

PROVIDING FOR CONSIDERATION OF H.R. 2115, FLIGHT
100—CENTURY OF AVIATION REAUTHORIZATION ACT

JUNE 10, 2003.—Referred to the House Calendar and ordered to be printed

Mr. LINCOLN DIAZ-BALART of Florida, from the Committee on
Rules, submitted the following

R E P O R T

[To accompany H. Res. 265]

The Committee on Rules, having had under consideration House Resolution 265, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for the consideration of H.R. 2115, Flight 100—Century of Aviation Reauthorization Act, under a structured rule. The rule provides one hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure.

The rule waives all points of order against consideration of the bill. The rule makes in order the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure, as modified by the amendment printed in part A of this report, as an original bill for the purpose of amendment. The rule waives all points of order against the amendment in the nature of a substitute.

The rule makes in order only those amendments printed in part B of this report. Amendments printed in part B of this report may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendments printed in this report. Finally, the rule provides one motion to recommit with or without instructions.

COMMITTEE VOTES

Pursuant to clause 3(b) of House rule XIII the results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee record vote No. 103

Date: June 10, 2003.

Measure: H.R. 2115, Flight 100—Century of Aviation Reauthorization Act.

Motion by: Mr. McGovern.

Summary of motion: To make in order and grant the appropriate waivers for the amendment offered by Representative Waters which requires the Secretary of Homeland Security to review the proposed project to construct a remote passenger check-in facility at LAX to determine whether the project as designed will protect the safety of air passengers and the general public. Prohibits the construction of this project until the Secretary has completed the review.

Results: Defeated 2 to 9.

Vote by Members: Goss—Nay; Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; Hastings (WA)—Nay; Myrick—Nay; Sessions—Nay; Reynolds—Nay; McGovern—Yea; Hastings (FL)—Yea; Dreier—Nay.

Rules Committee record vote No. 104

Date: June 10, 2003.

Measure: H.R. 2115, Flight 100—Century of Aviation Reauthorization Act.

Motion by: Mr. Hastings of Florida.

Summary of motion: To make in order and grant the appropriate waivers for the amendment offered by Representative Waters which prohibits federal grants and the imposition of passenger fees to fund the construction of projects to expand LAX, including the construction of a remote passenger check-in facility at LAX.

Results: Defeated 2 to 9.

Vote by Members: Goss—Nay; Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; Hastings (WA)—Nay; Myrick—Nay; Sessions—Nay; Reynolds—Nay; McGovern—Yea; Hastings (FL)—Yea; Dreier—Nay.

SUMMARY OF AMENDMENTS MADE IN ORDER UNDER THE RULE

Part A—Summary of Amendment Considered as Adopted

Thomas: Extends the general expenditure authority and purposes of the Trust Fund contained in section 9502(d) through September 30, 2007. In addition, it would conform the Trust Fund purposes under section 9502(d) with those contained in H.R. 2115.

Part B—Summary of Amendments Made in Order Under the Rule

1. Mica: Manager's Amendment. Allows the Department of Transportation to request information from the Department of Homeland Security in order to help prepare its monthly report on passenger complaints about screening. Directs FAA to publish its policy on the use of passenger facility charge revenue for ground access projects. Prohibits air tour flights from evening to dawn over

certain portions of the Grand Canyon. Allows DOT to issue the 6 slots for service from Reagan National to a small airport to an airline that is not a new entrant. Allows 76 seat regional jets to qualify for the commuter aircraft slots at Reagan National. Requires small communities close to hubs to pay their local share from any source other than airport revenue. Allows DOT to increase the subsidy to a commuter serving a small community if that commuter is experiencing significantly increased costs. Allows an airline to begin service to small community that used to have subsidized essential air service without being subject to many of the regulatory requirements of the essential air service program. Revises the provision requiring aircraft manufacturers to make maintenance manuals available to aircraft repair stations in order to accommodate concerns expressed by the manufacturers. Requires FAA to issue rules on Stage 4 noise standards by July 1, 2004. Revisions provisions on crew training to make clear that hands-on anti-hijacking training for flight attendants is voluntarily and the airlines are not required to pay for it or to pay flight attendants for the time they spend if they choose to take it. Directs GAO to study how airlines were compensated after 9/11, especially whether they should be compensated for the devaluation of their aircraft. Directs FAA to study whether certain aircraft operations in Alaska can be performed under Part 91 of FAA rules. (20 minutes)

2. Norton: Repeals section 49108 of Title 49, which requires the Metropolitan Washington Airports Authority (MWAA) to appear before Congress before September 30, 2004 in order for the Secretary of Transportation to approve an application of MWAA for an airport development project grant or to impose a passenger facility fee. (10 minutes)

3. Peterson (PA)/McHugh/Shuster: Strikes the local share requirement for Essential Air Service communities less than 75 miles from a small hub or less than 170 miles from a medium or large hub. (10 minutes)

4. Pitts: Provides the Secretary of Transportation shall consult with the Governor, or his designee of the State in which the airport in question is located as to the most commonly used highway route between that airport and the nearest large or medium hub airport. In addition, after consultation with the Governor, the Secretary shall establish a regulation providing for a consistent standard for calculating the most commonly used route. (10 minutes)

5. Manzullo: Requires the Secretary of Transportation to submit to Congress, within 90 days of enactment of the bill, a report on waivers granted under the FAA "Buy-American Preferences" provisions. The report shall, at minimum, include a list of all waivers granted pertaining to that section, the specific authority under such section for granting the waiver and the rationale for granting the waiver. (10 minutes)

TEXT OF AMENDMENTS MADE IN ORDER

PART A—TEXT OF AMENDMENT CONSIDERED AS ADOPTED

At the end of the bill, add the following new title:

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

SEC. 601. EXTENSION OF EXPENDITURE AUTHORITY.

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

(1) by striking “October 1, 2003” and inserting “October 1, 2007”, and

(2) by inserting “or the Flight 100—Century of Aviation Reauthorization Act” before the semicolon at the end of subparagraph (A).

PART B—TEXT OF AMENDMENTS MADE IN ORDER UNDER THE RULE

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MICA OF FLORIDA, OR HIS DESIGNEE, DEBATABLE FOR 20 MINUTES

Page 46, strike line 20 and all that follows through page 47, line 2, and insert the following:

“(2) MONTHLY REPORTS FROM SECRETARY OF HOMELAND SECURITY.—To assist in the publication of data under paragraph (1), the Secretary of Transportation may request the Secretary of Homeland Security to periodically report on the number of complaints about security screening received by the Secretary of Homeland Security.”.

Page 58, after line 24, insert the following:

(e) ELIGIBILITY OF AIRPORT GROUND ACCESS TRANSPORTATION PROJECTS.—Not later than 60 days after the enactment of this Act, the Administrator of the Federal Aviation Administration shall publish in the Federal Register the current policy of the Administration with respect to the eligibility of airport ground access transportation projects for the use of passenger facility fees under section 40117 of title 49, United States Code.

Page 61, line 17, strike “Section 41106(b) is amended” and all that follows through “following” on line 18 and insert the following: Subsections (a)(1), (b), and (c) of section 41106 are each amended—

(1) by striking “through a contract for airlift service” and inserting

Page 61, line 20, strike the period and insert “; and”.

Page 61, after line 20, insert the following:

(2) by inserting “through a contract for airlift service” after “obtained”.

Page 62, strike lines 4 through 6 and insert the following:

(2) in subsections (b)(3)(A) and (b)(3)(B) by inserting “over a national park” after “operations”;

Page 62, after line 6, insert the following (and redesignate subsequent paragraphs in section 409(a) of the bill accordingly):

(3) in subsection (b)(3)(C) by inserting “over a national park that are also” after “operations”;

Page 63, line 14, after the period insert the following:

Commercial Special Flight Rules Area operations in the Dragon and Zuni Point corridors of the Grand Canyon National Park may not take place during the period beginning 1 hour before sunset and ending 1 hour after sunrise.

Page 71, line 13, strike “six” and insert “without regard to the criteria contained in subsection (b)(1), six”.

Page 72, strike line 24 and all that follows through page 73, line 11, and insert the following:

(f) COMMUTERS DEFINED.—

(1) IN GENERAL.—Section 41718 is amended by adding at the end the following:

“(f) COMMUTERS DEFINED.—For purposes of aircraft operations at Ronald Reagan Washington National Airport under subpart K of part 93 of title 14, Code of Federal Regulations, the term ‘commuters’ means aircraft operations using aircraft having a certificated maximum seating capacity of 76 or less.”.

(2) REGULATIONS.—The Administrator of the Federal Aviation Administration shall revise regulations to take into account the amendment made by paragraph (1).

Page 75, line 22, after “pay” insert “from local sources other than airport revenues”.

Page 75, line 25, after “2008” insert “and each fiscal year thereafter”.

Page 76, after line 24, insert the following:

(4) ADJUSTMENTS.—Section 41737 is amended by adding at the end the following:

(e) ADJUSTMENTS TO ACCOUNT FOR SIGNIFICANTLY INCREASED COSTS.—

“(1) IN GENERAL.—If the Secretary determines that air carriers are experiencing significantly increased costs in providing air service or air transportation under this subchapter, the Secretary may increase the rates of compensation payable under this subchapter without regard to any agreement or requirement relating to the renegotiation of contracts or any notice requirement under section 41734.

“(2) SIGNIFICANTLY INCREASED COSTS DEFINED.—In this subsection, the term ‘significantly increased costs’ means an average monthly cost increase of 10 percent or more.”.

Page 78, line 20, before the comma insert the following:

or requirements contained in a subsequent appropriations Act

Page 78, after line 23, insert the following (and redesignate subsequent subsections in section 415 of the bill accordingly):

(e) EXEMPTION FROM HOLD-IN REQUIREMENTS.—Section 41734 is further amended by adding at the end the following:

“(j) EXEMPTION FROM HOLD-IN REQUIREMENTS.—If, after the date of enactment of this subsection, an air carrier commences air transportation to an eligible place that is not receiving essential air service as a result of the failure of the eligible place to meet requirements contained in an appropriations Act, the air carrier shall not be subject to the requirements of subsections (b) and (c) with respect to such air transportation.”.

Page 83, line 21, strike “3 years” and insert “4 years”.

Page 88, strike lines 11 through 13 and insert the following:

(1) MAKE AVAILABLE.—The term ‘make available’ means providing at a fair and reasonable price. Such price may in-

clude recurring and non-recurring costs associated with post-certification development, preparation, and distribution. Such price may not include the initial product development costs related to the issuance of a design approval.

Page 88, strike line 20 and all that follows through page 89, line 6, and insert the following:

“(3) INSTRUCTIONS FOR CONTINUED AIRWORTHINESS.—The term ‘instructions for continued airworthiness’ means any information (and any changes to such information) considered essential to continued airworthiness that sets forth instructions and requirements for performing maintenance and alteration.”

Page 89, strike line 19 and all that follows through page 90, line 15, and insert the following:

“(3) To determine if design approval holders for aircraft, aircraft engines, and propellers that are in production on the date of enactment of this section and for which application for a type certificate or supplemental type certificate was made before January 29, 1981, should be required to make instructions for continued airworthiness or maintenance manuals available (including any changes thereto) to any person required by Federal Aviation Administration rules to comply with any of the terms of the instructions or manuals.”

Page 90, line 16, strike “(6)” and insert “(4)”.

Page 90, after line 17, insert the following:

“(d) DEADLINES FOR RULEMAKING.—

“(1) NOTICE OF PROPOSED RULEMAKING.—The Administrator shall issue a notice of proposed rulemaking to carry out subsection (c) not later than one year after the date of enactment of this section.

“(2) FINAL RULE.—The Administrator shall issue a final rule with respect to subsection (c) not later than one year after the final date for the submission of comments with respect to the proposed rulemaking.

“(e) ENFORCEMENT OF CURRENT REGULATION.—The Administrator shall review design approval holders that were required to produce instructions for continued airworthiness under section 21.50(b) of title 14, Code of Federal Regulations. If the Administrator determines that a design approval holder has not produced such instructions, the Administrator shall require the design approval holder to prepare such instructions and make them available as required by this section not later than 1 year after the design approval holder is notified by the Administrator of the determination.”

Page 90, line 18, strike “(d)” and insert “(f)”.

Page 95, before line 1, insert the following:

(c) REVIEW.—The first sentence of section 46110(a) is amended by striking “part” and inserting “subtitle”.

Page 96, line 22, strike “air carrier” and insert “employer”.

Page 112, strike lines 4 through 6 and insert the following:

(b) LIMITATION.—Subsection (a) shall not apply to a Federal Aviation Administration air traffic control tower operated under the contract tower program on the date of enactment of this Act or to any expansion of that program under section 47124(b)(3) or 47124(b)(4) of title 49, United States Code.

Page 113, line 21, after “Transportation” insert “, in consultation with the Secretary of Defense,”.

Page 113, lines 24 and 25, strike “9 months after the date of enactment of this Act” and insert “September 30, 2004”.

Page 118, after line 13, insert the following:

(c) DESCRIPTION OF CHANGES TO IMPROVE OPERATIONS.—A report transmitted by the Administrator under this section shall include a description of any changes in procedures or requirements that could improve operational efficiency or minimize operational impacts of the ADIZ on pilots and controllers. This portion of the report may be transmitted in classified or unclassified form.

Page 118, line 14, strike “(c)” and insert “(d)”.

Page 120, after line 5, insert the following (and conform the table of contents of the bill accordingly):

SEC. 443. CHARTER AIRLINES.

(a) IN GENERAL.—Section 41104(b)(1) is amended—

(1) by striking “paragraph (3)” and inserting “paragraphs (3) and (4)”;

(2) by inserting a comma after “regularly scheduled charter air transportation”; and

(3) by striking “flight unless such air transportation” and all that follows through the period at the end and inserting the following: “flight, to or from an airport that—

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

“(B) has an airport operating certificate issued under part 139 of title 14, Code of Federal Regulations (or any subsequent similar regulation) if the airport—

“(i) is a reliever airport (as defined in section 47102) and is designated as such in the national plan of integrated airports maintained under section 47103; and

“(ii) is located within 20 nautical miles (22 statute miles) of 3 or more airports that annually account for at least 1 percent of the total United States passenger enplanements and at least 2 of which are operated by the sponsor of the reliever airport.”.

(b) WAIVERS.—Section 41104(b) is amended by adding at the end the following:

“(4) WAIVERS.—The Secretary may waive the application of paragraph (1)(B) in cases in which the Secretary determines that the public interest so requires.”.

SEC. 444. IMPLEMENTATION OF CHAPTER 4 NOISE STANDARDS.

Not later than July 1, 2004, the Secretary of Transportation shall issue regulations to implement Chapter 4 noise standards, consistent with the recommendations adopted by the International Civil Aviation Organization.

SEC. 445. CREW TRAINING.

Section 44918 is amended to read as follows:

“§ 44918. Crew training

“(a) BASIC SECURITY TRAINING.—

“(1) IN GENERAL.—Each air carrier providing scheduled passenger air transportation shall carry out a training program

for flight and cabin crew members to prepare the crew members for potential threat conditions.

“(2) PROGRAM ELEMENTS.—An air carrier training program under this subsection shall include, at a minimum, elements that address each of the following:

“(A) Recognizing suspicious activities and determining the seriousness of any occurrence.

“(B) Crew communication and coordination.

“(C) The proper commands to give passengers and attackers.

“(D) Appropriate responses to defend oneself.

“(E) Use of protective devices assigned to crew members (to the extent such devices are required by the Administrator of the Federal Aviation Administration or the Under Secretary for Border and Transportation Security of the Department of Homeland Security).

“(F) Psychology of terrorists to cope with hijacker behavior and passenger responses.

“(G) Situational training exercises regarding various threat conditions.

“(H) Flight deck procedures or aircraft maneuvers to defend the aircraft and cabin crew responses to such procedures and maneuvers.

“(I) The proper conduct of a cabin search.

“(J) Any other subject matter considered appropriate by the Under Secretary.

“(3) APPROVAL.—An air carrier training program under this subsection shall be subject to approval by the Under Secretary.

“(4) MINIMUM STANDARDS.—Not later than one year after the date of enactment of the Flight 100—Century of Aviation Reauthorization Act, the Under Secretary shall establish minimum standards for the training provided under this subsection and for recurrent training.

“(5) EXISTING PROGRAMS.—Notwithstanding paragraph (3), any training program of an air carrier to prepare flight and cabin crew members for potential threat conditions that was approved by the Administrator or the Under Secretary before the date of enactment of the Flight 100—Century of Aviation Reauthorization Act may continue in effect until disapproved or ordered modified by the Under Secretary.

“(6) MONITORING.—The Under Secretary, in consultation with the Administrator, shall monitor air carrier training programs under this subsection and periodically shall review an air carrier’s training program to ensure that the program is adequately preparing crew members for potential threat conditions. In determining when an air carrier’s training program should be reviewed under this paragraph, the Under Secretary shall consider complaints from crew members. The Under Secretary shall ensure that employees responsible for monitoring the training programs have the necessary resources and knowledge.

“(7) UPDATES.—The Under Secretary, in consultation with the Administrator, shall order air carriers to modify training programs under this subsection to reflect new or different security threats.

“(b) **ADVANCED SELF DEFENSE TRAINING.**—

“(1) **IN GENERAL.**—Not later than one year after the date of enactment of the Flight 100—Century of Aviation Reauthorization Act, the Under Secretary shall develop and provide a voluntary training program for flight and cabin crew members of air carriers providing scheduled passenger air transportation.

“(2) **PROGRAM ELEMENTS.**—The training program under this subsection shall include both classroom and effective hands-on training in the following elements of self-defense:

“(A) Deterring a passenger who might present a threat.

“(B) Advanced control, striking, and restraint techniques.

“(C) Training to defend oneself against edged or contact weapons.

“(D) Methods to subdue and restrain an attacker.

“(E) Use of available items aboard the aircraft for self-defense.

“(F) Appropriate and effective responses to defend oneself, including the use of force against an attacker.

“(G) Explosive device recognition.

“(H) Any other element of training that the Under Secretary considers appropriate.

“(3) **PARTICIPATION NOT REQUIRED.**—A crew member shall not be required to participate in the training program under this subsection.

“(4) **COMPENSATION.**—Neither the Federal Government nor an air carrier shall be required to compensate a crew member for participating in the training program under this subsection.

“(5) **FEES.**—A crew member shall not be required to pay a fee for the training program under this subsection.

“(6) **CONSULTATION.**—In developing the training program under this subsection, the Under Secretary shall consult with law enforcement personnel and security experts who have expertise in self-defense training, terrorism experts, representatives of air carriers, the director of self-defense training in the Federal Air Marshals Service, flight attendants, labor organizations representing flight attendants, and educational institutions offering law enforcement training programs.

“(7) **DESIGNATION OF TSA OFFICIAL.**—The Under Secretary shall designate an official in the Transportation Security Administration to be responsible for implementing the training program under this subsection. The official shall consult with air carriers and labor organizations representing crew members before implementing the program to ensure that it is appropriate for situations that may arise on board an aircraft during a flight.

“(c) **LIMITATION.**—Actions by crew members under this section shall be subject to the provisions of section 44903(k).”.

SEC. 446. REVIEW OF COMPENSATION CRITERIA.

Not later than 6 months after the date of enactment of this Act, the Comptroller General shall review the criteria used by the Air Transportation Stabilization Board to compensate air carriers following the terrorist attack of September 11, 2001, with a particular focus on whether it is appropriate to compensate air carriers for the decrease in value of their aircraft after September 11th.

SEC. 447. REVIEW OF CERTAIN AIRCRAFT OPERATIONS IN ALASKA.

Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall report to Congress on whether, in light of the demands of business within Alaska, it would be appropriate to permit an aircraft to be operated under part 91 of title 14, Code of Federal Regulations, where common carriage is not involved but (1) the operator of the aircraft organizes an entity where the only purpose of such entity is to provide transportation by air of persons and property to related business entities, individuals, and employees of such entities, and (2) the charge for such transportation does not to exceed the cost of owning, operating, and maintaining the aircraft.

Page 122, lines 21 and 22, strike “or 47114(d)(3)(A)” and insert “, 47114(d)(3)(A), or 47114(e)”.

Page 124, strike lines 6 through 14 and insert the following:

Section 47107(c)(2)(A)(iii) is amended by inserting before the semicolon at the end the following: “, including the purchase of nonresidential buildings or property in the vicinity of residential buildings or property previously purchased by the airport as part of a noise compatibility program”.

Page 127, line 24, after “2002” insert “or 2003”.

Page 132, after line 8, insert the following (and redesignate subsequent subsections of section 513 of the bill accordingly):

(a) PERIOD OF AVAILABILITY.—Section 47117(b) is amended by striking “primary airport” and all that follows through “calendar year” and inserting “nonhub airport or any airport that is not a commercial service airport”.

Page 133, line 13, insert “(a) INCREASED FUNDING LEVELS.—” before “Subsections”.

Page 133, after line 15, insert the following:

(b) REIMBURSEMENT FOR CERTAIN CONSTRUCTION COSTS.—Section 47118(f) is amended—

(1) by striking “Not more than” and inserting the following:

“(1) CONSTRUCTION.—Not more than”; and

(2) by adding at the end the following:

“(2) REIMBURSEMENT.—Upon approval of the Secretary, the sponsor of a current or former military airport the Secretary designates under this section may use an amount apportioned under section 47114, or made available under section 47119(b), to the airport for reimbursement of costs incurred by the airport in fiscal years 2003 and 2004 for construction, improvement, or repair described in paragraph (1).”.

Page 138, line 21, strike “10” and insert “12”.

Page 138, line 23, strike “Such projects” and all that follows through the first period on line 24 and insert the following:

A project using an innovative financing technique described in subsection (c)(2)(A) or (c)(2)(B) shall be located at an airport that is not a medium or large hub airport. A project using the innovative financing technique described in subsection (c)(2)(C) shall be located at an airport that is a medium or large hub airport.

Page 139, line 3, strike “and” the second place it appears.

Page 139, line 5, strike the period at the end and insert a semicolon.

Page 139, after line 5, insert the following:

(3) in subparagraph (A) (as so redesignated) by striking “and” at the end;

(4) in subparagraph (B) (as so redesignated) by striking the period at the end and inserting “; and”; and

(5) by adding at the end the following:

“(C) payment of interest on indebtedness incurred to carry out a project for airport development.”

At the end of title V of the bill on page 152, add the following (and conform the table of contents of the bill accordingly):

SEC. 525. INTERMODAL PLANNING.

Section 47106(c)(1)(A) is amended—

(1) by striking “and” at the end of clause (i);

(2) by adding “and” at the end of clause (ii); and

(3) by adding at the end the following:

“(iii) with respect to an airport development project involving the location of an airport or runway or major runway extension at a medium or large hub airport, the airport sponsor has made available to and has provided upon request to the metropolitan planning organization in the area in which the airport is located, if any, a copy of the proposed amendment to the airport layout plan to depict the project and a copy of any airport master plan in which the project is described or depicted;”

SEC. 526. STATUS REVIEW OF MARSHALL ISLANDS AIRPORT.

Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation shall review the status of the airport on the Marshall Islands and report to Congress on whether it is appropriate and necessary for that airport to receive grants under the airport improvement program.

2. AN AMENDMENT TO BE OFFERED BY DELEGATE NORTON OF THE DISTRICT OF COLUMBIA, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 73, after line 11, insert the following:

(g) REMOVAL OF CERTAIN LIMITATIONS ON METROPOLITAN WASHINGTON AIRPORTS AUTHORITY.—Section 49108 and the item relating to such section in the analysis of chapter 491 are repealed.

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PETERSON OF PENNSYLVANIA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES.

Page 75, strike line 12 and all that follows through line 18 on page 76.

Page 76, line 19, strike “(3)” and insert “(2)”.

Page 81, line 13, strike the following:

“(1) ELIGIBLE PLACES.—”

Page 81, strike lines 18 through 22.

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PITTS OF PENNSYLVANIA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 82, before line 11, insert the following:

(g) MEASUREMENT OF HIGHWAY MILEAGE FOR PURPOSES OF DETERMINING ELIGIBILITY FOR ESSENTIAL AIR SERVICE SUBSIDIES.—

(1) DETERMINATION OF ELIGIBILITY.—Subchapter II of Chapter 417 of title 49, United States Code, (as amended by subsection (f) of this bill) is further amended by adding at the end the following new section:

“§ 41746. Distance requirement applicable to eligibility for essential air service subsidies

“(a) IN GENERAL.—The Secretary shall not provide assistance under this subchapter with respect to a place in the 48 contiguous States that—

“(1) is less than 70 highway miles from the nearest hub airport; or

“(2) requires a rate of subsidy per passenger in excess of \$200, unless such place is greater than 210 highway miles from the nearest hub airport.

“(b) DETERMINATION OF MILEAGE.—For purposes of this section, the highway mileage between a place and the nearest hub airport is the highway mileage of the most commonly used route between the place and the hub airport. In identifying such route, the Secretary shall—

“(1) promulgate by regulation a standard for calculating the mileage between an eligible place and a hub airport; and

“(2) identify the most commonly used route for a community by—

“(A) consulting with the Governor of a State or the Governor’s designee; and

“(B) considering the certification of the Governor of a State or the Governor’s designee as to the most commonly used route.”.

(b) CONFORMING AMENDMENT.—The analysis for subchapter II of chapter 417 of title 49, United States Code, (as amended by subsection (f) of this bill) is further amended by inserting after the item relating to section 41745 the following new item:

“41746. Distance requirement applicable to eligibility for essential air service subsidies.”.

(h) REPEAL.—The following provisions of law are repealed:

(1) Section 332 of the Department of Transportation and Related Agencies Appropriations Act, 2000 (49 U.S.C. 41731 note).

(2) Section 205 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (49 U.S.C. 41731 note).

(3) Section 334 of the Department of Transportation and Related Agencies Appropriations Act, 1999 (section 101(g) of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999) (Public Law 105–277; 112 Stat. 2681–471).

(i) SECRETARIAL REVIEW.—

(1) REQUEST FOR REVIEW.—Any community with respect to which the Secretary has, between September 30, 1993, and the date of the enactment of this Act, eliminated subsidies or terminated subsidy eligibility under section 332 of the Department of Transportation and Related Agencies Appropriations Act, 2000 (49 U.S.C. 41731 note), Section 205 of the Wendell

H. Ford Aviation Investment and Reform Act for the 21st Century (49 U.S.C. 41731 note), or any prior law of similar effect, may request the Secretary to review such action.

(2) ELIGIBILITY DETERMINATION.—Not later than 60 days after receiving a request under subsection (i), the Secretary shall—

(A) determine whether the community would have been subject to such elimination of subsidies or termination of eligibility under the distance requirement enacted by the amendment made by subsection (g) of this bill to subchapter II of chapter 417 of title 49, United States Code; and

(B) issue a final order with respect to the eligibility of such community for essential air service subsidies under subchapter II of chapter 417 of title 49, United States Code, as amended by this Act.

5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MANZULLO OF ILLINOIS, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title V of the bill, add the following new section (and conform the table of contents accordingly):

SEC. 525. REPORT ON WAIVERS OF PREFERENCE FOR BUYING GOODS PRODUCED IN THE UNITED STATES.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Transportation shall submit to Congress a report on the waiver contained in section 50101(b) of title 49, United States Code (relating to buying goods produced in the United States). The report shall, at a minimum, include—

(1) a list of all waivers granted pursuant to that section since the date of enactment of that section; and

(2) for each such waiver—

(A) the specific authority under such section 50101(b) for granting the waiver; and

(B) the rationale for granting the waiver.