(3) by inserting “or Administration” after “Secretary” the 2nd place it appears; and

(O) in the chapter analysis by striking the item relating to section 44932 and inserting the following:

“44932. Civil aviation security.”.

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

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

3 (B) by striking “Administrator” each place
4 it appears (other than a place to which sub-
5 paragraph (A) applies) and inserting “Adminis-
6 tration”.

7 (12) FEES.—Chapter 453 is amended—

8 (A) by striking “Administrator of the”
9 each place it appears;

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

14 (C) in section 45301(a) by inserting after
15 “Secretary of Transportation” the following:
16 “and the Federal Aviation Administration, as
17 the case may be,”; and

18 (D) in section 45301(c)(4) by striking
19 “Administrator’s” and inserting “Administra-
20 tion’s”.

21 (13) INVESTIGATIONS AND PROCEEDINGS.—

22 Chapter 461 is amended—

23 (A) in sections 46101(a)(1), 46102(a),
24 46103(a)(1), and 46104(a)—

1 (i) by striking “(or the Administrator
2 of” and inserting “(or”; and

3 (ii) by striking “Administrator)” and
4 inserting “Administration”;

5 (B) by striking “Administrator of the”
6 each place it appears (other than a place to
7 which subparagraph (A)(i) applies and in sec-
8 tion 46101(b));

9 (C) by striking “Administrator” each place
10 it appears (other than a place to which sub-
11 paragraph (A) or (B) applies) and inserting
12 “Administration”;

13 (D) in section 46109 by inserting “or the
14 Federal Aviation Administration” after “Trans-
15 portation”; and

16 (E) in the subsection heading to section
17 46107(c) by striking “ADMINISTRATOR” and in-
18 serting “ADMINISTRATION”.

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

20 (A) in section 46301(c)—

21 (i) by inserting “by other than air”
22 after “transportation” in paragraph
23 (1)(D);

24 (ii) by redesignating paragraph (2) as
25 paragraph (3);

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

3 “(2) FAA NOTICE AND HEARING.—The Federal
4 Aviation Administration may impose a civil penalty
5 for violations under subsection (a)(1) of this section
6 related to the transportation by air of hazardous
7 material only after notice and an opportunity for a
8 hearing.”;

9 (iv) by inserting “or Administration,
10 as appropriate,” after “Secretary” in para-
11 graph (3), as so redesignated; and

12 (v) by striking “paragraph (1) of” in
13 such paragraph (3).

14 (B) in section 46301(d)(2) by striking
15 “Administrator of the”;

16 (C) in subsections (d) and (e) of section
17 46301—

18 (i) by striking “Administrator” each
19 place it appears (other than a place to
20 which subparagraph (A) applies) and in-
21 serting “Administration”; and

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

1 (D) in section 46301(f) by inserting “or
2 Administration, as the case may be,” after
3 “Secretary”;

4 (E) in section 46301(g) by inserting “and
5 an order of the Administration” before “impos-
6 ing”;

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

10 (G) in section 46302(b) by striking “Sec-
11 retary of Transportation” and inserting “Fed-
12 eral Aviation Administration”;

13 (H) in section 46303—

14 (i) by striking “Secretary of Trans-
15 portation” and inserting “Federal Aviation
16 Administration”; and

17 (ii) by striking “Administrator of
18 the”;

19 (I) in section 46304—

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

22 (ii) by striking “Administrator” each
23 place it appears (other than a place to
24 which clause (i) applies) and inserting
25 “Administration”;

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

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

5 (L) in section 46311—

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

7 and

8 (ii) by striking “Administrator” each
9 place it appears (other than a place to
10 which clause (i) applies) and inserting
11 “Administration”;

12 (M) in section 46313—

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

14 and

15 (ii) by striking “Administrator” the
16 2nd place it appears and inserting “Ad-
17 ministration”;

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

20 (O) in section 46316(a)—

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

22 and

23 (ii) by striking “Administrator” the
24 2nd place it appears and inserting “Ad-
25 ministration”.

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

4 (16) AIRPORT DEVELOPMENT.—Chapter 471 is
5 amended—

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

10 (B) by striking “Secretary” each place it
11 appears (other than a place to which subpara-
12 graph (A) applies, in sections 47101(h),
13 47102(1)(A), 47102(1)(B)(i), 47103(a),
14 47103(c), 47106(c)(2), 47107(j)(4), 47110(e),
15 and 47112(b), and the 2nd and 3rd places it
16 appears in section 47153(b)) and inserting
17 “Administration”;

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

21 (D) in section 47106(c)(2) by striking
22 “Secretary” and inserting “Federal Aviation
23 Administration”;

(E) in sections 47106(c)(3) and 47110(d)(2)(B) by striking “Secretary’s” and inserting “Administration’s”;

(F) in section 47107(k) by striking “Public Works and Transportation” and inserting “Transportation and Infrastructure”;

(G) in section 47110(e)—

(i) by striking “Secretary” each place (other than the 2nd and 6th places) it appears and inserting “Federal Aviation Board”; and

(ii) by striking “Secretary” the 2nd and 6th places it appears and inserting “Federal Aviation Administration”;

(H) in the heading for each of sections 47117(h), 47129(a)(3), and 47129(c) by striking “SECRETARY” and inserting “ADMINISTRATION”;

(I) in the subsection heading for section 47129(a) by striking “SECRETARY’S” and inserting “ADMINISTRATION’S”; and

(J) in section 47130 by striking “Administrator of the”.

(17) INTERNATIONAL AIRPORT FACILITIES.—

Chapter 473 is amended—

1 (A) in section 47302—

2 (i) by striking “Secretary of Trans-
3 portation” in subsection (a)(1) and insert-
4 ing “Federal Aviation Administration”;
5 and

6 (ii) by striking “Secretary of Trans-
7 portation or” in subsection (c) and insert-
8 ing “Federal Aviation Administration or
9 the Secretary of”;

10 (B) in section 47303—

11 (i) by striking “Secretary of Trans-
12 portation or” and inserting “Federal Avia-
13 tion Administration or the Secretary of”;
14 and

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

17 (C) in section 47304—

18 (i) by striking “Secretary of Trans-
19 portation or” in subsection (a) and insert-
20 ing “Federal Aviation Administration or
21 the Secretary of”;

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

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

5 (iv) by striking “Secretary of Trans-
6 portation or” in subsection (b)(2) and in-
7 serting “Chief Executive Officer of the
8 Federal Aviation Administration or the
9 Secretary of”;

10 (v) by striking “Secretary of Trans-
11 portation” each place it appears in sub-
12 section (c) and inserting “Federal Aviation
13 Administration”; and

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

19 (D) in section 47305—

20 (i) by striking “Secretary of Trans-
21 portation” in subsection (a) and inserting
22 “Federal Aviation Administration”;

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

1 (iii) by striking “Secretary of Trans-
2 portation or” in subsection (b) and insert-
3 ing “Chief Executive Officer of the Federal
4 Aviation Administration or the Secretary
5 of”; and

6 (E) in section 47306 by striking “Sec-
7 retary of Transportation” and inserting “Fed-
8 eral Aviation Administration”.

9 (18) NOISE.—Chapter 475 is amended—

10 (A) by striking “Administrator of the”
11 each place it appears (other than the 1st place
12 it appears in section 47502, the 2nd place it
13 appears in section 47509(a), the 2nd place it
14 appears in section 47509(c), the 2nd place it
15 appears in section 47509(d), and the 2nd place
16 it appears in section 47509(e));

17 (B) by striking “Administrator” each place
18 it appears (other than a place to which sub-
19 paragraph (A) applies, the 1st place it appears
20 in section 47502, the 2nd place it appears in
21 section 47509(a), the 2nd place it appears in
22 section 47509(c), the 2nd place it appears in
23 section 47509(d), and the 2nd place it appears
24 in section 47509(e)) and inserting “Administra-
25 tion”;

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 inserting “Administra-
7 tion”.

8 (19) FINANCING.—Chapter 481 (other than
9 section 48109) 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) and inserting “Adminis-
15 tration”;

16 (C) by striking “Secretary of Transpor-
17 tation” each place it appears and inserting
18 “Federal Aviation Administration”;

19 (D) by striking “Secretary” each place it
20 appears (other than a place to which subpara-
21 graph (C) applies and the 1st place it appears
22 in section 48105) and inserting “Administra-
23 tion”;

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

4 (F) in section 48108(b)(2) by striking
5 “Department of Transportation” and inserting
6 “Federal Aviation Administration”.

7 (20) MISCELLANEOUS.—Chapter 491 is amend-
8 ed—

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

11 (B) by striking “Administrator” each place
12 it appears (other than a place to which sub-
13 paragraph (A) applies) and inserting “Adminis-
14 tration”;

15 (C) by striking “Secretary of Transpor-
16 tation” each place it appears and inserting
17 “Federal Aviation Administration”; and

18 (D) by striking “Secretary” each place it
19 appears (other than a place to which subpara-
20 graph (C) applies and in section 49103(b)(1))
21 and inserting “Administration”.

22 (21) COMMERCIAL SPACE LAUNCH ACTIVI-
23 TIES.—Subtitle IX is amended—

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

4 (B) by striking “Secretary” each place it
 5 appears (other than a place to which subpara-
 6 graph (A) applies, the 1st place it appears in
 7 section 70109(a), the 2nd place it appears in
 8 each of sections 70109(b), 70109(c),
 9 70112(a)(2), and 70112(b)(2), the 2nd and 3rd
 10 places it appears in each of sections 70116(a)
 11 and 70116(b), in section 70117(b)(2), and the
 12 2nd place it appears in each of sections
 13 70303(b)(2) and 70304(a)) and inserting “Ad-
 14 ministration”; and

15 (C) in the subsection heading to section
 16 70111(c) by striking “SECRETARY” and insert-
 17 ing “ADMINISTRATION”.

18 (d) TITLE 5, UNITED STATES CODE.—

19 (1) EXECUTIVE SCHEDULE PAY RATES.—

20 (A) ADMINISTRATOR.—Section 5313 of
 21 title 5, United States Code, is amended by
 22 striking “Administrator, Federal Aviation Ad-
 23 ministration.”.

24 (B) DEPUTY ADMINISTRATOR.—Section
 25 5315 of such title is amended by striking “Dep-

1 uty Administrator, Federal Aviation Adminis-
2 tration.”.

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

5 (A) by striking “Department of Transpor-
6 tation” each place it appears and inserting
7 “Federal Aviation Administration”; and

8 (B) by striking “Secretary of Transpor-
9 tation” and inserting “Chief Executive Officer
10 of the Federal Aviation Administration”.

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

16 (4) REDUCTION IN RETIREMENT PAY FOR
17 FORMER MEMBERS OF UNIFORM SERVICES.—Section
18 5532(f) of title 5, United States Code, is repealed.

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

21 (A) in the heading to section 5546a by
22 striking “**the Federal Aviation Adminis-**
23 **tration and**”;

24 (B) in section 5546a(a) by striking “Ad-
25 ministrator of the Federal Aviation Administra-

1 tion (hereafter in this section referred to as the
2 ‘Administrator’) and the”;

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

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

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

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

11 (E) by striking paragraph (3) of section
12 5446a(a);

13 (F) in section 5546a(f)—

14 (i) by striking “(1)”; and

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

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

19 (e) COAST GUARD COOPERATION.—Chapter 5 of title
20 14, United States Code, is amended—

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

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

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

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

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

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

10 (2) by striking “Administrator” each place it
11 appears after the first and inserting “Administra-
12 tion”.

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

15 (1) in section 4(e)—

16 (A) by striking “Administrator of the”;
17 and

18 (B) by striking “Administrator” each place
19 it appears after the first and inserting “Admin-
20 istration”; and

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

23 (h) CERTIFICATION OF FIREARMS.—Section
24 922(p)(5)(A) of title 18, United States Code, is amended
25 by striking “the Administrator of”.

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

9 (j) FEDERAL PROPERTY.—Section 602(d)(14) of the
 10 Federal Property and Administrative Services Act of 1949
 11 (40 U.S.C. 474(d)(14)) is amended by striking “Adminis-
 12 trator of the” and all that follows through “or” and insert-
 13 ing “Federal Aviation Administration or”.

14 (k) NOISE CONTROL.—The Noise Control Act of
 15 1972 (42 U.S.C. 4901–4918) is amended—

16 (1) in section 12(a)(2)(B) (42 U.S.C.
 17 4911(a)(2)(B))—

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

19 (B) by striking “611 of the Federal Avia-
 20 tion Act of 1958” and inserting
 21 “44709(b)(1)(B) or 44715 of title 49, United
 22 States Code,”; and

23 (C) by striking “such Administrator” each
 24 place it appears and inserting “such Adminis-
 25 tration”;

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

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

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

9 (5) in section 12(c)—

10 (A) by striking “Administrator of the” the
11 2nd place it appears; and

12 (B) by striking “611 of the Federal Avia-
13 tion Act of 1958,” and inserting “44715 of title
14 49, United States Code,”;

15 (6) in section 16(a) (42 U.S.C. 4915(a))—

16 (A) by striking “Administrator of the” the
17 2nd place it appears;

18 (B) by striking “611 of the Federal Avia-
19 tion Act of 1958” and inserting “44715 of title
20 49, United States Code,”; and

21 (C) by striking “Administrator” the 3rd
22 place it appears and inserting “agency”;

23 (7) in section 16(b)—

24 (A) by inserting “the Federal Aviation”
25 before “Administration”; and

1 (B) by striking “Administrator” each place
2 it appears after the 1st and inserting “agency”;
3 and
4 (8) in section 16(c) by striking “Administrator”
5 and inserting “agency”.

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

9 **SEC. 15. REFERENCES.**

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

20 **SEC. 16. EFFECTIVE DATE.**

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

1 (b) EXCEPTIONS.—Section 1312 of title 49, United
2 States Code, and section 7 of this Act shall take effect
3 on the date of the enactment of this Act. The amendments
4 made by section 14(d)(5) of this Act, relating to differen-
5 tial pay, shall take effect on the date the Federal Aviation
6 Board begins implementation of the personnel manage-
7 ment system for the Federal Aviation Administration
8 under section 1314(d)(2) of title 49, United States Code.

Passed the House of Representatives March 12,
1996.

Attest:

ROBIN H. CARLE,
Clerk.